



AGENDA
N.C. WILDLIFE RESOURCES COMMISSION
April 14, 2022, 9:00 a.m.
1751 Varsity Drive
NCWRC Conference Room, 5th Floor
Raleigh, North Carolina

CALL TO ORDER – *Chairman Monty Crump*

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

PLEDGE OF ALLEGIANCE – *Commissioner Haislip*

INVOCATION – *Commissioner Alexander*

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

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

APPROVAL OF FEBRUARY 24, 2022 MEETING MINUTES – Take action on the February 24, 2022 Wildlife Resources Commission meeting minutes as written in the exhibit. **(EXHIBIT A)**

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

ENDOWMENT FUND EXPENDABLE INCOME ALLOCATION – Consider Approval of Calendar Year 2021 Investment Income Allocation – *Dr. DP Singla (EXHIBIT C)*

SPECIAL PRESENTATIONS

2020 SPORT FISH RESTORATION AWARD – Present the 2020 Sport Fish Restoration Award for Research and Surveys to the Inland Fisheries Division for the project “Characterization of the Population Genetics and Phylogeography of North Carolina’s Brook Trout.” – *Lynn Quattro, President-Elect, American Fisheries Society, Fisheries Administration Section*

2021 GOVERNOR’S AWARD FOR EXCELLENCE – Present the 2021 Governor’s Award of Excellence for Safety and Heroism to Anthony “Tony” Wait, Conservation Technician, Land and Water Access Division. – *Cameron Ingram, Executive Director*

2021 RICHARD CASWELL AWARD – Present Gary Dail, Coastal Region Construction Supervisor, Engineering Services Division, with the Richard Caswell Award for 45 years of public service to the State of North Carolina. – *Cameron Ingram*

BREAK FOR PHOTOGRAPHS

COMMITTEE MEETING REPORTS

Small Game and Wild Turkey Committee Report – April 7, 2022 – *Jim Ruffin, Chair*

Committee of the Whole Report – April 7, 2022 – *Monty Crump, Chair*

Finance, Audit and Compliance Committee Report – April 13, 2022 – *Landon Zimmer, Chair*

Rules Committee Report – April 13, 2022 – *Wes Seegars, Chair*

Land Acquisition and Property Committee Report – April 13, 2022 – *Tom Berry, Chair*

Migratory Birds and Waterfowl Committee Report – April 13, 2022 – *Wes Seegars, Vice Chair*

Fisheries Committee Report – April 13, 2022 – *John Stone, Chair*

Committee of the Whole Report – April 13, 2022 – *Monty Crump, Chair*

AGENCY SPOTLIGHT – Prescribed Fire and Red-Cockaded Woodpecker 1947-2022 A Land Management Success Story – *Chris Jordan, Game Lands/Forest Resources Manager and Brady Beck, Southern Piedmont Management Biologist*

LAND ACQUISITION AND PROPERTY MATTERS

Phase II Land Acquisition – Consider final approval to proceed with acquisition of the following properties – *Ben Solomon, Assistant Chief and Land Acquisition Manager (EXHIBITS D-1, D-2, D-3)*

- **Bridgewater Recreational Lands – Burke County (D-1)**
- **TCI Timber Tract – Bladen Counties (D-2)**
- **Crawford Tract – Gates County (D-3)**

Other Property Matters – Consider approval of the following easement requests - *Ben Solomon (EXHIBITS E-1, E-2, E-3, E-4)*

- **Request for Right of Way Easement** – Consider a request from the landowner for a prescriptive ROW easement at R.Wayne Bailey Game Land. In return, the landowners have granted NCWRC staff deeded administrative access across their parcel **(E-1)**

- Request for Easements – NC DOT requests a Permanent Right of Way Easement, Permanent Drainage Easement, and Temporary Construction Easement as part of a bridge replacement on Juniper Creek Game Land **(E-2)**
- Request for Easements – NC DOT requests a Permanent Right of Way Easement, Permanent Utility Easement, and Temporary Construction Easement as part of a bridge replacement on the Falkland Boating Access Area **(E-3)**
- Request for Easements – Verizon Wireless requests an Access and Utility Easement at Sandhills Game Land **(E-4)**

WILDLIFE MANAGEMENT DIVISION

2022-2023 Webless Migratory Birds, Resident Canada Geese, Extended Falconry, and Waterfowl Seasons – Review U.S. Fish and Wildlife Service frameworks, receive public comments, and select the 2021-2022 season dates and bag limits for webless migratory birds, resident Canada geese, extended falconry, and waterfowl – *Dr. Sara Schweitzer, Wildlife Management Division Assistant Chief* **(EXHIBITS F-1, F-2, F-3b, F-4)**

2022 Migrant Peregrine Falconry – Consider staff recommendations to establish a season for taking up to 5 migrant peregrine falcons for use in falconry in 2022 – *Dr. Sara Schweitzer* **(EXHIBIT G)**

INLAND FISHERIES DIVISION

Estuarine Striped Bass Fishery Management Plan – Consider staff recommendations on preferred management options for Amendment 2 to the North Carolina Estuarine Striped Bass Fishery Management Plan – *Christian Waters, Inland Fisheries Division Chief* **(EXHIBIT H)**

RULEMAKING

Permanent Rulemaking Adoption – Inland Fishing Regulations – Review public comments and consider request to Adopt, Readopt, and amend various 10C .0100, .0300, .0400, .0700, and .0800 rules for inland, joint and coastal fishing waters to provide clarity on inland game fish regulations. – *Christian Waters* **(EXHIBITS I-1, I-2b)**

Permanent Rulemaking Notice of Text – 10H .1510 Wildlife Control Technician Certification and Eligibility Requirements – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed adoption of 10H .1510 Wildlife Control Technician Certification and Eligibility requirements as laid out in session law. Review and consider approval of fiscal note for proposed rule. – *Ashley Pekrul, Regulatory Analyst* **(EXHIBITS J-1, J-2)**

Permanent Rulemaking Notice of Text – 10B .0101 Importation of Wild Animals and Birds – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed changes to 10B .0101 Importation of Wild Animals and Birds to provide clarity on the importation of domestically raised game birds, chukars, and Hungarian partridges. – *Ashley Pekrul* **(EXHIBIT K)**

Permanent Rulemaking Notice of Text – 10A .1502 Replacement Costs of Wildlife – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed adoption of 10A .1502 Replacement Costs. Review and consider approval of fiscal note for proposed rule. – *Ashley Pekrul (EXHIBITS L-1, L-2)*

Permanent Rulemaking Notice of Text – 10C .0208 Spawning Areas – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed changes to 10C .0208 Spawning Areas, to remove specific prohibitions on the Linville River and Cape Fear River and prohibit fishing in the sloughs from Match through May. Review and consider approval of fiscal notes for proposed rule. – *Ashley Pekrul (EXHIBITS M-1, M-2)*

Permanent Rulemaking Notice of Text – 10B Wildlife Management – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed re-adoption of various 10B Wildlife Management rules as part of the periodic review. – *Ashley Pekrul (EXHIBIT N)*

Permanent Rulemaking Notice of Text – 10C Inland Fishing – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed re-adoption of various 10C Inland Fishing rules as part of the periodic review. – *Ashley Pekrul (EXHIBIT O)*

Permanent Rulemaking Adoption – Water Safety Rules – Review public comments and consider request to adopt proposed changes to 15A NCAC 10F .0312 Henderson County (repeal); 10F .0317 Stanly County; 10F .0318 Warren County (repeal); 10F .0323 Burke County; 10F .0327 Montgomery County; 10F .0333 Mecklenburg and Gaston counties; 10F .0336 Northampton and Warren counties; 10F .0354 Pitt County; 10F .0378 Halifax County – *Betsy Haywood, Water Safety Rules Coordinator (Exhibits P-1, P-2)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0310 Dare County – Consider approval to publish Notice of Text in the NC Register, hold one public hearing, and open the public comment period for a proposed amendment to 15A NCAC 10F .0310, for an extension of the no-wake zone in Mill Creek to include a portion of Pamlico Sound in Avon. Review and consider approval of fiscal notes for proposed rule changes. – *Betsy Haywood (EXHIBITS Q-1, Q-2)*

Temporary Rulemaking Notice of Text – 15A NCAC 10C .0500 Wildlife Disease Management – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed temporary rules to address Chronic Wasting Disease – *Carrie Ruhlman, Rulemaking Coordinator (EXHIBIT R)*

COMMENTS BY THE CHAIRMAN – *Chairman Crump*

COMMENTS BY THE EXECUTIVE DIRECTOR – *Executive Director Ingram*

ADJOURN

EXHIBIT A
April 14, 2022



MINUTES
February 24, 2022
N.C. Wildlife Resources Commission Meeting
Raleigh, North Carolina

Chairman Monty Crump called the February 24, 2022, N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Room at the agency's headquarters in Raleigh. Crump reminded everyone that the meeting is being audio streamed live and will be available at www.ncwildlife.org.

Commissioner JC Cole led the Pledge of Allegiance.

Commissioner Kelly Davis gave the invocation.

MANDATORY ETHICS INQUIRY

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

ROLL CALL

Margo Minkler, *Commission Liaison*, called the roll. John Alexander, Mike Alford, Tom Berry, and Jim Ruffin were absent.

COMMISSIONER ATTENDANCE

Monty Crump	Thomas Fonville	Kelly Davis	John Stone
David Hoyle	Hayden Rogers	Steve Windham	Tom Haislip
Brad Stanback	Wes Seegars	J.C. Cole	Ray Clifton
John Coley	Mark Craig	Landon Zimmer	

VISITORS

Mastaneh, Lea, and Lola Christofferson

MINUTES OF DECEMBER 9, 2021 MEETING

On a motion by David Hoyle and second by Landon Zimmer, the Minutes of the December 9, 2021 meeting were approved as presented in **EXHIBIT A**.

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

ADMINISTRATION

Dr. DP Singla, *Chief Financial Officer*, presented a status report in **EXHIBIT B** on the Wildlife Resources Commission General Fund, Capital Improvement Fund, and the Endowment Fund.

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

SPECIAL PRESENTATIONS

2021 THOMAS L. QUAY WILDLIFE DIVERSITY AWARD PRESENTATION – The Commission presented the 2021 Thomas L. Quay Wildlife Diversity Award posthumously to Mr. Duane Raver.

COMMITTEE MEETING REPORTS

Land Acquisition and Property Committee Report – February 2, 2022 – *Brad Stanback, Vice Chair*, reported the Land Acquisition and Property Committee met out-of-cycle on Wednesday, February 2, 2022. The Committee reviewed two Phase I and four Phase II land acquisition projects. At the end of the meeting, Commissioners discussed the Weyerhaeuser tracts that are adjacent to the VOA game land, and it was decided to postpone further discussion on these tracts at this time. The Committee would also like to note the Tuckertown Recognition Luncheon has been postponed until the scheduled Land Acquisition and Property Committee meeting on April 13, 2022. The Tuckertown and High Rock acquisitions allowed the Commission to retain nearly 5,000 acres that were already enrolled in our game lands program. We look forward to gathering and recognizing all involved conservation partners and staff that were instrumental in the Tuckertown acquisition.

Fisheries Committee Report – February 2, 2022 – *John Stone, Chair*, reported the Fisheries Committee met out of cycle on Wednesday, February 2, 2022. Chris Smith, *Fish Biologist*, presented information on the management and status of the Roanoke River Striped Bass population. The data indicates that the population is overfished, and overfishing is occurring. The current population lacks older, more reproductively mature fish, specifically females which produce a larger number of more viable eggs. The total allowable landings (TAL) for 2022 will be 6,580

pounds for the Roanoke River recreational fishery based on the lower TAL with an additional reduction to pay back the harvest overage from 2021. In an effort not to exceed the TAL, the Committee concurred with the staff recommendation for a 4-day harvest season (April 23-24 and April 28-29) for the whole river. The daily creel limit was reduced previously to 1 fish/day through temporary rulemaking. A communication plan to inform constituents of the Roanoke River Striped Bass harvest season will be implemented. Doug Besler, *Mountain Region Fishery Supervisor*, presented background information on the status of Muskellunge in the French Broad River and habitat restoration efforts at Mud Creek. Staff are monitoring the use of the Mud Creek habitat sloughs by Muskellunge through tracking via PIT tag antenna arrays and use by anglers with trail cameras. The committee expressed interest in restricting fishing in the habitat sloughs during the spawning season and asked staff to draft a rule proposal for consideration at the next Committee meeting. Jeremy McCargo, *Anadromous Research Coordinator*, provided an update on Amendment 2 to the NC Estuarine Striped Bass Fisheries Management Plan which the Marine Fisheries Commission will consider releasing for public and advisory committee review at their February meeting. Jeremy also briefly introduced the management strategies that are presented in the plan. Committee questions were held until the April meeting when the plan will be discussed further, and the Committee will have the opportunity to select preferred management options.

Habitat, Nongame, Endangered Species Committee Report – February 23, 2022 – Mark Craig, Chair, reported the Habitat, Nongame, Endangered Species Committee met on Wednesday, February 23, 2022. Todd Ewing, *Assistant Chief, Aquatic Wildlife Diversity Program*, and Dr. Sara Schweitzer, *Assistant Chief, Terrestrial Wildlife Diversity Program*, provided summaries of reports from the Scientific Councils on Fishes, Mammals, and Birds, including results from Status Assessment Tool evaluations. Status changes were proposed for four fish species, two bat species, and no change in listing status for one bird species. The Committee approved the staff's proposed changes. Scientific Councils also provided recommendations for Technical Changes to the Species List, and Mr. Ewing explained three corrections due to Federal Status changes for one fish, mussel, and salamander species. The recommended State Status change will match the Federal Status for these species. Two Technical Corrections were recommended to update scientific and common names for a frog and snake species. Last, staff recommended removing one small mammal from the Protected Species List due to further study that determined it does not occur in North Carolina. The Committee approved these proposed Technical Corrections. Mr. Ewing and Dr. Schweitzer then gave a summary of draft conservation plans for the Atlantic Pigtoe and Henslow's Sparrow. The Committee approved posting these plans for public comment. Once staff receive comments and make any necessary changes, the plans will be brought back to the Committee for approval and consideration by the entire Commission. Cindy Simpson, *Wildlife Action Plan Coordinator*, presented an update on the progress toward revising the Wildlife Action Plan. The Plan is currently undergoing a major revision to include plants. Ms. Simpson also explained that the U.S. Fish and Wildlife Service requires all Wildlife Action Plans to be updated every 10 years. The process of updating the plan has begun and will be completed by 2025. Staff are working on regional and national efforts to make the plans more consistent among states.

Education Committee Report – February 23, 2022 – Kelly Davis, Chair, reported the Education and Communication Committee met on Wednesday, February 23rd. Staff presented an update on

the *Pathway to Wildlife Relevancy Project*. The data collection was completed in December and staff have begun analyzing the information gathered and provided the committee a brief overview. Staff have identified a working group from the Wildlife Education Division and agency leadership that will meet in March to begin drafting the Division's operational plan. The project is on track to be completed by the end of the calendar year. An overview of the agency's range program was also presented. This included information on the 6 ranges managed directly by the Commission and the 3 facilities managed by our partners. Staff gave the future vision for the range program that includes the addition of full-time range officers, increasing partnerships to assist with funding, marketing opportunities, and facility improvements that will allow for additional classes and programs driven by data from the division's evaluation projects. The committee was advised of a \$10,000 donation from Davidson's Firearms of Greensboro for safety upgrades at R. Wayne Bailey-Caswell Range. These funds will be paired with the agency's federal shooting range grants to increase their financial impact.

Rules Committee Report – February 23, 2022 – *Wes Seegars, Chair*, reported the Rules Committee met on Wednesday, February 23, 2022 to review out-of-cycle rule proposals. Staff presented rule text for potential changes to 10B and 10C rules required for the periodic review, along with rule changes required by legislation from the 2021 long session. Out-of-cycle rules will be presented for notice of text at the April Commission meeting.

Big Game Committee Report – February 23, 2022 – *David Hoyle, Chair*, reported the Big Game Committee met on Wednesday, February 23, 2022. Brad Howard, *Wildlife Management Division Chief*, presented a review of the history of the elk population in North Carolina and an update on current and future elk management activities. Next, Sarah Van de Berg, *Wildlife Health Biologist*, shared the status of CWD Surveillance efforts and reported staff are working closely with our constituents in the Cervid Health Cooperator program and have received over 5500 CWD samples which is an all-time high. Moriah Boggess, *Deer Biologist*, shared an update on the deer research project being conducted north of Durham. The project is well underway and seems to be running smoothly. Brad presented the deer and bear reported harvest updates and commented on the mandatory bear tooth submission response. Submission rates are at 79% statewide and continue to increase. Having no further business, the Committee adjourned.

Committee of the Whole Report – February 23, 2022 – *Monty Crump, Chair*, reported the Committee of the Whole met on Wednesday, February 23, 2022 and received a presentation from Chris Goudreau, *Western Hydropower Coordinator*, on the Commission's Dam Prioritization project. Dr. Singla presented options for license fee increases based on statute, and the committee approved moving forward with an examination of potential increases using CPI-U for the April meeting. Fairley Mahlum, *Communications, Marketing & Digital Engagement Director*, briefed the committee on the plans to promote the Agency's 75th anniversary this year. The committee reviewed public comments and rule text for Safety Equipment, Inland Fisheries, Rehabilitation, License Fees, Wildlife Management, and Game Land which will be voted on later today.

AGENCY SPOTLIGHT – WILDLIFE MANAGEMENT – *Brad Howard, Wildlife Management Division Chief* gave the first 75th anniversary spotlight where he focused on the Commission's success in the restoration of white-tailed deer, wild turkey, and black bear.

LAND ACQUISITION AND PROPERTY MATTERS

Phase II Land Acquisitions – On a motion by Brad Stanback and second by Steve Windham, the Commission approved the acquisition of the following property presented by *Ben Solomon, Assistant Chief and Land Acquisition Manager* (**EXHIBITS C-1, C-2, C-3, C-4**)

- Pisgah Creek Tract – Haywood County (**EXHIBIT C-1**)
- Chowan Swamp Game Land Addition – Hertford and Bertie Counties (**EXHIBIT C-2**)
- Cape Fear D/V Tract – Pender County (**EXHIBIT C-3**)
- Donnie Snelson Tract – Madison County (**EXHIBIT C-4**)

Exhibits C-1, C-2, C-3, C-4 are incorporated into the official record of this meeting.

RULEMAKING

Adoption – 15A NCAC 10F .0201 Safety Equipment – The Commission reviewed public comments (**EXHIBIT D-1**) and, on a motion by Wes Seegars and second by David Hoyle, the Commission adopted changes to boating safety equipment rule (**EXHIBIT D-2**) presented by *Major Ben Meyer, Law Enforcement Division*

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

Adoption – 2022-2023 Wildlife Management Rules – The Commission reviewed public comments (**EXHIBIT E-1**) and, on a motion by David Hoyle and second by Landon Zimmer, the Commission adopted proposed changes to wildlife management rules (**EXHIBIT E-2b**) presented by *Brad Howard, Wildlife Management Division Chief*

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

Adoption – 2022-2023 Inland Fisheries Rules – The Commission reviewed public comments (**EXHIBIT F-1**) and, on a motion by John Stone and second by Hayden Rogers, the Commission adopted proposed changes to inland fisheries rules (**EXHIBIT F-2**) presented by *Christian Waters, Inland Fisheries Division Chief*

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

Adoption – 2022-2023 Land and Water Access Rules – The Commission reviewed public comments (**EXHIBIT G-1**) and, on a motion by Steve Windham and second by Brad Stanback, the Commission adopted proposed changes to land and water access rules (**EXHIBIT G-2b**) presented by *Brian McRae, Deputy Director of Operations*

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

Adoption – 2022-2023 Rehabilitation & License Fees Rules – The Commission reviewed public comments (**EXHIBIT H-1**) and, on a motion by Kelly Davis and second by Steve Windham, the Commission adopted proposed changes to rehabilitation and license fee rule (**EXHIBIT H-2b**) presented by *Daron Barnes, Office of Wildlife Interaction, Regulation Activities and Permits Program Manager*

Exhibits H-1, H-2b are incorporated into the official record of this meeting.

COMMENTS FROM THE CHAIRMAN – Chairman Crump provided an update on the sales of the new Half Price 50+ Lifetime License and shared his appreciation of Janice Underwood for providing updates.

COMMENTS FROM THE EXECUTIVE DIRECTOR – Executive Director Cameron Ingram and former Executive Director Gordon Myers presented The Order of The Long Leaf Pine Award to Erik Christofferson recognizing his 30 years of extraordinary service and significant contributions to the state.

ADJOURNMENT

There being no further business, the WRC webinar meeting was adjourned at 10:23 a.m. All exhibits are incorporated into the official record of this meeting by reference and are filed with the minutes.

Monty Crump, Chairman

Date

Cameron Ingram, Executive Director

Date

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

GOVERNMENTAL FUNDS
AS OF FEB 28, 2022

	FY 2022 General Fund	FY 2022 Capital Improvement Fund
REVENUES		
Federal funds	\$ 21,196,235.13	\$ 5,072,635.75
Local funds	\$ 1,419.89	\$ -
Investment earnings	\$ 16,278.88	\$ -
Sales and services	\$ 6,837,429.15	\$ -
Rental and lease of property	\$ 55,719.45	\$ -
Fees, licenses and fines	\$ 23,736,627.04	\$ -
Contributions, gifts and grants	\$ 2,030,889.72	\$ 4,875,974.06
Miscellaneous	\$ 120,666.88	\$ 2,734.38
Unclassified/invalid accounts	\$ -	\$ -
Other Financing Sources - Sale of capital assets	\$ 391,006.20	\$ -
Other Financing Sources - Insurance recoveries	\$ 344,172.63	\$ -
Other Financing Sources - Transfers in	\$ 6,012,684.47	\$ 3,037,735.28
Other Financing Sources - Appropriations	\$ 8,632,618.00	\$ -
TOTAL REVENUES	\$ 69,375,747.44	\$ 12,989,079.47
EXPENDITURES		
Personal services	\$ 24,989,325.67	\$ -
Employee benefits	\$ 12,400,614.47	\$ -
Contracted personal services	\$ 7,747,353.10	\$ 127,811.11
Supplies and materials	\$ 5,310,073.04	\$ -
Travel	\$ 235,968.01	\$ -
Communication	\$ 900,225.41	\$ -
Utilities	\$ 446,455.53	\$ -
Data processing services	\$ 526,257.77	\$ -
Other services	\$ 2,939,274.90	\$ -
Claims and benefits	\$ 972,626.92	\$ -
Other fixed charges	\$ 165,429.90	\$ 400.00
Capital outlay	\$ 4,385,890.93	\$ 12,560,069.52
Grants, state aid and subsidies	\$ 1,416,013.05	\$ -
Insurance and bonding	\$ 22,883.26	\$ -
Other expenditures	\$ 1,643,715.92	\$ -
Reimbursements	\$ (245,991.38)	\$ -
Unclassified/invalid accounts	\$ 104,503.71	\$ -
Other Financing (Uses) - Transfers out	\$ 5,429,737.00	\$ 241,693.28
TOTAL EXPENDITURES	\$ 69,390,357.21	\$ 12,929,973.91
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ (14,609.77)	\$ 59,105.56
FUND BALANCE - JULY 1, 2021	\$ 20,789,069.62	\$ 2,306,519.38
FUND BALANCE - FEB 28, 2022	\$ 20,774,459.85	\$ 2,365,624.94

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ENDOWMENT PORTFOLIO

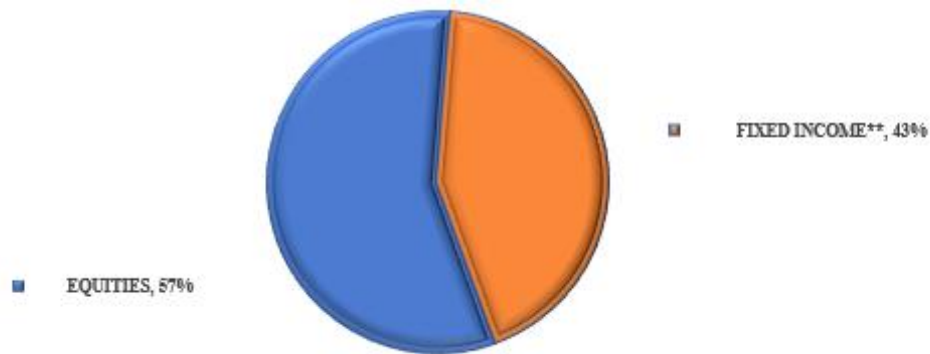
Fund Balance*: Feb 2022 \$164,101,581.35

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

§ 143-250.1. Wildlife Endowment Fund

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

ASSET ALLOCATION



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

Fund	Principal	Non-Expendable	Expendable	Total***
Adult Lifetime Licenses	\$ 70,451,746.90		\$ 55,637,843.86	\$ 126,089,590.76
Magazine Subs Lifetime	\$ 1,573,477.50		\$ 1,506,175.55	\$ 3,079,653.05
Contributions	\$ 735,595.24		\$ 2,452,575.73	\$ 3,188,170.97
Diversity	\$ 52,357.29		\$ 9,411.09	\$ 61,768.38
Infant Lifetime Licenses	\$ 19,558,006.50	\$ 8,864,926.66		\$ 28,422,933.16
Youth Lifetime Licenses	\$ 2,661,296.00	\$ 617,854.03		\$ 3,279,150.03
Total	\$ 95,032,479.43	\$ 9,482,780.69	\$ 59,606,006.23	\$ 164,121,266.35

*** Include Deposit/s In Transit



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Dr. DP Singla, Chief Financial Officer

EXHIBIT C

Expendable Income Earned in Calendar Year 2021

	Total Amount of Expendable Income Earned
Adult Licenses	\$ 9,284,307.18
Magazine Subscriptions	\$ 288,140.10
Contributions - General	\$ 234,312.83
Contributions – Diversity	\$ 3,411.74
	<u>\$ 9,810,171.85</u>

The formula for determining the amount of interest available to support *Wildlife in North Carolina* magazine was passed in a motion by the Commission on May 18, 2007. The motion allocated 100 percent of the interest earned from magazine lifetime subscriptions to the magazine budget.

AGENCY SPOTLIGHT:

Prescribed Fire and Red-Cockaded Woodpecker 1947-2022

A Land Management Success Story

Chris Jordan, Game Lands and Forest Resources Manager

Brady Beck, Southern Piedmont Management Biologist



WRC PRESCRIBED FIRE

Objective: To effectively maintain and restore the fire-dependent ecosystems that occur or once occurred on commission managed GLs for the benefit of wildlife populations, their associated habitats, and the citizens of North Carolina.



WRC PRESCRIBED FIRE

1950-2000

- 12,000 -15,000 Acres per season
- Season December- February



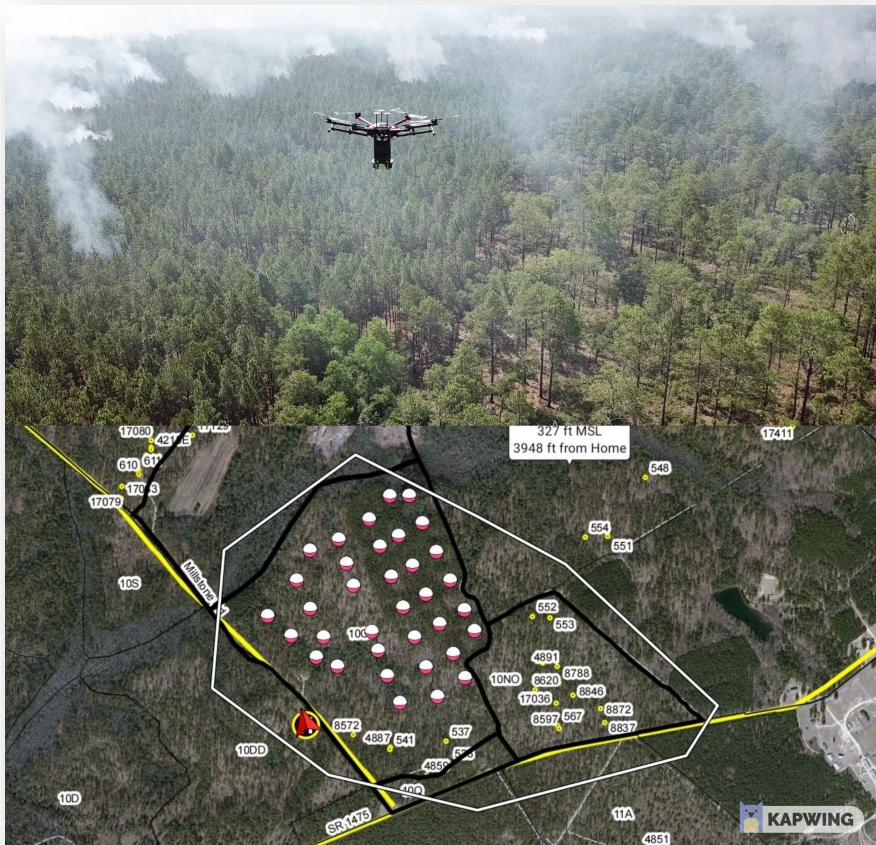
WRC PRESCRIBED FIRE

2000-Present

- Increases to 30-35,000 acres
- More growing season as wildlife benefits are realized (RCW and turkey)
- Partners (TNC, Southern Blue RidgeFLN, NCFS, State Parks, USFS, FWS, NP, and NCPFC)
- More personnel and specialized equipment
- Extended season



WRC PRESCRIBED FIRE *Equipment*



WRC PRESCRIBED FIRE *Equipment*



WRC PRESCRIBED FIRE *Personnel*



WRC PRESCRIBED FIRE



WRC PRESCRIBED FIRE



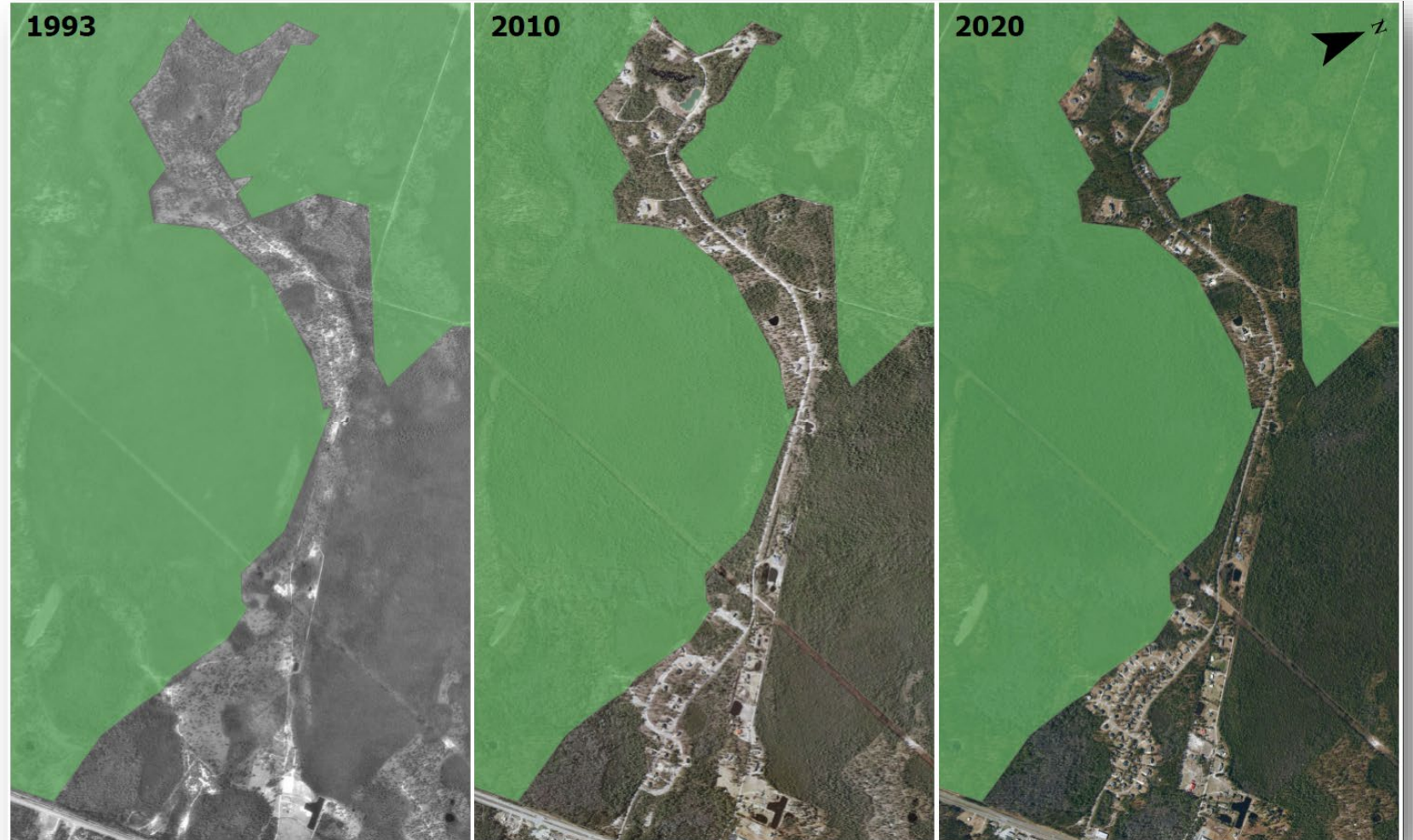
WRC PRESCRIBED FIRE



WRC PRESCRIBED FIRE

Challenges

- Wildland Urban Interface (WUI)
- The proportion of our prescribed fires in the WUI increase every year
- Risk mitigation



WRC PRESCRIBED FIRE

Challenges

- Smoke Management



3/29/2021

3/30/2021



1225

Luzon Drop

501

1332

1331

1346

1328

1601

1602

Hoffman

Marston

1001

Rockingham Speedway

177

> 138 ug/m3

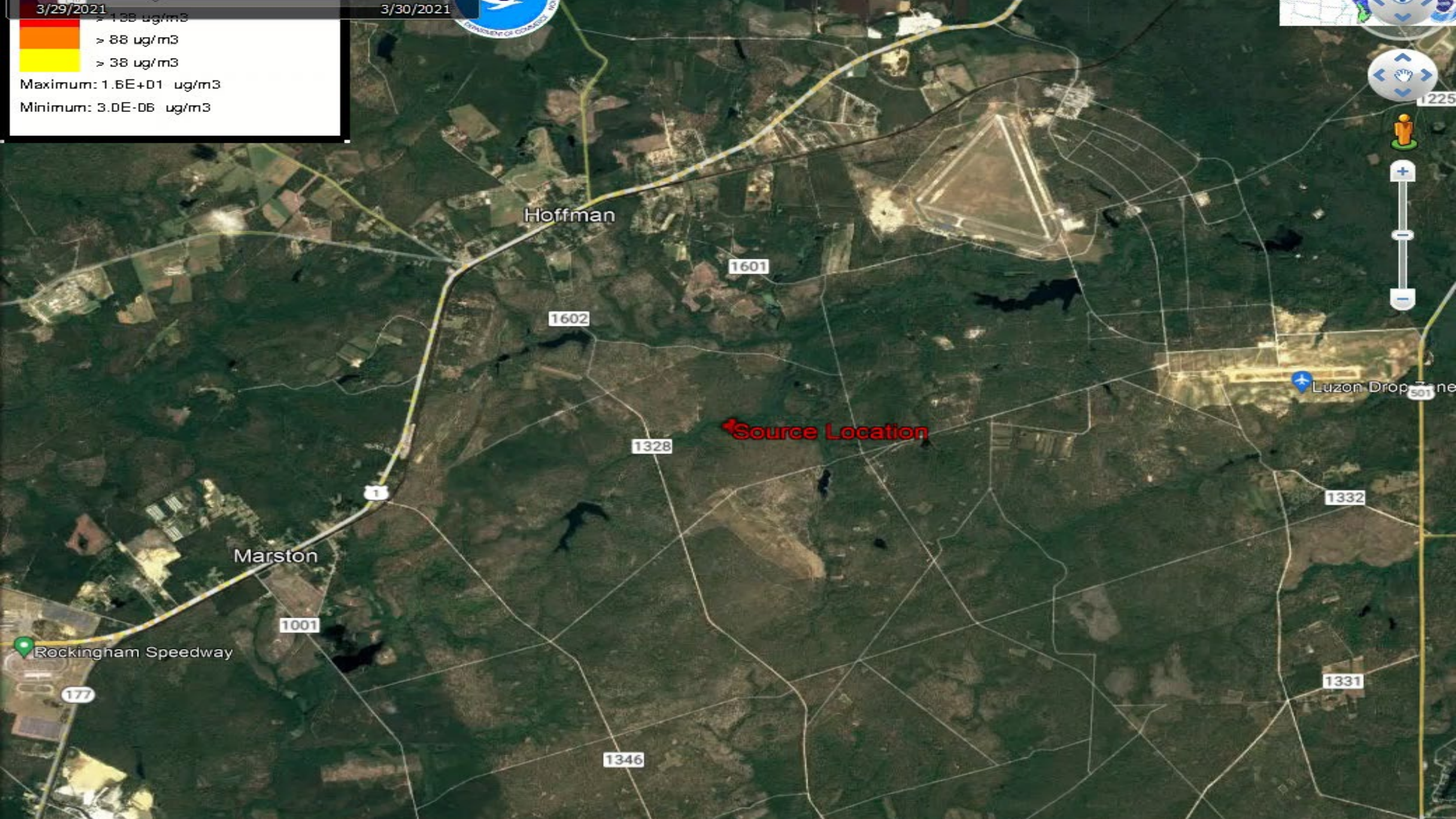
> 88 ug/m3

> 38 ug/m3

Maximum: 1.6E+01 ug/m3

Minimum: 3.0E-06 ug/m3

Source Location



Red-cockaded Woodpecker

If You Burn/Build the habitat, They Will Come

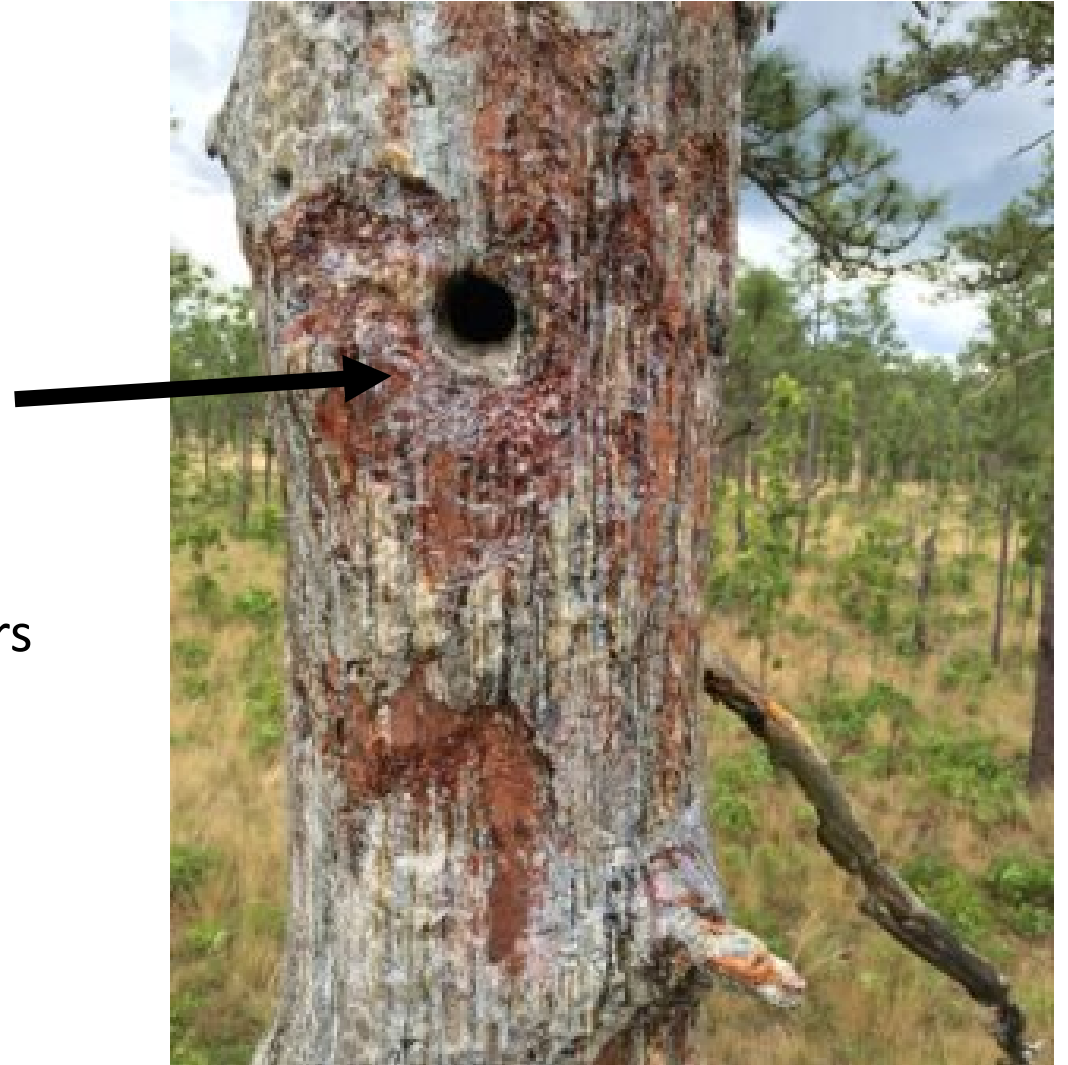
- Brief Natural History
- Status update on 3 WRC properties





RED-COCKADED WOODPECKER

- Listed as Federally Endangered in 1970
- Unique among woodpeckers in that they excavate nesting and roosting cavities in *live*, old pine trees
- Each cavity can take **2-12 years** to complete
- Birds actively maintain resin wells to deter predators
- Family groups can contain **2-6+** birds



- Cavity trees defended by one family group are called a cluster
- Populations across NC declined into the 1990's
- Require frequent fire to maintain grassy, diverse groundcover under open pine stands
- Excellent indicator of high quality, open pine habitat



Sandhills

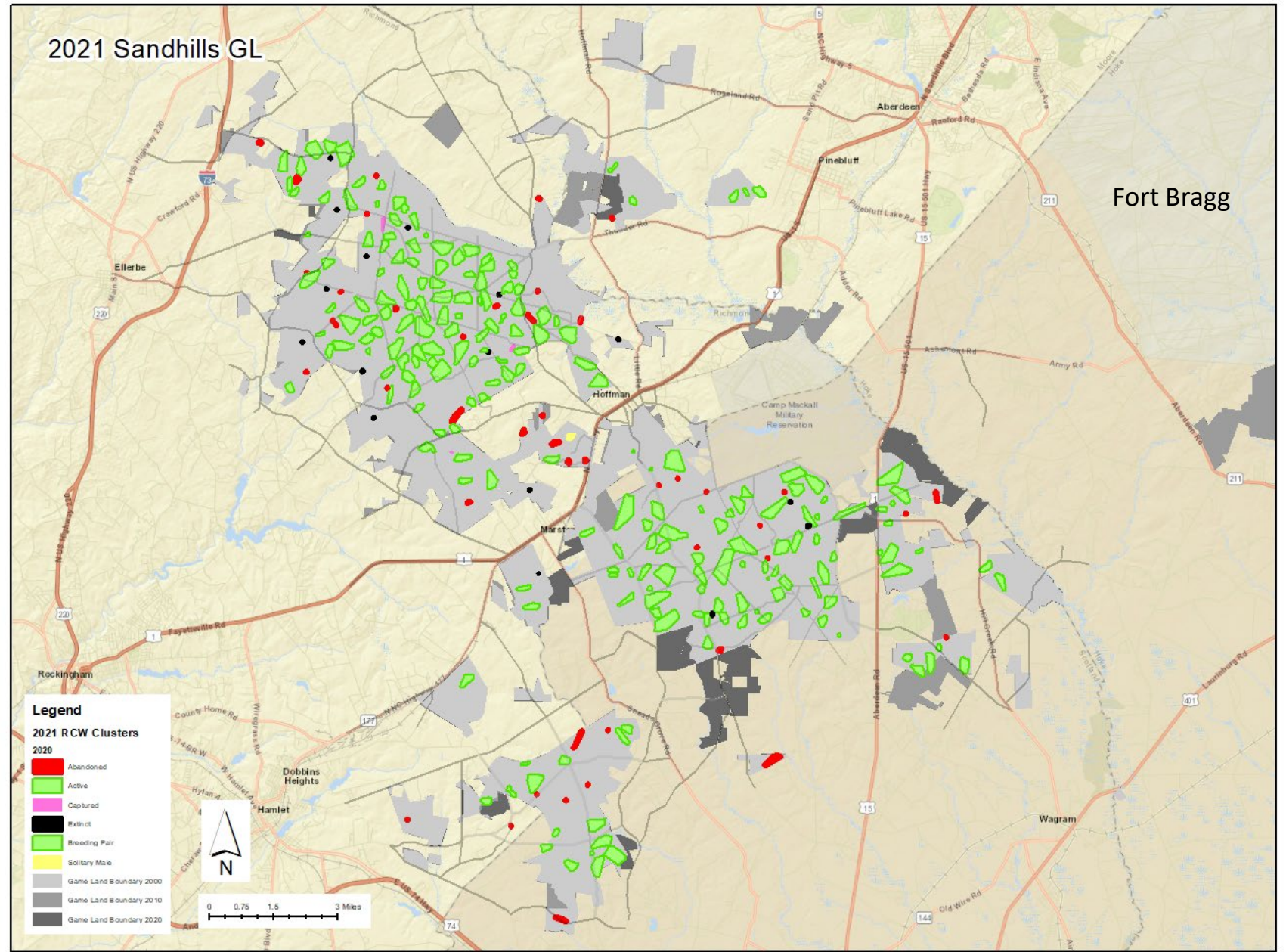
- First of its kind NC Sandhills Conservation Partnership formed in 2000 to meet RCW recovery goals (DOD, USFWS, Etc.)
- Active cluster numbers on Sandhills GL increased from **128** in 1992 to **~210** in 2021
- GL acreage increased from **~55k** to **~65k** in that same time period due to Commission and Partnership support
- Artificial cavities installed in the '90's and 2000's fueled population growth and retention of active clusters
- Growing season fires and selective timber thinning also continue to open up new habitat
- More timber stands are also now reaching age where birds can create natural cavities



Cavity Insert



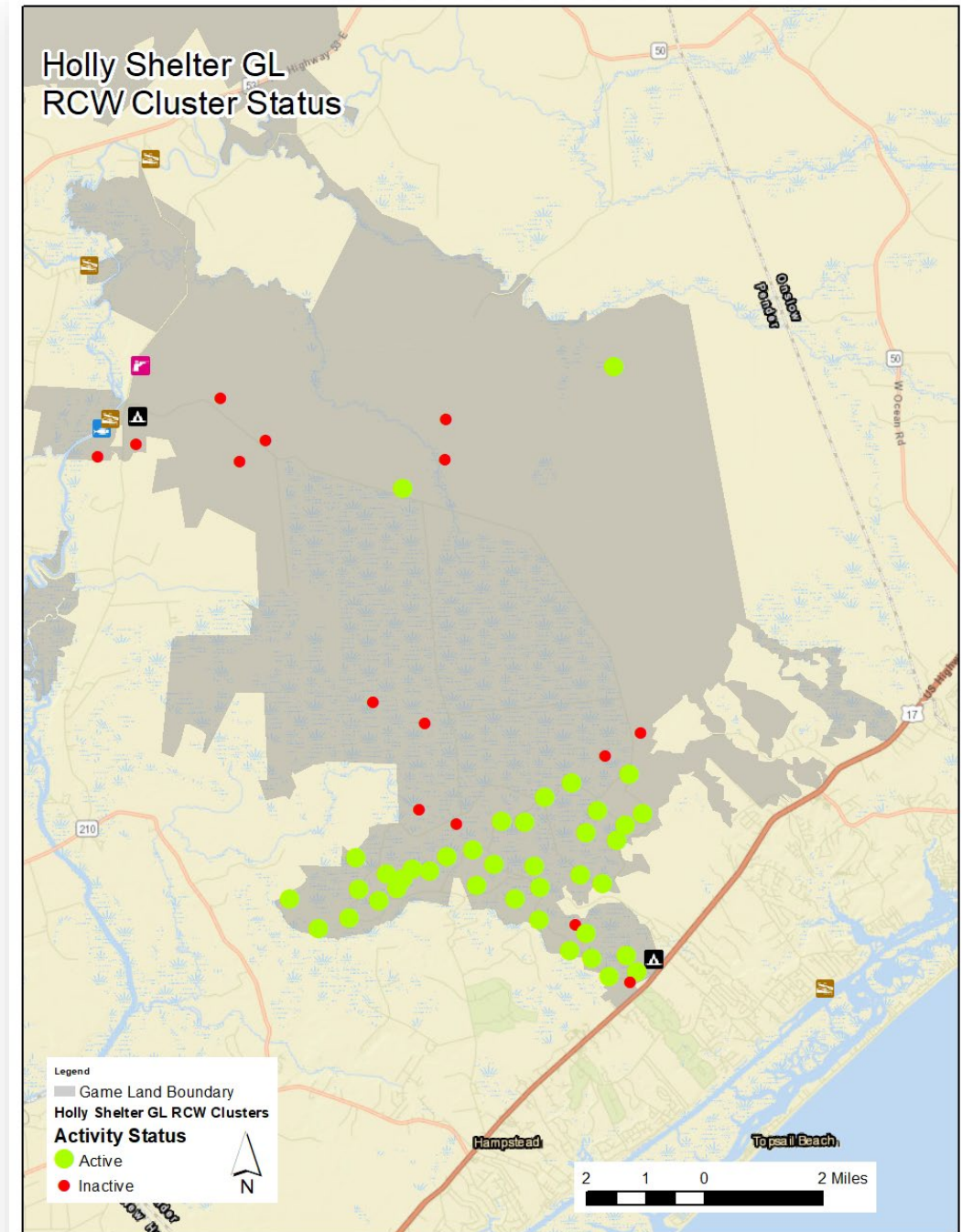
- Green = Active Clusters
- Red = Abandoned Clusters
- Darker gray = new additions to SGL
- Sandhills GL contributes data to one of longest running studies of vertebrates on the planet



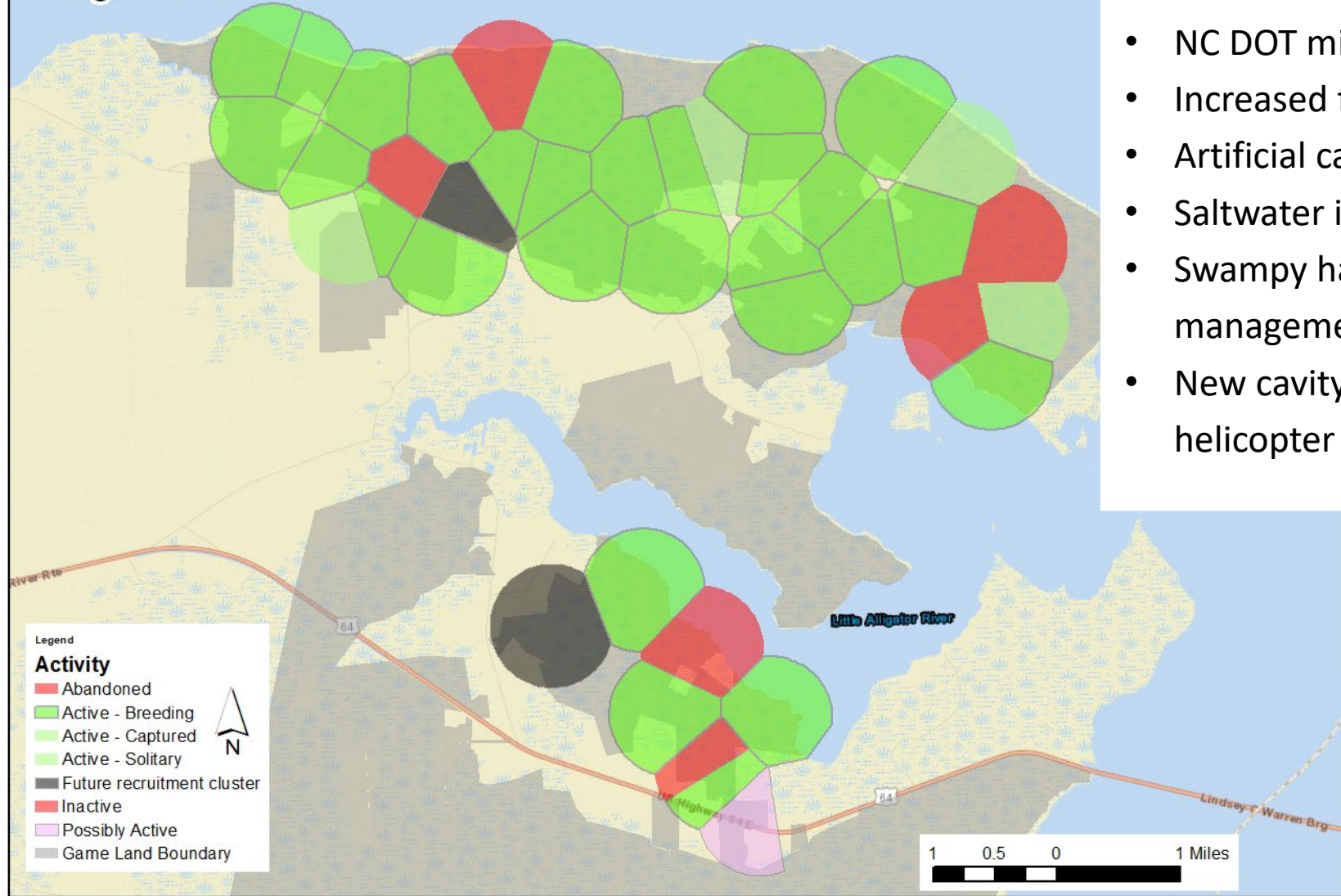
Coastal Plain

Holly Shelter GL

- Modest population growth over the last 20 years (From **34** to **37** active clusters)
- Increased prescribed fire and artificial cavities contributed to growth and stability
- Increasing development along GL boundaries will impact management of RCW habitat



Palmetto Peartree Preserve Alligator River GL



Palmetto Peartree Preserve (P3)

- NC DOT mitigation site transferred to WRC
- Increased from **26 to 33** active clusters since 2000
- Artificial cavities fueled recent growth
- Saltwater intrusion threatens to reverse those gains
- Swampy habitat provides monitoring and management challenges
- New cavity tree surveys are often completed from helicopter due to rough terrain



TAKE-AWAY MESSAGES

- Management techniques such as artificial cavities, selective thinning, prescribed fire, and targeted hardwood control are all important tools for managers
- Manage timber stands for **old** trees to provide nesting and foraging habitat
- Conservation Reliant- requires frequent fire to maintain habitat and artificial cavities until timber stands mature
- Good RCW habitat management benefits an entire suite of other rare plants and animals
- Threats: Development, Fire Suppression, Saltwater Intrusion, Incompatible forestry practices



QUESTIONS?



Exhibit D-1

April 13, 2022

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Duke Energy Bridgewater Recreation Lands

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

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

Donation from Duke Energy

Acquisition Plan Includes Bargain Sale? Yes No N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? Yes No N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

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

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

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

Total Stewardship Expenditures	\$ 92,800
Total Projected Revenue	\$

Exhibit D-1

April 13, 2022

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: DUKE ENERGY RECREATION LANDS

Estimated Stewardship Costs				
Activity	Quantity	Unit	Unit Cost	Total Cost
New Parking areas	8	Each	\$8,000	\$64,000
New Access Road	.15	Mile	\$150,000	\$22,500
Install Kiosk	3	Each	\$600	\$1,800
Install Gate	8	Each	\$500	\$4,500
TOTAL				\$92,800

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				

April 13, 2022
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Paul Thompson/Nick Shaver
Date First Presented to Commission:	April 13, 2022
Tract Name:	Duke Energy Bridgewater Recreational Lands
County:	Burke
Acreage:	1,245 total acres; NBRL(550 ac), CLCRL (420 ac), PCRL (275 ac)
Tax Value:	
Property Owner/Representative:	Duke Energy
Phone:	
Email Address:	
Address:	

Primary Purpose:

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

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 type="checkbox"/>	Other

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 checked="" type="checkbox"/>	PR	Source: Federal Aid: 75%
<input type="checkbox"/>	State	Match: State: 25%

Funding Considerations:

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

Reviewed Appraisal & Purchase Requirements?

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

Recommendation:

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

Additional Comments:

As part of the Catawba-Wateree Hydropower relicensing project, a provision was provided in the Comprehensive Relicensing Agreement (CRA) allowing Duke Energy to transfer three tracts (1,245 acres total) to the State of North Carolina; Paddys Creek Recreation Land (PCRL, 275 ac.), Catawba-Linville Confluence Recreation Land (CLCRL, 420 ac.), and North Bend Recreation Land (NBRL, 550 ac.). Originally, these tracts were to be allocated to Department of Natural and Cultural Resources and managed by the Division of Parks and Recreation (DPR). After discussions among Duke Energy, DPR, and WRC staff, it was determined that the properties would be better suited for WRC's game land program and managed accordingly.

April 13, 2022

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

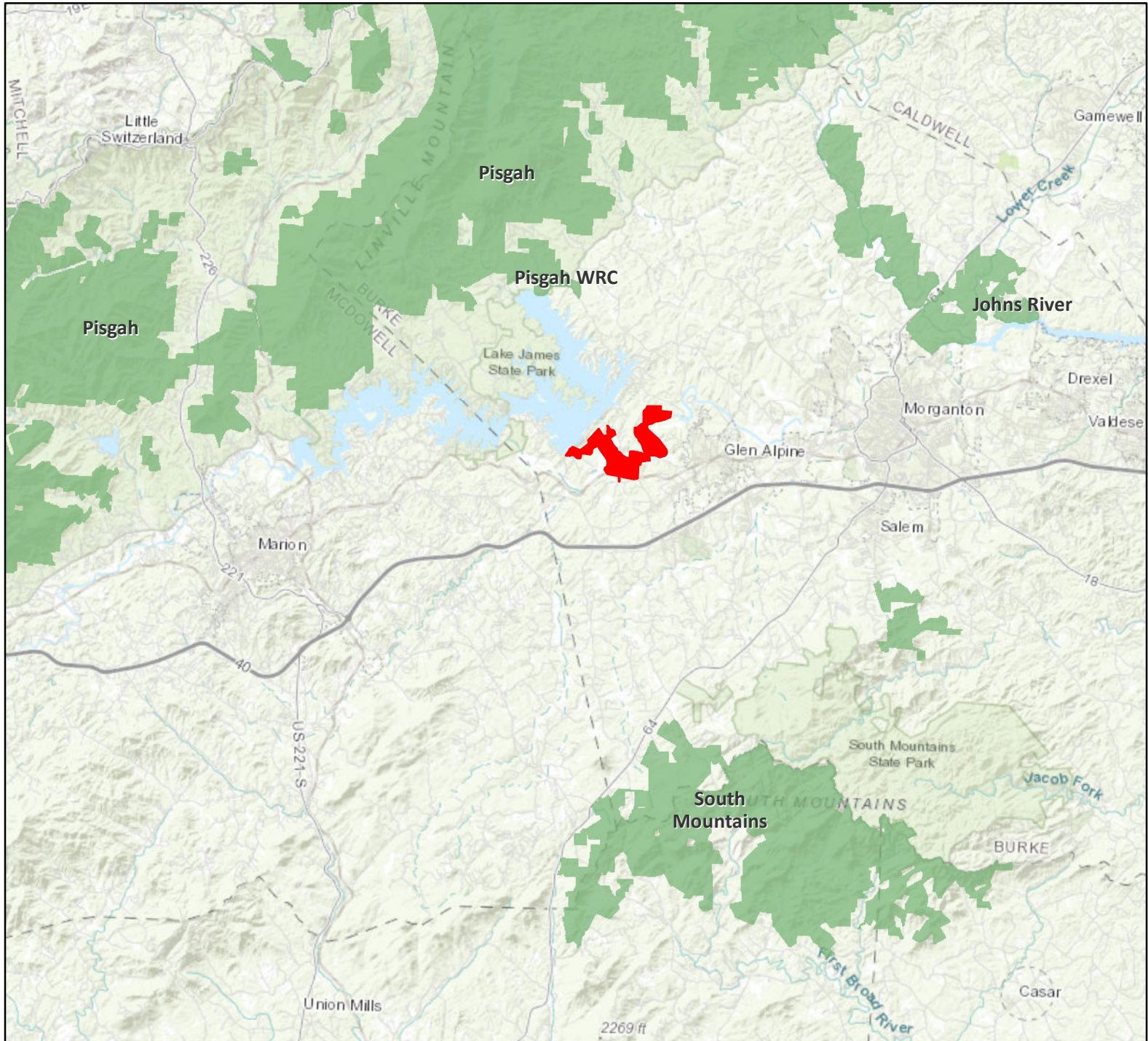
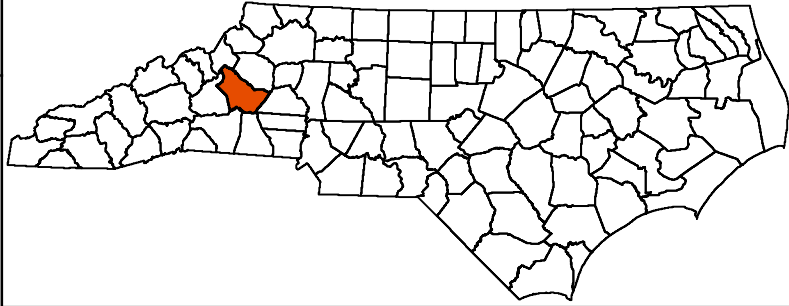
Tract Name:	Duke Energy Bridgewater Recreation Lands
County:	Burke

Resources Assessment and Biological Benefits (brief):



There is excellent direct public access to the PCRL and NBRL tracts via Rays Dairy Rd, Powerhouse Rd, and Conley Bumgarner Rd. There is also access to the CLCRL tract via Snowhill Church Rd. These tracts will protect approximately 6.25 miles of Catawba River frontage and provide substantial resource protection for the Catawba River Basin. The habitat types consist of southern appalachian oak, managed pine, and mixed oak-pine forests, along with early successional shrub-scrub habitats (ESH). Management objectives will include restoring managed pines to more diverse mixed pine-hardwood stands through a combination of timber harvest and prescribed burning and converting current ESH to a more desirable condition by eliminating non-native invasive species. Management activities will remain consistent with conservation and trail easements. The federally threatened Dwarf-flowered Heartleaf (*Hexastylis naniflora*) has been found on these properties. Priority terrestrial species likely found on the tracts as either permanent residents or transients include: American woodcock, hooded warbler, Eastern wood-peewee, brown-headed nuthatch, wood thrush, Eastern whip-poor-will, chuck-will's-widow, hairy woodpecker, Northern flicker, red-headed woodpecker, yellow-billed cuckoo, American kestrel, field sparrow, prairie warbler, yellow-breasted chat, Kentucky warbler, spotted salamander, marbled salamander, three-lined salamander, Eastern box turtle, and Eastern kingsnake. Common game species found on the tract include wild turkey, white-tailed deer, raccoon, mourning dove, and gray squirrel. Public recreational opportunities will include hunting, fishing, hiking, canoeing, bird watching, photography, and general nature study.

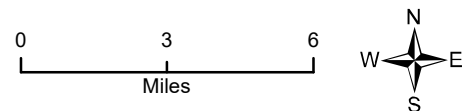
Tract Name	Duke Energy Bridgewater Recreation Lands	
Date	February 28, 2022	
Staff Completing Form	Paul Thompson	
Species	0.593	Comments
	Terrestrial	Moderate biodiversity is based on large abundance of managed pine forests. Aquatic diversity is limited to the Catawba River, with few areas noted as wetland.
Overall Biodiversity	2	
SGCN Species	2	
Game Species	3	
	Wetland	
Overall Biodiversity	1	
SGCN Species	1	
Game Species	1	
	Aquatic	
Overall Biodiversity	2	
SGCN Species	2	
Game Species	2	
Habitat	0.722	Comments
Size	2	The quality of the habitat on the tract is good, but is mostly managed pine forests with low diversity. Dwarf-flowered Heartleaf has been found and the properties will provide good buffer and connectivity to other protected lands.
Quality	2	
Diversity	2	
Rare/Important	2	
Connectivity	3	
Buffer	2	
Public Access	0.667	Comments
Hunting/Viewing	3	Ample opportunity for access to these tracts for both hunting and fishing. Boating access will be provided at Bridgewater and North Bend access areas.
Fishing	3	
Boating	0	
Wildlife Uses	0.933	Comments
Hunting	3	The property offers good hunting and wildlife viewing opportunities and provide some educational opportunities. The Catawba River frontage will provide good opportunity for fishing. Boating opportunities will be provided along the Catawba River.
Viewing	3	
Fishing	3	
Boating	3	
Education	2	
Other Values	0.667	Comments
Timber Harvest	2	The tract can produce good timber and is accessible. There could be some benefit to the local economy and quality of life.
Local Economy	2	
Quality of Life	2	
Feasibility & Logistics	0.667	Comments
Existing Infrastructure	2	Multiple logging and access road are found on these tracts. The existence of multiple uses on the tract and the compatibility with adjoining land shouldn't create any issues. The game land is on close proximity to large municipalities.
Compatibility of Multiple Uses on Tract	2	
Compatibility with Adjoining Land	2	
Inholding/Corridor	1	
Proximity to Users	3	
Restoration/Mitigation Potential	0.750	Comments
Species Restoration	2	Restoration and maintenance of the habitats/species on the tract is good, thus the rank is moderate. This tract will provide additional access to game lands.
Habitat Restoration	2	
Access Improvement	2	
Threat Mitigation	3	
Threats	0.000	Comments
Number	0	Duke Energy currently owns the tracts, so there is no threat.
Severity	0	
Imminence	0	
Manageability	0	
Management Cost	0	
Overall Score	4.998	

Bridgewater Recreational Lands Burke County 1,245 Total Acres

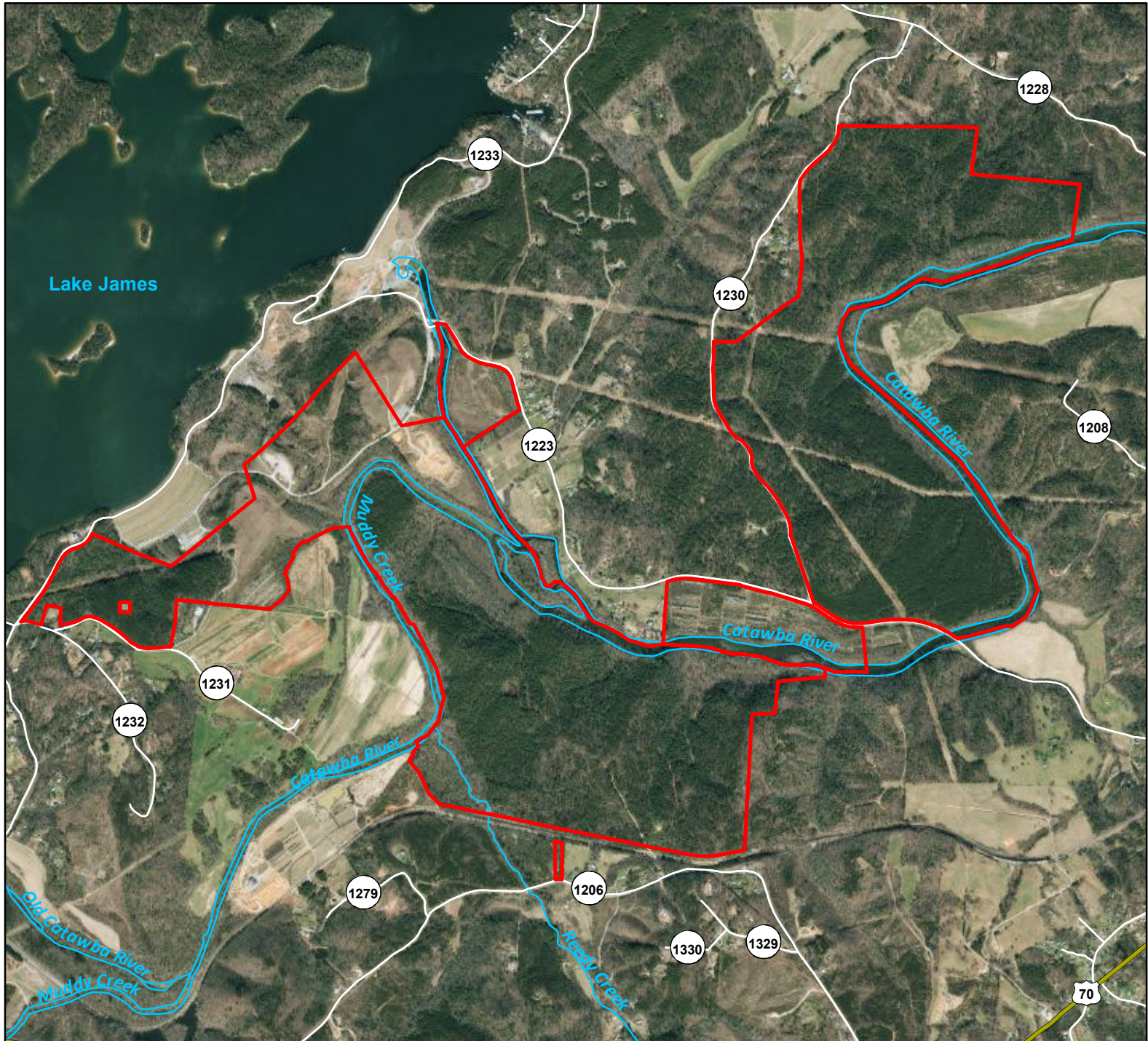
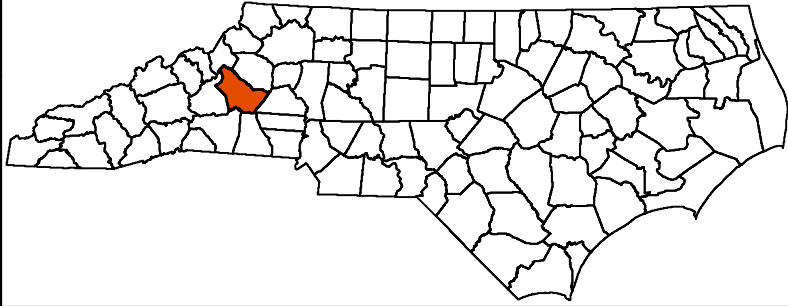


April 13, 2022



-  Bridgewater Recreational Lands
-  Game Land



Bridgewater Recreational Lands Burke County 1,245 Total Acres



April 13, 2022

-  Bridgewater Recreational Lands
-  Game Land

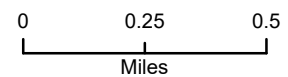


Exhibit D-2

April 13, 2022

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: TCI Timber Tract

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

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

Donation from NC Coastal Land Trust

Acquisition Plan Includes Bargain Sale? Yes No N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? Yes No N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

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

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

NA

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

Total Stewardship Expenditures	\$ 2,159
Total Projected Revenue	\$ 0.00

Exhibit D-2

April 13, 2022

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: TCI Timber Tract

Estimated Stewardship Costs				
Activity	Quantity	Unit	Unit Cost	Total Cost
Boundary Establishment	3.4	Mile	\$500	\$1,700
Boundary Maintenance (year 4)	3.4	Mile	\$135	\$459
TOTAL				\$ 2,159

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
None	None	NA	\$0.00	\$0.00
TOTAL				

April 13, 2022
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Chesley Ward
Date First Presented to Commission:	April 13, 2022
Tract Name:	TCI Timber Tract
County:	Bladen
Acreage:	272.00
Listed Price:	\$775,000.00
Tax Value:	\$218,800
Property Owner/Representative:	TC & I Timber Company, LLC/Janice Allen
Phone:	
Email Address:	
Address:	3301 Trent Road, Suite G, New Bern, NC 28562

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"/>	Other (NC EEP/NAWCA)
<input checked="" type="checkbox"/>	Other (private contributions)

Owner Interest:

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

Tax Value:

<input checked="" type="checkbox"/>	2021 Year Assessed
<input type="checkbox"/>	No PUV?

Stewardship Considerations:

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

Funding Considerations:

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

Reviewed Appraisal & Purchase Requirements?

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

Recommendation:

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

Additional Comments:
All acquisition and due diligence costs are being handled by N.C. Coastal Land Trust and the property will be donated to WRC, free of charge. It is recommended that it be added as a tract of Whitehall Plantation Game Land due to location relative to other Whitehall Plantation tracts and preferred use management regime.

April 13, 2022

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

Tract Name: TCI Timber Tract

County: Bladen

Resources Assessment and Biological Benefits (brief):

The TCI Timber Tract is 272 acres in size and has an estimated 6,200 feet of frontage along the Cape Fear River. It lies almost entirely within the larger Steep Run Swamp State Natural Area, which is deemed to have a very high ecological significance by the N.C. Natural Heritage Program. This project is part of an ongoing and much larger regional land and water conservation effort that adds to goals of improving and protecting water quality. It will also provide additional public recreational opportunities.

This property consists of 201 acres of mature cypress-gum swamp. The other 71 acres are upland habitats with approximately 12 acres of loblolly pines that have naturally regenerated since 2006. Remaining uplands include unique topography of slopes and ravines with a mix of hardwoods and pine with a stand origination date as 1944. The forested wetlands on the property exhibit some of the most excellent examples of this habitat and are extremely valuable to several species of greatest conservation need.

NCWRC biologists identified that the tract's bottomlands are regularly utilized as a foraging area by Wood Storks and a Swallow-tailed Kite nest was also documented on the property. This site is identified as providing critical habitat for 40 terrestrial and 21 aquatic species of greatest conservation need across many taxa. Nearly all the tract has an exceptional coastal wetland classification in the N.C. Natural Heritage Program's Data Explorer.

Tract Name	TCI Timber Tract
Date	March 16, 2022
Staff Completing Form	Chesley Ward

Species	0.630
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Aquatic
Overall Biodiversity	2
SGCN Species	2
Game Species	1

Comments
Overall biodiversity is good but limited by the few habitat types. The mature floodplain forest habitat is extremely valuable to a number of game species and Species of Greatest Conservation Need. Collectively, there are 40 terrestrial and 21 aquatic Species of Greatest Conservation Need that WRC biologists identified that are likely to occur on this property.

Habitat	0.556
Size	1
Quality	2
Diversity	1
Rare/Important	3
Connectivity	1
Buffer	2

Comments
The +/- 200 acres of mature bottomland hardwoods is extremely important to many wildlife species. This natural community provides high quality resources, and its intactness will help preserve biodiversity and protect native populations.

Public Access	0.333
Hunting/Viewing	2
Fishing	1
Boating	0

Comments
Good hunting and wildlife viewing opportunities exist, but the size of the property limits the level of use. The only fishing opportunities exist from the riverbank.

Wildlife Uses	0.267
Hunting	1
Viewing	1
Fishing	1
Boating	0
Education	1

Comments
Excellent hunting opportunities exist for deer, turkey, & several small game species. Wildlife viewing opportunities are similar & include many nongame wildlife species. The smaller size of the property limits how much of those activities can occur.

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

Comments
There are only +/- 12 acres of naturally regenerated loblolly pines that allow a very small amount of timber to be produced, managed, and harvested.

Feasibility & Logistics	0.467
Existing Infrastructure	1
Compatibility of Multiple Uses on Tract	1
Compatibility with Adjoining Land	3
Inholding/Corridor	0
Proximity to Users	2

Comments
The property has an access road from NC-87 with an additional +/- 3,400 feet of trails.

Restoration/Mitigation Potential	0.417
Species Restoration	1
Habitat Restoration	1
Access Improvement	0
Threat Mitigation	3

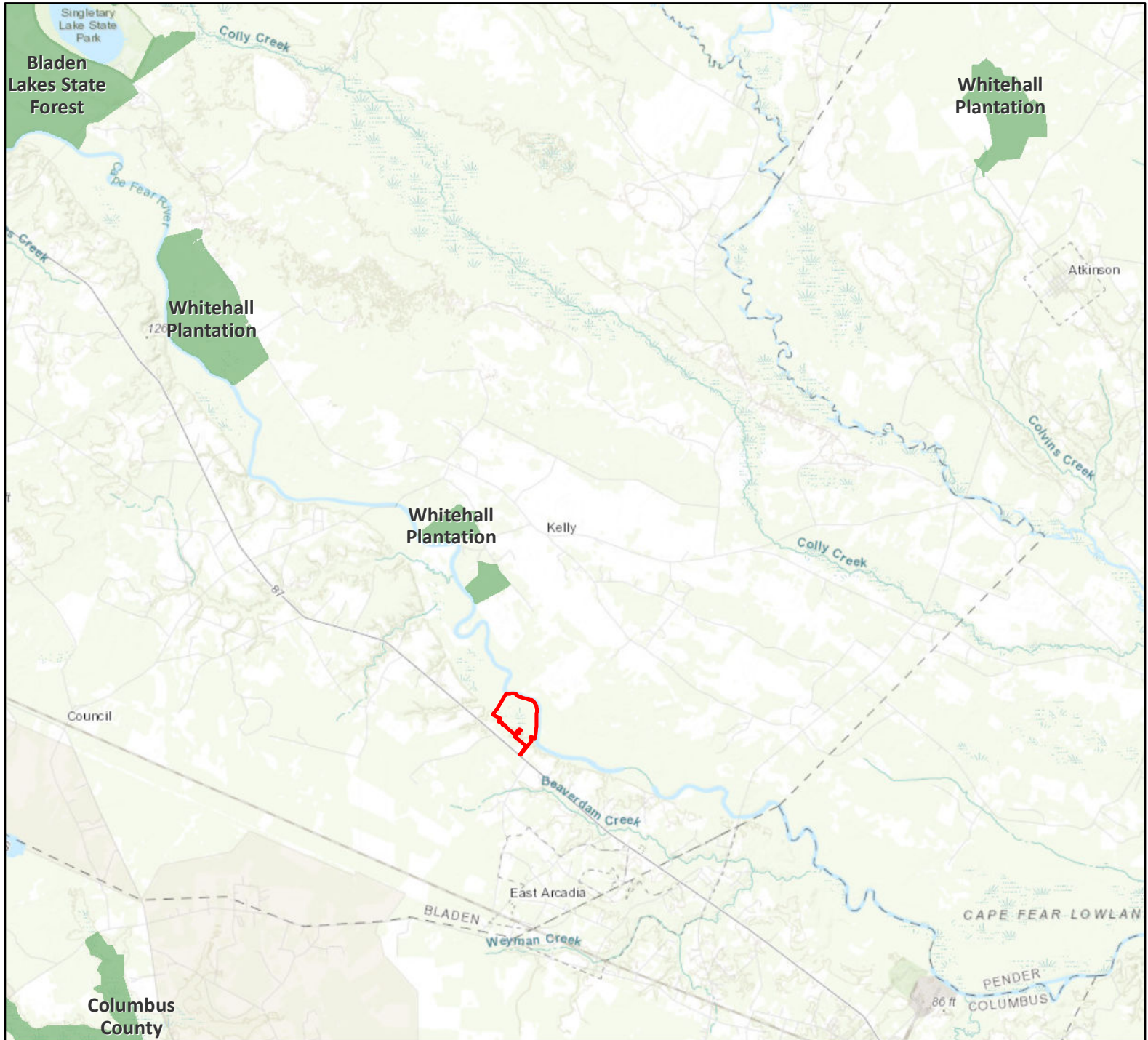
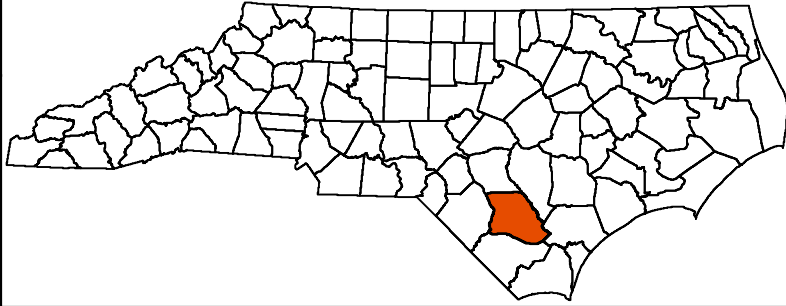
Comments
Most of this tract is in a mature state, so restoration potential is low, except for the 12 acres of upland pine. This property already provides tremendous benefit from a habitat and species benefit standpoint.

Threats	0.333
Number	1
Severity	3
Imminence	1
Manageability	0
Management Cost	0



Comments
Threats to this property would be shovel logging of the bottomlands and development of the uplands. Due to the presence of federally and state listed species and many other Species of Greatest Conservation Need, the severity of those threats is critical.

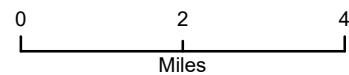
Overall Score	2.669
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TCI Timber Tract Bladen County 272 Acres

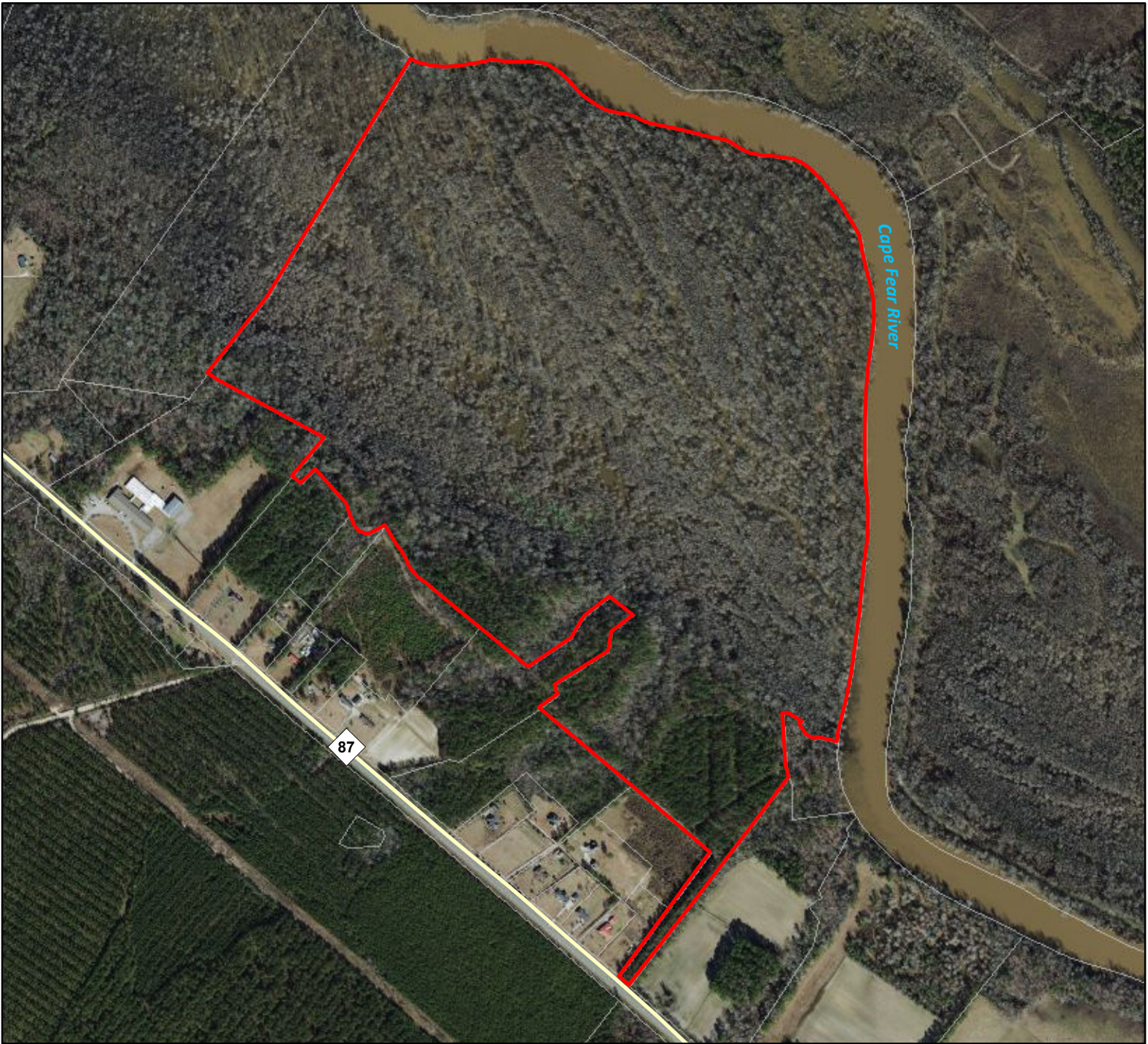
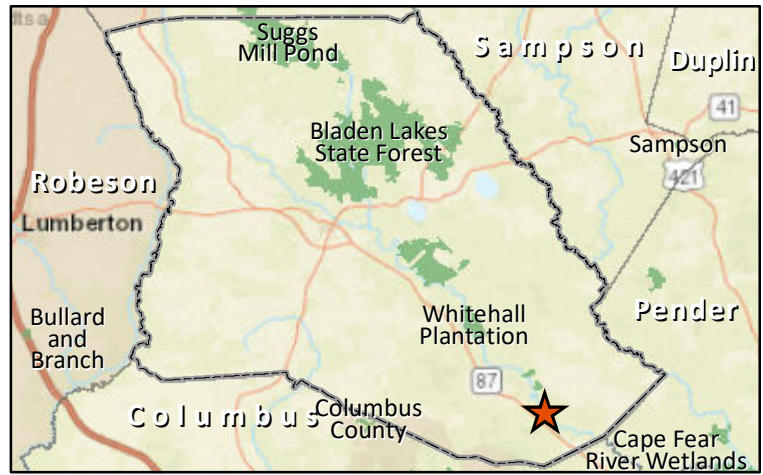
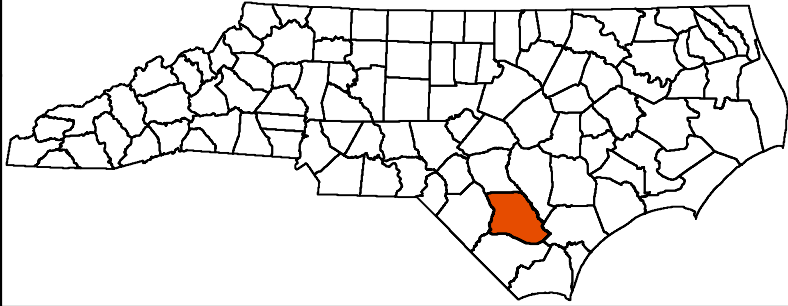


April 13, 2022



-  TCI Timber Tract
-  Game Land



**TCI Timber Tract
Bladen County
272 Acres**



April 13, 2022

-  TCI Timber Tract
-  Parcels

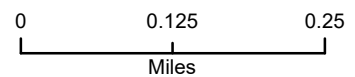


Exhibit D-3

April 13, 2022

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Crawford

WRC Action/Approval to Pursue (Date): 7/28/2021

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

Land and Water Fund	\$70,000
North American Wetlands Conservation Act (NAWCA)	\$41,000
<u>NCWRC Agency Funds</u>	<u>\$30,000</u>
TOTAL COST	\$141,000

Acquisition Plan Includes Bargain Sale? Yes No N/A

If Yes, Explain Details

Total Cost Based on Appraisal? Yes No N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value
State Property Office	Quentin Bell	December 2021	\$141,000

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

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

Federal Aid in Wildlife Restoration Act (Pittman- Robertson) – 75% federal: 25% state

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

Total Stewardship Expenditures	\$3,574.00
Total Projected Revenue	\$22,500.00

Exhibit D-3

April 13, 2022

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET Estimated

Five Year Stewardship Costs and Revenue Projections:

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment	0.7	Mile		\$150.00	\$94.50
Boundary Maintenance (Year 4)	0.7	Mile		\$135.00	\$94.50
Boundary Removal	1	Mile		\$135.00	\$135.00
Road Maintenance (Years 1-5)	0.26	Mile		\$2,500.00	\$3,250.00
TOTAL					\$3,574.00

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
Timber	45	Acres	\$500	\$22,500.00
TOTAL				\$22,500.00

April 13, 2022
North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	David Turner
Date First Presented to Commission:	7/28/2021
Tract Name:	Crawford Tract
County:	Gates
Acreage:	113.00
Tax Value:	\$76,002
Property Owner/Representative:	Owner -Clara A. Crawford, Trustee / Representative - John Perez

Primary Purpose:

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

Type of Acquisition:

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

Grant Potential:

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

Tax Value:

<input type="checkbox"/>	2017	Year Assessed
<input type="checkbox"/>		PUV?

Funding Considerations:

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

Recommendation:

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

Program Potential:

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

Type of Parcel:

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

Owner Interest:

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

Stewardship Considerations:

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

Reviewed Appraisal & Purchase Requirements?

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

Additional Comments:

The idea of this tract being sold to the State first occurred in 2016 when Mr. Curtis Crawford (now deceased) contacted the NCWRC for access to his land to maintain a family cemetery on the tract. The only road access to the Crawford Tract is through game lands to the north which the State has owned since 2008. Mr. Crawford was considering selling but was undecided at the time. During the hunting seasons, access gates to control use are opened which would allow access to the tract. The tract is now in a revocable trust with his wife as the Trustee. The realtor, John Perez, advised that the family is selling the tract and Mrs. Crawford remembered that the State would have interest in the property. There is no deeded access to the property known though it is understood that lawyers are investigating this. Mr. Perez advised that the lawyers were investigating a ROW but were inconclusive on whether or not there is access from the south. I have not been able to find any records suggesting that access is deeded through State ownership.

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

Tract
Name:
County:

Crawford Tract
Gates

Resources Assessment and Biological Benefits (brief):

Property consists of upland naturally regenerated small sawtimber-sized loblolly pine on dry ridges mixed with scrub oaks and beech. Wetter flats contain better quality pines with some reaching the 16" dbh class. Slope transitions adjacent to the gum swamps contain huckleberry, American holly, oaks, American beech, and sweetgum. In addition to gum, the swamps contain red maple and the occasional bald cypress. Based upon data found in the NC Conservation Planning Tool, the tracts Biodiversity index score 9-10 out of 10 (1- low-10 high values). The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape function and connectivity. Tract is bordered on the north and west by Chowan Swamp Game Land. The private land tract immediately east of the Crawford Tract supports a red-cockaded woodpecker cluster. The center of the cluster is only 0.3 miles from the tract. No evidence was found suggesting the Crawford Tract contains RCW cavities but it could be assumed that the tract offers foraging habitat. RCW's have been seen foraging in the loblolly pine stand on the game lands to the north of the Crawford Tract. The only road access is through 0.6 miles of game land roads. The sand path extends south another quarter mile to a dead end and an old family cemetery that holds 8 headstones. The most recent burial on a head stone is 1927.

Tract Name	Crawford Tract
Date	March 29, 2021
Staff Completing Form	David Turner

Species	0.370
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	1
SGCN Species	2
Game Species	1
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Comments
19 SCGN species are listed by the North Carolina Wildlife Habitat Threat Data Viewer and Analysis Tool as possibly occurring in the habitats of the tract. Notably absent from the list was the red-cockaded woodpecker which is highly thought to forage on the tract. Deer, bear, and turkey use the tract. Small game is limited but gray squirrels can be found.

Habitat	0.722
Size	1
Quality	2
Diversity	2
Rare/Important	2
Connectivity	3
Buffer	3

Comments
The small tract is bordered on 2 sides by State-owned Chowan Swamp Game Land. The far western boundary abuts a prescribed burn unit. Acquisition would allow burners to carry fire to the natural drain. Acquisition would also allow for timber management and prescribed burning to support the adjacent properties red-cockaded woodpecker cluster.

Public Access	0.333
Hunting/Viewing	3
Fishing	0
Boating	0

Comments
Hunters and wildlife viewers will have good access to the tract by existing dirt path. Tract does not provide access to water.

Wildlife Uses	0.467
Hunting	3
Viewing	3
Fishing	0
Boating	0
Education	1

Comments
Hunting and wildlife viewing are the primary uses.

Other Values	0.556
Timber Harvest	3
Local Economy	1
Quality of Life	1

Comments
Using the parcel data shape for this tract, approximately half of the tract is loblolly pine that can be commercially thinned. As a small acquisition in a much larger Chowan Swamp Game Land, the local economy and quality of life will not be greatly affected.

Feasibility & Logistics	0.733
Existing Infrastructure	2
Compatibility of Multiple Uses on Tract	1
Compatibility with Adjoining Land	3
Inholding/Corridor	3
Proximity to Users	2

Comments
A single sand road bisects the tract. The tract provides a corridor for red-cockaded woodpeckers. The NCWRC currently prescribed burns up to the northern and western boundary of the tract. Being surrounded by wet gum drains on three sides, the tract lends itself well to the use of prescribed fire.

Restoration/Mitigation Potential	0.833
Species Restoration	3
Habitat Restoration	3
Access Improvement	1
Threat Mitigation	3

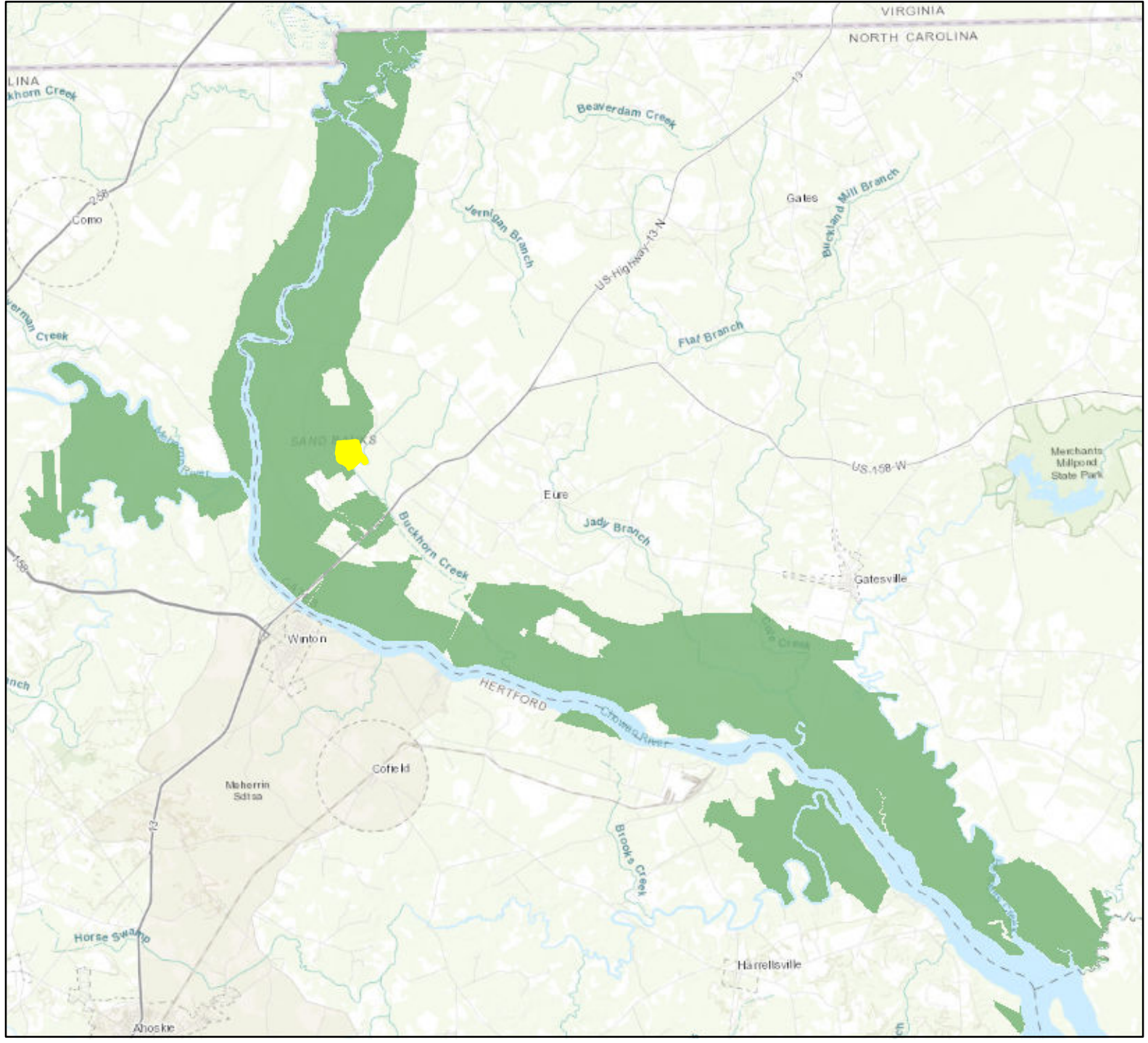
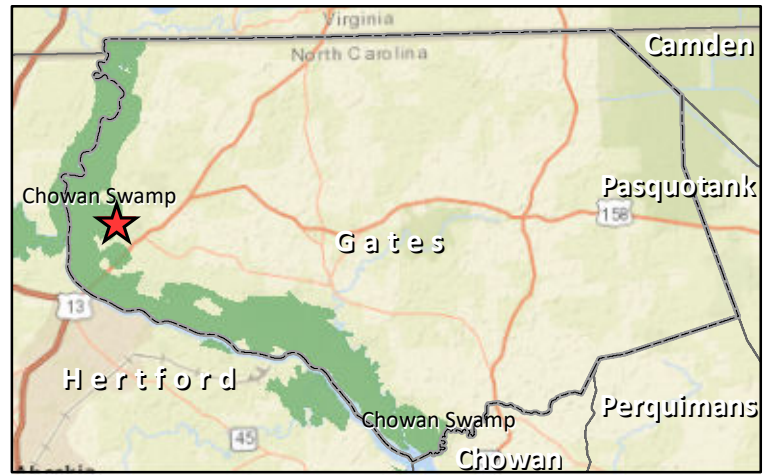
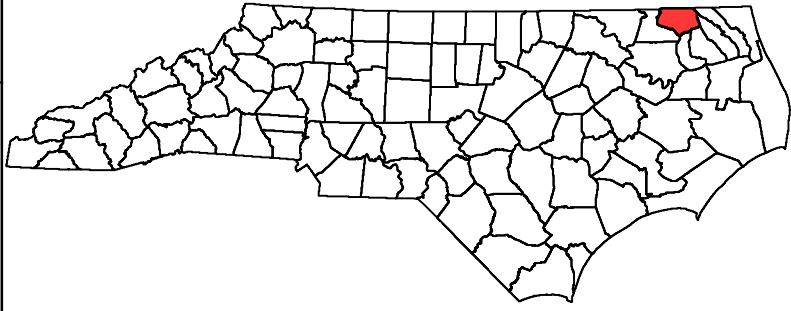
Comments
The tract can provide a foraging site for the nearby RCW's as well as potentially providing an alternate cluster site should the current cavities be destroyed. Habitat on the tract meshes well with current management on the adjacent game land. The only threat may be a new landowner requesting unfettered access through the game land to the tract.

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



Comments
Unfettered access through the game land can be a management and disturbance issue. If access is decided or granted, two gates on game land roads would need to be installed.

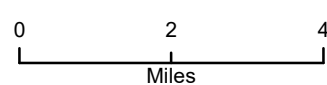
Overall Score	3.481
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**Crawford Tract
Gates County
+/- 113 Acres**

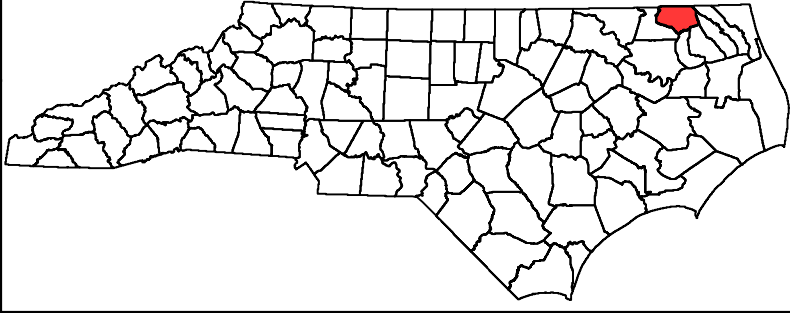


April 13, 2022

-  Crawford Tract
-  Chowan Swamp Game Land



Crawford Tract
Gates County
+/- 113 Acres



Chowan Swamp
Game Land



April 13, 2022

 Crawford Tract

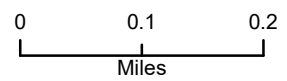


EXHIBIT E-1

April 14, 2022



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

April 14, 2022

MEMORANDUM

TO: Daron Barnes, Division Chief
Land and Water Access

FROM: Melissa Kennedy, Land and Water Access Specialist
Land and Water Access

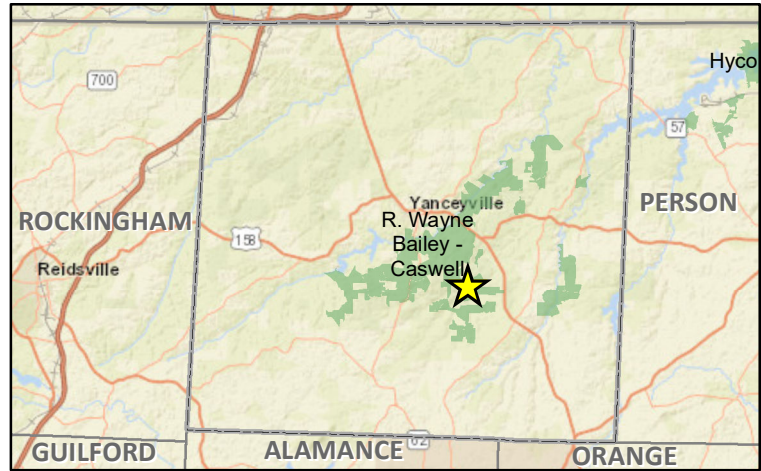
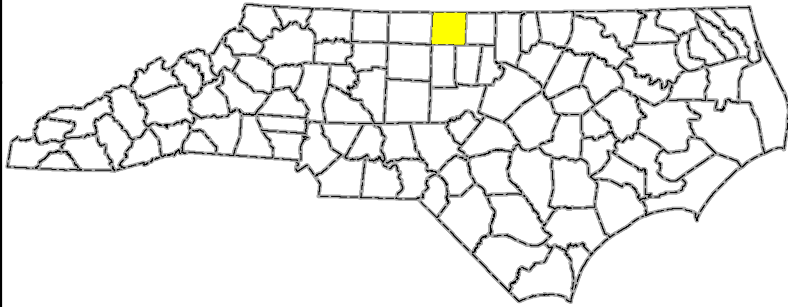
SUBJECT: Right of Way Easement Request-R. Wayne Bailey Caswell Game Land

On April 21, 2021, the Commission granted Phase II approval for the acquisition of the Geneva Bigelow tract, 102 acres adjacent to the Caswell Game Land in Caswell County. WRC closed on this property on February 23, 2022.





A stipulation of this acquisition was that the landowners would retain a 3 acre parcel with their homestead and farm buildings. The current and previous landowners have a prescriptive easement over a stretch of game land access road to their property and are seeking to memorialize this access through a recorded easement now that the transaction with the state has taken place. The right of way is approximately 390 feet in length. In return, the landowners have granted NCWRC staff deeded administrative access across their 3 acre parcel. NCWRC staff need this access for management as it is the only way into the interior of the tract. The easement to the State of NC was recorded in the acquisition deed on February 23rd, 2022 when we closed on the property.

The State Property Office and NCWRC staff recommend granting the Bigelow family an access easement at no cost. The easement would serve to memorialize the existing right of way that has been in use since before the game lands existed; for over 70 years. The easement would not negatively impact the game land or game land users, and will serve as the state's exchange for access across the Bigelow's property.

Geneva Bigelow Tract Easements Caswell County



April 13, 2022

-  Easement for WRC use
-  WRC-owned
-  Easement for private owner's use
-  Privately-owned

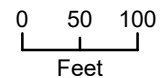


EXHIBIT E-2

April 14, 2022



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

April 14, 2022

MEMORANDUM

TO: Daron Barnes, Division Chief
Land and Water Access

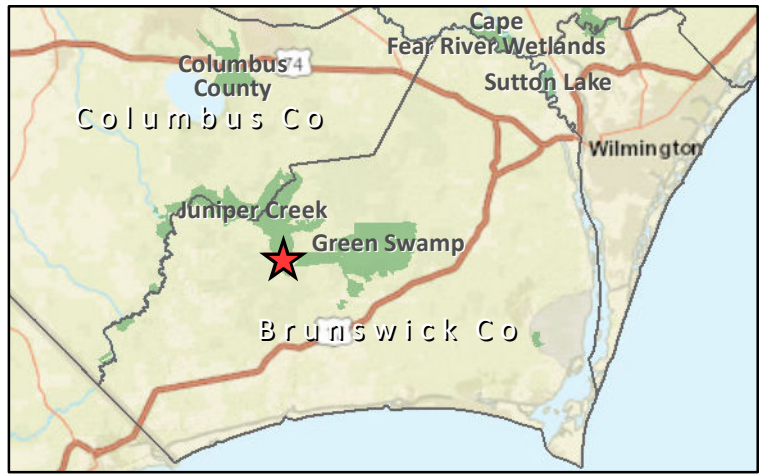
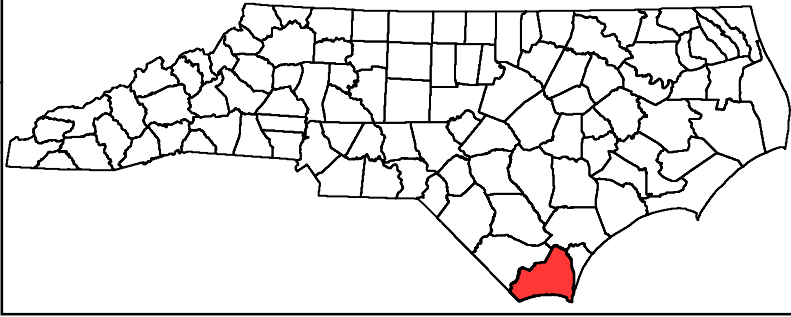
FROM: Melissa Kennedy, Land and Water Access Specialist
Land and Water Access

SUBJECT: NCDOT Permanent Right of Way, Permanent Drainage, and Temporary Construction Easements at Juniper Creek Game Land

NCDOT seeks to purchase a permanent Right-of-Way Easement, Permanent Drainage Easement, and Temporary Construction Easement as part of a bridge replacement project on ST 1342 over Muddy Creek on Juniper Creek Game Land. The project will have no negative impact on Juniper Creek Game Land or our users.

Staff recommends seeking Commission approval to grant the easements to NCDOT with compensation to be \$500 as determined by the NC State Property Office.

DOT Easement Request Juniper Creek Game Land Brunswick County



- Highway Right Of Way, 0.009 acres
- Permanent Drainage Easement, 0.005 acres
- Temporary Construction Easement, 0.311 acres



- Game Land boundary
- DOT SR 1342



EXHIBIT E-3

April 14, 2022



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

April 14, 2022

MEMORANDUM

TO: Daron Barnes, Division Chief
Land and Water Access

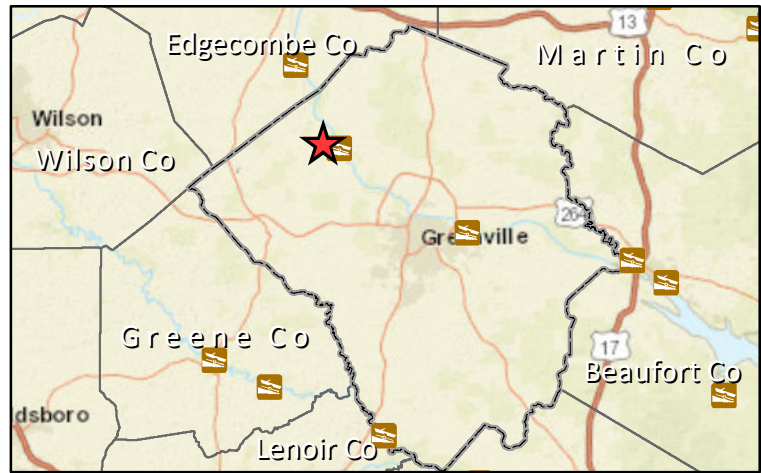
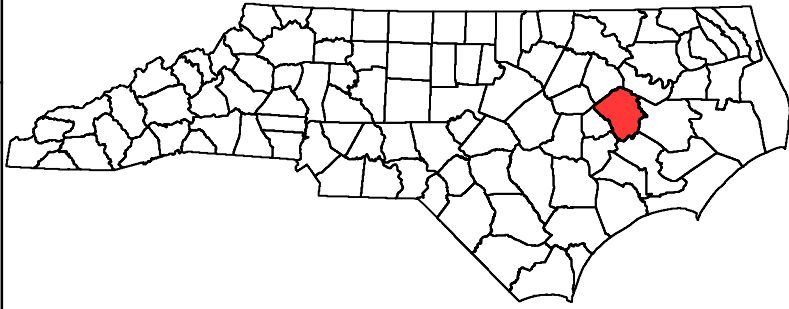
FROM: Melissa Kennedy, Land and Water Access Specialist
Land and Water Access

SUBJECT: NCDOT Permanent Right of Way, Permanent Utility, and Temporary
Construction Easements at Falkland Boating Access Area

NCDOT seeks to purchase a permanent Right-of-Way Easement, Permanent Utility Easement, and Temporary Construction Easement as part of a bridge replacement project on NC 222 over the Tar River on the Falkland Boating Access Area. The project will have no negative impact on the boat ramp or our users. The ramp will remain open during construction.

Staff recommends seeking Commission approval to grant the easements to NCDOT with compensation to be \$2,000 as determined by the NC State Property Office.

DOT Easement Request Falkland BAA, Pitt County



- Highway Right Of Way, 0.302 acres
- Permanent Utility Easement, 0.058 acres
- Temporary Construction Easement, 0.327 acres



Falkland Boating Access Area
WRC - owned property
8.2 acres



EXHIBIT E-4

April 14, 2022



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

April 14, 2022

MEMORANDUM

TO: Daron Barnes, Division Chief
Land and Water Access

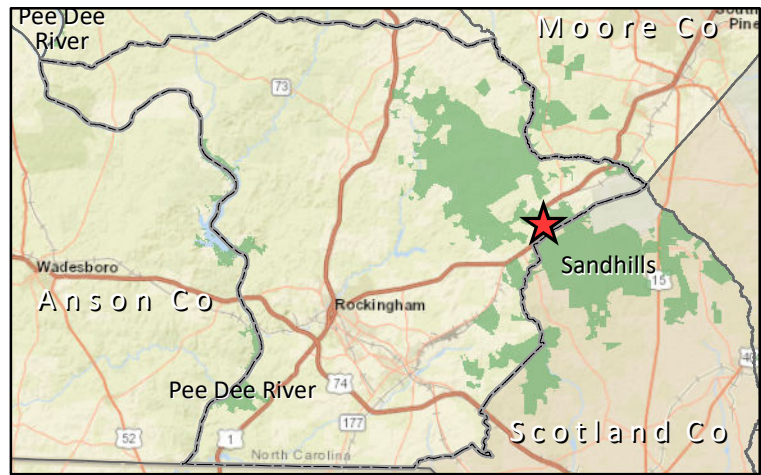
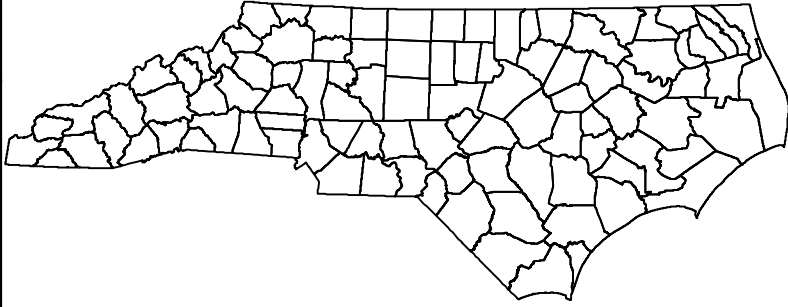
FROM: Melissa Kennedy, Land and Water Access Specialist
Land and Water Access

SUBJECT: Verizon Ingress, Egress, and Utility Easement Request at Sandhills Game Land



Commissioners were first presented with this request in August 2021 and denied the request. Verizon has since modified the request and is seeking to purchase one Access and Utility Easement across a game lands road to install a cell tower on a property neighboring the Sandhills Game Land. Easement will use Will Yates Road. The project will have no negative impact on the game land or our users.

Staff recommends seeking Commission approval to grant the easement to Verizon with compensation to be fair market value as determined by the NC State Property Office.

Mackall Verizon Easement Request Sandhills Game Land Richmond County



April 13, 2022

-  Requested Access Road Segment
-  Proposed Tower Land and Access Road

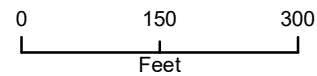


EXHIBIT F-1

April 14, 2022



Proposed Regulations Frameworks for 2022–23 Hunting Seasons on Certain Migratory Game Birds

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Waterfowl

Atlantic Flyway

Ducks, Mergansers, and Coots

Outside Dates: Between the Saturday nearest September 24 (September 24) and January 31.

Hunting Seasons and Duck Limits: 60 days. The daily bag limit is 6 ducks, including no more than 2 mallards (no more than 1 of which can be female), 2 black ducks, 1 pintail, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 2 canvasbacks, 4 sea ducks (including no more than 3 scoters, 3 long-tailed ducks, or 3 eiders and no more than 1 female eider). The season for scaup may be split into 2 segments, with one segment consisting of 40 consecutive days with a 1-scaup daily bag limit, and the second segment consisting of 20 consecutive days with a 2-scaup daily bag limit.

Closures: The season on harlequin ducks is closed.

Merganser Limits: The daily bag limit of mergansers is 5. In States that include

mergansers in the duck bag limit, the daily limit is the same as the duck bag limit.

Coot Limits: The daily bag limit is 15 coots.

Zoning and Split Seasons: Delaware, Florida, Georgia, Rhode Island, South Carolina, and West Virginia may split their seasons into 3 segments. Maine, Massachusetts, New Hampshire, New Jersey, and Vermont may select seasons in each of 3 zones; Pennsylvania may select seasons in each of 4 zones; and New York may select seasons in each of 5 zones; and all these States may split their season in each zone into 2 segments. Connecticut, Maryland, North Carolina, and Virginia may select seasons in each of 2 zones; and all these States may split their season in each zone into 3 segments. Connecticut, Maryland, North Carolina, and Virginia must conduct an evaluation of the impacts of zones and splits on hunter dynamics (e.g., hunter numbers, satisfaction) and harvest during the 2021–25 seasons.

Scoters, Eiders, and Long-tailed Ducks

A craft under power may be used to shoot and retrieve dead or crippled sea ducks in the Sea Duck Area in the Atlantic Flyway. The Sea Duck Area includes all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in New Jersey, all coastal waters seaward from the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines shown on National Oceanic and Atmospheric Administration (NOAA) Nautical Charts and further described in 33 CFR 80.165, 80.501, 80.502, and 80.503; in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in South Carolina and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay that are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. Sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 total sea ducks and no more than 3 scoters, 3 eiders [one hen eider], and 3 long-tailed ducks) and possession limits.

Canada Geese

Special Early Canada Goose Seasons:

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any special early Canada goose season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Regular Canada Goose Seasons

Season Lengths, Outside Dates, and Limits: Specific regulations for Canada geese are shown below by State. These seasons may also include white-fronted geese in an aggregate daily bag limit. Unless specified otherwise, seasons may be split into two segments.

North Carolina

RP Zone: An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

Northeast Hunt Unit: A 30-day season may be held between the Saturday prior to December 25 (December 24) and January 31, with a 1-bird daily bag limit.

Light Geese

Season Lengths, Outside Dates, and Limits: States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

Brant

Season Lengths, Outside Dates, and Limits: States may select a 50-day season between the Saturday nearest September 24 (September 24) and January 31, with a 2-bird daily bag limit. States may split their seasons into two segments.

Swans

General Swan Season: In portions of the Atlantic Flyway (Delaware, North Carolina, and Virginia) and the Central Flyway (North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing.

Each State choosing a general swan season must evaluate hunter participation, species-specific swan harvest, and hunter compliance in providing measurements of harvested swans for species identification. Each State should use appropriate measures to maximize hunter compliance with the State's program for swan harvest reporting. Each State must achieve a hunter compliance of at least 80 percent in providing species-determinant measurements of harvested swans for species identification. Each State must provide to the Service by June 30 following the swan season, a report detailing hunter participation, species specific swan harvest, and hunter compliance in reporting harvest.

Tundra Swan Season: In lieu of a general swan hunting season, states may select a season only for tundra swans. States selecting a season only for tundra swans must obtain harvest and hunter participation data.

These general swan seasons and tundra swan seasons are also subject to the following conditions:

In the Atlantic Flyway

- The season may be 90 days, between October 1 and January 31.
- In Delaware, no more than 347 permits may be issued.

- In North Carolina, no more than 4,721 permits may be issued.
- In Virginia, no more than 532 permits may be issued.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and January 31 in the Atlantic, Mississippi, and Central Flyways.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and January 31 on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days and may be split into 2 segments.

Daily Bag Limits

Clapper and King Rails: In Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, 10, singly or in the aggregate of the two species. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails: In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern and Central Management Regions may select hunting seasons between September 13 and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern and Central Regions. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Doves

Outside Dates: Between September 1 and January 31 in the Eastern Management Unit, and between September 1 and January 15 in the Central and Western Management Units, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Special Falconry Regulations

In accordance with 50 CFR 21.29, falconry is a permitted means of taking migratory game birds in any State except for Hawaii. States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be

divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

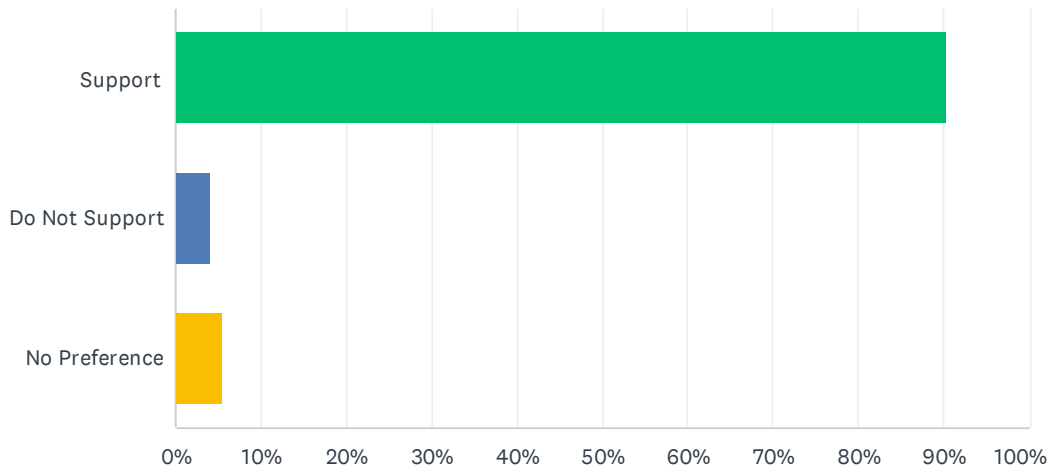
EXHIBIT F-2

April 14, 2022



Summary of Public Comments on Migratory Game Bird for 2022-23

Dove Gun Season



ANSWER CHOICES	RESPONSES
Support	90.43% 444
Do Not Support	4.07% 20
No Preference	5.50% 27
TOTAL	491

(Includes mourning dove and white-winged dove)

Frameworks: 90 days, no more than 3 season segments

Earliest opening date: September 1st

Latest closing date: January 31st

The proposed 2022-23 season dates are:

September 3rd – October 1st

November 5th – November 26th

December 10th – January 31st.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	16	27	68	42	38	38	20	22	13	160
Do Not Support			3	2	1	2		1		11
No Preference	2	2	4		4	3	3		1	8
Total:	18	29	75	44	43	43	23	23	14	179

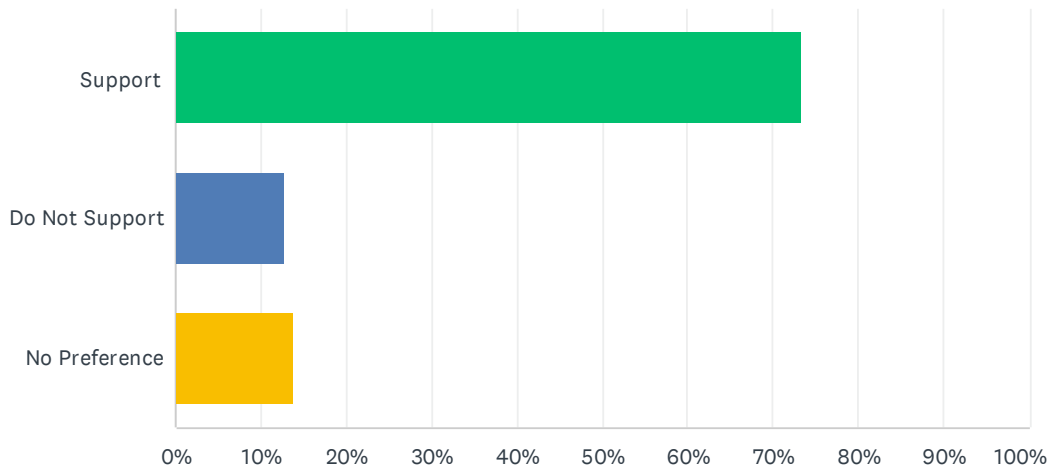
Dove Gun Season Comments

#	RESPONSES
1	I don't think it should open on a Sunday.
2	Season 1- 1st 2 full weeks of Sept and Labor Day Week Season 2 - Nov. 4 - Jan 31
3	Make the November thru January 31 a continuous season
4	It would be advantageous for avid dove hunters to rearrange the season into 2 segments. This would not only eliminate some confusion on season dates but maximize the opportunity to shoot migrating groups of doves. We propose the following for the 2022 season. Segment 1- the first 2 full weeks of September plus Labor Day weekend (13 days). Segment 2 Nov 4-Jan 31 (77 days). We hope you will seriously consider these suggestions and we would look forward to talking to you about it anytime.
5	I enjoy late season dove hunting now since the season runs through all of January
6	I think the season should go back to the old traditional opening day time of 12:00 noon in September
7	we get to much rain and need more time to hunt dove
8	Have for the most part supported NCWRC decision on seasons and bag limits according to their studies on populations of game.
9	I support lower bag limits
10	I would like to see the first season at 5-6 weeks and take days off one of the later seasons.
11	Needs to coincide with rabbit and squirrel season
12	Only reason for not supporting season proposal is it would be nice for waterfowl hunters if dove was open during the waterfowl split from November to december. Would prefer the season be nov 19 - Jan 31
13	Very Good Opportunities that fit the social calendar!
14	Either dove populations are way down or the migration to NC is getting later each year. The Labor Day weekend hunt has gone downhill each year for the last 10 years.
15	Sunday hunting will be helpful to those who are not able to hunt during the week because of job commitments. This will give weekend hunters more opportunities to become avidly involved.
16	lower daily limit to 12
17	Most people that I know just hunt the early season, anyway!
18	I'd like the late portion of the season run longer with less days in November. Would allow hunting when other seasons close.
19	No open season at noon. All day hunts please.
20	Archery deer season opens too early and interferes with dove season
21	Would prefer an earlier season opening date.
22	Would like to hunt on Sundays due to working 5 days a week to include Saturday.
23	I do not support this framework on the basis of it prohibiting hunting on Sunday. Sunday hunting should be allowed on both public and private lands. The Sunday prohibition, with its origins in the late 1800's, is not based on any should wildlife management principles.
24	Last segment closing season should coincide with rabbit and squirrel.

Migratory Game Bird Seasons

25	Would like to see it run from September 1 to November 26 without any break.
26	I would like to see it go into the next year for an additional week.
27	Not in support of the October 1st to November 5th split
28	Dove season does not need to start until the middle October and last thru mid February. The first doves season you only kill juvenile birds and there's nothing to eat on them.
29	Would really like to see the first split open and close 2-3 weeks later. Every year its warmer and birds migrate later it seems.
30	I don't understand the need for separate seasons. Just start the season September 3rd and end the season January 31st.
31	Allow Sunday hunting
32	I liked this framework in the 2021-22 season. It kept me occupied since the ducks never arrived in the mountains.
33	The season should come in later and go out later
34	Would like to be able hunt on sundays
35	I enjoy dove season at Labor Day.
36	Should be open longer
37	I would prefer to see an extra week in the first season instead of more time in November
38	Open on September 1st
39	Would extend second segment into the third to have only 2 segments. Allows more time after thanksgiving to hunt with family
40	Would like to go back to a 12pm start opening day.
41	Would like Sundays
42	This season would allow good opportunities and I do not see any radical changes, that would interfere with migration or nesting habits.
43	Keep it the way it is.

Woodcock Gun Season



ANSWER CHOICES	RESPONSES
Support	73.27% 74
Do Not Support	12.87% 13
No Preference	13.86% 14
TOTAL	101

Frameworks: 45 days, no more than 2 season segments

Earliest opening date: September 13th

Latest closing date: January 31st

The proposed 2022-23 season dates are:

December 10th – January 31st.

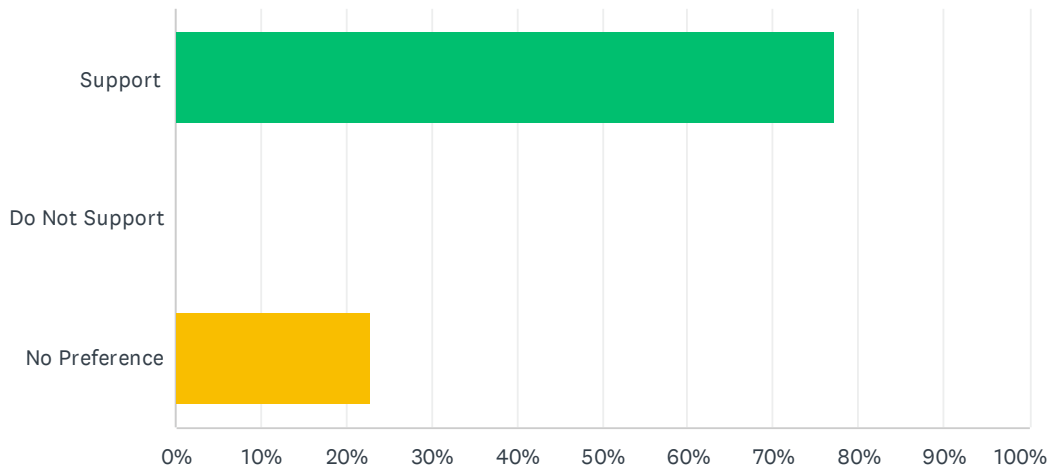
District	1	2	3	4	5	6	7	8	9	Not Specified
Support	3	7	13	2	9	5	3	3	3	26
Do Not Support		2	3	2				2		4
No Preference		1	3	2			1	1		6
Total:	3	10	19	6	9	5	4	6	3	36

Migratory Game Bird Seasons

Woodcock Gun Season Comments

#	RESPONSES
1	Extend to February 15
2	I like that the woodcock season runs all the way through the end of January. On the coast unless we get an early snow storm most woodcock do not show up until this late time frame.
3	Warmer winters are causing migrations to happen later
4	I propose the 45 day woodcock season start later and end later. I hunted several different areas in different regions in the state and noticed a large influx of birds the last week of the season and well into the month of February. If the season would start later then I believe the management of woodcock and enjoyment of hunters would increase significantly. Thank you for your time.
5	Needs to coincide with rabbit and squirrel season
6	Consider matching the season to the Quail season for practical upland hunting reasons. I believe Quail goes to the end of Feb.
7	Consider: Woodcock season to end with rabbit season and backup dates/days to season start.
8	wish the feds would give us more than 45 days
9	opening season earlier would be good
10	Increase woodcock total number of days framework.
11	Woodcock season should return to the old season and begin Dec. 1 ending Jan. 15.
12	Think our season should be earlier
13	Closing date should coincide with rabbit and squirrel
14	I think woodcock season should go into February. With the warm weather this year, I saw most birds toward the end of January.
15	If Sunday hunting is open for other migratory birds, I would not support Sunday hunting for woodcock. Longer spread of season allows for better chances of getting early or later flights. Sunday hunting would shorten season on one end or the other.
16	Season should go along with Quail. I'm seeing more than ever and I'm 62
17	Open the season to run with duck and dove seasons.
18	Should be longer season
19	From personal and profession experience I am aware that this species is in decline in eastern North Carolina and range wide. It's season should be decreased until the declines can be stabilized.
20	I can understand that woodcock populations are down and that we do need to allow for a higher chance of these birds to reproduce, but I hope the commission also sees this as a good effort to increase the amount of funding to habitat management.
21	Having kept a very detailed log of my woodcock seasons, moving the season up (Sept. 13) is for the most part pointless. If anything, the season should be extended the opposite direction (Feb. 28). In North Carolina, many years, we don't get the higher concentrations of migratory Woodcock until the end of the season. This past year was a classic case in point. End the season when quail season ends!

Snipe Season



ANSWER CHOICES	RESPONSES
Support	77.14% 27
Do Not Support	0.00% 0
No Preference	22.86% 8
TOTAL	35

Frameworks: 107 days, no more than 2 season segments

Earliest opening date: September 1st

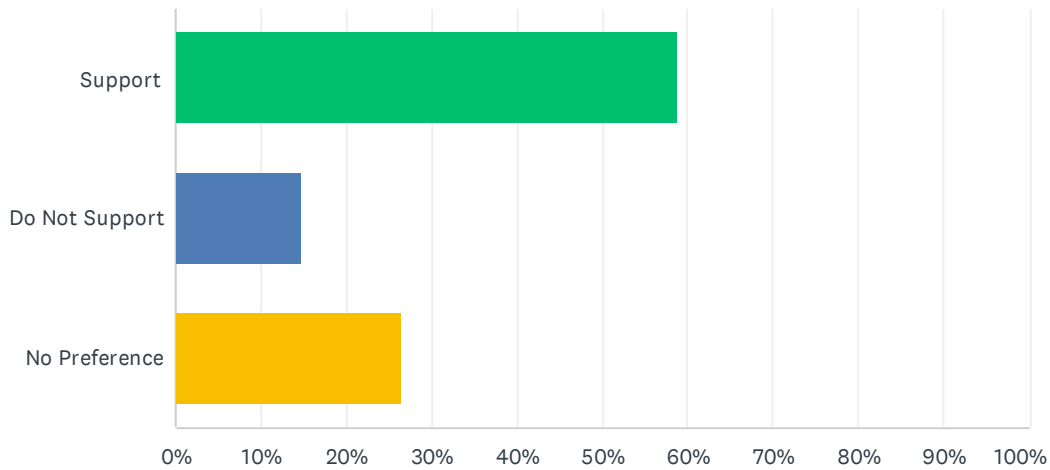
Latest closing date: February 28th

The proposed 2022-23 season dates are:

October 27th – February 28th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	1	4	5		2	1		1	2	11
Do Not Support										
No Preference			2	1	1		1	1		2
Total:	1	4	7	1	3	1	1	2	2	13

Rails, Gallinules, & Moorhens Gun Season



ANSWER CHOICES	RESPONSES	
Support	58.82%	20
Do Not Support	14.71%	5
No Preference	26.47%	9
TOTAL		34

Frameworks: 70 days, no more than 2 season segments

Earliest opening date: September 1st

Latest closing date: January 31st

The proposed 2022-23 season dates are:

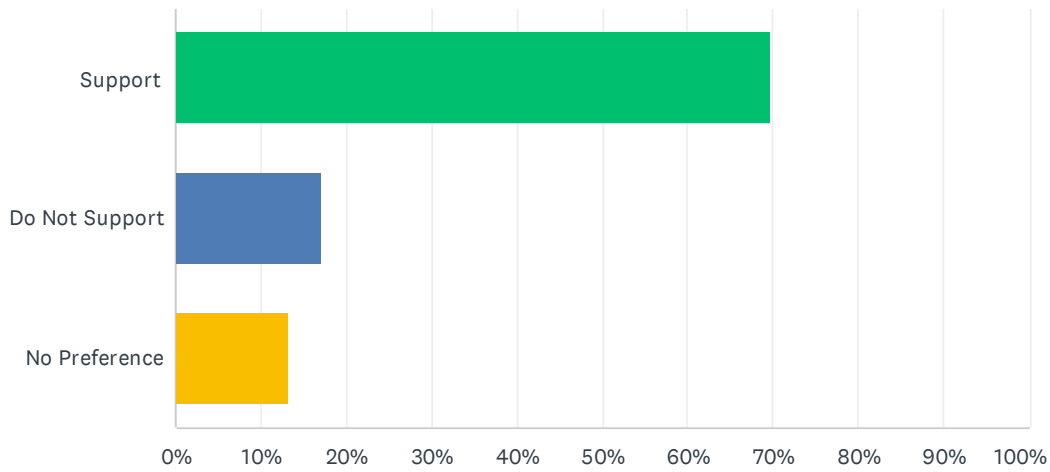
September 3rd – November 23rd.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	1	2	7		1	1	1	1		6
Do Not Support										5
No Preference			2	1	1			1		4
Total:	1	2	9	1	2	1	1	2		15

Rails, Gallinules, & Moorhens Gun Season Comments

#	RESPONSES	
1	Open season mid November thru January 31	
2	Beginning of season Runs concurrently with flounder fishing.	
3	September 1st to January 31st or have it the same as duck season	
4	I'd like to see the season go later, at least after thanksgiving.	
5	Outstanding Option for maximum hunt days, to include special teal season, native geese, and local waterfowl. Warmer weather and higher tides, naturally occurring or storm augmented, are Traditional times for marsh hen hunting in all of coastal NC. Great and Most sensible dates that can be annually be remembered and counted on!	
6	I would prefer to have the season open through the Saturday after Thanksgiving using the allowable split if possible.	
7	Rails is an early season thing, and I like hunting them before it gets too cold. I like the proposed seasons.	

September Teal Season



ANSWER CHOICES	RESPONSES	
Support	69.71%	191
Do Not Support	17.15%	47
No Preference	13.14%	36
TOTAL		274

Frameworks: 16 consecutive hunting days (east of US Hwy 17 only)

Earliest opening date: September 1st

Latest closing date: September 30th

The proposed 2022-23 season dates are:

September 13th – September 30th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	18	13	29	18	11	16	7	5	2	72
Do Not Support	5		7	4	5	4	2	1	1	18
No Preference	1	2	2	4	3	3	1	5	1	14
Total:	24	15	38	26	19	23	10	11	4	104

Migratory Game Bird Seasons

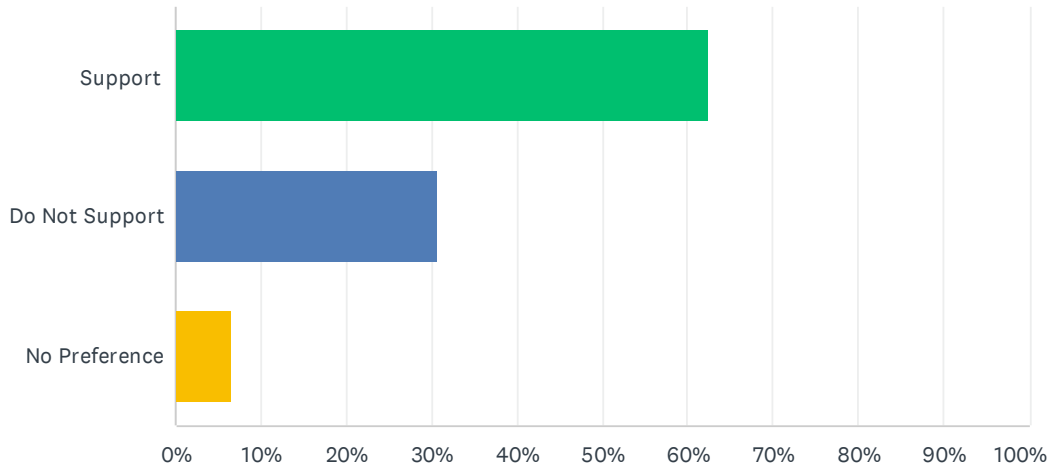
September Teal Season Comments

#	RESPONSES
1	Start the season earlier most of the teal I have ever seen migrate in august and early September
2	Season should be later in the year.
3	Can the western states get a teal season?
4	9/1 - 9/30
5	I don't understand why areas west of US Hwy 17 are not included in the September Teal Season. At least areas east of I-95
6	I like to 30 day season
7	3rd-24th
8	I would like to see teal season shortened to a two day season and the unused 14 days be added to the end of the regular waterfowl season
9	Should not be just east of 17. Should include the entire state.
10	see general duck season comment
11	The later in September the better, as these early migrants depend on maturing broods to make their long and arduous treks southward.
12	Allow Sunday hunting.
13	Should open on a Saturday.
14	Useless in my
15	I support the season, but I see a trend of it creeping toward the tail-end of the season. I see more and more inexperienced hunters in the impoundments each year during teal season. That makes me worry about other species being taken, un-retrieved (wanton waste), and not reported. I fear a late season promotes the unintended harvest of other species (especially as they display eclipse plumage which further confounds identification by an unexperienced hunter). Factor in low-light, minimal plumage, and excitement. I see lots of green wings here in early September. I appreciate how you are getting hunters involved in the decision process. Thank you.
16	It should be statewide.
17	I feel that if the season was close-down the 17 days prior to the season opening for the rest of the state, would help to increase the numbers of teal for the rest of the state.
18	I would like to see an early teal or early duck season in the western part of the state. I am a resident of the hickory area.
19	Virginia has a September teal season west of 95. Would NC consider this. In central NC we have blue wing and some green wing that come through some of our beaver swamps/ponds in September.
20	Hardly any birds are harvested during this season, why not let more birds migrate into our area without hunting pressure and the warm temperatures that we often experience into the fall will allow them to stay/spend more time in the large water ways on the eastern part of the state which could allow more hunter opportunity later into the season
21	I think most hunters would acknowledge it is a waist of time
22	Bring it the line farther west

Migratory Game Bird Seasons

23	I live in Iredell County North Carolina. During this time of year on multiple impoundments my family owns we have blue wing teal on them. Sometimes as many as 100. I feel that you should extend early real season across the state instead of only a select area. Thank you
24	I would prefer to see NC take the option that a few other states have of a shorter season that also allows for the take of Wood Ducks. Either way, I would like to see this as a statewide season as I have observed blue-wing teal west of HWY 85 in September.
25	More is better for teal season.
26	Teal season should be earlier in Sept. Bluewings start to migrate through coastal NC in late August. The bulk of them have usually passed through by mid Sept.
27	I would like to see a statewide teal season. Why limit the teal season to just east of 17. Hunters should have the opportunity to teal hunt statewide. Teal migrate thru other parts of the state also. Thanks
28	I feel like the teal numbers for NC are not high enough to qualify for a teal season in the month of September.
29	If there are enough teal in broader NC, also support extending this season to other zones.
30	Open this statewide, but the dates are good.
31	NCWRC should consider teal season for the entire state like VA does.
32	Allow Sunday hunting
33	An opportunity exists to add a youth waterfowl day to this season.
34	Open the season to the whole state the season is open to the whole state of South Carolina these birds leave my swamp where I can't shoot them and go 30 miles south and get shot.
35	I would support this if you gave hunters west of US 17 a duck to shoot at. Macon County sees groups of bluewing in late September.
36	Would rather see like Sept 9th or 10th start to incorporate more weekends for weekend hunters
37	Make East of 95 not east of 17
38	Bring Sunday hunting to NC
39	Let inland hunt too
40	Too short, 30 days or longer.
41	Add it to inland.
42	Add a teal season for inland
43	Too early. Too hot and never any birds. Push it back to October.
44	Should be statewide
45	Should be full date
46	Need to shut season down for a few seasons
47	Change dates to Sept 3 - Sept 19. Late august into first of september is when majority of teal push through.
48	Would love to see opened Sept 1 through Sept 16th. Teal have come through in late august thru early september last 2 years.
49	Why can't we have teal season West of 17? We have good groups of BWT. Make bag liMit 2
50	There should be a teal season in the inland section! Plenty of bluewing teal in wnc in September
51	How come it's not west of Hwy 17
52	Early teal season provides only opportunity to hunt certain game lands before the permit system eliminates access in later segments.
53	Love it. Keep it. As long as Wal-Mart keeps a steady supply of mosquito spray and therma-cells I will continue to hunt the September teal.

General Duck Season- Coastal Zone



ANSWER CHOICES	RESPONSES
Support	62.50% 345
Do Not Support	30.80% 170
No Preference	6.70% 37
TOTAL	552

Frameworks: 60 days, no more than 3 season segments

Earliest opening date: September 24th

Latest Closing date: January 31st

The proposed 2022-23 season dates are:

October 28th – October 29th

November 5th – November 26th

December 17th – January 31st

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	29	27	67	28	20	19	9	7	3	136
Do Not Support	21	13	25	19	9	8	4	2		69
No Preference	1	5	5	2	5	2	2	3	1	11
Total:	51	45	97	49	34	29	15	12	4	216

Migratory Game Bird Seasons

General Duck Season - Coastal Zone Comments

#	RESPONSES
1	The oct season needs to be moved earlier in the month
2	Nov 12th - Dec 3rd is the better option for the 2nd split, rather than all in November.
3	These are excellent season dates- gives hunters the opportunity to hunt when the ducks are here in higher numbers
4	Do away with the 2 day season in October as well as the first week in the November season, and add those days to the last "split". More birds move down to NC later and early February would be good hunting.
5	November season should be cut back to 15 thru 30
6	The two days in Late October don't make any sense to me. Let it be a week or two earlier
7	Sunday hunting for migratory waterfowl ?
8	Delete October hunting dates and add those days to December
9	Sunday hunting for migratory game birds?
10	The waterfowl season needs to be moved further in to the winter because very few ducks show up before the December 17th - January 31st season.
11	October season needs to be earlier as it has been in the past.
12	Not enough separation between the early dates in October and the true opening dates of November 5th. Also don't like the idea of season ending on a Tuesday. Isn't fair for kids in school or people with regular jobs to take advantage of weekend hunting.
13	Need to do away with the splits like a lot of other states have already done.
14	Needs to be open later
15	Season should end middle of February.
16	Would rather lose October days and early November to be able to hunt on sundays
17	Add the two day October season to the end of mid season. Staying too warm up north and here for birds to migrate to our coast.
18	I think the early duck season (Oct) should be a wk or 2 earlier
19	End season on sat jan27 Add sat dec 10 one day And Friday dec 16 in exchange
20	October 5th-8th November 5th-26th December 17th-January 28th
21	I like the late October date, however, I wouldn't be opposed to opening the first segment a week earlier. Reasoning: Wouldn't in essence be back-to-back Saturday openers (Oct. 29, Nov. 5) which might make participation more difficult for long distance hunters.
22	Prefer an earlier October Season similar to inland Zone. Start middle segment a week later with two week break before late season.
23	I feel with the change In Weather the season should be moved back into the first 2 weeks of Feb, taking away the first 2 weeks of the season would be fine with me
24	Why do we think it is a good idea to have the october split the week before the November opener? It makes no sense. We miss out on early October migrators, we miss out on having 4 days to hunt instead of two as under the old framework. We shoot at the same ducks that will see us a week later for November opener. The October coastal split should go back to early October and have 4 days. Everyone wanted to get rid of the October split in order to get more

Migratory Game Bird Seasons

January days. Now, thanks to Trump we get ALL the days in January regardless. The state is acting too late to remedy an old problem that does not exist anymore. Coastal hunters chase teal, and shovelers, and pintails in early October, resident mallards as well. By lowering the days, moving the season to the week before November opener we are essentially losing solid hunting days for a random Monday in early December when nothing is happening. Please give more time between the October early season and the November opener. Back to back weekends is ridiculous.

25	There are more early migrators in my opinion in early October as opposed to late season. Also, this almost loses the draw of "opening day" in Nov when you hunted the same areas the previous Saturday
26	We need a later closing date.
27	NC wildlife needs to do away with the October season completely in coastal NC and add those dates to the end of the season. Adding the dates to the end of the season would help sportsman take full advantage of the Migration in coastal NC. The Migration starts later every year, and having 2 days in October is a joke. Only thing around in coastal areas are local ducks.
28	9/24 - 1/31
29	Move back to one statewide early October week. This new framework actually puts more pressure on birds with people hunting inland and coastal zones
30	We need to give up the November season and pick up a February season.
31	Experience shows that our climate change is resulting in later migration occurrence due to warm weather occurring later into Fall. Starting the season later is a good choice.
32	Close the early seasons and give hunters more days later in the season. A closing of Feb 15th would be ideal for hunters as the cold weather is coming later each year. Of not possible for some Feb days...close early and allow more later in the season
33	Early season should be earlier in October and November season should start later and run later
34	Get rid of October dates and add to January
35	Recommend that the October season be moved to the early weeks of the month as was done in the past
36	Later season would be preferred. Traditional fly times have changed as the climate has changed. a shorter season but extended into end of FEB would be better
37	Open the duck season from Oct. 28 to Jan 31
38	Give more days in October
39	Put the four days back in October At the beginning of the month
40	October 5th-8th November 5th-26th December 17th - January 28th
41	The October season needs to be the second weekend like it used to be.
42	October season is too late in October.
43	I'd be in favor of extending the season into early February and starting the November season earlier (or even eliminating the Oct season).
44	Extend the season later and cut out the front end, allow Sunday hunting so working hunters can hunt more than one day a week
45	Duck season should end on Sat Jan 28, not a Tuesday. Add those days to October season.
46	I suggest moving the two October days to early Feb.
47	Earlier in October over Veterans Day weekend
48	This framework severely limits diver hunters because they are not here until December and this year in my area the divers arrived in January. Do something to help us diver hunters.
49	October 5th-8th November 5th-November 26 December 17th-January 28th

Migratory Game Bird Seasons

50	get rid of october days and eliminate first week in november and give 9 days in february
51	The season should be extended into Feb. The past few years it seems the migratory patterns have changed and the birds come through more in mid Feb than the end of January.
52	Would like to see a week taken from the beginning of the middle season and added to the end of the mid season. So the first weekend in December is huntable.
53	Seems a smart move given the migratory dates of most dabblers
54	The early season is not a productive hunt. Seasons should be extended in February and cut out October hunt
55	All 3 splits should shift later into the year into the new year. Migration has progressively getting later each year
56	There is no reason for us to have an October & November season in North Carolina. If anyone on the NCWRC board was a waterfowl hunter, they would know this. We simply do not get cold weather until January if we're lucky. Start the first split in Mid December, let us hunt for 30 days. Then we'll have our two week resting period. Then let us hunt 30 more days into February whenever there is actually some birds in our area. Any true NC duck hunter can tell you that our waterfowl season is pitiful until January, and even sometimes it's pitiful in January. Nobody cares about Mergansers limits raised, nobody cares that you're limiting our scoter limits. Give us a waterfowl season in a time period(December-February) when it's actually worth getting out there and hunting.
57	Do away with the October season, Don't Start till Thanksgiving.
58	Due to migration changes and waterfowl arriving later in NC I feel the following changes would benefit our state. Drop October dates, shorten the mid season to run Nov 21-30, add the 16 days from mid season to the late season when the cold weather and ducks actually arrive.
59	Push hunting days into February
60	With the heat of the south east why don't we stop with the splits and move to a continued season starting in mid December. Our coldest day are in lat January and early February. Keep a 7 day early season in the early part of November, but then open the season for 60 straight day starting around December 15th. This will hopefully allow more time for the migration to come to us. no one like swatting knots and misquotes while we hunt ducks.
61	It would be best to extend the late season into the second week of February. North Carolina coastal ducks don't show up until end of January and 1 of February when the weather up north really gets cold.
62	I would like to see the entire season moved ahead 1 month. The ducks haven't been showing up in decent numbers until the end of the season.
63	I would prefer 2 splits...21 nov to 26 nov...15 Dec to 11 Feb for the general season with the two bonus sat days to follow
64	Would prefer October season to be earlier
65	Remove the early season and add it the last split.
66	I find no reason to have such a large season in November. Due to weather and migration changes, we should eliminate a portion of the season to add an extra week extended into January. November in North Carolina continues to be too warm for duck hunting, making it pointless in impoundment type migration hunts.
67	Reconsider allowing the hunting of migratory birds on Sunday! Its Time!
68	Allow Sunday Hunting. Make Wednesday a no hunting day.
69	We need a straight 60 day season
70	Allow Sunday hunting
71	moving the October season later was a great decision. I finally feel that the dates are as good as could be.
72	If we loose any days take away from October and 1st of November

Migratory Game Bird Seasons

73	we do not need the October season even though it has been reduced to only 2 days. Bring the season back in 2 days earlier in December
74	Ducks are showing up later and staying longer in NC. Duck seasons are being affected by Climate Change just like everything else. Seasons should be adjusted accordingly.
75	Move November season back two weeks and move the Dec-Jan season back two weeks.
76	Open Sunday hunting
77	2 days in October is not worth the effort. Just scrap that and add those 2 days to the front of the late season (i.e. Dec 15- Jan 31). Also, less confusion with two main seasons.
78	Get rid of the October season and let us hunt on Sunday
79	Prefer the "October Season" be earlier in October and the November season start a week later in November. The proposed dates essentially start the November season in late-October. Season should end on a Saturday (1/28). Add days in November or December. Doing this would also lessen the pressure for youth day. Youth day needs to be a great experience to keep younger hunters interested
80	I would get rid of October season and add to last segment.
81	the october season needs to be 4 days again
82	Get rid of the Oct dates and add them to either of the other seasons.
83	more hunting days in December
84	I believe the October season should be a couple weeks earlier like it used to be. This allowed the ducks more of a rest before things get into full swing and the wood duck hunting is great in early October. Also, I think we should make the mid season split about 3 weeks instead of 1 week, and extend the season into February a week or 2. Most of the time were just getting cold weather about the time of the split and it would be nice to let them all be able to fly down with the cold weather without being pressured so much.
85	I support the seasons as proposed, but I'm noticing a trend that we get birds earlier than many years past.
86	I support moving the October dates into February for NC
87	An abundance of hunters travel long distances to hunt. They add money to the local economies. Starting the last segment on Dec 15 and removing Jan 30, 31 makes more sense. Late week makes more travel sense than early week. Thanks for all you do to make duck fellowship possible.
88	Back it up to more than just a week before the second split.
89	Second Segment November 19 - December 3 Third Segment December 10 - January 31 Due to warmer winters, we do not have any ducks until later in November. Push our season back one or two weeks in November. You take 3 weeks away in late November and early December when we start to see more ducks in NC. Have one youth day in November (5th) and one in February (4th).
90	We are missing the early flights of ducks in October. The late October season is on top of the November opener. Why did the state change the dates to late October?!
91	January season needs to be split and February added as part of the split. For the last several years our flyway is scarce of ducks until February gets here and up north finally freezes up. This year we had ducks again show up youth week and through out February. Also get rid of the county blind laws taking up public water. A majority of these blinds aren't hunted but placed on land to prevent public hunters from hunting; that's a fact! If you aren't in that blind with decoys out 1 hour before sunrise them let the public hunter hunt from his boat. A thousand yards of shoreline taken up by this rule. You want youth to hunt to maintain our history then let us hunt. Impoundments are an issue as well for they aren't checked or regulated much at all; if a farmer produced as much corn as an impoundment they would all be Bill Gates. Wardens turn a blind eye and guides know it; money and politics the norm. Also tell your wardens that when a call is made for harassment it is their job to respond, not say get your decoys up and just move!

Migratory Game Bird Seasons

92	I wish it was open a little later in the year it was so warm for most of the season
93	Recommend Shifting the seasons to later dates as the coastal region is not getting cold enough weather in the early season or the beginning of second season. I'd like to see the second season end around Feb. 15
94	The October season should be put back in the coastal zone to the first week of October.
95	Eliminate early season and make it one long season instead of 3
96	I believe the season should open later in November and have less time between the November 26th - December 17th split. This will allow weather to get cold enough to force birds to migrate before the season opens
97	Duck numbers are obviously down for NC hunters, raising a concern for avid waterfowlers. A 60 day season and imposed dates are great but we (including us hunters who care) need to make sure hunter opportunity is going to be available for many years to come.
98	DO away with the October season.
99	Again the season should end on a saturday so everyone has a chance to hunt the last day
100	I would like to see a longer Wood duck season
101	Needs to be moved back a month, ducks are just showing up in our area at the end of January.
102	A 2 day period is too small a time frame. Would recommend one week in this time frame instead.
103	Way to early for migrating waterfowl in November
104	I have been hunting here for 50 years wood duck numbers are good for swamp hunting but puddle duck harvests are way down in the coastal areas climate change or just bad bird counts ... dont need an october season pr an early novemberseason and that break is terrible if any ducks ar here if the season is as bad as the last 3 they nshould consider cutting way back on the days because there just are not the numbers of ducks there has been
105	The November season should start one week later than proposed. 3 weeks is too long between the November & December seasons. I prefer 2 weeks in between November/December seasons. Also duck and bear season should start on the same date. All the shooting from duck hunting the previous week drives bears out of huntable areas into deep cover.
106	I am in full support of the added week in between the 2nd and 3rd segments. I believe this is helping in building back up population numbers as well as giving more time for birds to migrate south more for colder weather.
107	Introduce Sunday hunting and remove a weekday hunt in exchange.
108	As a North Carolina Duck hunter I really think the season should be pushed back later. We don't get ducks to show up till after duck season is over. The way the weather is in North Carolina the date for duck season does not match up with the bird flow of North Carolina. The number of birds that are being shot are getting lower and lower each year. I not only hunt ducks because I love it. I hunt ducks to be able to show people that going out and harvesting your food is not wrong. We the duck hunters of North Carolina are asking for help. Will you guys please push the season back by just a little at least. Doesn't have to be much. Thank you for your time. Tony Faison
109	Would rather see the second split start on November 12-December 3
110	Better than previous early Oct season. Would rather have 10/28 & 10/29 added to end of Nov.
111	I chose "Do Not Support" because I would prefer to eliminate the two days in October completely and just have two segments. I would start the second segment later and add Sundays to our season as nearly every other state is now doing. I have not seen a waterfowl management plan that indicates a Sunday prohibition on hunting is a benefit. Yes, pressure can move birds around but that is more localized and weather and the availability of food has a bigger impact on moving birds completely out of the area. This should apply to hunting on both private and public land. With this prohibition coming from the late 1800's, I do not believe it is based on any wildlife management plan and I do believe that the recent study conducted by the Wildlife Commission showed that there is support for waterfowl hunting on Sunday and that

Migratory Game Bird Seasons

is is sustainable. I say this as a retired person who can hunt any day of the week so personally, it does not really impact my opportunities to hunt. But for the younger generation who are still working and raising families that do not have my flexibility, this would be a benefit for them and help continue our tradition of hunting, and by association, conservation. The season should continue until Jan 31st as the later parts of our season are always the best in my experience. I would also like to see less overlap in the east and west zones. I believe this past season there were 3-4 days in the inland season that were not also in the coastal season.

112	Would like to see the season come in later and go out middle to end of February
113	Would like it to be October 1 through the 29
114	October 28th-October 29th is too close to the November 5th-November 26th date. It's literally the next weekend.
115	Please add in Sunday for waterfowl. Some of us only have one day on Saturday to hunt.
116	Having a 2 day Oct season 1 week before the "November" split doesn't make sense. The October split should be earlier in the month and extended to its original 4 days. Take the extra 2 days off the beginning of the last split.
117	The hunting of impoundments has severely affected the coastal duck hunting. Restrictions on the impoundment hunting dates needs to be limited
118	Take out the two day season and add to end of what would be first split or beginning of second
119	In my opinion I think the two days in October are pointless. It is still way to hot here in NC to really get on any birds. It would be really nice if we could open the season around mid November and push the season back into February.
120	I don't agree with the changes to the Sea Duck season and bag limit. I saw more than I've ever seen this past January and I've been hunting them for 15 years
121	Add the October days to the end of January.
122	Do not see a need for a 2 day season followed by a 1 week split
123	I agree with season dates, but would like to see species such as black duck and scaulp be legal to shoot on opening day for numerous reasons. I do agree with the 3 week separation between mid and late season rather than the 2 week also.
124	Appreciate the NCWRC maximizing our days into the 1/31 framework.
125	Only allow hunting 4 out of 7 days a week. Birds are becoming nocturnal.
126	Open November 3rd. Get rid of October season.
127	Needs to be later . Dec- feb. climate is changing seasons should too
128	Get rid of October its a waste. Add two days to start of 3rd split
129	Oct. 7-8th
130	Agree
131	Ending the season on a Monday and Tuesday is not something that will promote waterfowl hunting across our State. Most clubs end hunting on the last Saturday of the season and our spouses expect us home at the end of that last weekend. Additionally, ending on a Saturday allows for hunters to close out their season and clean up their gear on a weekend. I think instead of ending on those 2 days, start the December season on 12/16/2022 and 11/4/2022. That would allow more people to utilize the weekend for more hunting opportunities vs ending on a weekday.
132	First season is fine, but offer more hunting days by starting November 5th and ending January 31st.
133	Climate change is pushing the migration later and the agricultural impact on subaquatic vegetation is preventing ducks from sticking around.
134	Allow Sunday hunting
135	November season is best segment, ducks most plentiful

Migratory Game Bird Seasons

136	I believe that the November 26 season should be extended and the January 31 deadline shortened. I have never seen birds come in for the late season and think it would be better if I can hunt while they're still flying.
137	Evident by climate change from North to South ducks are arriving in NC later each year. My suggestion is to eliminate days in November and add to February. The early days in October and Nov only benefit a select few while days in Feb would benefit a much larger % of duck hunters.
138	Season needs to be concentrated as late as possible with warmer winters now.
139	Get rid of the October days or just have it on that Saturday.
140	Get rid of the October season.
141	Move the October season to the first weekend in October so hunters all over the coastal zone can hunt teal while they are still around
142	End October season. Extend 3rd split
143	No reason we should have split opening season and second we should take away October and go into February when it's actually cold around here
144	Would recommend eliminating the 2 days in October and adding it to the third segment
145	Is the October season really necessary. Would like to see more time added to the end of the season
146	Give us more days in October, move the last day of the last segment back to around January 20, move youth days to the beginning of the first or second segments , reduce the bag limit to 4, and ALLOW season all around baiting.
147	make november back to normal
148	Season needs to shift to the right.
149	Would rather lump October days into November or later seasons
150	Prefer an earlier 1st season
151	October season is frankly a wash as the birds simply aren't in NC in large numbers at that time. Would rather push more time into early December.
152	You ask for comments and input after you have decided what you are going to do. It doesn't matter what comments you get. The decisions have already been made. Example: establishing coastal and inland zones last year.
153	We need to extend it through March. The reason is the birds are migrating later.
154	Allow Sunday hunting
155	The november season for alot of hunters in NC there isnt much hunting to do inland and at the beaches mostly local waterfowl because it hasnt gotten cold enough up north for the waterfowl to migrate to the south. Alot of hunter you will fine would rather have the november season gone and and a couple weekends in february when its colder and there are more birds. Thank you
156	Why don't why just add the 2 October dates on to the end of the season?
157	Take away the October split, add the days to the beginning of November
158	Oct 21-22nd for early season would also be good
159	BRING SUNDAY HUNTING TO NC
160	Do all you can to move duck season to the 60 day "last possible" window. Give three days in Nov only. We took more birds in the two late/veteran Saturdays than we did the rest of the season.
161	The seasons should come in later and go out later.
162	Bring back the early October season

Migratory Game Bird Seasons

163	Rarely does the US climate support a migration that brings good numbers of birds down early. Combine that with this years avian flu and the season was dismal. Early season dates should be used to extend season later into winter.
164	I don't understand opening the season up for 2 days. Oct 28-29?
165	Take away oct season add dates to earlier December start date
166	Remove Oct. dates. Move to early Dec.
167	November 5th is too early, would rather have it moved later in the year
168	Season needs to be shifted into February. Migratory birds are showing up later in the season.
169	Migrating Birds are coming later
170	Last season should start after Christmas and run through the middle of February.
171	Skip early seasons and extend into February
172	The general consensus with the people I hunt with is that global warming is delaying the waterfowl migration. It would be recommended that the latest closing date be pushed into February. Thanks
173	Please open waterfowl hunting on Sundays.
174	Prefer to eliminate October season and add to Nov or Dec seasons.
175	It does seem that there is a trend for the migration to be more delayed recently. Perhaps extending the season into the first week of February would be prudent.
176	Make the first season a 3 day season and take the rate off the end of November
177	Season should start later
178	Allow Sunday hunting to allow more hunting opportunities for those that work.
179	Do away with the 28-29th of October and tack in on to the end of the season and let it run through February 2nd
180	extend season on third split/ increase daily bag limit on pintails 2 per day
181	With how the weather is changing year to year, I suggest that the duck season be pushed back a few weeks as well as being able to hunt for a few Sunday's. Being a full time working American that has no chance of getting weekdays off, my friends and fellow hunters in this area only get to hunt Saturdays. That's less than a dozen opportunities to be out there. The early season is almost too hot for any kind of waterfowl to fly. I thank whoever reads this for their time and hopefully it's taken into consideration. Respectfully, Dustin Terhune Dustin.terhune@gmail.com (910)818-6506
182	Due to the annual weather patterns pushing colder weather further into late January and February, it would kbe more beneficial to duck hunters to forfeit October in exchange for hunting privileges in February.
183	Make it longer into February
184	Move the October season to the end of November
185	January 31st does not allow time for ducks to be present in North Carolina.
186	strongly support pushing it back a week or 2 and extending into feb
187	I will always support the season! But the ducks are coming down later and later each year and think we should push our season to be past January 31st if possible!
188	We don't need an October 2 day season. I would rather have those two days in December
189	Go back to the earlier October dates
190	Need to shut season down in NC for a season or two
191	I believe we need to eliminate the two days in October and make a 2 day hunt in February. Ducks simply are not down here for that season. Truthfully ducks are not in this state until late

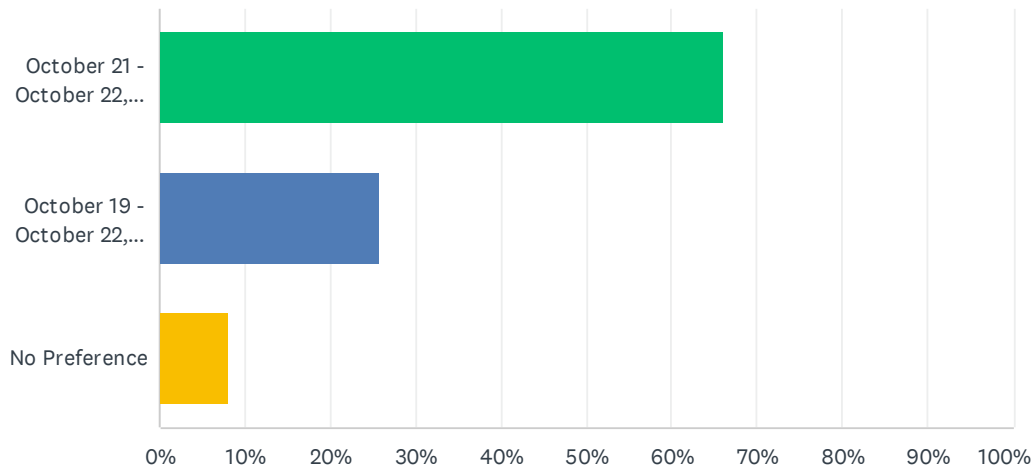
Migratory Game Bird Seasons

January. Every year I go out for the late goose season and see 10,000 ducks being completely modest. But throughout the whole duck season maybe see 1,000 total.

192	The october season should be 3 days and a week earlier. This makes the most sense and give you the best opportunity for early ducks.
193	Start 1st season later and push season back into February
194	I dont support hunting on Sunday. I think Black duck should start Nov 5th. Also think bag limits should stay the same throughout the season, amd no change midway through.
195	I think the season should go longer than Jan 31st because the weather here isn't really cold till February and that's when the birds are flying. Get rid of the first segment.
196	Please go back to an early October duck two or three day. The blue wing teal are gone and the dates interfere with prime rifle deer season
197	Drop the October season give it to us in December
198	Start 7-10 days later in November and this would open Sundays up.
199	As a hunting community, we have been beaten and battered during the 1st and beginning of the second split for all the seasons I can remember. Personally I would prefer a dual split segment starting Nov. 5-16 and starting back on or around December 1 and running through Jan. 31. It never gets cold enough to have good pushes of birds until the later part of the year and into the beginning of January.
200	Remove October season and move dates to December. Add Sunday hunting
201	My preference would be to have the October dates be either the 14-15 or 7-8. I don't see the real benefit of having the 2 days so late in October especially considering the 2nd split would open only 1 week later.
202	I really like the 2 separate zones (inland and coastal). I like the dates listed above I think they are good. But I know it will never happen but the better option is to take that first week of November and use it for the first week of February. It's getting colder later and later every year and the best duck hunting is the end of January and the first 2 weeks of February.

Migratory Game Bird Seasons

General Duck Season - Inland Zone



ANSWER CHOICES	RESPONSES	
October 21 - October 22, November 5 - November 26, December 17 - January 31	66.07%	294
October 19 - October 22, November 5 - November 26, December 17 - January 28	25.84%	115
No Preference	8.09%	36
TOTAL		445

Frameworks: 60 days, no more than 3 season segments

Earliest opening date: September 24th

Latest Closing date: January 31st

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	4	7	65	33	37	31	18	21	2	76
Do Not Support	1	1	18	12	10	23	9	8	7	26
No Preference		1	8	1	3	2	2	4		15
Total:	5	9	91	46	50	56	29	33	9	117

Migratory Game Bird Seasons

General Duck Season - Inland Zone Comments

#	RESPONSES
1	Please consider extending the season into February. Ducks aren't in the western part of the state until late.
2	Would prefer that the season come in the following Saturday Nov 12th and run until Dec 3rd, instead of the Nov options listed. Normally don't see any migrator birds until the middle/end of Nov.
3	Add the October days and first week of the November season to the last split
4	Don't let fishermen on Harris lake the days of duck hunting, I don't hunt when they fish. Duck hunting only!!!!
5	change early season back to first week of october. ducks raised where I live leave before 19th october.
6	Would rather lose October days and early November to be able to hunt on sundays
7	Reduce all NC Lifetime hunting licenses (resident & non-resident) for 2 weeks.
8	I like this as the second and third segments are the same as the Coastal Zone. Avoids the "date confusion" complaints I heard from various hunters all last year although I didn't see it that way.
9	Move back to one statewide early October week. This new framework actually puts more pressure on birds with people hunting inland and coastal zones
10	We need to get rid of the October and November seasons and pick up a season in February.
11	Oct 19-22 Nov 5-26 Dec 17-Jan 31 This would be preferable dates
12	There should be an option for the season to start later in November by a week and open in December a week earlier. 3 weeks in between end of second segment and start of third is too long.
13	Get rid of October dates and add to January Local resident waterfowl are slaughtered in october.
14	would be nice to go from Oct. 28th to Jan. 31
15	October 6-8 early season. Early split dates this year was terrible. All the local birds completely were gone by October 15 and that screwed up the first and second split completely. The first 2 splits need a month apart for more birds to pile in because the migration doesn't start till December here anyway.
16	whats the point of choosing two days and still having a 3 week split at peak migration. Move wood ducks back to 1st or 2nd week of October shorten 2nd split. If nothing else stop changing the damn season every year.
17	Almost zero difference. Please open sundays.
18	i would prefer the Oct season going back to the beginning of the month. more chance to get to see teal.
19	Like the coastal comment I made. Would like to see the first week of the November season added to the end of that middle season so we can hunt the first weekend in December.
20	Last session should be into February.
21	Should push all 3 splits to later dates; migration in NC has progressively gotten later each year
22	The later the season the better. Migrations seems to be later and later.

Migratory Game Bird Seasons

23	Change to two segments starting Thanksgiving.
24	Put restrictions against camping in holes
25	Again moving the entire season ahead 1 month would allow for more ducks to arrive.
26	The season should be extended into February. Many times the migratory ducks are not coming into the area until after hunting season has ended.
27	Consider waterfowl hunting on SUNDAY
28	Take away October and some of November. Let us hunt a week or 2 into February when the ducks are actually in NC
29	Think about deleting Oct season and pushing season into February. It's not cold enough to push northern birds down until late January at the earliest. I'm tired of paying a lot of money and getting a few shots at local birds and then watch the migratory birds come in February when season is closed.
30	Lobby for federal guidelines to change to extend season past Jan 31.
31	Please explain the why/how of these guidelines
32	I like the first option. Would be nice if Sundays are included extending the first segment to October 23, and the second segment to November 27, allowing 12 more days for weekend hunters.
33	increase in merganser limit too large
34	I would support moving as late as possible, into February would be ideal
35	We used to have the season first part of October, now mid And late October. The early flights are already in Florida by the time our season comes in.??? Why was this change made!??
36	Second Segment November 19 - December 3 Third Segment December 10 - January 31 Due to warmer winters, we do not have any ducks until later in November. Push our season back one or two weeks in November. You take 3 weeks away in late November and early December when we start to see more ducks in NC. Have one youth day in November (5th) and one in February (4th).
37	I would advocate for a September season that consisted of two or three days.
38	I would rather see the extra hunting days in January when there is more potential to have higher bird numbers.
39	None of these Seasons are acceptable! The duck season needs to start later and end later! The ducks have not shown up the last three years until the season was over or almost over! Move the date for the close of the season to February 11th or 18th, 2023. Goose season goes until this date.
40	Migrating ducks aren't in NC in October, sure we see residents and normal year round species but movers have not made it our way yet, need to make sure the opportunity for hunters to be successful is present for the given season.
41	The season needs to go out on a saturday not a monday
42	I like the few extra days for Wood ducks
43	Please end our ridiculous Sunday hunting restriction
44	The November season should start one week later than proposed. 3 weeks is too long between the November & December seasons. I prefer 2 weeks in between November/December seasons
45	Not worth going to only take 2 mallards
46	To be honest I would like to see the third split different. I feel like that the we need to take away the December dates and extend the season by two weeks.
47	Needs to extend into February. The best portion of duck migration was the first 2 weeks in February while out pulling blinds and general Maintenance on the farm I saw more ducks in that time frame than I did all 41 days of hunting combined

Migratory Game Bird Seasons

48	With NC's unpredictable weather season should extend into February some.
49	My comments here are largely the same as I made for the coastal zone. I chose the first option because it extends to Jan 31st. Actually, I would prefer to eliminate the two days in October completely and just have two segments. I would start the second segment later and add Sundays to our season as nearly every other state is now doing. I have not seen a waterfowl management plan that indicates a Sunday prohibition on hunting is a benefit. Yes, pressure can move birds around but that is more localized and weather and the availability of food has a bigger impact on moving birds completely out of the area. This should apply to hunting on both private and public land. With this prohibition coming from the late 1800's, I do not believe it is based on any wildlife management plan and I do believe that the recent study conducted by the Wildlife Commission showed that there is support for waterfowl hunting on Sunday and that is sustainable. I say this as a retired person who can hunt any day of the week so personally, it does not really impact my opportunities to hunt. But for the younger generation who are still working and raising families that do not have my flexibility, this would be a benefit for them and help continue our tradition of hunting, and by association, conservation. The season should continue until Jan 31st as the later parts of our season are always the best in my experience. I would also like to see less overlap in the east and west zones. I believe this past season there were 3-4 days in the inland season that were not also in the coastal season.
50	Would like it changed to 70 days
51	There should be at least 3 days in the first split. Make the middle season start 2 weeks after the first. Let the last split season stay open till the 31st of January. There should be more days at the beginning than 2... take a day or 2 from the beginning of the second split and add it to the first with the one selected.
52	Please add duck hunting on Sunday. Some of us only have Saturday to hunt.
53	We need all the days we can get inland to hope for a migration
54	Extend the latest closing date, the last several seasons it has been harder to harvest waterfowl due to little or no migration .
55	In my opinion I think the two days in October are pointless. It is still way to hot here in NC to really get on any birds. It would be really nice if we could open the season around mid November and push the season back into February.
56	I would prefer later dates all around considering it seems as if the ducks never show up until season goes out.
57	Consider reducing the number of days
58	Need another option....remove the October split and add it to the start of 3rd split
59	Do NOT support an inland zone !
60	It would be better with just two seasons, with the second starting October 22nd and ending January 31st.
61	Needs to be extended to end of February
62	Early season should be moved back to early Oct, the options in this section are biased and do not allow us to properly comment. I have a preference and the above choices will not allow me to select a proper choice.
63	Ducks show up late in eastern NC. Start and finish the season later.
64	Allow Sunday hunting
65	We need to move the opener back and extend the season past January 31. The change in weather has tremendously moved the migration to later in the year.
66	I believe that the November 26 season should be extended and the January 31 deadline shortened. I have never seen birds come in for the late season and think it would be better if I can hunt while they're still flying.
67	Regarding bag limits on Hooded Merganser from 2 to 5 is ridiculous! People just throw them in the bushes, it's not like they clean them and eat them seriously!

Migratory Game Bird Seasons

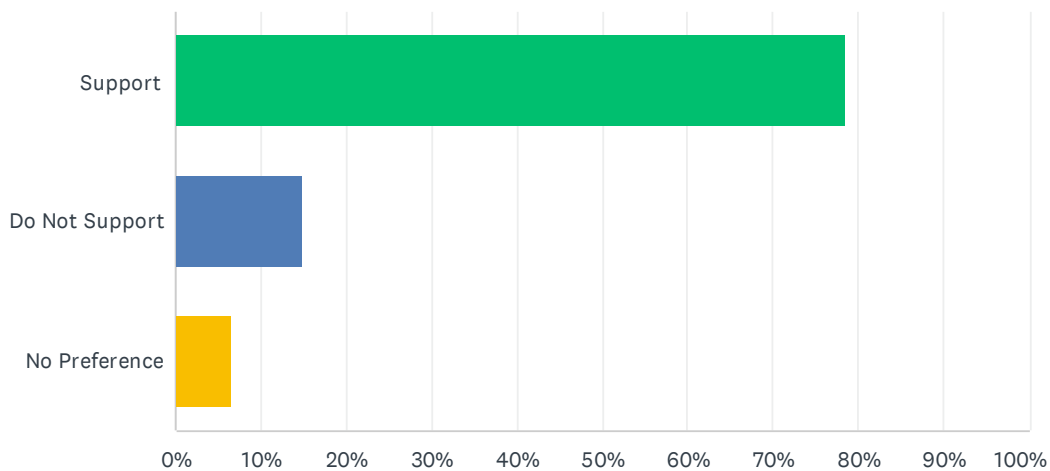
68	Get rid of the October Season and move it into Feb. Western NC is still 2 weeks from a migration in October
69	Get rid of the October season.
70	Run the season the week of Thanksgiving and add the rest of the second split into February. The first two weeks of February and eliminate the special youth days. Love my kids but they can hunt almost everyday already
71	Season needs to shift to the right.
72	Why, why, why are you pushing the early split into late October? I tried it in the 2021-2022 season and the early split resembled more of the November "lull." No bluewings around and most wood ducks had already left with the early cold fronts. Here in the mountains, our best chance at bluewing teal and wood ducks are early October (or September). This is our bread and butter until we actually get a "real" winter that pushes new ducks in January.
73	Neither is ideal. October season is not productive for most species, as the migration is not in full swing yet for our state. Those days are better used pushed into December.
74	Need later date
75	You have already decided what you are going to do.
76	Allow Sunday hunting
77	In my personal opinion I believe the October hunting season should be done away with and added to the December season for the fact not many birds have moved done until later in the season
78	Do away with the October Season. Add those days to end of November Season when there are actually ducks here.
79	Same comments as coastal zone - move as far right as you can
80	Make longer
81	Longer please!
82	Neither, I'm against the November 5th start and longer second split
83	Leave season open longer inland. We don't get birds here until season is already over and open hunting on Sundays like the rest of the country!
84	skip the October dates and add to November/Dec
85	Please open waterfowl hunting on Sundays.
86	Prefer to run season from Dec 17-Feb 21st
87	Please ban hunting over flooded unharvested row crops.
88	I've noticed tons of blue wing teal in September so why don't the inland have a September teal season? Seen plenty of them on farm ponds in Gaston county.
89	Get rid of the October season and more dates when it's colder.
90	I do not support either of these. October season needs to be the first weekend in October.
91	Why not 60 days straight starting the last Saturday in October! Massive amount of good duck hunting is lost between the second and third split.
92	Due to the annual weather patterns pushing colder weather further into late January and February, it would kbe more beneficial to duck hunters to forfeit October in exchange for hunting privileges in February.
93	Get rid of the two October days and add them to December. We don't need an October season
94	Need to close season for a year or two
95	How about we do away with that ridiculous split between 11/26 and 12/17? It really screws hunters in the western part of the state when a majority of our birds are seen mid November

Migratory Game Bird Seasons

until the 3rd split. When we come back in for the third split it's just a boat ride and a biscuit with most of our days coming out with no ducks. Take 2 weeks away from the end of January and just give us those 2 weeks in December. I would rather see birds than freeze to death and see nothing in late January.

96	Start 1st season later and push season back into February
97	The later, the better. The birds don't really get here until late January, anyway. The feds rally need to allow you to set the seasons into mid-February.
98	Please go back to an early October season. Late October the blue wing teal are long gone.
99	Sunday is a time for rest for these birds . I'm a strong waterfowl hunter but Sunday is a rest for them
100	Much greater chance of success in Oct seasons before the permit system eliminates better hunting areas in later segments.
101	Make it come in November and stay in till end of December then make a small season at end of January
102	This season would allow good opportunities and I do not see any radical changes, that would interfere with migration or nesting habits.
103	The reason I chose this one is because it is very good wood duck hunting in October for the inland zone and I'd love to have 4 days to target them. Even with the inland zone going out earlier in January you can still hunt the coastal zone. The 4 days in October needs to stay 4 days, I didn't really like last year with only 3 and I definitely don't think 2 days in the answer for October in the inland.
104	Eliminate the October season and add to either remaining split, preferably the second

Canada Goose Season - Resident Zone



ANSWER CHOICES	RESPONSES	
Support	78.49%	270
Do Not Support	14.83%	51
No Preference	6.69%	23
TOTAL		344

(Also includes white-fronted geese) – Resident Population (RP) Zone

Frameworks: 80 days, no more than 3 season segments

Earliest opening date: October 1st

Closing date: March 10th

The proposed 2022-23 season dates are:

October 21st – October 29th

November 5th – November 26th

December 17th – February 11th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	14	9	47	25	24	25	14	17	6	89
Do Not Support	1	2	6	3	6	6	4	5	3	15
No Preference		1	7	1		1	3	1	1	8
Total:	15	12	60	29	30	32	21	23	10	112

Migratory Game Bird Seasons

Canada Goose Season - Resident Zone Comments

#	RESPONSES
1	Keep goose open until March 10th
2	There are no wild geese in this state during hunting season. Season can be any length of time as it is nearly impossible to bag a Canada goose outside of September season.
3	Make the season go through the end of February like before.
4	Petition federal to move to October. Still hunting locals geese into November because of weather staying warmer up north.
5	Still need another week in February to help control the population. The extra days in February are better than in early September.
6	Later closing date, take out October season.
7	Resident Canada Geese have become so numerous that they now create nuisances and destruction on private property and ponds (including mine in particular) and safety issues on public streets and walkways. They descend in large gaggles of between 10 and as many as 20 geese onto ponds, eat landscape grasses to cause erosion, and defecate in volume randomly where people and domesticated animals need to traverse. They cause uncontrolled safety hazards on roadways when a line of as many as 5 to 10 waddle across main vehicular thoroughfares. Expanding the season on them and removing some degree of protective status for these birds would go a long way toward more favorable control of their negative impact on our region, environment and properties. Toward that, I suggest extending the Fall season to be continuous from October 1 to November 30 and from December 17 to the end of February. At the very least, please consider expanding the fall season significantly so as to mitigate some of these problems associated with the large numbers of these large birds.
8	10/1 - 3/10
9	Only support if the veteran days are moved to prior to the December season opening. Having the season run into the veteran weekends takes away from the spirit of those days, to reward military service members and veterans with two extra days when only they can hunt.
10	Season dates should end with close duck season
11	Should do away with this season. I'm an avid hunter, but shooting these semi-tame geese makes no sense. Go to a shooting preserve if this is your style.
12	Does this cut the September Goose season west of US 17
13	Would rather the season come in in September
14	21 nov to 28 feb
15	The seasons need to be lengthened I see more and more every year.
16	Living in Guilford county and spending most of my time in the triad region, I would like to see the Canada goose season extended to March 10th. This year (2022) I have seen many more geese since the close of the season than I did in October. Many people consider them a nuisance in the Greensboro and Winston Salem areas. Adding an extra 3-4 weeks of hunting could benefit hunters and property owners.
17	Reason for not supporting is it would be great if season was extended to March 10
18	Move November days to January
19	The resident (nonmigrating)goose population has exploded. We need to reduce these numbers. I like the September season we already have.

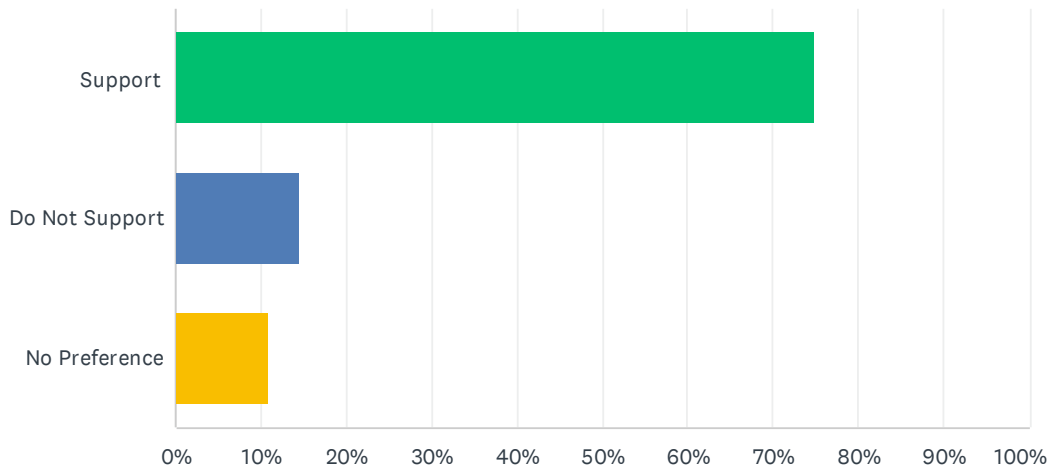
Migratory Game Bird Seasons

20	NC should take advantage of the later allowable hunting dates (March 10) even if that means a later start to the season. I am a new fowl hunter, and believe it would be advantageous to have fowl hunting overlap as little as possible with the deer season so that my family has the opportunity to hunt outdoors for a longer period.
21	Why not bring it in October 1st?
22	Earlier season is needed! with the numbers so high as a state we need to increase the number of days to hunt Canada geese! I have a 3 acre pond in Lincoln co. And any given day I can see up to 100 geese on the pond, yesterday there was around 60, they're getting out of hand
23	on the day of this comment 3/22/22 In the last two weeks I have seen more geese in our area than ever before. I would like to see the season more segmented to 2 weeks in October, one week in November, and then start the third split in in January and have it end first of march. That would help manage resident populations, keep hunter opportunity in place. Segregate goose hunting from duck hunting because often times in NC you are not doing both at the same time. No impose harm on resident goose nesting seasons.
24	Close March 10th
25	Do not support the 3rd segment. It should be extended from February 11th until March 10th.
26	"Do Not Support" because I would prefer to eliminate the October season in exchange for opening hunting on Sundays.
27	Cancel this season
28	I would like to see the last season stay open longer.
29	Longer late season
30	Early September season?
31	Not sure where the resident population zone is but hope that includes coastal waterfowl hunt zones as well
32	Please consider
33	You need to offer more hunting days. The first season is fine, but just have a long second season, November 5th to February 11th.
34	This proposed season leaves 4 available days out.
35	Later is better.
36	I believe that the November 26 season should be extended and the January 31 deadline shortened. I have seen very little birds come in for the late season and think it would be better if I can hunt while they're still flying.
37	open the resident goose season more widely east of 17
38	I'd rather have an early opener even if it's only for a few days
39	Allow Sunday hunting
40	It should follow duck season.
41	Take away October dates and add them to February.
42	With the high population in the northwestern regions of NC, a full open season should not be ruled out.
43	Too damn many geese. They got to go.
44	I would prefer to see these days extended later to the end of February. Move days to end of current season (late winter), rather than have them in the Fall.
45	Based on numbers may want to consider addition if allowed due to their ability to create such destruction and create issues
46	We can be earlier than Oct 21 and we should be.
47	Please decrease the season length if possible

Migratory Game Bird Seasons

48	Need to find methods of getting the geese back into the wild hunting areas and away from the golf clubs, shopping malls and public / professional building areas.
49	Longer season
50	Extend the season as late as possible- March 10
51	Need to shut season down for a season or so
52	The season needs to go through march they don't migrate to this area till late January
53	I feel like we should do away with the NE hunt zone, and use this statewide.
54	So, y'all are doing away with the September season? Why in the world would you do that? Y'all always have to screw up everything. Leave well enough alone!!
55	Prefer earlier opening in October
56	No limit
57	The only way that I could support this change is that if in fact the late date are in March. Other then that I would say to keep it as it is.
58	Looks good to me.

Canada Goose Season - Northeast Hunt Zone



ANSWER CHOICES	RESPONSES	
Support	74.74%	145
Do Not Support	14.43%	28
No Preference	10.82%	21
TOTAL		194

(Also includes white-fronted geese) – Northeast Hunt Zone

Frameworks: 30 days

Earliest opening date: December 24th

Closing date: January 31st

The proposed 2022-23 season dates are:

December 28th – January 31st.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	30	4	20	11	8	7	5	5		55
Do Not Support	9	1	4	1	1	1		1		10
No Preference	1	2	2	2	1		2	1	1	9
Total:	40	7	26	14	10	8	7	7	1	74

Migratory Game Bird Seasons

Canada Goose Season - Northeast Hunt Zone Comments

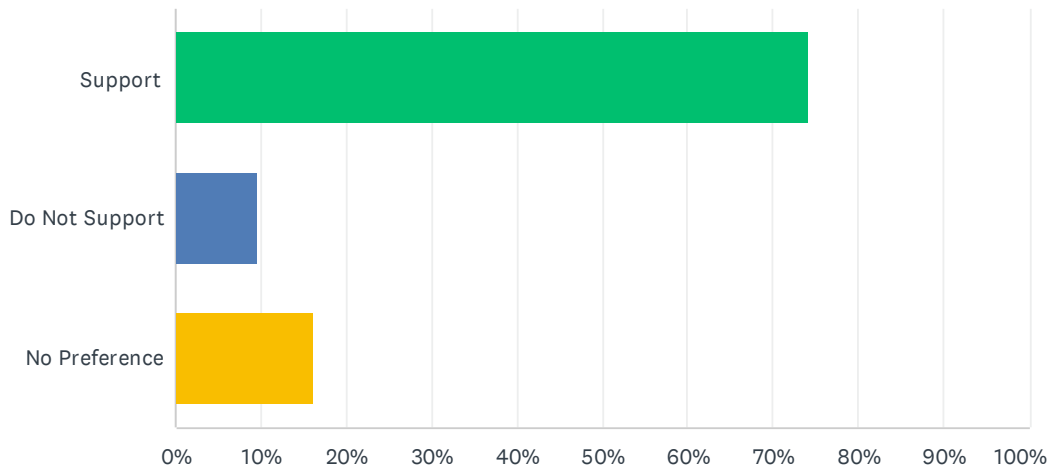
#	RESPONSES
1	I am a big supporter of longer NE Canada Goose seasons. Let us hunt them rather than letting counties poison them or oil their eggs/nests. NCWRC brought the geese here and established the population- they should not be condoning poisoning them!
2	Doesn't it make more sense for keeping it two weeks but allowing for harvest of two geese? I feel that would get much more participation with a higher limit
3	Get rid of the goose permit
4	Give us the last 30 days of the season. Plenty of geese around gives our guys other opportunities while duck hunting
5	There are no wild Canada geese.
6	Goose season should be open throughout the regular duck season with a bag limit of 1 or 2 a day. County's like curritick are cover in geese. It seems in the publics eyes in curritick County that NC wildlife would rather have geese killed by the county for being a nuisance than allowing hunters to kill then throughout the duck season to control the pouplation.
7	12/24 - 1/31
8	Should run with all regular duck season dates. Should be more than 1 goose per day
9	open the canada goose season from oct. 28 to Jan. 31
10	Start on Dec 26 to allow hunting during Christmas and New Years holidays when schools are out and many adults take vacation
11	I have hunted Canada geese since 1987. I do not understand the wildlife commission's decisions on the season. Every state above us and below us can kill what ever they want and N.C. Residents can kill one goose per day for like two weeks. In my opinion no one in N.C. Is killing anything but but resident geese. They are smart and no one is really killing enough of them to make a difference. True migratory geese are mainly staying north of us because of our current climate and all the geese getting killed in Virginia to Canada. I think we need a full season in order to get the resident geese in check. Thank you, Paul Hunter
12	All I can say is "its about time"! I understand the idea for the extreme restrictions imposed for the past 30 years or so but I have not seen it change anything for the better goose-wise.
13	Extending the season will increase opportunities without greatly increasing pressure with the one bird limit. Most of geese harvested will be as a by product of targeting ducks.
14	Expand season.
15	Thanks for extending
16	glad that we now have 30 days but the extra permit is mot necessary
17	I'm glad to see increase in days, but in Chowan county, there needs to be a resident season and more than 1/day bag limit.
18	I think it should be longer and a larger bag limit
19	Either remove or modify the zone split in Bertie County. The Northeast Hunt Zone regulations protect three large nuisance flocks located at Batchelor Bay Rd, Scotch Hall Preserve and Black Rock subdivision. These birds are resident birds that never leave. Although I would prefer to see Bertie classified entirely as Resident Population Zone, if the NCWRC wishes to keep the migratory birds on Chowan River and Albemarle Sound somewhat protected at least change the line to something more simple. Use Highway 45 as the line between Northeast and Resident. This would offer limited harvest of true migratory birds on the river while allowing the

Migratory Game Bird Seasons

remaining portion of the county to be hunted normally in the Resident Zone. We hunt 13 different locations in Bertie and regularly see the same flock of birds use locations on either side of the line. It doesn't make sense that we have to hunt the same flock of birds differently all because they didn't cross Hwy 13 on that particular day.

20	This season should mirror the General Duck Season. I agree with the permit, I agree with the bag limit of one per person per day. However, as many geese are in this Northeast Hunt Zone we should be able to comfortably support this proposal.
21	I would prefer a longer goose season than 4 days. 2 weeks would be adequate.
22	"Do Not Support" because I do not understand the justification of having a different Canada Goose zone. It is my understanding that Canada Geese are doing quite well and do not need these extra protections.
23	Cancel this season entirely
24	I have no issue with the season dates. What I have issue with is having to buy a permit to shoot a goose. The rest of the flyway from VA north have a normal regulated season. Those states have actual migratory Canadas. The amount of migratory Canadas that make it to NC is insignificant. The NE hunt zone season is essentially just a late season for hunting resident Canadas.
25	Glad to see this season get extended but I feel like this permit and bag limit could be the full length of the waterfowl season to help get better results. I along with several fellow waterfowl enthusiasts feel that alot of the Canada goose population in NC have become year around residents and only minimal numbers if geese here during hunting season are migrators.
26	Start the season the third week of November and end it January 31.
27	I don't spend a lot of time in the NE goose zone, but when I do it's in warmer months and there is large resident population.
28	Later is better.
29	These last few years I've seen geese in numbers the month of December and in February. Not much out there in January
30	Geese are plentiful in eastern NC, increasing numbers every year
31	Support the days, eliminate the permit, and increase the bag limit to 2.
32	Start goose season a week before Christmas. This would give hunters the opportunity to harvest a goose for Christmas dinner.
33	I feel that it's too short
34	Make it more than one goose. I love to goose hunt but only being able to take one goose isn't worth the effort
35	I think Canada goose season should mirror duck season. There is no shortage of Canada geese in The NE hunt zone. I also feel that we should be able to take 3-5 each day. It sucks to watch geese all season long, then get 2 weeks that we can only shoot 1 per permit. Only for them to change up their pattern. I don't mind paying for the permit to hunt them, just wish we had a longer opportunity and could harvest more in 1 hunt.
36	Does it really matter what we the people think?? You're going to do whatever you want anyway. These surveys are bull shit
37	Might want to consider splitting the season and have some days overlap some portion of the 2nd duck segment.
38	I like having extra days.
39	Support the longer season however it needs to be the same as general goose season. VA gets to kill 2 a day the whole season. We should be able to also.

Light Goose Regular Season



ANSWER CHOICES	RESPONSES
Support	74.19% 46
Do Not Support	9.68% 6
No Preference	16.13% 10
TOTAL	62

(Includes snow geese and Ross's geese)

Frameworks: 107 days, no more than 3 season segments

Earliest opening date: October 1st

Closing date: March 10th

The proposed 2022-23 season dates are:

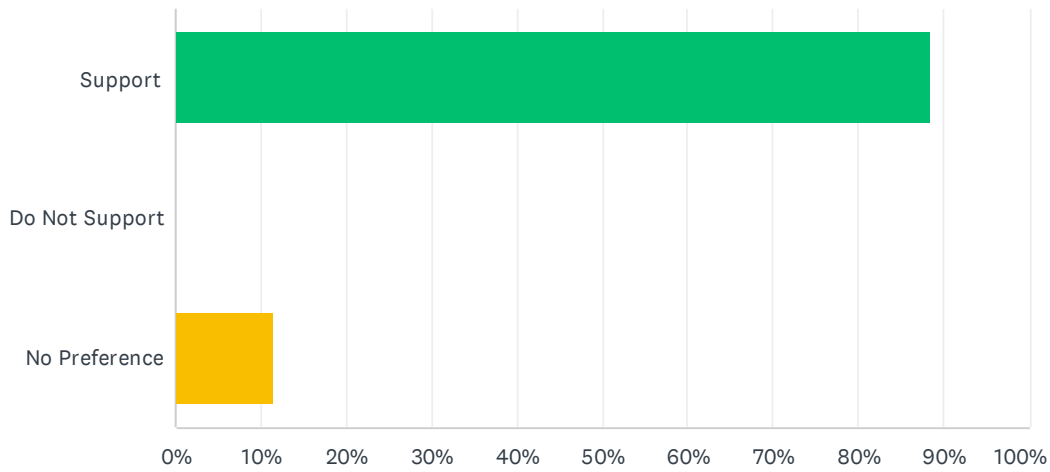
October 11th – February 11th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	6	4	7	3	4	2	2	2		16
Do Not Support			1					1	1	3
No Preference			3	1	2		1			3
Total:	6	4	11	4	6	2	3	3	1	22

Light Goose Regular Season Comments

#	RESPONSES	
1	Move dates to end season 28 Feb. warming temps up north slowing migration and restricting hunt opportunity to see birds during season.	
2	10/1 - 3/10	
3	NC should take advantage of the later allowable hunting dates (March 10) even if it means a later start to the season. I am a new fowl hunter, and it would be advantageous to me to have fowl hunting overlap as little as possible with the deer season so that my family has the opportunity to hunt outdoors for a longer period.	
4	Needs to be a early season as well! Their numbers are out of hand	
5	I do not support the proposed season dates thru Feb. 11th. i think they should be extended thru March 10th.	

Light Goose Conservation Order Season



ANSWER CHOICES	RESPONSES
Support	88.41% 61
Do Not Support	0.00% 0
No Preference	11.59% 8
TOTAL	69

(Includes snow geese and Ross’s geese)

Frameworks: Must occur when no other waterfowl seasons are open.

The proposed 2022-23 season dates are:
February 13th – March 31st.

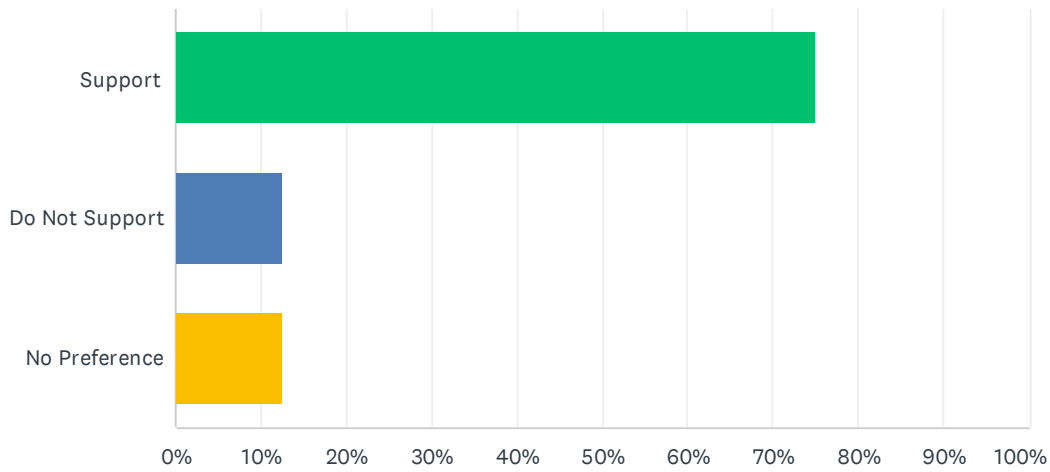
District	1	2	3	4	5	6	7	8	9	Not Specified
Support	6	3	11	4	8	3	3	3		20
Do Not Support										
No Preference			1	2				1		4
Total:	6	3	12	6	8	3	3	4		24

Light Goose Conservation Order Season Comments

#	RESPONSES	
1	Seems like the end of February doesn't usually have many light geese in NC, moving the season back seems like it could be beneficial but I'm not an expert.	
2	You should ask this question before the regular light goose season question.	
3	Please establish fields in NE NC to hunt these birds. You have game land dove fields elsewhere, but hardly anywhere offering a field to hunt snow geese. Please establish by renting several fields near the Albemarle sound and designate them game land fields for hunters to hunt snow geese, swan, etc.	

Migratory Game Bird Seasons

Brant Season



ANSWER CHOICES	RESPONSES
Support	75.00% 42
Do Not Support	12.50% 7
No Preference	12.50% 7
TOTAL	56

Frameworks: 50 days, no more than 2 season segments

Earliest opening date: September 24th

Closing date: January 31st

The proposed 2022-23 season dates are:

December 17th – January 31st.

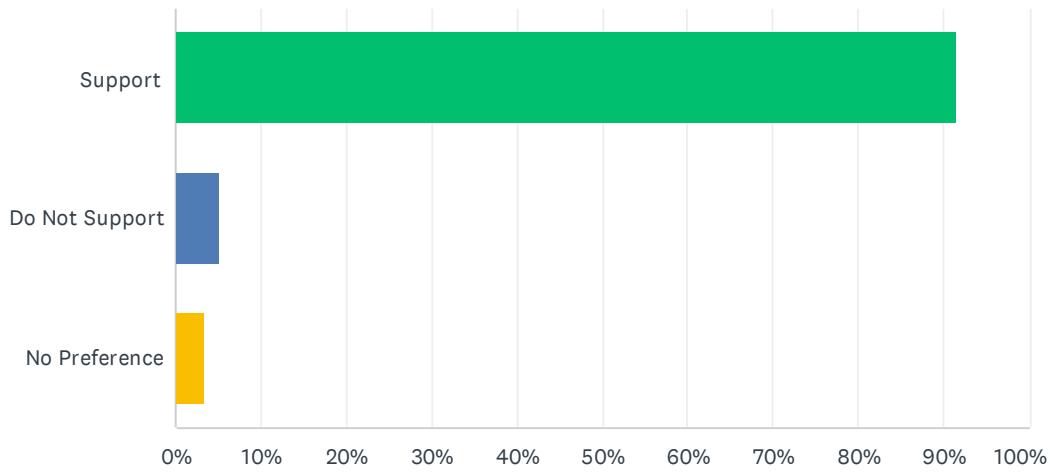
District	1	2	3	4	5	6	7	8	9	Not Specified
Support	2	3	5	2	5	4	2	3		16
Do Not Support	2	1		1						3
No Preference			1	1	1			1		3
Total:	4	4	6	4	6	4	2	4		22

Migratory Game Bird Seasons

Brant Season Comments

#	RESPONSES	
1	Should be reduced until population density increases	
2	Should support federal recommendation of 2 birds per day	
3	9/24 - 1/31	
4	Open from December 1 to January 31	
5	Need a moratorium on Brant for a few years.	
6	If Federal regulations allow 50 days and 2 Brant I feel we should have privilege of that opportunity.	
7	extend hunting days to all 50 possible	
8	This should be a shorter season due to the low numbers of migratory Brant currently seen in NC. Allow for several years of reduced pressure before making any other changes.	

Tundra Swan Season



ANSWER CHOICES	RESPONSES
Support	91.44% 235
Do Not Support	5.06% 13
No Preference	3.50% 9
TOTAL	257

Frameworks: 90 days, permit only (4,721 permits)

Earliest opening date: October 1st

Closing date: January 31st

The proposed 2022-23 season dates are:

November 5th – January 31st.

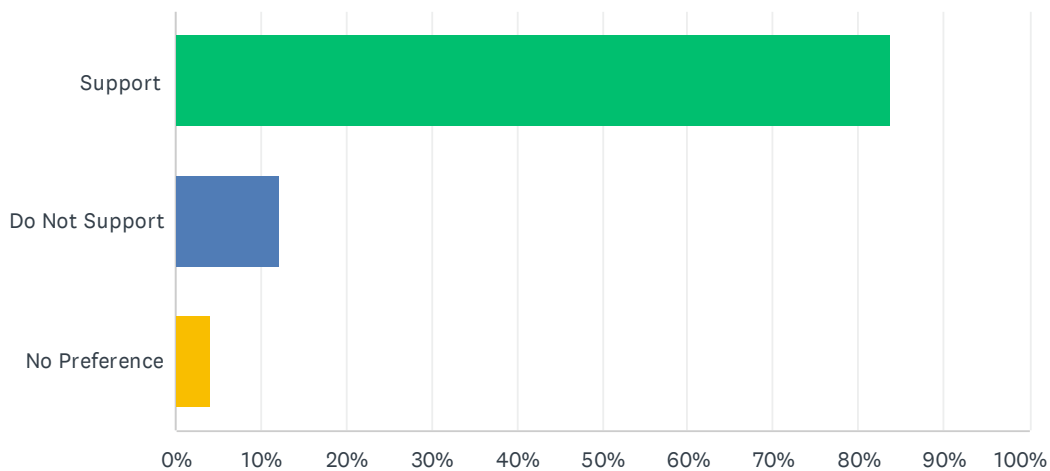
District	1	2	3	4	5	6	7	8	9	Not Specified
Support	20	14	32	16	22	17	10	8	3	93
Do Not Support	1		3	2		1				6
No Preference			3			1	1	1		3
Total:	21	14	38	18	22	19	11	9	3	102

Migratory Game Bird Seasons

Tundra Swan Season Comments

#	RESPONSES
1	Put higher prices on tags for out of state hunters.
2	Do away with Permit only. Switch to a Big Game type Report Card System. But keep it 1 per season.
3	Can there be more permits issued?
4	10/1 - 1/31
5	There needs to be twice as many permits. The Swans destroy crop land and impoundments in Hyde County.
6	Would be nice if it went into 2 weeks into February
7	Need to up the cost for non residents cause it's hard for locals to get tags.
8	Increase # of permits available to NC residents and NC youth
9	Allow youth hunters to harvest Swan during youth season if they pulled a swan permit.
10	1. Issue more permits 2. Ensure that permits are issued to actual hunters
11	Charge more for out state hunters coming to hunt swans, also set a certain number for out of state hunters. Ridiculous that in-state hunters are not able to get a swan permit if they want one
12	Should start on November 12
13	Need more permits distributed
14	Everyone who applies for a permit should be allowed to kill a single swan. There are many seasons that I received a permit and was unable to kill a swan. However, on several of the years I was denied a permit, I could have killed one. As a legal hunter, I did not. The numbers should be analyzed to determine how many swans are killed verses how many permits are issued.
15	Needs to be through snow goose season
16	Let the population rebuild
17	Issue more tags
18	I personally think NC residents should have a higher priority, and feel like the same names shouldn't get drawn every year.
19	Please rent fields and designate them game land in NE NC for hunting swans and snow geese. There are no game land fields in that area. You could call them game land dove fields, but please rent some where hunters can hunt these birds. Thank you!
20	Would love to see the ability to transfer a permit. Even if you make a \$50-\$100 transfer fee, I have seen many swan tags get wasted even though the tag holder would be willing to pass it off to someone else.
21	Looks good to me.

Youth Waterfowl Day(s)



ANSWER CHOICES	RESPONSES	
Support	83.78%	186
Do Not Support	12.16%	27
No Preference	4.05%	9
TOTAL		222

Guidelines for selecting Youth Waterfowl Days include:

1. The day(s) can occur up to 14 days before or after any regular hunting season for ducks, mergansers, and coots or in the closed portion between season segments.
2. The day(s) must occur on any non-school day. In North Carolina, this includes Saturdays and any statewide holidays.
3. There can be no more than 2 Youth Waterfowl Days in the Inland duck hunting zone and no more than 2 Youth Waterfowl Days in the Coastal duck hunting zone (4 total Youth Waterfowl Days).
4. Youth waterfowl days can be held concurrently with Veterans/Military Waterfowl Days

The proposed 2022-23 Youth Waterfowl Days in both the Inland Zone and Coastal Zone are:
February 4th and February 11th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	17	14	25	15	12	20	7	9	2	65
Do Not Support	6		4	1	7	1		1		7
No Preference				3						6
Total:	23	14	29	19	19	21	7	10	2	78

Migratory Game Bird Seasons

Youth Waterfowl Day(s) Comments

#	RESPONSES
1	Excellent idea to combine with veteran/military days.
2	I believe youth days are beneficial for current hunters. But may benefit beginner hunters the most. They are not having to compete with advanced hunters. More youth days may be beneficial.
3	The criteria for selecting the youth days (shown below) states: "The day(s) must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate." The key to this statement is allowing the youth to have a maximum opportunity to participate. This is not the case with the way the youth seasons have been set-up in the past. I have duck hunted for nearly 50 years and hosted a number of youth hunts for my own family and friends. The days at the end of the season are normally the coldest days of the year and do more to discourage the youth than encourage. A young person can hunt in the cold only for about 30 minutes and after that, it becomes more torture for them than fun. I have seen more youth get turned away from hunting by having to endure cold than wanting to participate more (average temperature in February is 35 to 50 degrees) I would suggest putting the 2 youth weekends between the November and December season (average temp 50-60 degrees). The weather is milder in North Carolina at that time of the year and would make it much more fun and easier on a youth. Thank you for taking comments and I hope you give this some strong consideration. States may select 2 days in each duck hunting zone as Youth Waterfowl Days in addition to their regular duck season. The day(s) must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The day(s) may be held up to 14 days before or after any regular duck-season frameworks or within the closed portion between season segments, or within any other open season on migratory birds. Youth hunters may not be over the age of 17. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp). The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Tundra swans and Canada geese (in Northeast Hunt Zone) may only be taken by participants possessing the applicable permits
4	I like that these days fall after most of the other hunting seasons and do not make families have to choose between other pursuits.
5	Please God don't go messing with this. Of all things, this is the best thing duck season has to offer for kids.
6	The youth waterfowl days should not be held in February but in before the season or in the period between second and third split. Also, the age needs to be reduced to under 16. Current age is set too high. Any one who can drive shouldn't be considered a "youth"
7	I support getting our youth involved by having a responsible hunter with them to show them the proper and respectable way to waterfowl hunt.
8	That is too late for hunting waterfowl. Put the youth days between the splits.
9	Make the youth cut off comply with the age license requirement of 16.
10	So February 4th & 11th are only 2 days.
11	I would be in favor of starting the November season later so the regular season could extend into early Feb and having one or both youth days in early November.
12	Split youth from the veterans/military days. Youth day should be youth only. Youth should not have to compete with adult veteran/military hunters for spots and birds.

Migratory Game Bird Seasons

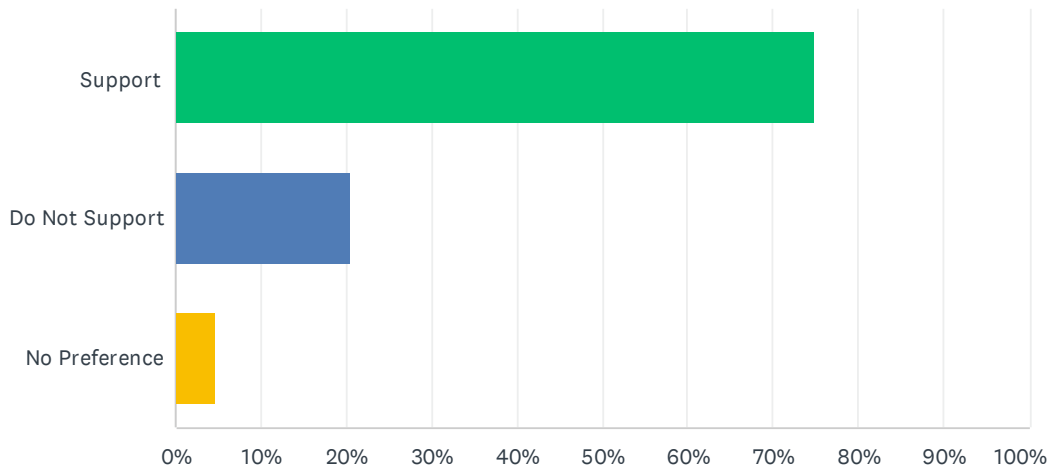
13	lets do the youth hunts during the second and third splits as there is enough time for this to be possible. TOTALLY ELIMINATE THE HUNTS IN FEBRUARY--JUST ANOTHER AVENUE FOR POACHERS
14	I support the dates but would like to highly encourage them to be youth only. Very unfair, crowded and dangerous with youth hunters competing with veteran/military. Give veteran/military their own dates to hunt. Unfortunately the adults get too carried away and aggressive. This needs to be about the kids and passing it forward. Not a "me mentality" I've experienced from the adults hunting those dates.
15	Seperate dates for inland and coastal zones. Provide the kids more of an opportunity to enjoy the outdoors.
16	One youth day should be earlier
17	Eliminate so called youth days there is no sound basis for this
18	Glad NC is offering our young Hunters opportunities to go hunt without all the pressure from other adult hunters. Both my children have participated and have really enjoyed these hunting days. Often times with the most birds ever seen on a single trip of those seasons.
19	If you can't make time to take a child hunting during the regular season then why give them an additional days at the end? I do not support youth only hunting days.
20	yes,yes,yes. We need more youth days for every species.
21	NC does a great job with this, but there needs to be a full week between the last day of regular hunting season and youth day. I would prefer regular season end on the last Saturday of January.
22	To much pressure on the birds right before mating season. Have the season between the splits or October.
23	Have one youth day in November and one day in February (4th). Ducks have paired off in February and its hurting our duck populations with youth shooting and crippling large numbers of ducks. Also see many adults hunting with there kids on these days
24	I support youth hunting days. They should not be held concurrently with Veteran/Military days
25	December 10th and Feb 4th
26	Strongly support this and keeping it in February. I also like splitting it across two weekends even if we did have Sunday hunting as that seems it would give more youth hunter and opportunity to take advantage of this.
27	Consider youth draw hunts for Goose Creek (Pamlico Point) for safety reasons. I wasn't there but I heard that it was a little crowded this season.
28	I think it should include two inland days and two coastal for a total of 4 days
29	It wouldn't be a bad idea in my opinion to move one of the days to Oct to take advantage of all the calendar ducks that migrate through before the season comes in.
30	Too cold in NC for youth, move days ahead of the regular duck season like youth turkey season. Also separate from military/vet days.
31	Strongly support for the kids ! 15-under , 16 and older is no longer youth having to purchase a hunting license, you then become an adult
32	Let the youth hunt 1 day prior to the regular season in Oct or Nov when the ducks have not been shot and scared as much.
33	February is historically too cold for our younger youth to be outside duck hunting for long periods of time. Additionally, by this time of the season most adult hunters are tired having hunted a full season and our spouses are ready for us to come home. A youth (and veterans) hunt would be better suited for possibly the 2 Saturdays between the November and December season dates. The weather is not as cold, ducks are not as "blind shy" as they typically are at the end of the season and their fathers are less tired and ready for the season to end. I would ONLY support Sunday hunting if it were used for youth days only and having these dates

Migratory Game Bird Seasons

coincide with their holiday school break to maximize their opportunities to experience migratory waterfowl hunting in NC. I would oppose Sunday hunting for all other duck hunting.

34	I support the date without coinciding with Veterans hunting and the youth age limit should return to 15 and under.
35	Youth season days should include the fall migratory season in addition to the supported days voted on. I don't agree a 2 day youth hunt is enough to advance the sport to the next generation of hunters.
36	Why can't the youth day be at the start of the October or November? The weather may not be the greatest for duck but the children don't want to be out in the freezing cold in February
37	I believe the youth season should be more open to more youth, i think they should offer programs to get more you outdoors
38	Should be longer season
39	I feel one extra day is enough and it should be the same for turkey season.
40	If there is 4 days total allowed make it 2 days for coastal and 2 days for inland.
41	Allow accompanying adult to also hunt or merely skip early duck seasons and extend into February
42	These days should not be at the end of the season when all ducks are gone and it is too cold for kids. How about making it the first Saturday in October and the then one day in February.
43	Please separate the veterans from the youth. It has become increasingly difficult to get youth on quality hunts while showcasing proper sportsmanship with the experiences we have had with older hunters on public land.
44	Please have these in October, or only one weekend in February. You're killing all the breeding ducks with dads out shooting for their so
45	Already way too many duck hunters and not enough quality public lands. Dids already have the entire season. If you are going to carve out pork then include some for older hunters too.
46	interested in seeing one youth day between the 2nd /3rd split...
47	Get rid of veterans/military days or add first responders to it.

Veterans/Military Waterfowl Day(s)



ANSWER CHOICES	RESPONSES	
Support	74.88%	161
Do Not Support	20.47%	44
No Preference	4.65%	10
TOTAL		215

Guidelines for selecting Veterans/Military days include:

1. The day(s) can occur up to 14 days before or after any regular hunting season for ducks, mergansers, and coots or in the closed portion between season segments.
2. There can be no more than 2 Veteran/Military Waterfowl days in the Inland duck hunting zone and no more than 2 Veterans/Military Waterfowl Days in the Coastal duck hunting zone (4 total Veterans/Military Waterfowl Days).
3. Veterans/Military Waterfowl Days can be held concurrently with Youth Waterfowl Days.

The proposed 2022-23 Veterans/Military Waterfowl Days are:

February 4th and February 11th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	10	5	21	20	9	13	8	8	2	65
Do Not Support	7	2	3	5	5	5	1	2		14
No Preference		2	2		1		1		1	3
Total:	17	9	26	25	15	18	10	10	3	82

Veterans/Military Waterfowl Day(s) Comments

#	RESPONSES	
1	I do not support allowing special days for special groups. Why don't we have special senior citizen days since they have been supporting waterfowl through license sales, permit sales, etc longer than anyone? How about teachers, nurses, EMTs? Don't they 'deserve' special days? And now 18 yr olds are kids? Ridiculous. No special days for any special groups- and especially not in Feb since it has been constantly pounded into our heads how important it is not to shoot paired ducks after Jan. Either it's important to end seasons in Jan. or it's not- stop with all the exceptions which have, and will, only lead to more 'special' groups.	
2	Wish they had separate days from youth. Youth days should be for youth.	
3	By this time after the season the ducks are gun weary and hard to decoy. How about 1 day very early season, say Nov 4th and one day after the normal season say Feb 4th. Thanks	
4	I support the 2 days hunting, just not when our "Youths" are hunting. Make them sometime between the first and third segments. Reasoning: Big Hunting Disadvantage! Youths cannot compete against men for first come first served hunting access. Nor can they compete with them when hunting the same areas-especially on game lands. Veterans should be mentoring our youth hunters, not competing against them.	
5	I thank the Men and Women of the military but don't think there should be a special season for them. Some people could never serve for various reasons and it was never an option to enlist.	
6	Vets can hunt along with the general population; they do not need special days. This is a ridiculous policy. We should also not hunt waterfowl that late in the year.	
7	Consider moving the extra waterfowl days to prior to the December season. Those of us in the military often take leave during the month of December, and it gives us more of a chance of a successful hunt to have those limited days earlier in the season, as opposed to at the end of the season after the ducks have been shot at all year	
8	I am in the military ltd be nice to have one day prior and one day after season if possible or just both days prior to the regular open season for military not at the end of the season when everyone has bagged out all season and it's harder to find waterfowl	
9	Do not do at the same time as youth days.	
10	I'm not in favor of giving vets/military special hunting privileges	
11	I would like to see this include first responders. So many are not given the time off that others are allowed.	
12	see general duck season comment	
13	Seperate dates for inland and coastal zone. Allow our American hero more of an opportunity to enjoy the outdoors.	
14	One veterans day should be earlier	
15	Eliminate these days. The resource is over utilized and veterans are not more worthy than other licensed tax paying citizens	
16	This is a great way to give back to our veterans and military personnel.	
17	The reason I don't support this is because I think it should be only for wounded veterans who may need assistance. I know too many veterans who take advantage of the two extra days and it is not fair if they don't have a need. Some of these veterans I know are in hunt clubs with their own land.	
18	Thanks very much for having veterans' Days. Why only 2? I would like both Saturday and Sunday on those wknds.	

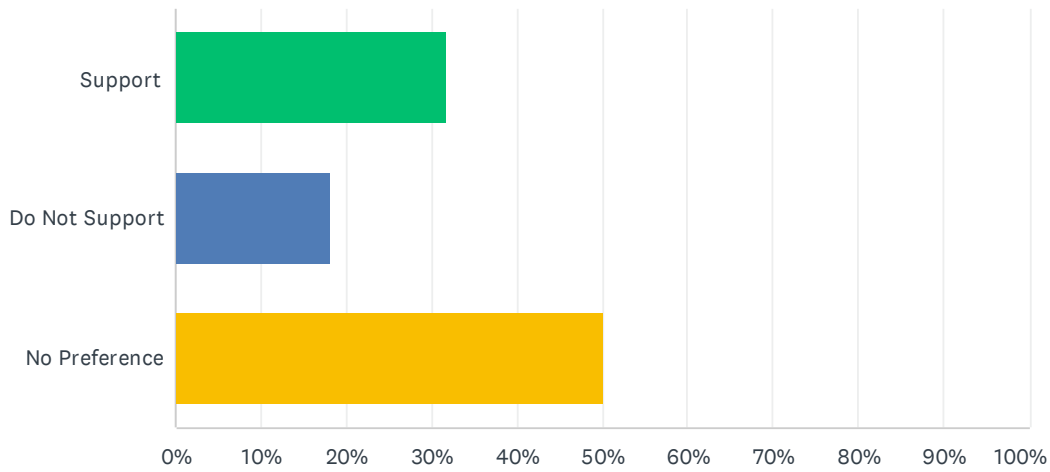
Migratory Game Bird Seasons

19	To much pressure on the birds right before mating season. Have the days in October or between the splits.
20	Give the veterans and military there own days, separate from the youth.
21	I think it should also be open for first responders to allow them to hunt on these days
22	Thank you for supporting this!
23	Youth season should not have to compete with veterans/military. Should be for kids only.
24	Please move these days up so they are between the splits in the regular season. By February everything is shot out
25	I agree for active Military Waterfowl days. Veterans should not be included in this. They should have the opportunity to hunt during the regular waterfowl season. Active military may not have that opportunity.
26	Not that I am not in support for veterans or military but I don't agree with them having extra days. I am in support for youth days after the regular hunting season but that is all. I feel that it is taken advantage of by too many they may be in violation of the law and not actually military.
27	Propose December 10th and Feb 4th
28	Strongly support this and keeping it in February. I also like splitting it across two weekends even if we did have Sunday hunting as that seems it would give more Veterans an opportunity to take advantage of this.
29	First responders should be included (fire/police/ems). They do a lot for our state!!!! Also it should be two inland and two coastal
30	I fully support our military but oppose giving them extra days, I would support reduced fees
31	Military hunt days should be separate or atleast 1 different date , from the youth days
32	Same argument that I make with youth hunting, except for the temperature being a factor for these individuals. By the time the regular season is over, most of the guys I hunt with (and Their spouses) are ready to be home. This prevents us from taking veterans (and youth) hunting. If these dates were the 2 Saturdays between the December and November season that would provide more opportunities for these hunters.
33	There should be more days for veterans/military, just two days is not enough for their service.
34	Thank you for supporting veterans.
35	I am a retired American Soldier who served in the active Army for 40 years. I am grateful to the Commission for yet another season of adding two Saturdays for veterans.
36	Allow Sunday hunting
37	NCWRC should find days for veterans that does not coincide with youth season.
38	Season needs to shift to the right
39	These days should extend till the end of the month due to migration.
40	Should be at a different time than youth. Heard of multiple kids loosing spots on public land this season to veterans.
41	I am a Veterans and have youth. STOP PUTTING A VETERAN DAY ON A YOUTH DAY. Take two days from the completely useless, unproductive, no ducks early season and make different Veterans days.
42	Move it early or move it into the split time. It should not be extending until feb 11. Not if normal season can not be extended past Jan 31
43	Make it possible for a veteran to take someone else - son/daughter etc. what fun is it if I can't go with my dad who's a veteran?????
44	Don't see the need to be held with Youth Hunt. How about the Friday before the first Youth Hunt and the Monday after the last youth hunt.

Migratory Game Bird Seasons

45	These days should not overlap youth days and takes away from the youth hunts. Kid trying to find a spot in a public impoundment against grown men.
46	Add one more day for veterans
47	I don't think a day for veterans should be at the same time as youth waterfowl days. I don't know how to do it, but they should not overlap.
48	Make it just for kids
49	There should be one youth only day with no other hunters either before or after regular season with no other hunters involved or allowed.
50	I've noticed in the last few seasons a lot of wood ducks are paired off by mid February. I don't support your recommend Feb 11th waterfowl day. Perhaps put one earlier in the season..
51	Leave it for the kids or allow first responders to hunt also.

Extended Falconry Season Dates - Doves



ANSWER CHOICES	RESPONSES	
Support	31.82%	7
Do Not Support	18.18%	4
No Preference	50.00%	11
TOTAL		22

Guidelines for extended falconry seasons include:

1. The season must fall between September 1st and March 10th.
2. Total available falconry days (including gun season) must not exceed 107 days

The proposed 2022-23 extended falconry season dates are:

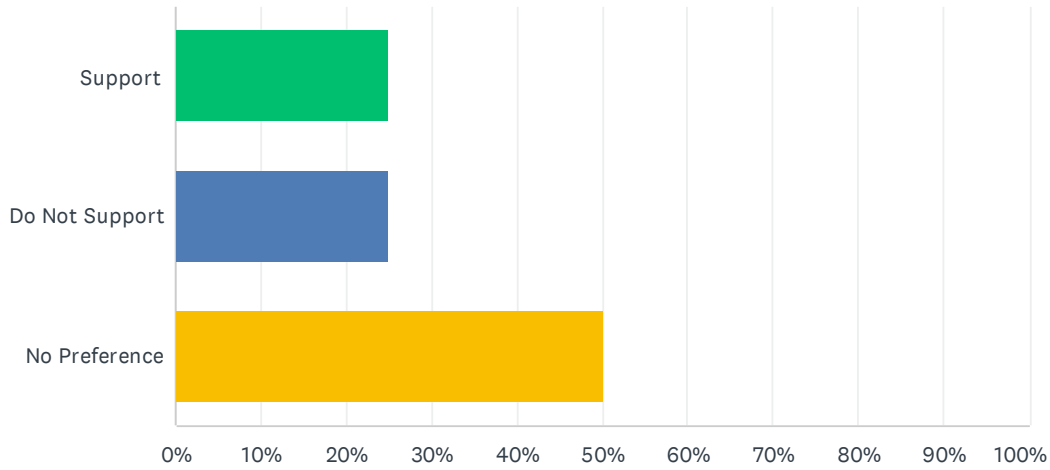
October 3rd – October 15th.

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	1	1	1	2	1					1
Do Not Support						1		2		1
No Preference			3	1	1		1	1		4
Total:	1	1	4	3	2	1	1	3		6

Extended Falconry Season Dates - Doves Comments

#	RESPONSES	
1	We should not have "special" seasons for select groups.	
2	Falconry Kills for personal- consumptive use are Extremely Rare! Let the raptors have every opportunity to hunt: It's Their #1 reason for existence!	
3	should be open all the time.	

Extended Falconry Season Dates - Woodcock



ANSWER CHOICES	RESPONSES
Support	25.00% 4
Do Not Support	25.00% 4
No Preference	50.00% 8
TOTAL	16

Guidelines for extended falconry seasons include:

1. The season must fall between September 1st and March 10th.
2. Total available falconry days (including gun season) must not exceed 107 days.

The proposed 2022-23 extended falconry season dates are:

December 1st - December 10th

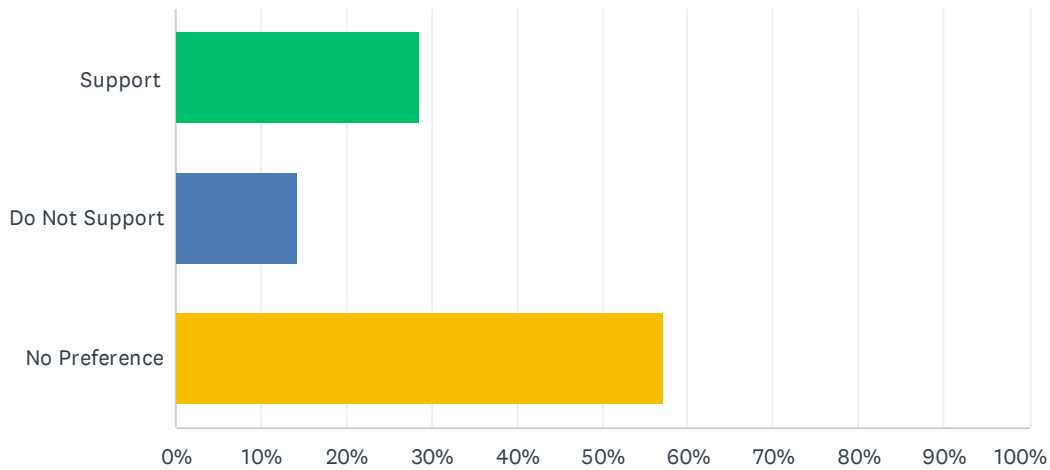
February 1st - February 25th

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	1			1						2
Do Not Support			1					2		1
No Preference			2	1	1		1			3
Total:	1		3	2	1		1	2		6

Extended Falconry Season Dates - Woodcock Comments

#	RESPONSES	
1	We should not have "special" seasons for select groups.	

Extended Falconry Season Dates - Rail, Gallinules, and Moorhens



ANSWER CHOICES	RESPONSES
Support	28.57% 4
Do Not Support	14.29% 2
No Preference	57.14% 8
TOTAL	14

Guidelines for extended falconry seasons include:

1. The season must fall between September 1st and March 10th.
2. Total available falconry days (including gun season) must not exceed 107 days.

The proposed 2022-23 extended falconry season dates are:

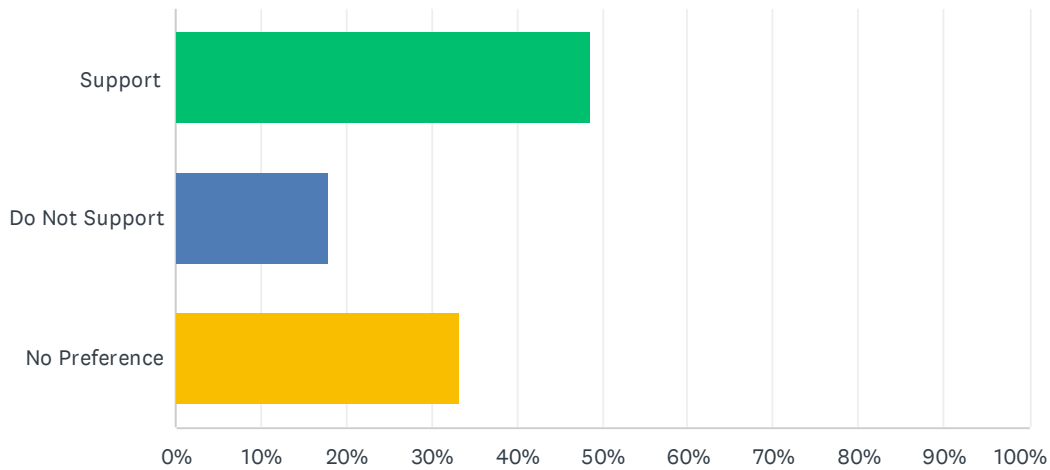
December 10th - January 14th

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	1		1	1						1
Do Not Support								1		1
No Preference			2	1	1		1			3
Total:	1		3	2	1		1	1		5

Extended Falconry Season Dates - Rail, Gallinules, and Moorhens Comments

#	RESPONSES	
1	We should not have "special" seasons for select groups.	

Extended Falconry Season - Ducks (Inland & Coastal)



ANSWER CHOICES	RESPONSES	
Support	48.72%	19
Do Not Support	17.95%	7
No Preference	33.33%	13
TOTAL		39

Guidelines for extended falconry seasons include:

1. The season must fall between September 1st and March 10th.
2. Total available falconry days (including gun season) must not exceed 107 days.

The proposed 2022-23 extended falconry season dates are:

October 3rd - October 15h

February 1st - February 11th

District	1	2	3	4	5	6	7	8	9	Not Specified
Support	2	4	3	6	1					3
Do Not Support	1				1			3		2
No Preference		1	2	2	2		1			5
Total:	3	5	5	8	4		1	3		10

Extended Falconry Season - Ducks (Inland & Coastal) Comments

#	RESPONSES	
1	That is too late for hunting waterfowl, many birds are already starting their breeding activities. I have seen wood ducks already searching for nesting cavities in late January.	
2	To me that's cheating! If you want to hunt! Go out and give the bird a chance! Don't have a bird do it for you!	
3	We really need to extend the season later as that is when we see most of our bigger ducks from the north.	

Migratory Game Bird Seasons

General Comments

#	RESPONSES
1	Please enlarge the woodcock season to start earlier.
2	On the Yadkin river system, consider working with Cube on manipulating water levels to improve habitat (natural food sources). Example: Always in the past on dry years when High Rock's level was low in the summer months, the smart weed and wild millet was everywhere. Then when the level come up and the few ducks that do come through here had a reason to stay. Now they just go to the lower end , mix with the tame ducks and eat the corn that is covering the banks in numerous places on the lake.
3	Allow Sunday hunting. It is ridiculous that we cannot hunt on Sunday.
4	Not supporting abolishment of special sea duck zone
5	Please open Sunday waterfowl hunting
6	Would prefer the 2nd split of regular duck season to not start so early in November. Would rather it be pushed back to the next Saturday of Nov 12th and run until Dec 3rd, the first Saturday in Dec. Normally don't get a push of birds that early in Nov, it's normally middle to end of Nov before some show up and then it's out right after some birds move in.
7	Remove the October dates, and shorten an early season to make Sunday hunting through December and January possible. Though I know you cannot predict the weather seasons past have been tough without the cold weather and drought conditions. Sunday hunting later in the season would hopefully be more fruitful for hunters encouraging people to stay and support the sport.
8	Seaduck dick season should be cut back for the month of January until population density increases
9	The season starts too early for migratory birds. The season needs to be adjusted to when migratory birds begin to migrate to the area, which is later in the winter when it is colder.
10	Higher limit on wood ducks due to increasing numbers
11	Please allow Sunday hunting for all game. People who work a normal job would increase possible days in the field greatly.
12	Because of the changes in the climate we need hunting days later on in the season.
13	Glad to see the special season and reduced bag limit.
14	The federal guidelines no longer state that there needs to be a 20 day early closure for black ducks. Virginia has already in their season recommendations this year only proposed a closure during their October days. I would like North Carolina to do the same so that waterfowl hunters may take advantage of the early juvenile flights of black ducks before they are educated and become decoy shy as happens now. I would also like to propose that the state revisit the idea of opening waterfowling on Sundays. I think it is a ridiculous and antiquated law that very few states still have. When all data points to a decline in hunter recruitment it makes absolutely no sense to deny young hunters and their working families one of only two days a week that they are able to enjoy their pastime. For all those that argue we obtain compensatory days that make up for this, they obviously are not working class and can spend their days afield on any day of the week as they please. For those that argue waterfowl need a days rest then I propose we have no waterfowling on Wednesdays and rest them midweek. In addition the vast majority of other states hunt waterfowl 7 days a week and no evidence points to their being any obvious adverse affect.
15	Western zones would like to see a early teal season. Mallard limit needs too be 3, blue bill needs to be at least 3

Migratory Game Bird Seasons

16	I would like to see Sunday Hunting for waterfowl
17	You guys are listening to the complaints of too many folks that are either being greedy trying to shoot more ducks, or trying to make more money. Duck season dates were fine, did not need adjusting. Changing the dates and making zones only causes confusion and potential law breaking by ignorance, and I guarantee no one saw any more success as a whole this year. Duck seasons ebb and flow, as do specific hunting locations. Then dates are fine, and we do not need any SUnDay hunting added. With the additional weekend pressure, we would push out what few birds we hold in NC. The atlantic flyway has always been the weakest, and likely will always be. Leave well enough alone, and look more at limit changes more than dates.
18	NC wildlife have completely mismanage currituck and dare countys waterfowl management. It's a complete embarrassments of what the county's waterfowl hunting has been reduced to. Currituck and dare county has strong hartiage in waterfowl hunting and use to be a top waterfowl destination. Now folks have to travel to other states and other counties to enjoy good waterfowl hunting. Instead of letting the game commissions ruin waterfowl hunting in these two counties. NC wildlife should step in and actually help make waterfowl hunting great again. With the game commissions in these counties waterfowl hunting will never be managed properly. If these counties keep being mismanage in 20 years from now their will be no waterfowl to hunt.
19	We are not seeing the amount of birds that we once was.... I would like to see the season extended to February & colder months to see more migratory birds. Thanks! WB
20	In general I'm a big fan of the hard work represented by the North Carolina wildlife resources commission. I marked that I support all of the proposed changes, but I didn't do so flippantly. I respect the careful thought and research represented by the management choices being presented. I'm really thankful for North Carolina's management of our wild resources. Keep up the good work!
21	Coastal hunting quality has decreased yearly. Reasons range from weather to over hunting. The only thing we can manage is the hunting pressure. I now see boat blind setups in waters where they never were seen before. They range from 14 ft to 25 ft boats. The coastal parking lots are now full each morning with boats and hunters and GPS units. I think they now need to be managed and controled somehow. Perhaps its time to charge for a boat blind permit or require each boat owner to be a certain age or have proof of boat insurance, etc etc. Do something to ensure these groups are responsible. I've personally had these rigs set up too close to me when I was already at a spot and set up. This would control the sky -buster teenagers and other hunters who don't respect the resource.
22	I do not support the change of the sea duck bag limit and elimination of the sea duck season
23	Sunday hunting should be passed.
24	I've already stated my preferences in other comments but will again say the second split should start a week later and third split should begin a week earlier with only 2 weeks between. Also don't think the youth season should be held in February (Federal laws don't even allow hunting in February!!!! Duh!) and also age should be reduced to under 16. I also don't agree with having a veteran/military season. Also just want to add that all these comments are probably a mute point because I'm sure the wildlife commissioners and commission have already made up their minds !!!! Just my opinion.
25	I encourage research into how our weather pattern changes are effecting migration and breeding and see if our hunting seasons need to change. It doesn't get cold until later in the fall and early winter. I know sunlight hours has an effect on migration but weather may be the bigger factor. Waterfowl shows up later and later each year.
26	Need more handicapped blinds on public lands
27	our birds are changing their habits routes and their numbers also seem to be dwindling year after year and the real reason may not be known. we all love to go and enjoy all of the outdoors. Just because we have a certain amount of days to hunt it may be time for a change to help the framework of our seasons. It would be a shame to repeat the what we did to the buffalo/bison herds.
28	with the weather changing, it would be nice to start the season later and end later
29	I don't understand why we are losing tundra swan permits. We seem to have more tundra swans in NC each year, but yet the permit numbers keep dropping. I'm out there every day of

Migratory Game Bird Seasons

the swan season, hunting/guiding them or scouting them, and we saw more this past season than ever before.

30	I feel Red head limits should be 6 per day vs 2
31	I personally at this time don't see the point in adding Sunday hunting with the amount of pressure the birds already get in our state. I know many people say the birds don't need a day of rest but that just on less day for them to find and be secure in a refuge for the remainder of the season.
32	The October season needs to be moved back to the 2nd weekend like it used to be.
33	I do not support Sunday hunting. Birds and hunting areas need at least one days rest.
34	Hooded Merganser limit increase - there is no need to increase the bag limit on hooded mergansers. 2 is plenty!! What are hunters doing with them after harvesting them anyways?? Keep the limit at 2.
35	Need more days in the October season and at the beginning of October for the coastal zone. 4 would be great like it use to be. The first Wednesday- Saturday . The two days we have now are to close to the second split. Makes no sense to have a week off! Hard to finish up blinds that close to two seasons.
36	whats the point of choosing two days and still having a 3 week split at peak migration. Move wood ducks back to 1st or 2nd week of October shorten 2nd split. If nothing else stop changing the damn season every year.
37	More game lands or leased land needs to be available for duck hunting in the coastal region.
38	We should be allowed to hunt migratory birds on sundays. Sacrifice another day during the week as recompense. It should be a longer season with fewer open days during the week. A three day week such as Wednesday Saturday Sunday would work substantially better.
39	Sunday hunting is necessary to prevent discriminatory laws people based on religion or financial status
40	I hunt in the central section and the hunt in October were much better than at the end of the month.
41	Thank you for all the NC WRC does. Please follow the science and biologist, not that ballot boxes.
42	I would like to see the general duck season opening dates pushed back and closing dates extended out. Weather in North Carolina doesn't push ducks through here during early season dates and when the ducks really die show up around the area we're already approaching closing dates within weeks.
43	duck season in eastern nc starts too early and ends too early due you typical weather conditions 1 of 5 years we get good cold weather to push ducks down
44	The migration of ducks to NC is continually later and later in the year and the duck season should reflect these patterns.
45	I highly support the addition of Sunday hunting for waterfowl, most other states allow it with no problem and increases in tourism revenue. It is only logical.
46	The privatization of ares in and around Lake Mattamuskeet in the past few years with the establishment of corn impoundments on every corner surrounding the lake has had an adverse effect on the overall waterfowl hunting success for the majority of others in NC. I hunt these areas as well as other ares in NC and have definitely seen a big reduction in the numbers of waterfowl through out the rest of NC which has generally been consistent. As many of us are aware it is becoming very successful for those few who are able to develop such properties around the lake for their families and close friends. We are already at a disadvantage with the weather being so warm. Birds pour into these corn impoundments and simply have no reason to leave. The wealthy land owners have figured this strategy of planting and very limited hunting to insure holding the majority of birds in their area. I am fortunate to be able to hunt these ares but see what is happening and do not feel everyone else has the fair opportunity to have descent hunts. Somehow this needs to be stopped because it is becoming more of an issue each year ! Thanks, Cory M Williams

Migratory Game Bird Seasons

47	I would like to see Sunday hunting an option like the deer season has.
48	this a tough decision managing people's expectation's
49	We applied and got picked for our first permit duck hunt at Falls Lake this past season. We had a great time and appreciated the minimal hunting pressure we saw that day.
50	Reconsider the Sunday hunting restrictions for migratory game birds. This outdated rule has no scientific data to support the restriction and is only remains in place due people's feelings that "the birds need a day of rest". If there is any data to support this idea then give them a Monday when most sportsman have to work. WRC/NC wild life should review and change blind laws. Local governments requiring permits (that you can't get) to hunt public waters or instating rules that block access to our public waters should be abolished. Defunct blinds, fake blinds (2 PVC poles) and unused blinds (500 yard rule) litter our hunting areas/ Public waters and there only purpose is to block access and hunting opportunities. CARTERET • Take migratory waterfowl within 500 yards of another's permanent hunting location without permission of the landholder upon whose land the waterfowl is taken. CURRITUCK Hunt waterfowl within 500 yards of another's licensed blind. NOTE: A Currituck Game Commission License is not required for temporary waterfowl blinds on game lands. However, unlicensed temporary blinds on game lands in this county shall not be hunted if a licensed float blind is established within 500 yards of the unlicensed blind before game land hunters have occupied the blind. Likewise, licensed float-blind hunters shall not establish a float-blind position within 500 yards of an unlicensed game land blind if game land hunters have occupied the blind first. Unlicensed float blinds on game lands must be used within five yards of the game lands shoreline and shall not be established within 500 yards of a licensed point, bush or float blind. Licensed float-blind hunters shall not establish a float-blind position within 500 yards of an established game land float-blind position if the game land hunters have established the game land float-blind position first. DARE • Hunt transitory waterfowl from an unlicensed blind, except on or within five yards of the shoreline of game lands.
51	Utilizing "most allowable hunt dates" within USF&W options/frameworks, best serve NC hunters! Please keep this dynamic to support the licensed hunter's best, by endorsing the "most days allowable" options.
52	Issue more permits for Tundra Swan or discontinue the permit requirement. Ensure that folks who seek the permit are actually hunters.
53	Please do not raise hooded merganser limit to 5- I see too many mergansers left at landings, thrown away, etc already. Nobody needs to shoot 5 hooded mergansers!
54	I think seasons for Waterfowl are too long. I've been Waterfowl hunting since 1970 and (with few exceptions) watched populations and hunt quality decrease every year since
55	Please remove the prohibitions against hunting on Sundays for migratory waterfowl on both private and public lands.
56	I strongly feel that NC should allow waterfowl hunting on Sundays. Please add this to the agenda to discuss and review with the appropriate parties. Thank you.
57	consider starting with last day possible within framework and then get our 60 days in as late in the season as possible. We dont need to be duck hunting in October. Thanks
58	I think the migratory birds section of the regulations is the most difficult to understand. Please do anything you can to simplify things. Specifically challenging are rules on certain lakes. You need links to them on the web site.
59	SUNDAY HUNTING
60	Do not like the December-January season ending on a Tuesday. I suspect like a lot of people I am often times only able to hunt on Saturday. Having a Monday and Tuesday to close out the season cost me Saturdays that I could hunt! Making sure our youth have a good experience on youth day is vital. Having a full one week break between the end of the regular season and youth day rests hunting areas and makes youth day better
61	Strongly consider allowing Sunday hunting. It can be structured the same as big game hunting where you can not hunt during certain hours.
62	Add sunday hunting for waterfowl. Majority of other states allow it and we allow it here in NC for many other species.

Migratory Game Bird Seasons

63	Open up Sunday hunting, it's difficult for people who work M-F to only be able to hunt 1 day with out taking off work.
64	Guys keep up the good work! I appreciate what y'all do! Thank Y'all!
65	What are the duck numbers looking like? We are not seeing that many ducks especially the last few years. Where are all our ducks in the Atlantic Flyway?
66	Sunday hunting for waterfowl
67	I would like to see Sunday hunting for all migratory birds in NC.
68	Eliminate the early OCT season and extend the late season segment
69	Big concern on low diver numbers on the coast of NC. Mild winters are a big factor but season placement and hunter opportunity have to take president on our list to keep people involved in waterfowl hunting. More puddle ducks inland of NC that I have seen in the last five years but duck numbers east of 95 are down in general and making sure our kids and my kids' kids are able to hunt waterfowl in NC is the main concern.
70	Need Sunday hunting for migratory game birds
71	North Carolina needs to adopt Sunday hunting for Migratory game birds
72	Introduce Sunday hunting. Don't say it's not possible, many other states do it. Best migration seems to be early December when the season is closed and late January. Migration is changing. So can seasons.
73	Allow Sunday hunting for the working middle class
74	Cormorant Management Season? Alligator Permits? Unincorporated Areas should be considered for Alligator Seasons. Open the game lands, especially the ones that used to accept nuisance alligators. Holly Shelter & White Oak both have waterfowl impoundments & previously nuisance alligators.
75	I want to thank the commission for providing us with the opportunity to make these comments on how our season are set in NC.
76	It seems like ducks are arriving later and later so in reality duck season could start mid Dec and end in Feb.
77	Need to consider options for Oyster Creek boat ramp access for Goose Creek Game Lands(Pamlico Point). WRC should be flush with funds from Pittman-Robertson Act funds from ammunition sales to purchase boat ramp area.
78	Duck season needs to open later and close later
79	Please consider a statewide early teal season. There are teal that migrate thru other areas of state and hunters should be allowed that opportunity. I feel we have gone long enough with only a quarter of state having a teal season.
80	Management of this sucks!!! The limits can not set forth for the entire state when different sectors of the state have different species. To limit certain areas because other areas dont have the numbers is dumb. A limit on bufflehead ducks should be established in the east. Due to the number of guides and hunters in the area, they are hunted relentlessly while redheads and blackheads are abundant. The only difference is there is a limit on redheads and blackheads. People with common sense that are waterfowl hunters should be making the rules. This would lead to more productive hunting and better conservation of the fowl. I am sure that you will not reply to this or even consider any part of it as you are part of the problem.
81	Would like to see waterfowl hunting open on Sunday. Some of us only have Saturday to hunt.
82	I feel like black duck should come in the same opening days as regular waterfowl such as mallard, teal, widgeon, pintail, ringneck, scaulp, etc. At fist light it is often very difficult to visually or vocally decipher between mallards and black ducks thus increase the chance of shooting an illegal species based on previous regulations which bring black duck season in 2 weeks further I to the regular duck season. Unless there is a biological or reproductive vaillidation for this, which I would be very interested in learning if so. Population size wise black ducks seem strong enough to be able to withstand the normal season dates. Thank you

Migratory Game Bird Seasons

83	In my opinion I think the two days in October are pointless. It is still way to hot here in NC to really get on any birds. It would be really nice if we could open the season around mid November and push the season back into February.
84	create and enforce shell limits on public lands. Stop all the people killing 10x their limit of blue bills. Patrol the Core Sound?
85	Make one duck season across the state like it was, there's no benefit to zones.
86	Seasons need to be later. No ducks all season then boom they they are in late jan early feb
87	Sea duck limit needs to be less to have any birds left ! No more special sea duck season Bufflehead limit - needs to be LESS then 6 before they're all gone as well Blue bill limit - 2 all season Pintail limit - 2 atleast a portion of the season, with what has been done with the bluebill limit over the past years
88	Echoing my other responses.... (1) Ending the season on a Monday and Tuesday (early weekday) does not provide the best opportunity for hunters. Moving these dates to the Friday at the start of the November and December season would be optimal. (2) Youth and Veterans hunt days should be the two Saturdays between the November and December/January seasons.
89	Dove and Duck seasons starts way to early. Especially Dove, because the first season all you kill are juvenile doves. Not really worth killing, it has no meat on them. Dove and duck seasons should be Mid October thru the end of February. We could actually kill some migratory birds. Also, I'm all about youth hunters but the age needs to be lowered to 15 yrs old. Once they reach 16 they become mobile and hunt every day and kill over their limit of birds and Turkeys. I've seen it going on.
90	Open season on sundays. Shorten the November season
91	The season dates in general need to be longer, offer more days in the field, and open up more land to the public. If there was a land owner program that they work with the WRC in exchange for certain amounts of hunters being allowed access to their properties. North Dakota has a PLOTS program, Private Lands Open To Sportsman, it was a really good program. You can open it up for certain species, during certain time frames and using specific weapons. There needs to be more access as well as longer hunting seasons, especially for people that don't own private land.
92	Would like to see longer Woodcock season after Deer season has gone out
93	We need to do a better job managing our impoundments for migrating waterfowl to include food plantings and dedicated blinds
94	I disagree with setting the youth age at 17. A 17 year old with proper hunter safety and license can legally hunt alone during the regular season, but not on youth days? This is clear in the rules, but allowing young adults that must purchase a hunting license and potentially have a drivers license to hunt on youth days when the rest of the year they're treated like an adult adds confusion an promotes poor thought process. Reduce the age back to 15 or make license requirements 18. Additionally I fully support a veterans day, but feel it should not coincide with youth days. Pick a weekday for vets and give the kids the Saturdays...
95	The fall and winter seasons have changed with weather. Think that waterfowl season should be extended through till end of February. Does not get cold now till end of January
96	It would seem the Commission has considered many variables and the proposed dates are viable and appropriate in my opinion.
97	Set a Sunday dates in the mix for the working class people.
98	Allow Sunday hunting
99	With most waterfowl number showing up in my experience after October. Why not make North Carolina a Sunday hunting state for waterfowl. I am only able to hunt saturdays and others I know with work and it would allow another day with season starting later in the year when the birds show up anyways.
100	The 500 yard safe hunter law on the NC coast should be abolished. The 500 yard law is widely abused by anti-hunting activist and private land owners to keep anyone from hunting near their land. While I fully respect and understand private land owner rights. This law is completely

Migratory Game Bird Seasons

destructive to the NC public land hunter. I would like to see this law edited to at minimum require the blind to be occupied by 5am or force each land owner to pay for and register each blind that they want to keep people away from.

101	I believe in the future we need to look at rest days for waterfowl in the middle of the week. Or perhaps a 11:00 am cutoff time.
102	We need better access to public hunting lands
103	1) What about the mountain region? Early bluewing and/or wood duck only season? I would give up the chance at shooting other species in October if I had the chance to shoot bluewing and wood ducks in Sept or the first of Oct. 2) Personal hunting trend: 2021-22 season I hunted 4 days; 2020-21 = 8 days; 2019-20 = 12 days; 2018-19 = 8 days; 2017-18 = 12 days 2012-2017 avg 18 days (range 16-23 days); 2009-2012 avg 23 days (range 21-26 days). Weather and lack of birds are the reason I am not hunting as much anymore.
104	All seasons need to be shifted to the right.
105	The October season should be done away with in my, and many other waterfowlers, humble opinion. It is a waste of a couple of valuable days that could be used later in the migration, particularly in December (as we already get all of January to hunt). Completely unrelating to seasons, the "safe hunter rule" aka the 500 yard blind law should be completely done away with. It ruins vast amounts of opportunity available to public land hunters and frankly there are better compromises that could be made that makes both sides (public hunters and private club hunters) happy.
106	Season is too early need later date
107	Open up lottery waterfowl hunting on the Pee Dee Refuge? Central NC struggles on public land.
108	Raise the goose limit in the north east zone.
109	NC needs more days at the end of the third waterfowl season because most years we do not get good numbers of migrating birds until late December.
110	I believe it is very important in the coastal zone to preserve NO HUNTING ON SUNDAY. The coastal areas of NC are getting busier and busier with more and more hunters each year. I believe the waterfowl need a least one day of rest if not more. Allowing for waterfowl hunting on sundays would be a mistake and likely further weaken future migrations due to ever increasing pressures. Please preserve NO HUNTING ON SUNDAYS
111	Very appreciative of the Veteran/Youth waterfowl days
112	Bring Sunday hunting to North Carolina already. Your antiquated laws are just showing your not up for change. It's a direct reflection of not knowing what's right. Every other state around NC has it. Your not helping anything across the board by keeping Sundays closed
113	We need to open up more hunting opportunities for people who work 5 days a week. We only get one day to hunt and even then you better pray it's a good day. Why penalize people who work full time and put so much money into conservation to limit them during the weekends. Why not trade one of those week days for both weekend days. We hunt 6 days a week anyway. What difference does it make if it's a Tuesday or a Sunday?
114	Many other states have migratory hunting on sundays, why do we still not. We finally have it for deer hunting, now we need it for birds
115	We should decrease the individual and aggregate limits. We want to see this sport live past the next decade.
116	Need to consider possible season or options on cormorants. Their numbers appear to be out of control and rising based on observations when hunting. Just wonder how many small fish etc they consume.
117	Please consider making a soft push towards lead free zones for upland game bird hunting to reduce the amount of lead being deposited into the environment.
118	I'm happy to see the protection of Sea Ducks in our state, however the removal of the Special Sea duck season is was a drastic change that could've been modified differently, a shortened Special Sea Duck season would've sufficed, I'm an open water hunter on the Pamlico in Hyde

Migratory Game Bird Seasons

and Beaufort county and only target Sea ducks mostly and the number of hunters I see during the Special Sea duck season is minimal. I'm on the water almost daily during the Special Sea duck season due to the low numbers of other hunters during this time so this change is harsh for hunters like myself and Sea duck guides who make their living during this Season. This change will only effect a small number of individuals but if the state and other federations/ departments believe this will improve populations then I suppose this is what's best for the species and Hunters who target them. In closing I also hope the state considers opening up a controlled season for cormorants who's numbers are out of control. The damage this species causes for fisheries /Sea Ducks and other populations is very clear. I hope that a change can be made to help improve the waterways with a controlled season.

119	Should be longer season on all animals.
120	No Sunday hunting
121	Season goes out to early, would like to see it start later and end later. Duck Hunting brings much needed revenue to the Shores of NC but with the shift in the weather there are fewer ducks around meaning less people resident/non-resident are coming to hunt.
122	I support any initiative that decreases both the limit and season length. I recognize that these are driven by Federal framework, but we must make drastic changes to the ensure future generations can enjoy this great sport. I would much prefer to have my two boys see ducks on most hunts with lower limits and less days to hunt.
123	Open Sunday hunting
124	Veterans days overlapping youth days is turning kids away from hunting public land and waterfowl hunting. Consider moving these veteran days to the split or eliminating them.
125	Duck season should be contiguous from Dec 1 through the end of the the year. A large push of birds doesn't happen till mid November
126	I would support a 4 duck limit, if a duck is a duck. 4 any duck and you're out. Too many ducks are wasted because the wrong duck is shot.
127	It would be great to see more highland big restoration and overall waterfowl habitat improvement in the western part of the state.
128	There needs to be a better way to keep up with harvest numbers and bird population estimates.
129	Please ban hunting over flooded unharvested row crops and make the sport fair chase again. No use hunting public waters anymore.
130	I don't know why the decision was made to so drastically change the first split. It was a terrible idea. All teal are gone and even the wood ducks are not a plentiful later in October. Go back to the first weekend in October for the first split.
131	Allow Sunday hunting for waterfowl to allow more opportunities for hunting for those that work.
132	Please get rid of the early October duck days and give them to us in December! There are more birds here and it is easier to get off of work in December than in October. And less snakes and mosquitoes. Please!
133	The season needs to be longer and past January 31st. the ducks are migrating later and later each year with our temperatures being higher than usually every year.
134	In the Northeast area there is a requirement for a special tag and a daily limit of 1 Canada goose. These things are all over the place on the Chowan River in September. Please consider increasing the limit and removing the requirement for a special tag so we can decrease the population of the resident population of this bird.
135	The season should have the ability to be extended while in the season if waterfowl has not been present
136	The seasons for each class of birds are too short (as are all hunting seasons in NC) and do not allow new hunters enough time to develop skills needed to become proficient hunters. Please consider extending these seasons and incorporating more training sessions. Otherwise, I love NCWRCand all that you've done to welcome me as a new hunter this last season!

Migratory Game Bird Seasons

137	Shut season down for a couple years
138	Please consider moving the october season back and making it 3 days. This is too close to the regular season and we miss alot of early ducks with it being so late. Thanks!
139	Please consider introducing upland game birds to the Johns River Game lands
140	Start the season a week later and have it go a week longer
141	No SUNDAY hunting for waterfowl
142	Bluebill limit needs to be upped at least a bird or two. This season and in previous season they have come down here by the thousands and if you have one decent size flock come into the spread your hunts over with four good shooters. Also, the season dates needs to be changed, the first season the one from November to the beginning of December needs to be taken away but the 2nd season needs to be extended. The cold weather always comes after the season has ended which brings down the birds.
143	There's been an issue with duck numbers for several years now in NC. Once plentiful seasons enjoyed by all, have dramatically been reduced. I've hunted duck in NC for 20 years. The last 3-4 seasons have been terrible for everyone. Any information about what's causing this?
144	Do the work to make the duck draw hunts worth putting in for!
145	I'm interested in the Sunday hunting. Lot of people can't hunt except on the weekends
146	Seasons need to be shifted into February. Dates in October have few ducks and no weather. Also Sunday hunting should be approved
147	Migratory game bird hunting should be outlawed. There is no reason to kill these birds!
148	Too many duck hunters concentrated into limited public opportunities. Need to materially increase quality opportunities, especially in central NC.
149	I think that overall everything looks good. I know that the feds regulate the duck season and it has to end by a certain date but I think in the future extending the season into the first 2 weeks of February will be needed.
150	Get rid of veterans/military days or add first responders to it but change it to a week day. Leave the kids to have their own days.

EXHIBIT F-3b

April 14, 2022



2022-23 Migratory Game Bird Gun Season **Proposed** Frameworks and WMD Staff Recommendations

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Mourning Dove & White-winged dove	Outside Dates: September 1 – January 31; 90 days with 3 segments, daily bag of 15 singly or in the aggregate	September 3 – October 1, November 5 – November 26 December 10 – January 31	15
King & Clapper Rails	Outside Dates: September 1 – January 31; 70 days with 2 segments, daily bag of 15 singly or in the aggregate	September 3 – November 23	15
Sora & Virginia Rails	Outside Dates: September 1 – January 31; 70 days with 2 segments, daily bag of 25 singly or in the aggregate	September 3 – November 23	25
Gallinule & Moorhens	Outside Dates: September 1 – January 31; 70 days with 2 segments, daily bag of 15 singly or in the aggregate	September 3 – November 23	15
Woodcock	Outside Dates: September 13 – January 31; 45 days with 2 segments, daily bag of 3	December 10 – January 31	3
Common Snipe	Outside Dates: September 1 – February 28; 107 days with 2 segments, daily bag of 8	October 27 – February 28	8

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Canada Goose (September season)	<p>Outside Dates: September 1 – 30 (statewide); 30 days, daily bag of 15</p> <p>Special methods: During the September Canada goose season only, the following expanded hunting methods area allowed:</p> <ol style="list-style-type: none"> 1. Extended shooting hours to ½ hour after sunset. 2. unplugged guns 3. electronic calls <p>Note: The special methods are not allowed in areas with another open waterfowl season, e.g, September teal.</p>	<p>September 1 – 30 (statewide)</p> <ol style="list-style-type: none"> 1. extend shooting hours to ½ hour after sunset 2. allow use of unplugged guns 3. allow use of electronic calls <p>These expanded methods are <u>only</u> to be allowed west of U.S. 17.</p>	15
September Teal	<p>Outside Dates: September 1 – 30; 16 consecutive days, daily bag of 6, east of U.S. 17 only</p>	<p>September 13 – September 30 (East of U.S. 17 only)</p>	6
General Duck Season	<p>Outside Dates: Saturday nearest September 24 (September 24) – January 31; 2 duck hunting zones with no more than 3 segments in either zone, 60 days & daily bag of 6 ducks in each zone. <u>Species specific bag limits are the same in each zone.</u></p> <p>Includes a total of 6 ducks with no more than 4 total sea ducks [no more than 3 scoters, 3 eiders (1 hen eider), or 3 long-tailed ducks], 3 wood ducks, 2 mallards with no more than 1 hen mallard, 2 redheads, 2 canvasbacks, 2 black ducks, 1 pintail, 1 mottled duck, and 1 fulvous whistling duck. For scaup, states can choose a 60-day season with a 1 bird daily bag limit, or a “hybrid” season consisting of 40 consecutive days with a 1-bird daily bag limit and 20 consecutive days with a 2-bird daily bag limit. The season on harlequin ducks is closed.</p>	<p><u>Inland Zone:</u> October 21 – October 22, November 5 – November 26, December 17 – January 31</p> <p><u>Coastal Zone:</u> October 28 – October 29 November 5 – November 26, December 17 – January 31</p>	<p>Includes a total of 6 ducks with no more than 4 total sea ducks [no more than 3 scoters, 3 eiders (1 hen eider), or 3 long-tailed ducks], 3 wood ducks, 2 mallards with no more than 1 hen mallard, 2 redheads, 2 canvasbacks, 2 black ducks, 1 pintail, 1 mottled duck and 1 fulvous whistling duck. Prior to January 9 the scaup bag limit is 1, on January 9 and after it is 2. The season on harlequin ducks is closed. The season on black ducks and mottled ducks is closed until November 19.</p>

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Mergansers	Outside dates: same as general duck season; daily bag of 5 mergansers.	Same as general duck season	5 mergansers no more than 2 hooded mergansers
Coots	Outside dates: same as general duck season; daily bag of 15 coots	Same as general duck season	15 coots
Sea Ducks	Outside Dates: Saturday nearest September 24 (September 24) – January 31; season must coincide with the general duck season, daily bag of 4 total sea ducks with no more than 3 scoters, 3 eiders (no more than 1 hen eider) or 3 long-tailed ducks. The sea duck bag limit counts towards the general duck bag limit of 6 ducks.	October 28 – October 29 November 5 – November 26 December 17 – January 31	4 total sea ducks with no more than 3 scoters, 3 eiders (no more than 1 hen eider) or 3 long-tailed ducks. Sea duck daily bag limits count towards the general duck daily bag limit of 6 ducks.
Canada Geese (Resident Population Zone) – includes Canada Geese and White-fronted geese	Outside Dates: October 1 – March 10; 80 days with 3 segments, daily bag of 5 Canada geese or white-fronted geese singly or in the aggregate	October 21 – October 29, November 5 – November 26, December 17 – February 11	5
Canada Geese (Northeast Hunt Zone) – includes Canada Geese and White-fronted geese	Outside Dates: Saturday prior to December 25 (December 24) – January 31; 30 days, daily bag of 1 Canada goose or white-fronted goose	December 28 – January 31	1

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Brant	Outside Dates: Saturday nearest September 24 (September 24) – January 31; 50 days with 2 segments, daily bag of 2	December 17 – January 31 (39 days total)	1
Light Geese (includes snow and Ross's geese) – regular season	Outside Dates: October 1 – March 10; 107 days with 3 segments, daily bag of 25 (no possession limit)	October 11 – February 11	25 (no possession limit)
Light Geese (includes snow and Ross's geese) – Conservation Order season	Outside Dates: Must occur when no other waterfowl season is open, no daily bag, no possession limit; <ul style="list-style-type: none"> • electronic calls allowed • unplugged guns allowed • extended shooting hours to ½ hour past sunset allowed 	February 13 – March 31	<ul style="list-style-type: none"> • no daily bag limit • no possession limit • electronic calls allowed • unplugged guns allowed • allow shooting to extend to ½ hour past sunset
Tundra Swan	Outside Dates: October 1 – January 31; 90 days, no segments allowed, 1 per season with valid permit (4,721 permits available)	November 5 – January 31	1 per season with valid permit

Species	Frameworks	Staff Recommendations	
		Staff Recommended Season	Daily Bag
Youth Waterfowl Day(s)	<ul style="list-style-type: none"> • 2 youth days allowed in each duck zone. • The day(s) can occur up to 14 days before or after any regular duck season or in the closed portion between season segments. • The day must occur on any non-school day. In North Carolina, this includes Saturdays and any statewide holidays. • States may use their established definition of age for youth hunters. However, youth hunters may not be over the age of 17. 	<u>Inland Zone:</u> February 4 & February 11 <u>Coastal Zone:</u> February 4 & February 11	Includes ducks, geese, brant, tundra swans, mergansers and coots (in each zone). Must have a valid permit if hunting tundra swans.
Veterans/Military Waterfowl Day(s)	<ul style="list-style-type: none"> • 2 veterans/military days allowed in each duck zone. • Includes veterans and members of the Armed Forces on active duty, including National Guard and Reserves on active duty (other than for training). • The day(s) can occur up to 14 days before or after any regular duck season or in the closed portion between season segments. • Can be held concurrently with the Youth Waterfowl Day(s). 	<u>Inland Zone:</u> February 4 & February 11 <u>Coastal Zone:</u> February 4 & February 11	Includes ducks, geese, brant, tundra swans, mergansers and coots (in each zone). Must have a valid permit if hunting tundra swans.

- Federal guidelines allow for shooting hours for all migratory game birds to be from ½ hour before sunrise to sunset.
- Possession limit is three times the daily bag for all species.

EXHIBIT F-4

April 14, 2022



Extended Falconry Season Highlights & WMD Staff Recommendations for 2022-23 Extended Falconry Seasons for Migratory Game Bird Species

General Restrictions/Guidelines

- Seasons must fall between September 1 and March 10
- Total days available for falconry cannot exceed 107 (for each species) and includes regular, i.e., gun seasons, experimental seasons and extended falconry seasons
- The falconry daily bag limit is 3 permitted migratory game birds, singly or in the aggregate. The regular, i.e., gun season bag limits for individual species do not apply.
- Each extended season may be divided into a maximum of 3 segments
- The falconry bag limit is not in addition to the gun bag limit

WMD Staff Recommendations

If the Commission chooses staff recommended “gun” seasons as presented, we recommend the following extended falconry seasons.

Mourning dove/White-winged dove	October 3 – October 15
Rails, Gallinule and Moorhens	December 10 – January 14
Woodcock	December 1 – December 10 and February 1 – February 25
Ducks, mergansers and coots	October 3 – October 15 and February 1 – February 11

EXHIBIT G

April 14, 2022



Staff Recommendations to Allow Take of Migrant Peregrine Falcons From the Wild for Use in Falconry - 2022

The Atlantic, Mississippi, and Central Flyway Councils approved an allowable take of 144 Peregrine Falcons by falconers. Based upon this allocation, the USFWS is allowing the take of up to 48 fall migrants in 2022 east of 100 degrees W longitude to Atlantic Flyway states. North Carolina is allocated up to 5 birds.

Based on this allocation of up to 5 birds for take from within North Carolina, WMD staff recommends that the WRC accept the USFWS allocation framework and establish a season in 2022 with the following stipulations.

- Total allowable take is up to 5 birds during the period from September 20, 2022, through October 20, 2022.
- Any bird taken must be a juvenile.
- Take would be allowed only by permit from the WRC and only east of US Highway 17.
- No banded birds could be taken. Any banded birds captured must be released immediately at the site of capture.
- Permits will be issued through our special hunts permitting system (random).
- An individual issued a permit must have the proper state and federal falconry licenses/permits.
- Each person receiving a permit must complete a post-season survey provided by WMD staff and submit that survey no later than December 15, 2022.

EXHIBIT H

April 14, 2022



Preferred Management Options for Amendment 2 to the North Carolina Estuarine Striped Bass Fishery Management Plan

Achieving Sustainable Harvest for the Albemarle Sound-Roanoke River Striped Bass Stock

- Option 1. Manage for Sustainable Harvest through harvest restrictions
- A. Status quo: continue to use stock assessments and stock assessment projections to determine the Total Allowable Landings (TAL) that achieves a sustainable harvest for the Albemarle Sound-Roanoke River Striped Bass stock.
- Option 2. Management of striped bass harvest in the commercial fishery as a bycatch fishery
- A. Status quo: continue managing the Albemarle Sound Management Area commercial Striped Bass fishery as a bycatch fishery.
- Option 3. Accountability measures to address TAL overages
- Do not support any options as written; support the following modified option:
- If the landings in any one of the three fisheries (RRMA recreational, ASMA recreational, and ASMA commercial) exceed their allocated TAL by 5% in a calendar year, any landings in excess of their allocated TAL and 5% buffer will be deducted from that fishery's allocated TAL the next calendar year. If the payback for a fishery exceeds the next year's allocated TAL, the fishery will be closed the subsequent year with no additional payback required.
- Option 4. Size limits to expand the age structure of the stock
- C. In the Albemarle Sound Management Area, implement a harvest slot of a minimum size of 18 inches total length to not greater than 25 inches total length in the commercial and recreational sectors.
- E. In the Roanoke River Management Area, maintain current harvest slot limit of a minimum size of 18 inches total length to not greater than 22 inches total length with no harvest allowed on fish greater than 22 inches.
- Option 5. Gear modifications and area closures to reduce striped bass discard mortality
- A. Status quo: continue to allow commercial harvest of Striped Bass with gill nets in joint and coastal waters of the Albemarle Sound Management Area and continue recreational harvest and catch-and-release fishing in the Albemarle Sound and Roanoke River management areas, including the Striped Bass spawning grounds in the Roanoke River.

- E. Implement a requirement to use non-offset barbless circle hooks when fishing with live or natural bait in the inland waters of the Roanoke River (upstream of Hwy 258 bridge) from May 1 through June 30.

Option 6. Adaptive Management

- A. Use peer reviewed stock assessments and updates to recalculate the Biological Reference Points (BRP) and/or TAL. Stock assessments will be updated at least once between benchmarks. Increases or decreases in the TAL will be implemented through a Revision to the Amendment. A harvest moratorium could be necessary if stock assessment results calculate a TAL that is too low to effectively manage and/or the stock continues to experience spawning failures.
- B. Use estimates of fishing mortality (F) from stock assessments to compare to the F_{BRP} , and if F exceeds the F_{Target} , reduce the TAL to the F_{Target} through a Revision to the Amendment (ASMFC requirement under Amendment 6 to the Interstate FMP for Atlantic Striped Bass).
- C. Ability to change daily possession limits in the commercial and recreational fisheries to keep landings below the TAL.
- D. Ability to open and close recreational harvest seasons and commercial harvest seasons and areas to keep landings below the TAL and reduce interactions with endangered species.
- E. Ability to require commercial and recreational gear modifications including, but not limited to, the use of barbless or circle hooks, area closures, yardage limits, gill net mesh size restrictions and setting requirements to reduce Striped Bass discards.

Achieving Sustainable Harvest for the Tar-Pamlico and Neuse Rivers Striped Bass Stocks

Option 1. Striped Bass Harvest

- A. Continue the no-possession measure in Supplement A to Amendment 1.

Option 2. Gear Restrictions/Limits

- A. Maintain gill net closure above the ferry lines and maintain the 3-foot tie-downs below the ferry lines.

Option 3. Adaptive Management

- A. In 2025, review data through 2024 to determine if populations are self-sustaining and if sustainable harvest can be determined. In addition, adaptive management should be considered to allow changing management strategies to put-grow-take fisheries before the next comprehensive FMP review if progress toward self-sustaining populations is not occurring.

Achieving Sustainable Harvest for the Cape Fear River Striped Bass Stock

Option 1. Striped Bass Harvest

- A. Allow seasonal harvest in all Cape Fear River fishing waters (open season March 1–April 30; minimum size of 18 inches total length; 2 fish daily creel limit).

Option 2. Adaptive Management

- A. Continue young of year (YOY) surveys and Parentage Based Tagging (PBT) analysis after the adoption of the FMP.
- B. If YOY surveys and/or PBT analysis suggest levels of natural reproduction have increased or decreased compared to what was observed up to the time of FMP adoption, then management measures may be re-evaluated using this new information.
- C. Management measures which may be adjusted include means and methods, harvest area, as well as season, size and creel limit.

The Use of Hook and Line as a Commercial Gear in the Estuarine Striped Bass Fishery

Option 1. Hook and line as a commercial gear

- A. Do not allow hook and line as a commercial gear in the estuarine striped bass fishery.

Option 2. Adaptive management

- A. If hook and line is allowed for the commercial harvest of striped bass and Marine Patrol enforcement activity or License and Statistics data suggest significant amounts of unreported commercial striped bass catch is occurring, then additional tagging or reporting requirements may be developed and implemented.
- B. Management measures that may be adjusted include means and methods, harvest area, as well as season, size, and limit.

EXHIBIT I-1

April 14, 2021



Public Comments for 15A NCAC 10C .0100, .0300, .0400, .0700, and .0800 Inland Fisheries – Joint Water Zone Rules

Position	Comment
Agree	Agree with changes to 10C .0102.
Agree	Agree with 10C .0326.
Neutral	I would like to see NC offer a Joint (Inland and Coastal) Lifetime Infant / Youth License.. (no hunting) as we are missing a big segment of people opposed to hunting that would like a to purchase a joint fishing only license for their grandchild or child.
Disagree	See attached letters.

One public hearing was held on February 15, 2022.



ROY COOPER
GOVERNOR

M. RENEE CAHOON
CHAIR

LARRY BALDWIN
VICE-CHAIR

NEAL W. ANDREW

CRAIG BROMBY

TRACE COOPER

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ANGELA WILLS

BRAXTON C. DAVIS
EXECUTIVE SECRETARY AND
DCM DIRECTOR



North Carolina Coastal Resources Commission

March 18, 2022

Via Hand Delivery

Rulemaking Coordinator
N.C. Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701
regulations@ncwildlife.org

Re: NC Coastal Resources Commission Comments on 15A NCAC 10C - Inland Water Boundaries

To Whom It May Concern:

As Chair of the Coastal Resources Commission, I am writing to express concerns about the North Carolina Wildlife Resources Commission's (WRC) proposed amended and adopted rules in 15A NCAC 10C (as published in the North Carolina Registry on January 18, 2022,) that will unilaterally change the jurisdictional boundary between coastal and inland waters.

By statute, both the North Carolina Marine Fisheries Commission (MFC) and WRC exercise concurrent jurisdiction over joint fishing waters of the state. N.C.G.S. § 113-132. As part of their joint administration of these resources, MFC and WRC have adopted joint rules which delineate the boundary between estuarine waters and inland fishing waters. These joint rules, including 15A NCAC 10C .0108, are part of a series of interconnected statutes and rules. The boundary of the coastal/inland waters established by these rules has significance far beyond jurisdiction for fisheries regulation. Several state laws, including the Coastal Area Management Act (G.S. 113A-100, et seq.) and the State Dredge and Fill Act (G.S. 113-229), refer to the boundary between coastal and inland waters as the extent of the state's estuarine resources. As a result, changing the boundary of coastal and inland waters, or repealing the rule establishing that boundary, would remove waters critical to the state's estuarine fisheries from protection under coastal management, water quality, and habitat protection programs. At the very least, there is a strong likelihood of significant uncertainty about where the Commission's more protective Estuarine Shoreline rules could be enforced.

For the last several years, the Coastal Resources Commission has reached out to the WRC and its staff and asked for a meeting to express its concerns without success. Given the significant implications of changing the rule relating to the boundary between coastal and inland waters, the Coastal Resources Commission is troubled by the WRC's failure to articulate any justification for the proposed rule

Division of Coastal Management
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Rulemaking Coordinator
N.C. Wildlife Resources Commission
March 18, 2022
Page 2

changes. State law makes clear that the decision on coastal/inland waters jurisdiction with respect to the Coastal Area Management Act and State Dredge and Fill Act must be by agreement between the MFC and the WRC.

Unfortunately, the WRC has chosen to move ahead with its proposed rule changes in the face of significant objections from the Coastal Resources Commission and others. We urge you to resolve the dispute over these rules in a manner that maintains the protection of the state's estuarine resources. Specifically, we request WRC withdraw the proposed amendments to 15A NCAC 10C and proposed new rules 15A NCAC 10C .0701 and .0702 and proceed with readopting the 11 joint rules without any changes to meet the readoption deadline for both WRC and MFC of June 30, 2022. After the rules have been adopted without any changes, the Coastal Resources Commission supports efforts by both WRC and MFC to work towards updating the joint rules in a manner that addresses the Coastal Resources Commission's concerns.

Thank you for considering these comments.

Respectfully,



M. Renee Cahoon
Chair Coastal Resources Commission

cc: Members of the NC Coastal Resources Commission
Elizabeth Biser, DEQ Secretary
William F. Lane, Esq. DEQ Deputy Secretary for Policy & Legal Affairs/General Counsel
Braxton C. Davis, DCM Director



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director

March 21, 2022

Rulemaking Coordinator
NC Office of Administrative Hearings
1701 Mail Service Center
Raleigh, NC 27699-1701

By email to regulations@ncwildlife.org

Re: Comments on Wildlife Resources Commission rulemaking as noticed in the January 18, 2022 North Carolina Register (Vol. 36, Issue 14, pp. 1230-1243)

To Whom It May Concern:

The North Carolina Division of Coastal Management (DCM) appreciates the chance to comment on the North Carolina Wildlife Resources Commission's (WRC) proposed amended and adopted rules in 15A NCAC 10C as published in the January 18, 2022, North Carolina Register.

The statute outlining the jurisdiction of fisheries agencies (N.C.G.S. § 113-132) was created in 1965 (S.L. 1965-957) and pre-dates both the state Dredge and Fill Law (D&F) (N.C.G.S. 113-129) and the North Carolina Coastal Area Management Act (CAMA) (N.C.G.S. § 113A-100 et seq.), which are administered by DCM, as are the rules implementing these acts made and adopted by the North Carolina Coastal Resources Commission (CRC). As part of the joint administration of the fisheries of the state, the Marine Fisheries Commission (MFC) and the WRC have adopted joint rules which delineate waterbodies between estuarine waters and inland fishing waters. The WRC is proposing to repeal these joint rules through the ongoing re-adoption process. However, these rules, including specifically 15A NCAC 10C.0108, are part of a series of inter-connected statutes and rules upon which portions of the CAMA, D&F, and the CRC's rules depend.

While DCM continues to have the same concerns as expressed in the October 17, 2019, letter from former DEQ Chief Deputy Secretary John Nicholson to former WRC Executive Director Gordon Meyers (2019 DEQ letter), a copy of which is attached, the DCM-related comments in that letter were more focused on the implications of moving the estuarine water/inland fishing waters boundary lines farther up-stream from current locations. However, DCM now has additional concerns if the joint rules were to be repealed through the "automatic expiration" provision of N.C.G.S. § 150B-21.3A(b). As described in the 2019 DEQ letter, some of the CRC's jurisdictional areas are defined by the estuarine water/inland fishing waters boundary line, and the CRC is not able to resolve jurisdictional issues simply through additional CRC rulemaking alone. If the MFC/WRC joint rules were allowed to expire automatically, or be repealed as proposed unilaterally by the WRC, there will be significant changes in where DCM and the CRC can enforce more protective Estuarine Shorelines and Estuarine Waters rules, which are more stringent in



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comparison with Public Trust Shorelines and Public Trust Waters rules. Additionally, there is a potential for significant confusion among the regulated community if boundary lines, which pre-date the D&F's 53-year history and the CAMA's 48-year history, were to suddenly expire.

Thank you for your consideration of these comments.

Sincerely,



Braxton Davis
Director, North Carolina Division of Coastal Management

cc(w/enc.): Bill Lane, NCDEQ
Jessica Englert, Office of the Governor





NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

March 21, 2022

VIA E-MAIL ONLY

Rulemaking Coordinator
N.C. Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701
regulations@ncwildlife.org

RE: NCDEQ Comments on North Carolina Wildlife Resources Commission proposed rules in 15A NCAC 10C

The North Carolina Department of Environmental Quality ("NCDEQ") appreciates the opportunity to comment on the North Carolina Wildlife Resources Commission ("WRC") proposed amended and adopted rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*. The Marine Fisheries Commission ("MFC") and WRC exercise concurrent jurisdiction with respect to joint fishing waters. The MFC and WRC may make joint regulations as may be necessary for rational and compatible management of the marine, estuarine and wildlife resources in these waters. In cases of conflicting regulations, the MFC and WRC are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine, estuarine and wildlife resources of the State. Please accept this letter as NCDEQ's comments on WRC's proposed rules.

NCDEQ believes it may first be helpful to restate the procedural status of the rulemaking process before discussing specific comments. WRC has suggested it anticipates withdrawing the proposed amendments to its 11 joint rules in 15A NCAC 10C and proposed new rules 15A NCAC 10C .0701 and .0702. We understand that WRC will proceed with readopting the 11 joint rules without any changes to meet the readoption deadline for both commissions of June 30, 2022. NCDEQ understands that these changes will be withdrawn as both MFC and WRC attempt to agree to update their respective joint rules. NCDEQ envisions the current public comment period as an opportunity to comment and provide feedback on the WRC's draft revisions. The comments offered below are germane, in part, to an approach where WRC both repeals through readoption the rule cited as 15A NCAC 10C .0108 or otherwise amends its joint rules.

Note that we have reviewed the separate comments prepared by the NCDEQ Division of Marine Fisheries ("DMF") and Division of Coastal Management ("DCM") in response to the request for comments on WRC's proposed rules. DMF's comments focus primarily on the management impacts of the proposed rules. DMF and DCM will transmit their respective



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comments directly to WRC separate from this letter. NCDEQ supports and adopts by reference the comments submitted by DMF and DCM.

We understand that under the North Carolina General Assembly's periodic review of rules process, MFC and WRC must review each of their respective joint rules, including rules which set out the current delineations. In 2017, MFC conducted its review of rules pertinent to delineation (15A NCAC 03Q .0200 *et seq.*) and determined there was no basis to adjust those jurisdictional boundaries. The MFC classified these rules as necessary without substantive public interest and that they should remain in effect without further action. There were no comments received from either the public or WRC during the comment period indicating that these MFC rules needed to be modified to reflect new delineations. Equally as important, no comments were received regarding the WRC's 15A NCAC 10C .0100 rules, including 15A NCAC 10C .0108, which incorporates by reference 03Q .0200 *et seq.*, and any later amendments. Based on the report portion of the periodic review requirements, stakeholders had an expectation there would be no change to these rules.

NCDEQ has concerns with WRC's legal authority for proposing their amended, readopted, adopted and repealed rules. Specifically, NCDEQ questions the language in 15A NCAC 03Q .0106 as having granted WRC exclusive authority over hook and line fishing in joint waters. The issue of authority over hook and line fishing in joint waters has been addressed previously through an Advisory Opinion issued by the Attorney General's Office in 1995. NCDEQ believes that both MFC and WRC share authority for hook and line fishing in joint fishing waters and that the basis for exercising that jurisdiction should be the resource regulated, rather than the method of harvest.

In monitoring the activities of the progress on the WRC proposed rules, NCDEQ also identified concerns and potential unintended impacts of the proposed WRC rule changes on the regulatory authority of other NCDEQ Divisions beyond DMF, to include DCM, the Division of Water Resources ("DWR"), and the Division of Energy, Mineral and Land Resources ("DEMLR"). We raised these concerns with you in an October 17, 2019, letter from then NCDEQ Chief Deputy Secretary John Nicholson to WRC's then Executive Director Gordon Myers. These concerns are directly connected to WRC's proposed repeal now through readoption the rule cited as 15A NCAC 10C .0108. That repeal is significant and would extinguish incorporation by reference to 15A NCAC 03Q .0200 *et seq.*, the corresponding MFC rule that contains the actual descriptive delineation latitude and longitude boundaries for inland, joint, or coastal fishing waters previously agreed to by the MFC and WRC. To the extent that the NCDEQ October 17, 2019, letter bears on this issue, we include a copy of that letter here to be considered with the Department's other comments.

NCDEQ again thanks you for the opportunity to comment on WRC's proposed amended, readopted, adopted and repealed rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*.



Sincerely,



Sushma Masemore
Assistant Secretary for Environment
N.C. Department of Environmental Quality

Enclosure

Cc: Bill Lane, NCDEQ
Jessica Englert



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NORTH CAROLINA
Environmental Quality

October 17, 2019

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Gordon S. Myers
Executive Director
NC Wildlife Resources Commission
NCSU Centennial Campus
1751 Varsity Drive
Raleigh, NC 27606

Dear Director Myers:

The Marine Fisheries Commission (“MFC”) and the Wildlife Resources Commission (“WRC”) exercise concurrent jurisdiction with respect to joint fishing waters. The MFC and WRC may make joint regulations as may be necessary for rational and compatible management of the marine, estuarine and wildlife resources in these waters. In cases of conflicting regulations, the MFC and WRC are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine, estuarine and wildlife resources of the State.

In January 2019 the MFC and WRC formed a Joint Committee on Delineation of Fishing Waters (“Joint Committee”) to fulfill the statutory responsibility to jointly determine boundaries defining inland, coastal, and joint fishing waters where there may be regulatory conflict between the agencies concerning those boundaries. Each agency had agreed to collaborate and develop the idea of using salinity as an objective and defensible methodology to determine those delineations. The Joint Committee recessed its last meeting in May 2019 after significant disagreement between the agencies regarding an agreeable salinity value.

At its August 29, 2019, business meeting and with very little direct notice to the MFC or the North Carolina Department of Environmental Quality (“NCDEQ”), the WRC proceeded to move forward with proposed boundaries for delineation of inland and coastal waters. Furthermore, without any additional consultation with the MFC, WRC instructed its staff to advance its decision by conducting a thorough review of the potential impacts, including holding multiple public input forums.

NCDEQ has serious concerns that WRC’s legal theory for proposing new delineations will not survive Rules Review Commission (“RRC”) review or, if challenged in the courts, judicial scrutiny. We understand that under the NC General Assembly’s periodic review of rules process, MFC and WRC must review each of their rules, including rules which set out the current delineations. In 2017, MFC conducted its review of rules pertinent to delineation (15A NCAC 03Q .0200 et seq.) and determined there was no basis to adjust those jurisdictional boundaries. The MFC classified these rules as necessary without substantive public interest and that they should remain in effect without further action. There were no comments received from either the public or WRC during the comment period indicating that these MFC rules needed to be modified to reflect new delineations. Equally as important, no comments



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were received regarding the WRC's 15A NCAC 10C .0100 rule, including 10C .0108, which incorporates by reference 03Q .0200, and any later amendments. Based on the report portion of the periodic review requirements, our stakeholders have an expectation there will be no change to these rules.

NCDEQ understands that WRC is relying on a 2.6 parts per thousand ("ppt") salinity value for its proposal to define the boundary of inland waters. This is an arbitrary value of approximately half of what WRC staff presented to the Joint Committee as a defining line for inland and coastal waters. This value was suggested by the MFC chairman at a May 15, 2019 meeting of MFC and WRC directors, chairmen and legal counsel, only for consideration in map development to look at potential impacts. It is our further understanding that the MFC Chairman never intended to affirmatively advance the 2.6 ppt value to rulemaking or public comment. To the contrary, it was simply a suggestion to generate discussion.

The WRC's initial proposed salinity value was derived utilizing modeling based on a Chesapeake Bay study – a study area dissimilar to North Carolina's unique system of estuarine waters. This study method, when it has been applied to other areas such as Tampa Bay, has resulted in much lower salinity thresholds for fresh and estuarine waters. To the best of our knowledge, Virginia and Maryland have not changed their tidal and inland water boundaries based on the Chesapeake Bay study. The methodology upon which WRC relies also fails to consider any thoughtful discussion of the impacts of climate change and saltwater intrusion where there is a confluence of ocean and fresh water in the many estuarine waterways and sounds at issue. These flawed assumptions and omission of any consideration of climate change put WRC's calculations in serious question. As you know, NCDEQ's Division of Marine Fisheries ("DMF") conducted its own literature and existing rule search for salinity analysis and provided that analysis to the Joint Committee. DMF's research reflects a much lower salinity value, between 0.0 ppt, essentially the head of tide, and 0.9 ppt which is based upon the conversion of 500 ppm chloride concentration to salinity from the Environmental Management Commission ("EMC") halide concentration level in their estuarine waters definition at 15A NCAC 2B .0202(63). DMF's salinity range likely represents a value more consistent with available scientific literature.

In monitoring the activities of the Joint Committee process, NCDEQ identified serious concerns and unintended impacts of WRC's proposed boundaries on the regulatory authority of other NCDEQ Divisions beyond DMF, to include the Division of Coastal Management ("DCM"), the Division of Water Resources ("DWR"), and the Division of Energy, Mineral and Land Resources ("DEMLR"). While we have generally raised many of these concerns to you during the Joint Committee meetings, we wanted to ensure the concerns of NCDEQ Divisions were communicated directly to WRC. These concerns are described in greater detail below.

NC Marine Fisheries Program Impacts

DMF has numerous concerns with WRC's proposal. The first issue regards loss of coastal and commercial fishing waters. Employing a 2.6 ppt salinity threshold to define the inland and coastal boundary would result in a decrease of approximately 144,984 acres or 226.5 square miles of coastal and joint waters. We can assume that many traditional commercial gear(s) such as gill nets, pound nets and pots, along with crab shedding operations, would be restricted or forbidden in these waters based on existing restrictions. The proposed boundary changes would also likely result in a significant negative economic impact on commercial fishermen in certain counties. Moreover, commercial licenses would

probably not apply to new inland water designations, requiring Coastal Recreational Fishing License holders fishing these waters to purchase an inland license.

DMF would also be required to perform a comprehensive fiscal analysis to modify jurisdictional boundary rules. Since all jurisdictional boundaries are in MFC rules, and as such, a fiscal analysis would involve a huge effort for DMF staff. There are twenty-five (25) pages in the existing rules of boundary descriptions that could be affected. Moreover, mapping, ground-truthing and marking current lines took over a year of work by DMF staff and Marine Patrol – a similar mapping effort would be anticipated for changing the delineations as proposed by WRC. The fiscal analysis impact would almost certainly surpass the \$1,000,000.00 threshold for substantial economic impact prescribed in the NC Administrative Procedure Act. Prior to performing a fiscal analysis or providing any projection on the resources and time needed for the analysis, DMF staff would definitively need to know what specific activities and types of gear would be allowed in the new inland waters.

As with other NCDEQ Divisions, DMF has further concerns regarding habitat and water quality degradation. The WRC's proposed delineations would almost certainly reduce habitat and water quality protection in certain areas. For example, DMF would expect impacts to associated juvenile and adult fisheries from dredge and fill activities, reduced riparian buffers, and increased impervious surfaces near waterbodies, all of which impact water quality.

Specific impacts on the MFC's management of certain species are also expected. The presence of important recreational and commercial fishery species under MFC authority follow the criteria initially used to establish coastal and joint waters, but not inland waters. Examples of MFC state regulated species that are found in significant numbers within the new 2.6 ppt salinity areas include: Blue Crab, Southern Flounder, Striped Mullet, Spotted Sea Trout, and Sheepshead. Serious questions are also raised with respect to how these species would be effectively managed if the WRC proposal advances into rule. DMF is also concerned about impacts for Striped Bass management where a Fishery Management Plan ("FMP") amendment and three stock assessments are currently underway in conjunction with WRC.

There are potential significant statutory implications to DMF and MFC as well. Suitable waters identified by the NC General Assembly in NCGS § 113-215 for marine aquaculture leases could be affected as aquaculture use is specified for coastal fishing waters. The residency requirement for MFC Commissioners could be affected where the appointment of MFC seats by the Governor is tied to named coastal regions (with specific named counties in each of the regions). Both Gates and Hertford counties (MFC northeast coastal region) could be impacted by a 2.6 ppt value because these counties would then have no coastal waters, conceivably resulting in an appointed MFC member being statutorily unable to sit on the Commission.

Likewise, there are numerous MFC rule change implications, in addition to the descriptions contained in the 15A NCAC 03Q.0202 rules, that result from WRC's proposal: 03J.0203 Chowan River and Meherrin River; 03J.0204 Currituck Sound and its Tributaries; 03J.0209 Albemarle Sound/Chowan River - River Herring Management Areas; 03J.0301 Pots (descriptive areas for pot regulation); 03R.0112 Attended Gill Net Areas (descriptions Trent River, Neuse River); 03R.0114 Shrimp Trawl Prohibited Areas (descriptions); 03R.0115 Anadromous Fish Spawning Areas (descriptions - numerous); 03R.0201 Striped Bass Management Areas (descriptions); 03R .0202 River Herring Management Areas

(descriptions); and 03O.0503 Permit Conditions; Specific: Striped Bass Dealer. The fiscal analysis would also have to include impacts from changes to these rules.

NC Coastal Program Impacts

When you presented the delineation issue on behalf of the WRC to the Coastal Resources Commission (“CRC”) at their February 2019 meeting, you inquired if CRC rulemaking could resolve any jurisdictional concerns that would result from a boundary change by the WRC and MFC. While staff initially assumed that the CRC may be able to resolve jurisdictional issues through rulemaking, following the recent action by WRC and a closer examination by the Commission’s and DCM’s counsel, it was concluded that the WRC’s proposed boundary changes will affect the CRC’s jurisdictional boundaries in a way that cannot be addressed solely through CRC rulemaking. In both the NC Coastal Area Management Act (“CAMA”) and the State Dredge and Fill law (“D&F”), the definitions of “Estuarine Waters” are statutory, and therefore would require legislative action or authority for any changes to be made by rule. The CAMA at NCGS § 113A-113 and the D&F at NCGS § 113-229 both explicitly tie their definitions to NCDEQ and WRC boundary lines, which in turn, defines the CRC’s jurisdictional Areas of Environmental Concern (“AEC”).

The Coastal Shorelines AEC includes the Estuarine Shorelines and Public Trust Shorelines subcategories. The CRC’s administrative rule, 15A NCAC 7H .0209(a), define Estuarine Shorelines as:

. . . those non-ocean shorelines extending from the normal high water level or normal water level along the estuarine waters, estuaries, sounds, bays, fresh and brackish waters, and public trust areas as set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environmental Quality [described in Rule .0206(a) of this Section] . . .

The Estuarine Shoreline AEC extends from normal high water level (“NHWL”) or normal water level (“NWL”) landward for a distance of 75 feet or 575 feet (when adjacent to Outstanding Resource Waters (“ORW”)), while the Public Trust Shorelines AEC are located inland of the dividing line between coastal fishing waters and inland fishing waters and extend only 30 feet landward of NHWL or NWL. In addition to a 30-foot buffer for all types of shorelines, which limits development to largely riparian uses, there is also a 30 percent (or 25 percent for ORWs) impervious surface limit within the AEC.

The proposed WRC changes to the Inland Waters boundaries would have a significant impact on the jurisdictional boundaries of the CRC, with approximately 1,652 miles of Estuarine Shoreline AEC converting to Public Trust Shoreline AEC. This would result in the reduction of jurisdictional area from 75 feet to 30 feet from NHWL/NWL, and would restrict the 30 percent impervious surfaces limitation to that much smaller AEC area, likely resulting in more impervious surfaces closer to the water and the resulting negative impacts to water quality and fish habitat.

The CAMA also defines a “coastal sound” in NCGS § 113A-103 to include the limits of seawater encroachment. If the current boundary changed based on a different analysis of salinity, and the CRC adopted by rule lines inconsistent with the analysis (for example, by adopting the previous Inland Fishing

Waters boundary), the CRC’s jurisdiction could possibly be challenged based on this possible inconsistency.

There may also be an implication for the CAMA Land Use Planning (“LUP”) Program since some local government land use plan policies incorporate the CRC’s AECs into their LUP plans and associated ordinances. Absent amendments to LUPs and related ordinances, this could result in development patterns not matching the LUP and its Future Land Use Map, creating confusion for developers and local government.

Finally, any rulemaking to develop new boundaries specifically for Coastal Shorelines and Estuarine Waters AEC’s would involve significant rule text development, fiscal analyses, and interagency discussions. There is also a potential for significant confusion among the regulated community and delegated local government permitting programs.

The table below shows “lost miles” where Estuarine Shoreline AEC would change to Public Trust AEC if the 2.6 ppt boundary lines are used. It is divided by county, and the percentage (%) represents total lost miles for each county divided by total lost miles (1,652) to show a comparative geographic distribution. Those counties marked with an asterisk (*) are Tier 1 counties as of 2019 data.

	County	Lost Miles	% of the Total Lost Miles	Comment
1	Beaufort*	17.97	1.1%	
2	Bertie*	384.4	23.3%	
3	Brunswick	60.6	3.7%	
4	Camden	22.2	1.3%	
5	Chowan*	68.3	4.1%	
6	Craven	88.2	5.3%	
7	Currituck	102.5	6.2%	
8	Dare	41.8	2.5%	
9	Gates*	60.7	3.7%	Total loss of shoreline
10	Hertford*	118.5	7.2%	Total loss of shoreline
11	Hyde*	45.5	2.8%	
12	New Hanover	129.3	7.8%	
13	Pasquotank*	51.6	3.1%	
14	Perquimans*	75.6	4.6%	
15	Pender	216	13.1%	
16	Tyrrell*	64.1	3.9%	
17	Washington*	104.8	6.3%	
	TOTAL:	1652.07	100.0%	0.1 missing due to rounding

NC Stormwater Program Impacts

Coastal stormwater permitting requirements apply to new development projects in the 20 coastal counties that: 1) disturb one acre or greater of land (projects that require an Erosion and Sedimentation Control Plan (“E&SC”)); 2) are projects that require a CAMA permit; and 3) are projects that do not require an E&SC plan and/or CAMA Major Development permit, but meet one the following criteria: a) nonresidential projects that propose to cumulatively add 10,000 square feet or more of built-upon area (“BUA”); or b) residential projects that are within one-half mile of and draining into SA waters and propose to cumulatively add more than 10,000 square feet of BUA, and result in a percentage of BUA greater than 12 percent for the property.

The maximum BUA limits within the coastal stormwater program are tied to whether the surface waters are classified as SA, Freshwater ORW (like SA or Primary Nursery Areas (“PNA”)) or are another classification within the 20 coastal counties and are generally more restrictive than BUA for non-coastal counties. Class SA waters are waters suitable for commercial shellfishing for market purposes (commercial harvesting) and all other tidal saltwater uses.

If the coastal water designation changes based on a boundary change so much so that those waters no longer support designated uses (e.g. commercial fishing), a reclassification of the surface waters could be warranted. If this change occurs, the need for a stormwater permit could vanish where a CAMA permit or where the proximity to SA waters were the trigger. (Note: for existing projects, a concern is if existing permitted facilities can remain permitted under these settings). Without permitting jurisdiction, the BUA limits would not apply for projects less than one acre for non-residential projects over 10,000 square feet of BUA in coastal counties or development activities that require a CAMA major permit which drain to ORW or High Quality Waters (“HQW”). Also, those current coastal counties which lose coastal fishing water designations could have a basis for removal from the coastal stormwater program, despite its direct proximity to coastal waters.

The likely result from such a change to the stormwater program include an increase of BUA without appropriate Stormwater Control Measures (“SCM”). This can cause flooding and an increase of pollutants to surface waters (e.g. total suspended solids, increases in fecal coliform, and nutrients) and a resulting degradation of water quality.

NC Water Resources Program Impacts

The NC General Assembly in NCGS § 143-214.1 tasks the EMC with classifying all of the waters of the state and adopting use standards for each classification. The existing classifications for “Tidal Salt Waters” in 15A NCAC 02B .0101(d) provides for four classifications: SA, SB, SC, and SWL. The SWL (saltwater wetland) classification is tied to the CRC’s definitions of “coastal wetland” and “estuarine waters” and since the CRC’s estuarine waters definition at 15A NCAC 7H .0206 is tied to the WRC and NCDEQ boundary agreement, this water classification category is as well. Therefore, changes to the boundary agreement may necessitate the re-classification of those waters which change from coastal/joint to inland, which is estimated to be approximately 1,652 miles of shoreline. Further, if the definition of “Tidal Salt Waters” equates to “Estuarine Waters”, and any boundary agreement change would necessarily change the definition of “Estuarine Waters”, the other three classifications of “Tidal

Salt Waters” may also be impacted. Additionally, the supplemental class of HQW is tied to the MFC’s delineation of PNA boundaries, not the WRC’s PNA boundaries, pursuant to 15A NCAC 02B .0202.

There is also concern that the changes in classification or removal of use support will generate concerns with the U.S. Environmental Protection Agency and its anti-degradation provision, described under NC policy in 15A NCAC 02B .0201. Reclassification could result in the approval of wastewater discharges to receiving waters that are presently estuarine waters, and other waters that are unique and prone to depressed dissolved oxygen and eutrophication.

In conclusion, NCDEQ urges WRC to reconsider its action of August 29, 2019. The consequences to the environment are simply not acceptable. The interests of the people of the State of North Carolina compel you to give serious consideration to the subject matter of this letter. Please disseminate to your Commission members for consideration at WRC’s October 24, 2019 meeting.

Sincerely,



John Nicholson
Chief Deputy Secretary
North Carolina Department of Environmental Quality



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

KATHY B. RAWLS
Director

March 21, 2022

Rulemaking Coordinator
N.C. Wildlife Resources Commission
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regulations@ncwildlife.org

RE: Comments on N.C. Wildlife Resources Commission proposed amended and adopted rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*

The North Carolina Division of Marine Fisheries (“DMF”) appreciates the opportunity to comment on the North Carolina Wildlife Resources Commission (“WRC”) proposed amended and adopted rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*. During discussions between WRC and DMF staff during the periodic review of the jointly adopted MFC and WRC rules, it became apparent that there is a fundamental disagreement regarding the interpretation of the respective commissions’ responsibilities. With the publication of the proposed rules WRC clarified their intent to establish rules for the purpose of supporting their interpretation of their own commission responsibilities. WRC proposed several rules which effectively establish divergent State regulations for many marine and estuarine species. Furthermore, by establishing regulations that are likely to diverge, they are introducing a substantial source of confusion regarding fishing regulations in the State.

The Executive Director for the WRC has indicated via email that WRC anticipates withdrawing the proposed amendments to 11 joint rules in 15A NCAC 10C and proposed new rules 15A NCAC 10C .0701 and .0702 and will proceed with readopting the 11 joint rules without any changes. We appreciate that these changes will be withdrawn as both commissions work towards updating the joint rules, however, the remaining 46 rules continue to conflict with the DMF and MFC’s interpretation of authority in joint fishing waters. The fiscal note for the WRC proposed rules specifically cites that the intent of the rules is to clarify their authority as they interpret it.

DMF’s comments are intended to clarify the principal disagreement with WRC’s interpretation and provide information on the potential substantial impacts the proposed rules will have on fisheries management in the State. Comments provided specifically highlight divergent management of marine and estuarine species managed by the MFC and DMF and, in many cases, those that fall under federal or interstate management authority. A full comment document is attached to this letter as a supplement and incorporated herein by reference. It is our hope that the more detailed rule-by-rule explanation in this supplement will assist in a better understanding of

DMF's position and further facilitate dialogue and continuing efforts to resolve any future disagreement between the two commissions.

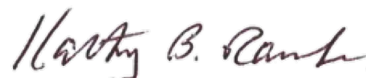
The DMF mission is to ensure sustainable marine and estuarine fisheries and habitats for the benefit and health of the people of North Carolina. In support of this mission the DMF enforces statutes and rules governing fishing in coastal fishing waters. One of DMF's most important principles to achieve the objectives of this mission is a fair and consistent enforcement of those statutes and rules. Such enforcement necessitates that fishery rules are clear and unambiguous for the regulated public. It is the DMF's position that the rules proposed by the WRC will reduce clarity and increase ambiguity for the regulated public by establishing divergent regulations for species already managed and under the authority of the MFC.

An additional concern for which we have provided detailed analyses is the potential for inconsistent management between the commissions that lead to an inability to meet the statutorily mandated sustainable fishery requirements in the Fisheries Reform Act of 1997 ("Act") and compliance with interstate and federal fisheries management. While the proposed rules match regulation and proclamations that are current to the time of publishing of the rules, there is no inherent flexibility to adapt to changing fishery management strategies and population conditions. The inability to adjust fishery regulations may jeopardize the state's ability to meet requirements of the Act.

Also of concern is the potential to cause the State to fall out of compliance with requirements for stocks under the management authority of the Atlantic States Marine Fishery Commission, the South Atlantic Fishery Management Council, and the Mid-Atlantic Fishery Management Council. Failure to meet the management requirements for these stocks may lead to intervention by the United States Secretary of Commerce resulting in fishery closures and significant disruptions to the states fishing economy.

Again, DMF is appreciative of this opportunity to comment on WRC's proposed amended and adopted rules in 15A NCAC 10C as published in the Jan. 18, 2022, issue of the *N.C. Register*.

Sincerely,



Kathy B. Rawls
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Enclosure

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SUPPLEMENT DOCUMENT

DIVISION OF MARINE FISHERIES MARCH 21, 2022, COMMENT LETTER ON
WILDLIFE RESOURCES COMMISSION'S PROPOSED AMENDED AND ADOPTED
RULES: 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*

I. Introduction.

Session Law 1965-957 amended Subchapter IV of Chapter 113 of the General Statutes of North Carolina to create N.C.G.S. § 113-132, titled "Jurisdiction of fisheries agencies." This legislation was enacted in part to clarify the conservation laws of the State and the authority and jurisdiction of what are now the Marine Fisheries Commission (MFC) and the Wildlife Resources Commission (WRC). Paragraph (e) of this statute states the "Marine Fisheries Commission and the Wildlife Resources Commission may make joint regulations governing the responsibilities of each agency and modifying the applicability of licensing and other regulatory provisions as may be necessary for rational and compatible management of the marine and estuarine and wildlife resources in joint fishing waters." This law provides express authority for the MFC and the WRC to make joint rules for "rational and compatible management of the marine and estuarine and wildlife resources in joint fishing waters" where the jurisdictions of the two agencies overlap.

The Coastal Recreational Fishing License was implemented effective January 1, 2007, after the joint rules in 15A NCAC 03Q .0100 and 10C .0100 were last amended. To account for the various licenses available to adhere to the requirements to engage in recreational fishing in the State, N.C.G.S. § 113-174.1 was amended. Under current law, there are now three categories of recreational fishing licenses available to an angler to fish in joint fishing waters: Coastal Recreational Fishing Licenses for coastal and joint fishing waters (see Article 14B of Chapter 113); Inland Fishing Licenses for inland and joint fishing waters (see Article 21 of Chapter 113); and Unified Licenses for inland, joint, and coastal fishing waters (see Article 25A of Chapter 113).

More specifically, N.C.G.S. § 113-174.1 entitles a licensee to engage in recreational fishing in coastal fishing waters and joint fishing waters. Similarly, N.C.G.S. § 113-271 entitles a licensee to fish with hook and line in inland fishing waters and joint fishing waters. N.C.G.S. § 113-351 entitles a licensee to fish with hook and line for all fish in inland fishing waters and joint fishing waters and to engage in recreational fishing in coastal fishing waters.

Several definitions pertinent to resolution of the joint rules issue are set out in State law. N.C.G.S. § 113-129 defines "coastal fishing waters," "inland fishing waters," and "joint fishing waters." Coastal fishing waters include out to three miles in the Atlantic Ocean through the sounds and estuarine waters up to the dividing line with inland fishing waters. All references in laws and rules to commercial fishing waters apply to coastal fishing waters. Inland fishing waters include all waters connecting with or tributary to the coastal sounds or the ocean upstream from the dividing line with coastal fishing waters. Joint fishing waters are coastal fishing waters that have a significant number of freshwater fish as agreed upon by the MFC and the WRC. By law, joint fishing waters are a subset of coastal fishing waters.

The definition of "inland game fish" as set out in N.C.G.S. § 113-129(10) is equally important. Inland game fish means the species of freshwater fish found in any waters (inland, joint,

and coastal fishing waters) and the species of migratory saltwater fish when found in inland fishing waters that have an important element of sport in taking and that are designated as inland game fish in WRC rule. In other words, fish are prized for the sport it gives the angler in its capture rather than for value as food. Importantly, no species of fish of commercial importance not already classified as a game fish in commercial fishing waters as of January 1, 1965, may be classified as an inland game fish in coastal fishing waters without the concurrence of the MFC.

It is also important to examine a WRC rule that is not subject to joint readoption (but that is in this group of proposed changes) that is related to the definition in N.C.G.S. § 113-129(10). WRC rule 15A NCAC 10C .0301 designates inland game fishes. The WRC adopted this rule in 1976. The rule has been amended seven times since and the WRC readopted the rule August 1, 2020. It includes various freshwater fish that are found in any waters to include such species as mountain, rainbow, and brook trout, walleye, and various species of pickerel, black bass, crappie, and sunfish. Some migratory saltwater fish and species of commercial importance are also included in the rule, including yellow perch, spotted seatrout, flounder, red drum, striped bass, American and hickory shad, and several species of catfish. These fish are listed in the rule with the caveat “when found in inland fishing waters” because concurrence of the MFC is required by N.C.G.S. § 113-129(10) for these fish to be classified as inland game fish in coastal fishing waters (unless they were already classified as a game fish as of January 1, 1965). Significantly, this concurrence does not appear to have ever been sought by the WRC or given by the MFC.

Finally, N.C.G.S. § 113-130(7) defines “to take” as “all operations during, immediately preparatory, and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt, or otherwise harm or reduce to possession any fisheries resources or wildlife resources.” This term is much broader than simple possession of a fish.

II. Adaptive Management Capabilities.

Adaptive management is a structured, iterative process of decision-making when uncertainty is present with the objective of reducing uncertainty through time with monitoring. As more is learned about a fishery, adaptive management provides flexibility to incorporate new data and information to accommodate alternative and/or additional actions. In the context of North Carolina fishery management plans, adaptive management is an optional management framework that allows for specific management changes to be taken between fishery management plan reviews under specified circumstances to accomplish the goals and objectives of the plan, including sustainable harvest. Proposed adaptive management actions are evaluated, adopted, and documented through an issue paper and the final revision document. The revision document and process are comparable to the federal “framework” process.

The authority for the MFC and the WRC to each implement adaptive management measures to respond to variable conditions of a particular fishery are set out separately. For the MFC, this authority is found in N.C.G.S. § 113-221.1, 15A NCAC 03H .0103, 15A NCAC 03M .0512 relative to compliance with interstate management of fish stocks, and various other MFC rules where the MFC delegates its authority to the DMF Fisheries Director to issue proclamations. The WRC's authority is found in N.C.G.S. § 150B-21.1(a)(7) for temporary rulemaking for fishing seasons (including provisions for manner of take or any other conditions required for the implementation of such season) and fishing bag limits.

The joint rule interaction can be complex. With regard to estuarine striped bass, for example, the authority for each commission to take its own action for management is referenced in but set out separately from MFC rule 15A NCAC 03Q .0109 and WRC rule 10C .0109. For the MFC, this authority is found in N.C.G.S. § 113-221.1, 15A NCAC 03M .0512, and 03M .0202 for proclamations. For the WRC, this authority is found in N.C.G.S. § 150B-21.1(a)(7) for temporary rulemaking as described above and N.C.G.S. § 113-292 and 15A NCAC 10C .0314 for proclamations to suspend or extend the hook-and-line season for striped bass in inland fishing waters and joint fishing waters.

III. Compliance with Interstate and Federal Fisheries Management.

The Atlantic States Marine Fisheries Commission (ASMFC) and the federal government, including the National Oceanic and Atmospheric Administration (NOAA) Fisheries and federal fishery management councils, namely the Mid-Atlantic Fishery Management Council (MAFMC) and the South Atlantic Fishery Management Council (SAFMC) manage species that migrate across state boundaries or fisheries occurring in the Exclusive Economic Zone (EEZ) from three miles out to 200 miles in the Atlantic Ocean. Coastal and joint fishing waters typically lie between inland fishing waters and the EEZ.

State inspectors may enforce federal regulations if state rules are adopted to complement management measures adopted by the ASMFC, NOAA Fisheries, or the federal fishery management councils. Additionally, N.C.G.S. § 113-252 enters the state into a compact of joint management with the other Atlantic coast states and requires cooperative and/or conservationally equivalent management of marine and estuarine species that occur across state boundaries. MFC rule 15A NCAC 03M .0512 provides the DMF Fisheries Director proclamation authority to comply with fishery management plans adopted by the ASMFC, MAFMC, and SAFMC.

IV. General Enforcement Concerns Other than in Proposed Rules 10C .0100 *et seq.*

Certain rules within the WRC proposed rule package (excluding rules in 10C .0100 *et seq.*) create ambiguity by use of the generic phrase “size limit” as opposed to the more specific and defined terms used in MFC rules and proclamations for determining length of finfish. MFC rule 15A NCAC 03I .0101 defines “curved fork length,” “fork length,” “pectoral fin curved fork length,” and “total length.” The proposed WRC rules include size limits for many marine and estuarine species. The term “size limits” is undefined and its use diverges from the more specific regulations set forth in MFC rules for some marine or estuarine species.

In addition, MFC rule 15A NCAC 03M .0103 does establish a generic minimum size limit for all species of four inches where a lower size limit is not more specifically defined elsewhere in rule and with some exceptions specified within. The proposed WRC rules diverge from this where they specify “There is no size limit” for a marine or estuarine species. The DMF recommends the WRC include the specific legal metric for each species (i.e., total length, fork length, etc.) to avoid ambiguity and simplify enforcement. As written, the WRC rules would create confusion and would conflict with MFC rules for requirements pertaining to size limits in joint fishing waters. These same size limit rule conflicts would also create compliance issues with ASMFC managed fish,

which would result in greater management ramifications if North Carolina was found out of compliance for non-compliant size limits.

The phrase “to take” is defined broadly under state law to be inclusive of all activities before, during, or immediately after possession or potential possession of a fish (N.C.G.S. § 113-130(7)). For example, a commercial fishing operation that is in the process of fishing but that has not yet harvested any fish is still “taking” fish under this provision. WRC rule 10C .0302(c)(1) proposes the deletion of text that states game fishes “taken” incidental to “commercial fishing operations in joint fishing waters or coastal fishing waters shall be immediately returned to the water unharmed.” The purpose of this requirement is to allow an inland game fish to be returned to the water if it is taken incidental to commercial fishing operations in joint or coastal fishing waters. In other words, a commercial fishing operation can interact with an inland game fish in joint or coastal fishing waters as long as the fish is not retained and is safely returned to the water.

Proposed WRC rules sections .0701(d) and .0801(d) below include this same deleted text: “inland game fishes ‘taken’ incidental to commercial fishing operations shall be immediately returned to the water unharmed.” These additions are in the context of joint fishing waters and coastal fishing waters respectively. In compartmentalizing this requirement by removing it from the context of “game fish” in section .0300 and adding it in section .0700 for joint fishing waters (and in section .0800 for coastal fishing waters) DMF wants to ensure clarity and continuity of regulations are retained for regulated stakeholders and enforcement officers. The current practice whereby an inland game fish is “taken” by gear other than hook and line incidental to a commercial fishing operation but does not result in harvest or possession of that fish (simply meaning a commercial fisherman is fishing) and the safe return of that inland game fish to the waters where found needs to be allowed to continue so as to avoid an unwarranted citation being issued for violation under the definition of “take” for the use of that commercial gear that would otherwise be lawful.

V. North Carolina Administrative Code (NCAC) Citation Discrepancies.

Two fiscal notes are provided on the WRC website in support of the proposed rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*: “Adoption & Amended Rules” and “Readopted Rules.” There appear to be two discrepancies in the citations to the North Carolina Administrative Code. First, rule 15A NCAC 10C .0316 (Trout) is listed in the “Adoption & Amended Rules” fiscal note as a proposed rule, but it is not published in the January 18, 2022, issue of the *N.C. Register*. This may have been an administrative oversight but could be concerning if changes are being proposed by the WRC that have not been noticed to the public in accordance with N.C.G.S. § 150B-21.2. Second, WRC rule 15A NCAC 10C .0318 (White Bass) is listed in both fiscal notes but based on the proposed changes it seems it is appropriate only to the “Readopted Rules” fiscal note.

VI. Cross Cutting Comments

While rule specific comments are provided below on a section-by-section basis, there are several more global comments that are relevant generally to many or all aspects of WRC’s proposed rules. At the MFC February 2021 business meeting the Commission passed a motion

mandating that a circle hook requirement shall be considered on a species-by-species basis through the fishery management plan process. As circle hook regulations are potentially adopted for marine and estuarine species through the fishery management plan process, WRC rules on hook and line requirements in inland and joint fishing waters are not likely to mirror these additions. For example, MFC rule 15A NCAC 03J .0306 makes it unlawful to use any hook larger than 4/0 from July 1 to September 30 in specific Internal Coastal Waters if using natural bait. Under current WRC interpretation and under proposed WRC rules, these regulations would not be in effect in joint fishing waters and have not been adopted in inland fishing waters. Of note, circle hooks are also required by proclamation for Snapper/Grouper species (Proclamations FF-8-2022, FF-9-2022) and sharks (Proclamation FF-3-2022) when using natural baits. This requirement would apply to joint fishing waters if anglers fish for or possess these species.

Many of the species in North Carolina waters are managed under the authority of the federal government by the ASMFC, MAFMC, and SAFMC. Compliance with these management authority plans often dictates harvest bag/creel limits and size limits for recreational harvest. Differing regulations in inland fishing waters may cause the State to be found out of compliance by a federal council or commissions and result in the United States Secretary of Commerce closing fisheries in State waters.

The WRC fiscal note for the proposed rules states that the WRC will evaluate impacts to species as part of routine fisheries management. However, the WRC does not perform stock assessments or directed sampling for most species. WRC generally does not have the data necessary to perform stock assessments. Many of these species listed by WRC are currently managed under State, interstate, or federal fishery management plans. They are also monitored in long-term DMF data collection programs and have current stock assessments performed by the DMF, ASMFC, or by a federal agency with management authority. The DMF recommends that for marine and estuarine species, the WRC reference MFC rules to reduce ambiguity and regulatory burden, as well as maintain compliance with ASMFC managed species. Differing regulations between inland fishing waters and coastal and joint fishing waters may jeopardize the sustainability of some stocks and cause the fishery management plan to fail to meet sustainability benchmarks defined in N.C.G.S. § 113-182.1.

Finally, many fishery management plans include adaptive management. As described above, these are management measures that provide management flexibility and are triggered by updated stock data. These management measures are an essential part of the management process both for the MFC/DMF and for ASMFC and the federal councils. Without the flexibility to adjust management measures relatively quickly the State would be faced with non-compliance of its own fishery management plans and those of the federal government.

VII. Section by Section Specific Analysis

15A NCAC 10C .0103 “COASTAL FISHING WATERS”

The addition of the phrase “...waters, excluding joint fishing waters, shall...” is ambiguous and could be construed to extinguish the MFC’s authority to regulate or license in joint fishing waters, the statement being inclusive of not just hook and line but also regulation of the use of

commercial gear in joint fishing waters. Likewise, the addition of the same exclusionary language in 10C .0103(c) effectively revokes marine fisheries inspector authority to enforce all coastal fishing rules and laws in joint fishing waters unless specified in the jointly adopted rules. Both cases are inconsistent with N.C.G.S. §§ 113-129 and 113-136 as well as with the proposed language in 10C .0104(b) and 10C .0106 (a). By statutory definition joint fishing waters are a subset of coastal fishing waters (N.C.G.S. § 113-129(10a)). As written, this exclusion conflicts with State law and MFC rules for joint fishing waters and would create confusion for the regulated public.

15A NCAC 10C .0108 “SPECIFIC CLASSIFICATION OF WATERS” (Proposed for Repeal)

The proposed repeal of this rule, which references MFC 03Q .0202 “Descriptive Boundaries for Coastal-Joint-Inland Waters,” would lead to considerable confusion among the regulated public and would lead to significant confusion for enforcement of the rules in inland, joint, and coastal fishing waters. In addition, the boundaries described in 03Q .0202 are used not only by the MFC and WRC but are referenced by many of the North Carolina Department of Environmental Quality divisions and related commissions in their respective rules. The implication that WRC will pursue an approach where it will not reference and extinguish those descriptive boundaries, and is not now providing an alternative description, would have far reaching impacts on environmental regulation in the State of North Carolina.

15A NCAC 10C .0110 “MANAGEMENT RESPONSIBILITY FOR OF ESTUARINE STRIPED BASS IN JOINT WATERS THE ALBEMARLE SOUND AND ROANOKE RIVER MANAGEMENT AREAS”

North Carolina has four stocks of striped bass. The WRC proposed rule specifically applies to the most northern stock, the Albemarle-Roanoke stock. The Albemarle-Roanoke stock is managed jointly by the WRC and the MFC. In these joint rules, the WRC is provided authority over management of the Albemarle-Roanoke striped bass in the Roanoke River Management Area (RRMA), while the MFC is provided authority over the management of the Albemarle-Roanoke stock in the Albemarle Sound Management Area.

The entire Albemarle-Roanoke stock contributes to the coastal migratory population of striped bass, and as such, falls under the management authority of the ASMFC. While the ASMFC does not directly manage striped bass in the Albemarle-Roanoke stock, the ASMFC’s Striped Bass Management Board approves stock assessments for management use. The Albemarle-Roanoke stock is currently managed under the North Carolina Estuarine Striped Bass Fishery Management Plan, which is a joint plan developed by both the MFC and WRC. All of the management measures in the Estuarine Striped Bass Fishery Management Plan are based on these stock assessments. WRC’s proposed changes remove the requirement that it will be consistent with the Plan in the RRMA. RRMA management that does not follow that Plan or constrain harvest to the quota may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all of the Albemarle-Roanoke striped bass fisheries in State waters.

15A NCAC 10C .0111 “IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT PLANS: RECREATIONAL FISHING”

The contents of this rule have been proposed to be added to 10C .0110 as new Paragraph (d). That rule has changes that propose disconnecting the WRC rules from the Estuarine Striped Bass Fishery Management Plan as noted by the comments in 10C .0110.

15A NCAC 10C .0300 “GAME FISH IN INLAND FISHING WATERS”

The name of proposed section .0300 is changed from “Game Fish” to “Game Fish in Inland Fishing Waters.” While this change aligns with the intent of the proposed rule as stated in the corresponding WRC fiscal note to “clarify current requirements regarding inland game fishes in inland fishing waters,” the applicability of the requirements to “inland fishing waters” is only stated in rule 10C .0301 (Inland Game Fishes Designated) and sporadically stated in 10C .0302 (Manner of Taking Inland Game Fishes), 10C .0304 (Taking and Possession of Inland Game Fishes) and 10C .0314 (Striped Bass). All other proposed rules in 10C .0300 do not state “inland fishing waters” and so as written could create confusion and conflict with MFC rules for joint fishing waters.

Additionally, the WRC proposed a rule for amendment and two rules for adoption in Section .0300 that appear to have a similar intent. The fiscal note describes proposed changes to rule 10C .0307 (Flounder) and proposed adoption of 10C .0325 (Sea Trout) and .0326 (Red Drum) as establishing a season, size, and creel limit in inland fishing waters. The fiscal note acknowledges the WRC does not have proclamation authority for these three species but has the regulatory responsibility to manage the species. Further, the fiscal note states the proposed rules mimic current DMF proclamations or rules for season, size, and creel “and is believed to meet management objectives for the recreational fishery in inland fishing waters. However, the agency will continuously evaluate impacts to this species as part of routine fisheries management, which could lead to divergence from DMF proclamations in the future.” Divergence from DMF proclamations or rules in the future would create confusion and would conflict with MFC rules for joint fishing waters.

15A NCAC 10C .0302 “MANNER OF TAKING INLAND GAME FISHES”

In this proposed rule the language concerning an angler keeping up to three daily limits would potentially result in non-compliance with several interjurisdictional fishery management plans.

15A NCAC 10C .0304 “TAKING AND POSSESSION OF INLAND GAME FISHES”

The proposed rule would not allow recreational hook and line anglers to use hickory shad as cut bait for catfish and striped bass. This practice frequently occurs in most coastal river systems. The proposed language also allows possession of up to three days of creel limit, which exceeds daily per person possession requirements. Similarly, the provision identifies that the three days creel limits are allowed “at any place.” This phrase is ambiguous and needs further clarification on what defines “at any place.”

Also, proposed amendments to section .0304 would conflict with MFC rule 15A NCAC 03M .0101 for mutilated finfish requirements in joint fishing waters in two primary ways. First, changes would conflict by using inconsistent and undefined charging descriptions including “afield,” “any place,” “unnecessarily,” “destroy,” and “impracticable” - terms that are not clear or unambiguous. Second, changes would establish possession requirements inconsistent with 03M .0101.

15A NCAC 10C .0307 ~~“FLOUNDER, SEA TROUT, AND RED DRUM FLOUNDER”~~

The proposed changes to this rule present many challenges to the continued management of flounder. While the proposed creel limit, minimum size limit, and season mimic the current flounder regulations established under the State’s statutorily mandated Southern Flounder Fishery Management Plan, that plan is currently being amended to implement regulatory changes to work towards recovery of the flounder stock and ensure a sustainable fishery for this estuarine species. For example, a one (1) fish bag limit is expected to be implemented with the adoption of the current amendment. In addition, the plan includes adaptive management measures.

As described above, adaptive management is a standard tool used by fishery managers to adjust management within appropriate parameters to ensure sustainable harvest, and in the case of flounder, continued recovery of an overfished stock. While the MFC has authority to quickly make these adjustments in coordination with the DMF, the WRC cannot. This would lead to a divergence in regulation and could jeopardize successful rebuilding of the flounder stock. In addition, flounder are currently managed as an aggregate by the MFC, meaning the regulations established for southern flounder currently apply to summer flounder, gulf flounder, and any other flounder species encountered. However, Southern Flounder Fishery Management Plan Amendment 3 has an option to allow species-specific management, which could lead to further confusion if size limits or bag limits differ by species in the future.

In addition to the North Carolina regulations, flounder management is impacted by ASMFC and MAFMC management under the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. This plan impacts size limits and bag limits based on conservation equivalencies for compliance. Divergent regulations in inland and joint fishing waters may cause the State to be found out of compliance by ASMFC and MAFMC and result in the United States Secretary of Commerce closing all flounder fisheries in State waters.

To ensure continued compliance with the ASMFC and MAFMC, and to ensure divergent, and potentially confusing regulations do not hamper the statutorily mandated flounder stock recovery, the DMF suggests that the WRC continue their current practice of referencing the rules established by the MFC for all marine and estuarine species in inland fishing waters. This would lead to more clarity for the regulated public and would ensure compliance with all state and federal regulatory authorities.

For example, relating to proposed WRC section .0307, by comparison the MFC could close the flounder season in accordance with the North Carolina Southern Flounder Fishery Management Plan while the WRC rule has the season open. Or the MFC could change the size and creel (bag) limits for flounder in compliance with the Plan while the WRC rule would authorize a different size and bag limit in effect that does not allow for the adaptive management from year

to year that the Plan provides to achieve sustainable harvest. Moreover, marine fisheries inspectors could write a citation for possessing flounder during the closed season when the WRC has left the season open. Similarly, inspectors could write a citation for not complying with the size and bag limit when the WRC has a different size or bag limit in effect.

15A NCAC 10C .0313 “AMERICAN SHAD AND HICKORY SHAD (~~AMERICAN AND HICKORY~~)”

The proposed rule for American shad largely aligns with the North Carolina American Shad Sustainable Fishery Plan that was approved by ASMFC. However, the season in the proposed rule is not consistent with current MFC regulations. ASMFC’s Interstate Fishery Management Plan for Shad and River Herring requires states to have an approved Sustainable Fishery Plan for American shad and river herring to allow harvest of these species. Sustainable fishery plans must be updated no later than every five years and approved by ASMFC’s Shad and River Herring Management Board. Management under sustainable fishery plans can result in updated management measures, which could result in compliance issues in inland and joint fishing waters with outdated regulations and cause confusion for the regulated public.

More specifically, proposed amendments to section .0313 include a season of March 1 through April 30. This is inconsistent with the season implemented by MFC rule and proclamation in accordance with the North Carolina American Shad Sustainable Fishery Plan, which is part of Amendment 3 to the ASMFC Interstate Fishery Management Plan for Shad and River Herring. Marine fisheries inspectors could write a citation for possessing shad during the closed season while the WRC rule has the season open.

To ensure continued compliance with the ASMFC, and to avoid divergent, and potentially confusing, regulations, DMF recommends the WRC continue to reference the rules established by the MFC for all marine and estuarine species in inland fishing waters. Divergent regulations in inland fishing waters may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all American shad fisheries in State waters.

15A NCAC 10C .0314 “STRIPED BASS”

The proposed changes to remove the reference to the rule establishing the delineation boundaries of fishing waters, including the two striped bass management areas, would lead to confusion and reduce clarity for stakeholders. Instead of being able to reference a single delineation rule, the public would require detailed knowledge of the North Carolina Administrative Code to be able to find the specific descriptions of various locations for different fishing activities. This would place an undue burden on the regulated public. In addition, if WRC and MFC reference divergent area descriptions and not the same agreed upon management area descriptions, there would be the possibility for future divergence and conflict in management authority. This would jeopardize the success of the jointly managed estuarine striped bass fishery and may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing the Albemarle-Roanoke striped bass fishery in State waters.

Also, proposed amendments to section .0314 do not include reference to the jointly developed North Carolina Estuarine Striped Bass Fishery Management Plan or compliance with

the management measures implemented to achieve sustainable harvest. Marine fisheries inspectors could write a citation for possessing striped bass during the closed season while the WRC has left the season open or could write a citation for not complying with the size and bag limit while the WRC has a different size or bag limit in effect.

15A NCAC 10C .0325 “SEA TROUT”

DMF recommends a more species-specific title for clarity, such as “Spotted Seatrout,” as there are numerous species that are referred to generically as sea trout. The proposed rule states there is no closed season for spotted seatrout in inland fishing waters. The fiscal note indicates WRC used existing MFC management measures contained in Proclamation FF-23-2018. While the creel limit and minimum size limit are correct as taken from this proclamation, a closure of the fishery is possible in any year if a cold stun event occurs. (Spotted seatrout are prone to high mortality events during periods of near or below freezing temperatures.) The proposed rule would allow the harvest of spotted seatrout in inland fishing waters when harvest is closed in coastal and joint fishing waters. Marine fisheries inspectors could write a citation for possessing spotted seatrout during the closed season while the WRC has left the season open.

Divergent regulations between inland fishing waters and coastal and joint fishing waters may jeopardize the sustainability of the spotted seatrout stock and cause the fishery management plan to fail to meet sustainability benchmarks defined in N.C.G.S. § 113-182.1. The spotted seatrout stock assessment is currently underway. Based on the outcome of that assessment, MFC and DMF regulations may diverge from what is proposed by WRC within the next two years.

In addition to the North Carolina regulations, spotted seatrout also fall under the management authority of the ASMFC. The unit stock assessed by DMF includes all spotted seatrout in North Carolina and Virginia waters. Staff with the Virginia Marine Resources Commission provide data for and participate in the stock assessment process. Compliance with the ASMFC plan dictates a minimum size limit for harvest (recreational and commercial). Divergent regulations in inland and joint fishing waters may cause the State to be found out of compliance by ASMFC, but more immediately may result in inadequate management measures to address sustainable fishing.

15A NCAC 10C .0326 “RED DRUM”

As indicated in the WRC fiscal analysis, the proposed rule text does reflect the current MFC rule for season, size, and bag limits, however, those limits are subject to change. In addition to the North Carolina specific regulations, red drum also fall under the authority of the ASMFC. North Carolina red drum are part of the northern stock, which includes fish from all states between North Carolina and Maine. As mentioned above, the regulations are subject to change but only based on options in the ASMFC plan and pending stock assessment outcomes.

Since WRC does not participate in either monitoring or management of red drum, they will have no scientific basis to deviate from management measures set forth by the existing ASMFC and state fishery management plans for red drum. Differing regulations between inland fishing waters and coastal and joint fishing waters may jeopardize the sustainability of the red drum stock and cause the fishery management plan to fail to meet sustainability benchmarks defined in

N.C.G.S. § 113-182.1. Compliance with the ASMFC plan dictates harvest bag and size limits for recreational harvest. Diverging regulations in inland fishing waters may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all red drum fisheries in State waters.

Proposed WRC section .0326 raises an additional enforcement issue. The MFC could close the commercial red drum season once the quota was met in accordance with the North Carolina Red Drum Fishery Management Plan and the ASMFC Fishery Management Plan for Red Drum. If a commercial fisherman would then fish in joint fishing waters with hook and line and retain the one fish creel limit for red drum under the proposed WRC rule and the required bycatch under MFC rule, the WRC rules would allow the harvest and sale of that fish, yet marine fisheries inspectors could write a citation for fishing during the closed season while the WRC has left the season open.

15A NCAC 10C .0400 ~~“JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS NONGAME FISH IN INLAND FISHING WATERS”~~

The name of section .0400 is proposed to be changed from “Jurisdiction of Agencies: Classification of Waters” to “Nongame Fish in Inland Fishing Waters.” While this name change aligns with the stated intent of the proposed adopted rules, the applicability of the requirements to “inland fishing waters” is only stated in the two existing amended rules of this provision: rules .0401 and .0402. Also included in one requirement in rule .0402(e) is the prohibition of the possession of more than 200 nongame fish accounting for species specific size and creel limits identified “in Section .0400 of this Subchapter.”

Proposed rules 10C .0409 (Taking and Possession of Nongame Fishes), .0410 (American Eel), .0411 (Atlantic Croaker), .0413 (Blue Crab), .0417 (Cobia), .0420 (King Mackerel), .0422 (Striped Mullet and White Mullet), .0424 (Sharks), .0425 (Sheepshead), .0426 (Spanish Mackerel), .0427 (Spot), .0428 (Tarpon), .0429 (Weakfish), and .0430 (Other Fishes) do not refer to “inland fishing waters” and so as written would create confusion and would conflict with MFC rules for joint fishing waters. Additionally, proposed rules 10C .0411 (Atlantic Croaker), .0413 (Blue Crab), .0417 (Cobia), .0420 (King Mackerel), .0425 (Sheepshead), .0426 (Spanish Mackerel), .0427 (Spot), and .0429 (Weakfish) would conflict with MFC rules that allow the sale of these fish when taken in joint fishing waters.

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

This proposed rule would eliminate the use of gill nets (possibly limited to 100 yards) for taking blue catfish, an invasive species now commonly found within the Albemarle Sound region.

15A NCAC 10C .0402 “TAKING NONGAME FISHES BY SPECIAL DEVICE FOR BAIT OR PERSONAL CONSUMPTION”

The proposed rule diverges from MFC and DMF management in two places. The rule language in (d)(1) contradicts DMF Proclamation FF-67-2021, which states: “It is unlawful to possess American shad or hickory shad for recreational purposes by any method except hook-and-

line after midnight, Thursday, April 14, 2022.” The language in (b)(8) states that two eel pots may be used but does not mirror the mesh size requirements mandated by ASMFC for eel pots, and as implemented in MFC rule 03J .0301(f).

15A NCAC 10C .0407 “PERMITTED SPECIAL DEVICES AND OPEN SEASONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)”

The proposed rule language allows setting of crab pots in inland fishing waters for those owning property adjacent to inland fishing waters of coastal rivers and their tributaries. This diverges from current management under Amendment 3 to the North Carolina Blue Crab Fishery Management Plan. In accordance with Amendment 2, Proclamation M-1-2021 specifies seasons when pots must be removed from coastal fishing waters. Additionally, Proclamation M-1-2021 specifies each pot must contain no less than three unobstructed escape rings that are at least two and five-sixteenths inches inside diameter and specifies locations of where those escape rings must be located. Recreationally set pots are not exempt from these requirements in coastal fishing waters but these requirements are not mirrored in the proposed rule, creating inconsistencies between coastal and inland fishing waters. These divergent regulations would create inconsistencies between management in coastal and inland fishing waters and may impact the sustainability of the blue crab fishery.

15A NCAC 10C .0409 “TAKING AND POSSESSION OF NONGAME FISHES”

The proposed rule allows possession of up to three days of creel limit, which exceeds daily per person possession requirements. Similarly, the provision identifies that the three days creel limits are allowed “at any place.” This phrase is ambiguous and needs further clarification on what “at any place” means. In the fiscal note for 15A NCAC 10C .0400, American eel, blue crab, alewife, blueback herring, and catfish are not included. Additionally, paragraph (d) conflicts with MFC rule 15A NCAC 03M .0101 for mutilated finfish requirements in joint fishing waters.

15A NCAC 10C .0410 “AMERICAN EEL”

The proposed rule does not make it unlawful to possess American eels from September 1 through December 31 except when taken by baited pots. This is a deviation from the current management requirement in ASMFC’s Interstate Fishery Management Plan for American Eel, which could result in a finding of noncompliance by ASMFC and result in the United States Secretary of Commerce closing all American eel fisheries in State waters. To ensure continued compliance with the ASMFC, and to avoid divergent and potentially confusing regulations, DMF suggests WRC reference the rules established by the MFC for all marine and estuarine species in inland fishing waters.

15A NCAC 10C .0411 “ATLANTIC CROAKER”

Atlantic croaker falls under the management authority of the ASMFC and is subject to coast-wide management measures. The 50 fish creel limit was implemented in 2021 in response to the Traffic Light Approach triggering at the 30% threshold. Management is scheduled to be reevaluated in three years (2024) and may result in more stringent measures or the removal of current management requirements. The fiscal note states the WRC will evaluate impacts to the

species as part of routine fisheries management, however, the DMF already performs this function. This proposal would create redundancy and likely divergence in management of this species across State agencies introducing regulatory complexity.

In addition, Addendum III to the ASMFC Amendment 1 to the Interstate Fishery Management Plan for Atlantic Croaker has an allowance for recreational for-hire vessels to possess live Atlantic croaker for use as bait. The maximum number of Atlantic croaker allowed to be held onboard for this use prior to beginning a trip, during a trip, and after a trip is completed is the bag limit in effect multiplied by the number of customers allowed on the vessel. Diverging regulations in inland fishing waters may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all Atlantic croaker fisheries in State waters.

15A NCAC 10C .0412 “BLACK DRUM”

The proposed rule establishes static management measures for this species, which falls under the management authority of the ASMFC and is subject to coast-wide management measures. A benchmark stock assessment is currently underway and is scheduled to be completed in 2022. Existing management measures may change based on the results of the assessment. These static regulations are expected to diverge from ASMFC required regulations and would result in increased confusion for the regulated public and would result in compliance issues for the State. As written, the rule does not conform to current MFC rules, specifically lacking a provision for one black drum per person per day over 25” in total length. Diverging regulations in inland fishing waters may cause the State to be found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all black drum fisheries in State waters.

15A NCAC 10C .0413 “BLUE CRAB”

The proposed rule language diverges from current management under Amendment 3 to the North Carolina Blue Crab Fishery Management Plan. This change would impact the overfishing and overfished status of the plan as required under the Fisheries Reform Act of 1997. Specifically, the proposed rule does not specify no harvest of immature female crabs or sponge crabs. Currently, under Amendment 3 to the Blue Crab Fishery Management Plan, the harvest of black/brown sponge crabs is not allowed from April 1 through April 30. As proposed, this rule is inclusive of peeler crabs. The MFC has no size restrictions for peeler/soft crabs but the proposed WRC rule will place a five-inch (5") minimum size limit on peeler/soft crabs as currently written, increasing the regulatory burden on the public. The rule also states there is no closed season. However, Amendment 3 prescribes that DMF implement seasons via Proclamation M-1-2021 based on the overfished and overfished status of the stock. Not specifying season dates is a divergence from the current regulations based on sustainable fishing and would impact DMF’s ability to meet Fisheries Reform Act of 1997 objectives.

The proposed rule establishes static management measures for this species. Amendment 3 includes adaptive management that specifies the blue crab stock assessment will be updated at least once between Fishery Management Plan reviews. Based on the results, additional management measures may be implemented or management measures may be relaxed via

proclamation authority. The inability to implement needed management changes quickly would have implications for rebuilding of the stock and sustainability.

15A NCAC 10C .0414 “BLUEFISH”

The proposed rule diverges from current MFC management under Proclamation FF-1-2020, which provides the For-Hire charter daily harvest limit is five (5) fish per person per day. Bluefish fall under the management authority of ASMFC and the MAFMC, and the State implements the necessary regulations via MFC's North Carolina Fishery Management Plan for Interjurisdictional Fisheries. The rule as proposed is more restrictive than the current harvest limits, so while the rule as written would not interrupt compliance with the ASMFC and MAFMC, it would result in greater confusion among the regulated public and would make enforcement more challenging.

15A NCAC 10C .0417 “COBIA”

Cobia fall under the management authority of the ASMFC and is subject to coast-wide management measures. The proposed rule is less restrictive than the State's current recreational management measures approved by ASMFC. These static proposed WRC regulations would diverge from ASMFC approved regulations and would result in increased confusion for the regulated public and ASMFC compliance issues for the State. Additionally, rule .0417 would conflict with the private vessel limits and commercial limits implemented by MFC rule and DMF proclamation.

15A NCAC 10C .0420 “KING MACKEREL”

King mackerel fall under the management authority of the SAFMC and are subject to coast-wide management measures. While the proposed rule language is consistent with current MFC regulations, these regulations are subject to change. The DMF and MFC have historically mirrored SAFMC regulations, which are based on the regional stock assessment. The SAFMC is currently working on an amendment that could result in changes to the minimum size limit and/or bag limit.

Additionally, in September 2020, a temporary rule was implemented to increase the recreational bag limit to four (4) fish per person through March 2021, which DMF was able to implement by proclamation. WRC's static regulations would be expected to diverge from SAFMC required regulations and would result in increased confusion for the regulated public and compliance issues for the State.

15A NCAC 10C .0422 “STRIPED MULLET AND WHITE MULLET”

The proposed rule creates static regulations for striped mullet and white mullet that are expected to diverge from the MFC regulation under the North Carolina Striped Mullet Fishery Management Plan. A stock assessment is underway and may impact management for striped mullet, which could include season closures, changes in possession limits, changes in size limits, etc. The inability to implement needed management changes quickly would have implications for rebuilding of the stock and sustainability. Additionally, rule .0422 would conflict by not allowing for the use of these fish as cut bait.

15A NCAC 10C .0423 “ALEWIFE AND BLUEBACK HERRING”

Alewife and blueback herring, collectively called river herring, fall under the management authority of the ASMFC and are subject to coast-wide management measures. The proposed rule language conflicts with the ASMFC harvest moratorium. For a state to allow harvest under the ASMFC Interstate Fishery Management Plan for Shad and River Herring, the state must have an approved Sustainable Fishery Management Plan.

15A NCAC 10C .0424 “SHARKS”

Atlantic coastal sharks fall under the management authority of the ASMFC and are subject to coast-wide management measures and regulations that complement federal management actions for sharks. The proposed rule conflicts with DMF Proclamation FF-3-2022. Per Proclamation FF-3-2022, some species of sharks can be taken for recreational purposes and have specific limits set by proclamation. Divergent regulations may impact ASMFC compliance and would add to public confusion.

15A NCAC 10C .0425 “SHEEPSHEAD”

The proposed rule would establish regulations for sheepshead that are consistent with current MFC rule, however, these regulations for time, area, means and methods, season, size, and quantity are set forth via proclamation and are, therefore, subject to change based on the outcome of the stock assessment. A benchmark sheepshead stock assessment is scheduled to begin soon. Once the stock status is determined, regulations may change based on the outcome and depending on sustainability for the stock. WRC’s static proposed regulations would be expected to diverge from MFC regulations, which would result in increased regulatory complexity for the public and would impact sustainable management.

15A NCAC 10C .0426 “SPANISH MACKEREL”

Spanish mackerel are managed jointly under the authority of the SAFMC and the ASMFC. The MFC historically mirrored the council regulations. While the proposed rule language reflects the current recreational regulations there is currently a stock assessment underway. The results of that assessment could lead to changes in the regulations.

15A NCAC 10C .0427 “SPOT”

Spot fall under the management authority of the ASMFC and are subject to coast-wide management measures. The current 50 fish creel limit was implemented in 2021 in response to management triggers as outlined in the ASMFC plan. Management is scheduled to be reevaluated in two years (2023) and may result in more stringent measures or the removal of current management requirements. ASMFC Addendum 3 has an allowance for recreational for-hire vessels to possess live spot for use as bait. The maximum number of spot allowed to be held onboard for this use prior to beginning a trip, during a trip, and after a trip is completed is the bag limit in effect multiplied by the number of customers allowed on the vessel. WRC’s static proposed

regulations would diverge from ASMFC approved regulations and would result in increased confusion for the regulated public and result in compliance issues for the State.

15A NCAC 10C .0428 “TARPON”

The proposed rule diverges from the current MFC rule, which in addition to not allowing the take or possession of tarpon, also makes it unlawful to gaff, spear, or puncture tarpon.

15A NCAC 10C .0429 “WEAKFISH (GRAY TROUT)”

Weakfish fall under the management authority of the ASMFC. The proposed rule language is consistent with current MFC regulations, however, these regulations are subject to change. Divergent regulations in inland fishing waters and/or joint fishing waters could result in the State being found out of compliance by ASMFC and result in the United States Secretary of Commerce closing all weakfish fisheries in State waters.

15A NCAC 10C .0430 “OTHER FISHES”

The proposed rule as written would include many marine and estuarine species, such as kingfishes, yellow and white perch, oysters, hard clams, rangia clams, shrimp, and others, which are regulated by the MFC and DMF. N.C.G.S. § 113-129 defines fish as “(7) Fish; Fishes. – All finfish; all shellfish; and all crustaceans.” It is relevant to point out that there are other species of commercial importance that are subject to interstate or federal management that may occur in joint and inland fishing waters that fall under the definition of “fish.” Moreover, proposed rule 10C .0430 establishes no creel, size, or season for “fish.” Establishing divergent regulations for this broad spectrum of animal species, not consistent with current state regulations, could significantly increase the regulatory burden on the public. In addition, some of the “fishes” could potentially be subject to the ASMFC and federal management councils and may lead to compliance issues for the State.

15A NCAC 10C .0701 “INLAND GAME FISHES DESIGNATED IN JOINT FISHING WATERS”

The proposed rule would diverge from current regulations by disallowing the use of hickory shad as cut bait for catfish by recreational hook and line anglers. This practice is currently standard in the Cape Fear River as well as other systems. The proposed rule allows possession of up to three days of creel limit, which exceeds daily per person possession requirements. Similarly, the provision identifies that the three days creel limits are allowed “at any place.” This phrase is ambiguous and needs further clarification on what defines “at any place.”

15A NCAC 10C .0702 “TAKING AND POSSESSION OF OTHER FISHES BY HOOK AND LINE IN JOINT FISHING WATERS”

The proposed rule is divergent with many MFC rules currently in place. Many of the species impacted by this rule are under the management authority of the ASMFC, MAFMC, SAFMC, or some combination of these entities. Establishing divergent regulation for all other fishes in joint fishing waters would significantly increase the regulatory burden on the public,

would create regulatory conflict between the WRC, the MFC and DMF, and would cause compliance issues with ASMFC and federal agencies.

In addition, the proposed rule in Subparagraph (d)(3) identifies “joint fishing waters of the Central Southern Management Area” (CSMA) as MFC rule 15A NCAC 03R .0201. This MFC rule does not identify joint fishing waters but instead the boundaries that encompass the entire CSMA. Also, in Paragraph (d) of the proposed rule it states that size, creel limits, and seasons for fishes taken by hook and line in joint fishing waters shall be the same as those designated in sections .0300 and .0400. However, WRC designates flounder, red drum, spotted seatrout, and others only “as gamefish when occurring in inland waters” and then provides size, creel, and for flounder, seasons for these fish as it applies to their gamefish status in inland fishing waters (10C .0307; 10C .0325; 10C .0326). Since the inland gamefish as stated only applies when these fish are occurring in inland fishing waters, there is no corresponding rule that appears to cover these same species when they occur in joint fishing waters.

WRC proposed rule Subparagraph .0702(e) would also prohibit the sale of fish in joint fishing waters (excluding the game fishes listed in 10C .0701(a)) as designated in sections .0300 and .0400 in inland fishing waters. This would mean Atlantic croaker (10C .0411), black drum (10C .0412), blue crab (10C .0413), bluefish (10C .0414), cobia (10C .0417), king mackerel (10C .0420), sheepshead (10C .0425), Spanish mackerel (10C .0426), spot (10C .0427), and weakfish (10C .0429) would not be allowed to be sold when taken in joint fishing waters. The proposed changes would conflict with MFC rules that allow for the sale of those species when taken from joint fishing waters. In the case of sharks (section .0424), the proposed WRC rule prohibits taking or possessing sharks, so a fisherman would also not be allowed to sell sharks either. Additionally, section .0702(i) would conflict with MFC rule 15A NCAC 03M .0101 for mutilated finfish requirements in joint fishing waters.

15A NCAC 10C .0801 “INLAND GAME FISHES DESIGNATED IN COASTAL FISHING WATERS”

The proposed rule allows possession of up to three days of creel limit, which exceeds daily per person possession requirements. Similarly, the provision identifies that the three days creel limits are allowed “at any place.” This phrase is ambiguous and needs further clarification on what defines “at any place.”



NORTH CAROLINA MARINE FISHERIES COMMISSION DEPARTMENT OF ENVIRONMENTAL QUALITY

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March 21, 2022

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RE: NCMFC Comments on North Carolina Wildlife Resources Commission proposed rules in 15A NCAC 10C

The North Carolina Marine Fisheries Commission ("MFC") appreciates the opportunity to comment on the North Carolina Wildlife Resources Commission ("WRC") proposed amended and adopted rules in 15A NCAC 10C as published in the January 18, 2022, issue of the *N.C. Register*. The Marine Fisheries Commission ("MFC") and WRC exercise concurrent jurisdiction with respect to joint fishing waters. The MFC and WRC may make joint regulations as may be necessary for rational and compatible management of the marine, estuarine and wildlife resources in these waters. In cases of conflicting regulations, the MFC and WRC are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine, estuarine and wildlife resources of the State. Please accept this letter as MFC comments on WRC's proposed rules.

WRC's Executive Director has indicated via email that WRC anticipates withdrawing the proposed amendments to 11 joint rules in 15A NCAC 10C and proposed new rules 15A NCAC 10C .0701 and .0702 and will proceed with readopting the 11 joint rules as without any changes in order to meet the readoption deadline for both commissions of June 30, 2022. We appreciate that these changes will be withdrawn as both commissions work towards updating the joint rules. We look forward to continued collaboration with WRC on updating the joint rules and view the

current public comment period as an opportunity to do so by providing feedback on the WRC's draft revisions.¹

Authority for Hook and Line Fishing in Joint Waters

Many of the proposed changes, including those to WRC's set of joint rules, are premised on the assertion that WRC has exclusive authority over hook and line fishing in joint fishing waters, regardless of the species being caught. As we have previously expressed, the MFC does not view the language in 15A NCAC 03Q .0106 as having granted exclusive authority over hook and line fishing in joint waters. Rather, the commissions continue to share concurrent jurisdiction in joint waters. See N.C. Gen. Stat. § 113-132(d).² To the extent that the proposed changes are grounded in WRC's assertion of exclusive hook and line authority for joint waters, the MFC is concerned that the changes will create confusion for the regulated public and further complicate efforts to update the joint rules.

The MFC has several concerns with WRC's interpretation regarding its authority in joint waters. First, the WRC's position represents a significant departure from the manner in which marine and estuarine resources have been managed both currently and historically. WRC has not previously exercised the authority it now asserts over hook and line, which is evident by the sheer number of rule changes related to marine and estuarine species in the proposed changes.

This approach is also inconsistent with the commissions' respective management mandates. WRC is charged with management of freshwater fish. The MFC, on the other hand, is responsible for managing marine and estuarine resources. Moreover, joint fishing waters represent a mutually agreed upon subset of the MFC's coastal fishing waters in which a significant number of freshwater species are found. N.C.G.S. § 113-132(e). The approach advanced in the proposed rules grants WRC authority to manage marine and estuarine resources in joint waters, which remain coastal waters by statutory definition³, despite such authority not being agreed to by the MFC. Asserting exclusive authority over the taking of marine and estuarine resources through hook and line fishing is not only contrary to current law, but also has the potential to create significant compliance conflicts with interjurisdictional fishery management plans for federally managed species.

The issue of authority over hook and line fishing in joint waters has been addressed previously through an Advisory Opinion issued by the Attorney General's Office in 1995. The Advisory Opinion concluded that the two commissions share jurisdiction in joint fishing waters and "the MFC's jurisdiction remains in place in those waters, unless expressly ceded to the WRC by the joint rules," which the MFC has not done. The Advisory Opinion specifically considered

¹ These comments are not intended to address the ongoing discussions between the commissions regarding the delineation of joint waters. The MFC considers delineation to be a separate issue upon which both commissions must agree. The MFC is also aware that there are additional regulatory impacts to other programs that the Department of Environmental Quality has identified in its comments on these rules.

² "To the extent that the grant of jurisdiction to the Marine Fisheries Commission and the Wildlife Resources Commission may overlap, the Marine Fisheries Commission and the Wildlife Resources Commission are granted concurrent jurisdiction."

³ "Those **coastal fishing waters** in which a significant number of freshwater fish, as agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission, may be denominated joint fishing waters." N.C. Gen. Stat. § 113-132(e).

the rule language that the WRC cites as proof that it has exclusive hook and line authority, 15A NCAC 03Q .0106(b)(3), and expressly concluded that “it would be improper to read 03Q .0106 as vesting the WRC with exclusive jurisdiction over hook-and-line fishing for shad in joint waters, absent such an express statement of intent.”

The MFC’s position has been and continues to be that the two commissions share authority for hook and line fishing in joint fishing waters and that the basis for exercising that jurisdiction should be the resource regulated, rather than the method of harvest. A resource-oriented approach is consistent with the Advisory Opinion and with how the respective commissions have approached management in joint fishing waters to this point. Future amendments to the joint rules should clarify the respective authorities of the commissions in joint waters and should be guided by the principle that the commissions are tasked with managing based upon the resource.

Species Specific Rules

By statute, the MFC relies on DMF to administer and enforce the management decisions of the MFC, and to provide scientific and technical expertise to support and inform the Commission’s decisions. The MFC understands that DMF has compiled a detailed analysis of the proposed rule changes related to the remaining rules published in the January 18, 2022 Register. The MFC supports and echoes the concerns detailed by DMF in its comments regarding these rules.

The MFC is particularly concerned that inconsistent management actions between commissions that could lead to an inability to meet the statutorily mandated sustainable fishery requirements in the Fisheries Reform Act. While the proposed rules match the current regulations and proclamations, the effect is to decouple WRC’s management actions from any future updates to the Fishery Management Plans adopted by the MFC or from the federal management plans. Furthermore, by adopting what is in effect a snapshot of the current management measures for each species, the proposed rules remove the flexibility inherent in referring to a Fishery Management Plan. This inability to adapt to changing conditions short of engaging in the full rulemaking process may jeopardize the state’s capacity to meet requirements in the Fisheries Reform Act and has the potential to cause the State to fall out of compliance with requirements for stocks managed jointly with federal commissions such as the Atlantic States Marine Fisheries Commission, South Atlantic Fishery Management Council, and Mid-Atlantic Fishery Management Council.

Sincerely,



W. Robert Bizzell, Chairman
North Carolina Marine Fisheries Commission

Enclosure: AG Advisory Opinion re: shad



State of North Carolina

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June 13, 1995

Major Doug Freeman
North Carolina Marine Patrol
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Morehead City, North Carolina 28557

RE: Advisory Opinion: Closure of Shad Season - Conflict between Marine Fisheries Commission and Wildlife Resources Commission Rules; N.C.G.S. §113-132

Dear Major Freeman:

You have asked for advice on the following question regarding a conflict between Marine Fisheries Commission ("MFC") and Wildlife Resources Commission ("WRC") rules governing the hook-and-line season for shad in joint fishing waters. We thank you for your inquiry and are pleased to provide this reply.

QUESTION PRESENTED: Does 15A N.C. Admin. Code §10C.0401(a), the WRC's rule allowing year-round taking of shad by hook and line, supersede the closed season for shad adopted by the MFC in joint waters, by operation of 15A N.C. Admin. Code §3Q.0106?

ANSWER: No. Both rules are effective, as the two commissions have overlapping, concurrent jurisdiction in joint waters. However, the conflict between the MFC rule, 15A N.C. Admin. Code §3M.0513, and the WRC rule, 15A N.C. Admin. Code § 10C.401(a), creates a significant problem for the N.C. Marine Patrol in enforcement of the season closure.

DISCUSSION

The WRC has authority to regulate hook-and-line fishing for shad in inland fishing waters under N.C.G.S. §§113-132(b), and 113-136(c)(3). The WRC classifies shad as a non-game fish (*see* 15A N.C. Admin. Code §10C.0301), for which it has established a year-round open season for hook-and-line fishing in inland waters. 15A N.C. Admin. Code §10C.0401(a). Similarly, the MFC has regulatory jurisdiction over the taking of shad in coastal waters, including hook-and-line fishing, per N.C.G.S. §§113-132(a) and 113-182. The MFC recently adopted a closed hook-and-line season for shad in 15A N.C. Admin. Code §3M.0513, which was effective March 1, 1995. The MFC rule provides:



It is unlawful to take blueback herring, alewife, **American shad and hickory shad** by any method from April 15 through January 1. (Emphasis added.)

The conflict between the two rules arises only in joint fishing waters, which are defined as coastal fishing waters "in which there are found a significant number of freshwater fish, as agreed upon by the Marine Fisheries Commission and Wildlife Resources Commission...." N.C.G.S. §113-132(e). The joint waters designation remains effective for so long as each commission maintains its joint rules. To the extent that the jurisdiction of the MFC and the WRC overlap in joint waters, the legislature has granted them concurrent jurisdiction, and empowered them to make joint rules delimiting the scope of their respective authority. N.C.G.S. §113-132(d). This is the source of the WRC's jurisdiction in joint waters. As joint fishing waters are coastal fishing waters in which the two commissions have agreed to exercise joint regulatory authority, the MFC's jurisdiction remains in place in those waters, unless expressly ceded to the WRC by the joint rules. The MFC and WRC have adopted joint rules in 15A N.C. Admin. Code 3Q. We examine those joint rules to determine the extent to which, if any, the MFC has relinquished its jurisdiction over shad in joint waters.

In 15A N.C. Admin. Code §3Q.0101, the two Commissions set forth the "Scope and Purpose" of the joint rules, as follows:

In addition to the classification of the waters of the state **these joint rules set forth guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries Commission and which are regulated by the WRC.** Finally, the joint rules set forth special fishing regulations applicable in joint waters that can be enforced by officers of the Division of Marine Fisheries and the Wildlife Resources Commission. **These regulations do not affect the jurisdiction of the Marine Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.** (Emphasis added.)

In 15A N.C. Admin. Code §3Q.0104 the joint rules provide that, "[t]he regulation and licensing of fishing in joint waters shall be as stated in 15A NCAC 3Q .0106." 15A N.C. Admin. Code §3Q.0106, captioned "Applicability of Rules: Joint Waters" states:

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

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

- (1) all laws and regulations pertaining to inland game fishes,
- (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
- (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided. (Emphasis added.)**

Paragraph (a) establishes that coastal fishing laws, and regulations adopted by the MFC for coastal waters, remain effective in joint waters, "except as otherwise provided." Thus it is necessary to look to the joint rules for any which "otherwise provide" that the MFC's rule closing the hook-and-line season for shad in coastal waters does not apply to joint waters. Paragraph (b) operates as a limited grant of jurisdiction to the WRC to enforce in joint waters the inland fishing laws and regulations specified in subparagraphs (b)(1), (b)(2) and (b)(3). The words "except as hereinafter provided" in subparagraph (b)(3) refer only to the joint rules which follow that provision (*i.e.*, the remainder of subchapter 3Q). However, none of those rules address hook-and-line fishing for shad in joint waters. Instead, they pertain principally to another migratory saltwater fish, striped bass, which was the subject of similar conflict a decade ago. The present joint rules evolved from that controversy, as in the absence of such joint rules resolving the jurisdictional conflict, a migratory saltwater fish is subject to regulation by both commissions in joint waters. Under .0106(b)(3) the WRC's a year-round open season for taking shad by hook-and-line fishing in inland waters also applies in joint waters.

Significantly, while § .0106(b) provides that certain types of inland fishing rules apply to joint waters, it does not state that the WRC's rules apply exclusively, so as to oust MFC jurisdiction over migratory saltwater fish.. Where the joint rules intend to supersede inconsistent rules, or to grant exclusive jurisdiction to one commission, the rules expressly state that intent. *See* 15A N.C. Admin. Code §3Q.0107 (special striped bass rules for joint waters "supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 3Q .0106"). That joint rule clearly contemplates that inconsistent rules could be applicable to joint waters under §3Q.0106. Likewise, §3Q.0109 expressly confers "exclusive authority" to open and close seasons for striped bass to WRC for Roanoke River and MFC for Albemarle Sound, regardless of classification. Thus it would be improper to read §3Q.0106 as vesting the WRC with exclusive jurisdiction over hook-and-line fishing for shad in joint waters, absent such an express statement of intent.

The Legislature, in creating the present regulatory scheme, recognized that conflicts may occur from time to time between the commissions, and established in N.C.G.S. §113-132(d) a mechanism for resolving such conflicts. The statute provides:

(d) To the extent that the grant of jurisdiction to the Marine Fisheries Commission and the Wildlife Resources Commission may overlap, the Marine Fisheries Commission and the Wildlife Resources Commission are granted concurrent jurisdiction. **In cases of conflict between actions taken or regulations promulgated by either agency, as respects the activities of the other, pursuant to the dominant purpose of such jurisdiction, the Marine Fisheries Commission and the Wildlife Resources Commission are empowered to make agreements concerning the harmonious settlement of such conflict in the best interests of the conservation of the marine and estuarine and wildlife resources of the State.** In the event the Marine Fisheries Commission and the Wildlife Resources Commission cannot agree, the Governor is empowered to resolve the differences. (Emphasis added.)

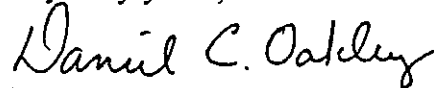
N.C.G.S. §143B-289.11 contains substantially similar provisions. Thus the MFC has the option of proceeding under this provision by reaching an agreement with WRC regarding the shad closure, or sending the matter to the Governor for resolution.

A second option is a rule change to make the MFC's shad season consistent with the WRC's. This would require public notice and hearing, as the requirements in N.C.G.S. §150B-21.1 for adoption of a temporary rule are absent.

Ultimately, this situation confronts the Marine Patrol with a serious enforcement dilemma. While the closed season remains in force and citations may be issued for violations, as a practical matter prosecution will be difficult in the face of the WRC's conflicting rule.

Thank you for your inquiry. Please advise if we may be of further assistance.

Very truly yours,



Daniel C. Oakley
Senior Deputy Attorney General



J. Allen Jernigan
Special Deputy Attorney General

Advisory Opinion To: Major Doug Freeman

June 13, 1995

Page 5

cc: Bruce Freeman
Fentress Munden
Bob Lucas
Colonel Fred Swain
Captain Pete Rivenbark
Lieutenant Dale Hewett
Ann Reed
Virginia Gibbons

EP\3141

EXHIBIT I-2b

April 14, 2022



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

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

10C .0101 - .0111

Standardized the terms “marine fisheries inspector” and “wildlife officer” for consistency.

Correct the name of the Department of Environmental Quality.

15A NCAC 10C .0101 Scope and Purpose (page 4)

15A NCAC 10C .0102 Inland Fishing Waters (page 5)

15A NCAC 10C .0103 Coastal Fishing Waters (page 6)

15A NCAC 10C .0104 Joint Fishing Waters (page 7)

15A NCAC 10C .0105 Posting Dividing Lines (page 8)

15A NCAC 10C .0106 Applicability of Rules: Joint Fishing Waters (page 9)

15A NCAC 10C .0107 Special Regulations for Joint Fishing Waters (page 10)

15A NCAC 10C .0108 Specific Classification of Waters (page 11)

15A NCAC 10C .0109 Protection of Sea Turtles (page 12)

15A NCAC 10C .0110 Management of Estuarine Striped Bass in the Albemarle Sound and Roanoke River Management Areas (page 13)

15A NCAC 10C .0111 Implementation of Estuarine Striped Bass Management Plans: Recreational Fishing (page 14)

15A NCAC 10C .0300 Game Fish

10C .0301

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

15A NCAC 10C .0301 Inland Game Fishes Designated (pages 15-16)

10C .0302 and 10C .0304

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

15A NCAC 10C .0302 Manner of Taking Inland Game Fishes (page 17)

15A NCAC 10C .0304 Taking and Possession of Inland Game Fishes (page 18)

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

Update rule text and simplify formatting.

15A NCAC 10C .0305 Largemouth Bass (pages 19-20)

15A NCAC 10C .0306 Crappie (page 21-22)

15A NCAC 10C .0308 Kokanee Salmon (page 24)

15A NCAC 10C .0313 American Shad and Hickory Shad (page 25)

15A NCAC 10C .0318 White Bass (page 30)

15A NCAC 10C .0321 Smallmouth Bass (page 32)

15A NCAC 10C .0322 Alabama Bass and Spotted Bass (page 33)

15A NCAC 10C .0323 Redeye Bass (page 34)

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

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

15A NCAC 10C .0307 Flounder (page 23)

15A NCAC 10C .0325 Sea Trout (page 36)

15A NCAC 10C .0326 Red Drum (page 37)

10C .0314

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

15A NCAC 10C .0314 Striped Bass (pages 26-27)

10C .0316

Modify the rule title.

15A NCAC 10C .0316 Mountain Trout (pages 28-29)

10C .0319

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

15A NCAC 10C .0319 White Perch (page 31)

10C .0324

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

15A NCAC 10C .0324 Bullheads (page 35)

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

10C .0401

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

15A NCAC 10C .0401 Manner of Taking Nongame Fishes (pages 38-40)

10C .0402

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

15A NCAC 10C .0402 Taking Nongame Fishes by Special Device for Bait or Personal Consumption (pages 41-42)

10C .0404 and 10C .0407

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

15A NCAC 10C .0404 Special Devices (pages 43-44)

15A NCAC 10C .0407 Permitted Special Devices and Open Seasons (page 47-56)

10C .0405

Update reference to migratory saltwater fishes.

15A NCAC 10C .0405 Possession of Licenses (page 45)

10C .0406

No changes to current rule.

15A NCAC 10C .0406 Trawls and Dredges (page 46)

10C .0409

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

15A NCAC 10C .0409 Taking and Possession of Nongame Fishes (page 57)

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

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

15A NCAC 10C .0410 American Eel (page 58)

15A NCAC 10C .0413 Blue Crab (page 61)

15A NCAC 10C .0415 Bowfin (page 63)

15A NCAC 10C .0416 Blue Catfish, Channel Catfish, and Flathead Catfish (page 64)

15A NCAC 10C .0418 Freshwater Mussels (page 66)

15A NCAC 10C .0419 Grass Carp (page 67)

15A NCAC 10C .0421 Margined Madtom and Tadpole Madtom (page 69)

15A NCAC 10C .0423 Alewife and Blueback Herring (page 71)

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

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

15A NCAC 10C .0411 Atlantic Croaker (page 59)

15A NCAC 10C .0412 Black Drum (page 60)

15A NCAC 10C .0414 Bluefish (page 62)

15A NCAC 10C .0417 Cobia (page 65)

15A NCAC 10C .0420 King Mackerel (page 68)

15A NCAC 10C .0422 Striped Mullet and White Mullet (page 70)

15A NCAC 10C .0424 Sharks (page 72)

15A NCAC 10C .0425 Sheepshead (page 73)

15A NCAC 10C .0426 Spanish Mackerel (page 74)

15A NCAC 10C .0427 Spot (page 75)

15A NCAC 10C .0428 Tarpon (page 76)

15A NCAC 10C .0429 Weakfish (Gray Trout) (page 77)

15A NCAC 10C .0430 Other Fishes (page 78)

15A NCAC 10C .0700 Game Fish in Coastal Fishing Waters

10C .0701

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

15A NCAC 10C .0801 Inland Game Fishes Designated in Coastal Fishing Waters (pages 79-80)

1 **15A NCAC 10C .0101 SCOPE AND PURPOSE**

2 The following rules pertain to the classification of the waters of North Carolina as coastal fishing waters, inland
3 fishing waters and joint fishing waters. These rules are adopted jointly by the Marine Fisheries Commission and
4 the Wildlife Resources Commission. In addition to the classification of the waters of the state these joint rules set
5 forth guidelines to determine which fishing activities in joint waters are regulated by the Marine Fisheries
6 Commission and which are regulated by the Wildlife Resources Commission. Finally, the joint rules set forth
7 special fishing regulations applicable in joint waters that can be enforced by officers of the division of marine
8 fisheries and the Wildlife Resources Commission. These regulations do not affect the jurisdiction of the Marine
9 Fisheries Commission and the Wildlife Resources Commission in any matters other than those specifically set out.

10

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

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 1977.*

14

1 **15A NCAC 10C .0102 INLAND FISHING WATERS**

2 Inland fishing waters are all inland waters except private ponds; and all waters connecting with or tributary to coastal
3 sounds or the ocean extending inland from the dividing line between coastal fishing waters and inland fishing waters
4 agreed upon by the Marine Fisheries Commission and the Wildlife Resources Commission. All waters which are
5 tributary to inland fishing waters and which are not otherwise designated by agreement between the Marine Fisheries
6 Commission and the Wildlife Resources Commission are inland fishing waters. The regulation and licensing of
7 fishing in inland fishing waters is under the jurisdiction of the Wildlife Resources Commission. Regulations and
8 laws administered by the Wildlife Resources Commission regarding fishing in inland fishing waters are enforced
9 by wildlife enforcement officers.

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

14
15 *History Note: Authority G.S. 113-134; 113-129; 113-132;*
16 *Eff. February 1, 1976;*
17 *Amended Eff. January 1, 1977.*

18

1 **15A NCAC 10C .0103 COASTAL FISHING WATERS**

2 Coastal fishing waters are the Atlantic Ocean, the various coastal sounds, and estuarine waters up to the dividing
3 line between coastal fishing waters and inland fishing waters agreed upon by the Marine Fisheries Commission and
4 the Wildlife Resources Commission. All waters which are tributary to coastal fishing waters and which are not
5 otherwise designated by agreement between the Marine Fisheries Commission and the Wildlife Resources
6 Commission are coastal fishing waters. The regulations and licensing of fishing in coastal fishing waters is under
7 the jurisdiction of the Marine Fisheries Commission; except that inland game fish (exclusive of spotted sea trout,
8 red drum, flounder, white perch, yellow perch, weakfish, and striped bass) are subject to regulations by the Wildlife
9 Resources Commission in coastal fishing waters. Regulations and laws administered by the Marine Fisheries
10 Commission regarding fishing in coastal waters are enforced by marine fisheries inspectors. Regulations regarding
11 inland game fish in coastal waters are enforced by wildlife ~~protectors~~ officers unless otherwise agreed to by the
12 Wildlife Resources Commission.

13
14 *History Note: Authority G.S. 113-129; 113-132; 113-134; 113-292;*
15 *Eff. February 1, 1976;*
16 *Amended Eff. July 1, 1991; January 1, 1977.*

17

1 **15A NCAC 10C .0104 JOINT FISHING WATERS**

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

7
8 *History Note: Authority G.S. 113-132; 113-134; 113-292;*
9 *Eff. February 1, 1976;*
10 *Amended Eff. January 1, 1977.*

11

1 **15A NCAC 10C .0105 POSTING DIVIDING LINES**

2 The dividing lines of all major bodies of water and watercourses which are divided by the agreement of the Marine
3 Fisheries Commission and the Wildlife Resources Commission so that portions of the same are constituted inland
4 fishing waters, coastal fishing waters, or joint fishing waters shall be marked with signs insofar as may be
5 practicable. Unmarked and undesignated tributaries shall have the same classification as the designated waters to
6 which they connect or into which they flow. No unauthorized removal or relocation of any such marker shall have
7 the effect of changing the classification of any body of water or portion thereof, nor shall any such unauthorized
8 removal or relocation or the absence of any marker affect the applicability of any regulations pertaining to any such
9 body of water or portion thereof.

10
11 *History Note: Authority G.S. 113-132; 113-134;*
12 *Eff. January 1, 1977.*

13

1 **15A NCAC 10C .0106 APPLICABILITY OF REGULATIONS: JOINT WATERS**

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

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

- 7 (1) all laws and regulations pertaining to inland game fishes,
- 8 (2) all laws and regulations pertaining to inland fishing license requirements for hook and line fishing,
- 9 (3) all laws and regulations pertaining to hook and line fishing except as hereinafter provided.

10
11 *History Note: Authority G.S. 113-132; 113-134; 113-271; 113-275; 113-292;*
12 *Eff. January 1, 1977;*
13 *Amended Eff. April 1, 1990; April 15, 1979.*

14

1 **15A NCAC 10C .0107 SPECIAL REGULATIONS: JOINT WATERS**

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

- 8 (1) Striped Bass
- 9 (a) It is unlawful to possess any striped bass or striped bass hybrid that is less than 18 inches
10 long (total length).
 - 11 (b) It is unlawful to possess striped bass or striped bass hybrids between the lengths of 22
12 and 27 inches (total length) in joint fishing waters of the Central Southern Management
13 Area as designated in 15A NCAC 03R .0201.
 - 14 (c) It is unlawful to possess striped bass or striped bass hybrids May through September in
15 the joint fishing waters of the Central Southern Management Area and the Albemarle
16 Sound Management Area.
 - 17 (d) It is unlawful to possess striped bass or striped bass hybrids taken from the joint fishing
18 waters of the Cape Fear River.
 - 19 (e) It is unlawful to possess more than one daily creel limit of striped bass or striped bass
20 hybrids, in the aggregate, per person per day, regardless of the number of management
21 areas fished.
 - 22 (f) Possession of fish shall be assessed for the creel and size limits of the management area
23 in which the individual is found to be fishing, regardless of the size or creel limits for
24 other management areas visited by that individual in a given day.
 - 25 (g) It is unlawful to engage in net fishing for striped bass or their hybrids in joint waters
26 except as authorized by rules of the Marine Fisheries Commission.
- 27 (2) Lake Mattamuskeet
- 28 (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated
29 as joint waters.
 - 30 (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet
31 canals designated as joint waters.
- 32 (3) Cape Fear River. It is unlawful to use or attempt to use any net, net stakes or electrical fishing
33 device within 800 feet of the dam at Lock No. 1 on the Cape Fear River.
- 34 (4) Shad: It is unlawful to possess more than 10 American shad or hickory shad, in the aggregate,
35 per person per day taken by hook-and-line.

36
37 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;*
38 *Eff. January 1, 1977;*
39 *Amended Eff. July 1, 2008; May 1, 2005; August 1, 2000; July 1, 1993; November 1, 1991;*
40 *January 1, 1991; August 1, 1985.*

1 **15A NCAC 10C .0108 SPECIFIC CLASSIFICATION OF WATERS**

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

7

8 *History Note: Authority G.S. 113-129; 113-132; 113-134; 150B-14;*

9 *Eff. January 1, 1977;*

10 *Amended Eff. July 1, 1993; January 1, 1981; January 1, 1978.*

11

1 **15A NCAC 10C .0109 PROTECTION OF SEA TURTLES**

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

10

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

12

Eff. April 29, 1979;

13

Amended Eff. April 1, 1990.

14

1 **15A NCAC 10C .0110 MANAGEMENT RESPONSIBILITY FOR ESTUARINE STRIPED BASS IN**
2 **JOINT WATERS**

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

5 (b) In order to effectively manage the recreational hook and line harvest in joint waters of the Albemarle Sound-
6 Roanoke River stock of striped bass, the Marine Fisheries Commission and the Wildlife Resources Commission
7 deem it necessary to establish two management areas: the Albemarle Sound Management Area and the Roanoke
8 River Management Area as designated in 15A NCAC 03R .0201. The Wildlife Resources Commission shall have
9 principal management responsibility for the stock when it is in the joint and inland fishing waters of the Roanoke
10 River Management Area. The Marine Fisheries Commission shall have principal management responsibility for
11 the stock in the coastal, joint and inland waters of the Albemarle Sound Management Area. The annual quota for
12 recreational harvest of the Albemarle Sound-Roanoke River striped bass stock shall be divided equally between the
13 two management areas. Each Commission shall implement management actions for recreational harvest within their
14 respective management areas that shall be consistent with the North Carolina Estuarine Striped Bass Fishery
15 Management Plan.

16
17 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;*
18 *Eff. January 1, 1991;*
19 *Amended Eff. June 1, 2005.*
20
21

1 **15A NCAC 10C .0111 IMPLEMENTATION OF ESTUARINE STRIPED BASS MANAGEMENT**
2 **PLANS: RECREATIONAL FISHING**

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

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

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

20
21 *History Note: Authority G.S. 113-132; 113-134; 113-138; 113-292;*
22 *Eff. January 1, 1991;*
23 *Amended Eff. June 1, 2005.*

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

2
3 **SECTION .0300 – GAME FISH IN INLAND FISHING WATERS**

4
5 15A NCAC 10C .0301 is proposed for amendment as follows:

6
7 **15A NCAC 10C .0301 INLAND GAME FISHES DESIGNATED**

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

10 (1) ~~mountain trout, all species including but not limited to rainbow, brown and brook trout;~~

11 (2) ~~muskellunge, chain (jack) and redfin pickerel;~~

12 (3) ~~yellow perch, when found in inland waters, walleye and sauger;~~

13 (4) ~~black bass, including Alabama, largemouth, smallmouth, spotted and redeye bass;~~

14 (5) ~~black and white crappie;~~

15 (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;

16 (2) black crappie and white crappie;

17 (3) chain pickerel (jack), muskellunge, and redfin pickerel;

18 (4) kokanee salmon;

19 (5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;

20 (6) sauger and walleye; and

21 (7) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker),
22 pumpkinseed, warmouth, Roanoke bass, rock bass, bass (redeye), flier, Roanoke bass, warmouth,
23 and all other species of the sunfish family (Centrarchidae) not specifically listed in this ~~Rule;~~ Rule.

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

25 (7) ~~spotted sea trout (speckled trout), when found in inland fishing waters;~~

26 (8) ~~flounder, when found in inland fishing waters;~~

27 (9) ~~red drum (channel bass, red fish, puppy drum), when found in inland fishing waters;~~

28 (10) ~~striped bass, white bass, white perch and Morone hybrids (striped bass white bass), when found in~~
29 ~~inland fishing waters;~~

30 (11)(1) ~~American shad and hickory shad; shad, when found in inland fishing waters;~~

31 (12) ~~kokanee salmon; and~~

32 (13)(2) ~~black bullhead, brown bullhead, flat bullhead, snail bullhead, white catfish, and yellow bullhead;~~
33 ~~bullhead, when found in inland fishing waters.~~

34 (3) flounder;

35 (4) red drum (channel bass, red fish, puppy drum);

36 (5) spotted sea trout (spekeled trout);

37 (6) striped bass, white bass, white perch, and Morone hybrids (striped bass-white bass); and

1 (7) yellow perch.

2

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

4 *Eff. February 1, 1976;*

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

6 *January 1, 1980;*

7 *Readopted Eff. August 1, 2020.*

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

2

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

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

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

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

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

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

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

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

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

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

22

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

24 *Eff. February 1, 1976;*

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

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

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

28 *Readopted Eff. October 1, 2021.*

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

2

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

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

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

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

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

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

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

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

25

26 *History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;*

27 *Eff. February 1, 1976;*

28 *Amended Eff. July 1, 1998; July 1, 1991; July 1, 1988; January 1, 1981.*

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

2

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

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

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

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

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

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

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

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

17 (1) Lake Raleigh in Wake County;

18 (2) Lake Sutton in New Hanover County;

19 (3) Pungo Lake in Washington and Hyde counties;

20 (4) New Lake in Hyde County; and

21 (5) Currituck, Roanoke, Croatan, Albemarle sounds, and all their tributaries including Roanoke River
22 downstream of Roanoke Rapids Dam, Chowan River, Meherrin River, Yeopim River, Pasquotank
23 River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River,
24 Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the NC Hwy
25 264/45 bridge, and all other associated tributaries and canals in these river systems.

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

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

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

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

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

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

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

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

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

2

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

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

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

8 (c) There is no closed season.

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

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

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

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

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

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

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

35

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

37 *Eff. November 1, 2013;*

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

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

2

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

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

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

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

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

11

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

13 *Eff. November 1, 2013;*

14 *Readopted Eff. October 1, 2021.*

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

2

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

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

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

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

7

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

9 *Eff. November 1, 2013;*

10 *Readopted Eff. August 1, 2020.*

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

2

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

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

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

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

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

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

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

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

16

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

18 *Eff. November 1, 2013;*

19 *Readopted Eff. August 1, 2019.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11

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

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

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

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

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

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

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

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

- 19 (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum
20 size limit, but only one may be greater than 14 inches. There is no closed season.
21 (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the
22 daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

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

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

- 28 (1) Bear Creek Lake;
29 (2) Buckeye Creek Reservoir;
30 (3) Calderwood Reservoir;
31 (4) Cedar Cliff Lake;
32 (5) Cheoah Reservoir;
33 (6) Cliffside Lake;
34 (7) Tanassee Creek Lake;
35 (8) Queens Creek Lake; and
36 (9) Wolf Lake.

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

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

4

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

6 *Eff. November 1, 2013;*

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

8 *Readopted Eff. August 1, 2019;*

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

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

2

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

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

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

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

7

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

9 *Eff. November 1, 2013.*

10 *Amend Eff. August 1, 2017.*

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

2

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

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

5 (b) There is no minimum size limit.

6 (c) There is no closed season.

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

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

11

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

13 *Eff. November 1, 2013;*

14 *Amended Eff. August 1, 2016;*

15 *Readopted Eff. October 1, 2021.*

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

2

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

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

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

8 (c) There is no closed season.

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

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

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

20

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

22 *Eff. August 1, 2020;*

23 *Amended Eff. August 1, 2021.*

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

2

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

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

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

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

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

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

15

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

17 *Eff. August 1, 2020;*

18 *Amended Eff. August 1, 2021.*

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

2

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

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

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

6 (c) There is no closed season.

7

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

9 *Eff. August 1, 2020.*

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

2

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

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

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

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

10

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

12 *Eff. August 1, 2020.*

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

2

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

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

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

6 (c) There is no closed season.

7

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

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

2

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

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

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

6 (c) There is no closed season.

7

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

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

2
3 **SECTION .0400 – JURISDICTION OF AGENCIES: CLASSIFICATION OF WATERS NONGAME FISH**
4 **IN INLAND FISHING WATERS**

5
6 15A NCAC 10C .0401 is proposed for amendment as follows:

7
8 **15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES**

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

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

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

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

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

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

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

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

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

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

32 (h) ~~Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more~~
33 ~~than 50 crabs per person per day or to exceed 100 crabs per vessel per day.~~

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

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

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

7 ~~(j) In waters that are stocked and managed for catfish and located on game lands, on Commission owned property,~~
8 ~~or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take~~
9 ~~channel or blue catfish by means other than hook and line; the daily creel limit for channel catfish is seven. Waters~~
10 ~~where this creel limit applies shall be posted on site with signs indicating the creel limit.~~

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

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

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

23 ~~(m) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing~~
24 ~~in inland fishing waters is 25, and the minimum size limit is 9 inches. Eels greater than 9 inches in length and with a~~
25 ~~minimum body depth greater than ½ inch may be cut for use as bait.~~

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

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

30 ~~(p) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as~~
31 ~~those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent~~
32 ~~joint or coastal fishing waters.~~

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

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

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

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

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

8 (3) ~~bowfin.~~

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

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

12 *Eff. February 1, 1976;*

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

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

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

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

17 *Amended Eff. July 1, 2000;*

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

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

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

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

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

26 *Readopted Eff. August 1, 2020;*

27 *Amended Eff. August 1, 2021.*

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

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

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

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

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

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

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

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

1 (1) American and hickory shad may be taken when captured with dip nets and bow nets from March 1
2 through April 30 subject to the size and creel limits specified in 15A NAC 10C .0313.

3 (2) white perch may be taken when captured in a cast net being used to collect nongame fishes for bait
4 or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash
5 County) subject to the size and creel limits specified in 15A NCAC 10C .0319.

6 (e) No person shall take or possess during one day more than 200 nongame fish, in aggregate, for bait or personal
7 consumption subject to the consumption, accounting for species specific size and creel limits identified in 15A NCAC
8 10C.0401 Section .0400.

9 (f) Any fishes taken for bait purposes are included within the daily possession limit for that species.

10 (g) It is unlawful to take nongame fish for bait from the following waters:

11 (1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-
12 owned water supply reservoirs);

13 (2) Bear Creek in Chatham County;

14 (3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph
15 County;

16 (4) Fork Creek in Randolph County; and

17 (5) Rocky River in Chatham County.

18 (i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish
19 having a size limit identified in 15A NCAC 10C .0401 so as to render it impractical to measure its total original length,
20 except as provided in 15A NCAC 10C .0401(m). No person while fishing shall change the appearance of any nongame
21 fish having a daily creel limit identified in 15A NCAC 10C .0401 so as to obscure its identification or render it
22 impractical to count the number of fish in possession, except as provided in 15A NCAC 10C .0401(m).

23
24 *History Note: Authority G.S. 113-134; 113-272; 113-272.3; 113-292;*

25 *Eff. February 1, 1976;*

26 *Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;*

27 *Temporary Amendment Eff. July 1, 2001;*

28 *Amended Eff. July 18, 2002;*

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

30 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
31 *2003);*

32 *Amended Eff. August 1, 2019; August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015;*

33 *August 1, 2014; August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006;*

34 *Readopted Eff. August 1, 2021.*

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

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

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

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

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

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

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

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

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

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

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

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

8

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

10 *Eff. February 1, 1976;*

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

13 *Temporary Amendment Effective July 1, 2001;*

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

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

2

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

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

10

11 *History Note: Authority G.S. 113-134; 113-275; 113-276; 113-276.1; 113-292;*

12 *Eff. February 1, 1976;*

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

14 *Amended Eff. April 1, 1999.*

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

2

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

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

5

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

7 *Eff. February 1, 1976;*

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

1 15A NCAC 10C .0407 is proposed for re adoption as follows:

2
3 **15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS**

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

- 8 (1) Alamance:
- 9 (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
- 10 (b) July 1 to June 30 with gigs in all public waters;
- 11 (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake
12 Hickory and Lookout Shoals Reservoir;
- 13 (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout
14 waters;
- 15 (4) Anson:
- 16 (a) July 1 to June 30 with traps and gigs in all public waters;
- 17 (b) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
- 18 (c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from
19 Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- 20 (5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain
21 trout waters;
- 22 (6) Beaufort:
- 23 (a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above
24 Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;
- 25 (b) March 1 to April 30 with bow nets in all inland public waters;
- 26 (7) Bertie:
- 27 (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);
- 28 (b) March 1 to April 30 with bow nets in all inland public waters, except public lakes, ponds,
29 and other impounded waters;
- 30 (8) Bladen:
- 31 (a) March 1 to April 30 with bow nets in Black River;
- 32 (b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between
33 Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is
34 prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;
- 35 (9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek,
36 Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;

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

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

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

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

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

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

- 1 (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from
2 Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- 3 (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the
4 Sandhills Game Land;
- 5 (c) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
- 6 (74) Robeson: December 1 to March 1 with gigs in all inland public waters.
- 7 (75) Rockingham:
- 8 (a) July 1 to August 31 with seines in Dan River and Haw River;
- 9 (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- 10 (76) Rowan:
- 11 (a) July 1 to August 31 with seines in all running public waters,
- 12 (b) July 1 to June 30 with traps and gigs in all public waters;
- 13 (77) Rutherford:
- 14 (a) July 1 to August 31 with seines in all running public waters, except designated public
15 mountain trout waters;
- 16 (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated
17 public mountain trout waters;
- 18 (78) Sampson:
- 19 (a) March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek;
- 20 (b) July 1 to March 1 with hand-crank electrofishers (local law) in Black River downstream of
21 NC 1105 bridge;
- 22 (79) Stanly:
- 23 (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee
24 River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
- 25 (b) July 1 to June 30 with traps and gigs in all public waters;
- 26 (80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain
27 trout waters, and traps may not be used in Belews Creek Reservoir;
- 28 (81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
29 waters; and with traps in the main stem of Yadkin River;
- 30 (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout
31 waters;
- 32 (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain
33 trout waters;
- 34 (84) Tyrrell:
- 35 (a) July 1 to June 30 with traps in Scuppernong River and Alligator Creek;

- 1 (b) March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the
2 drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds and
3 other impounded waters;
- 4 (85) Union:
- 5 (a) July 1 to August 31 with seines in all running public waters,
6 (b) July 1 to June 30 with traps and gigs in all public waters;
- 7 (86) Vance:
- 8 (a) July 1 to August 31 with seines in the Tar River;
9 (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands,
10 and Weldon Ponds, City Lake, and Kerr Reservoir;
11 (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- 12 (87) Wake:
- 13 (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh,
14 and Johnson Lakes;
15 (b) March 1 to April 30 with bow nets in the Neuse River below Falls Lake Dam, and Swift
16 Creek below Lake Benson Dam;
- 17 (88) Warren:
- 18 (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; except
19 Duck and Hammes Mill Ponds;
20 (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr
21 Reservoir, and Gaston Reservoir;
22 (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- 23 (89) Washington: March 1 to April 30 with bow nets in all inland public waters, except Lake Phelps, the
24 drainage canals that connect Lake Phelps and Scuppernong River, public lakes, ponds, and other
25 impoundments.
- 26 (90) Wayne: March 1 to April 30 with bow nets in Little River, Mill Creek and Neuse River.
- 27 (91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs
28 and spear guns in all public waters, except designated public mountain trout waters;
- 29 (92) Wilson:
- 30 (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including
31 unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
32 (b) March 1 to April 30 with bow nets in Contentnea Creek below US 301 bridge and in
33 Toisnot Swamp downstream from the Lake Toisnot Dam; and
- 34 (93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin
35 River.

36
37 *History Note: Authority G.S. 113-134; 113-276; 113-292;*

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

1 *15A NCAC 10C .0409 is proposed for adoption as follows:*

2

3 **15A NCAC 10C .0409 TAKING AND POSSESSION OF NONGAME FISHES**

4

5 (a) Individuals shall only take up to the daily creel limit of those species of nongame fish having a specified creel
6 limit.

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

8 (1) the specified daily creel limit for the species;

9 (2) fish conforming to the size limit of the species; and

10 (3) the daily creel limit while fishing or afield.

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

12 (d) No person, while fishing or afield, shall:

13 (1) remove the head or tail or otherwise change the appearance of any nongame fish specified in Section
14 .0400 as having a size limit, so as to render it impractical to measure its total original length, except
15 as provided in 15A NCAC 10C .0410.

16 (2) change the appearance of any nongame fish that has a species-specific daily creel limit in Section
17 .0400, as to obscure its identification or render it impractical to count the number of fish in
18 possession, except for American Eel as provided in 15A NCAC 10C.0410.

19

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

1 15A NCAC 10C .0410 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0410 AMERICAN EEL**

4

5 (a) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing
6 in inland fishing waters is 25.

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

8 (c) There is no closed season.

9 (d) Eels greater than 9 inches in length and with a minimum body depth greater than ½ inch may be cut for use as bait.

10

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

1 15A NCAC 10C .0411 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0411 ATLANTIC CROAKER**

4

5 (a) The daily creel limit for Atlantic croaker is 50 fish.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Atlantic croaker shall not be sold.

9

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

1 15A NCAC 10C .0412 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0412 BLACK DRUM**

4

5 (a) The daily creel limit for black drum is 10 fish.

6 (b) The minimum size limit is 14 inches and no fish over 25 inches may be possessed in the daily creel limit.

7 (c) There is no closed season.

8 (d) Black drum shall not be sold.

9

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

1 15A NCAC 10C .0413 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0413 BLUE CRAB**

4

5 (a) Blue crabs shall have a minimum carapace width of five inches (point to point).

6 (b) It is unlawful to possess more than 50 crabs per person per day, or to exceed 100 crabs per vessel per day.

7 (c) There is no closed season.

8 (d) Blue crabs shall not be sold.

9

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

1 15A NCAC 10C .0414 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0414 BLUEFISH**

4

5 (a) The daily creel limit for bluefish is three.

6 (b) There is no size limit.

7 (c) There is no closed season.

8 (d) Bluefish shall not be sold.

9

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

1 15A NCAC 10C .0415 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0415 BOWFIN**

4

5 (a) There is no daily creel limit for bowfin.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Bowfin shall not be sold.

9

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

1 15A NCAC 10C .0416 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0416 BLUE CATFISH, CHANNEL CATFISH, AND FLATHEAD CATFISH**

4
5 (a) There is no daily creel limit for blue, channel, and flathead catfish, except for waters identified in Paragraphs (e),
6 (f), and (g) of this Rule.

7 (b) There is no minimum size limit.

8 (c) There is no closed season.

9 (d) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or
10 on the property of a cooperator, including waters within the Community Fishing Program, no person shall take channel
11 or blue catfish by means other than hook and line.

12 (e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or
13 on the property of a cooperator, including waters within the Community Fishing Program, the daily creel limit for
14 channel catfish is seven on waters posted with signs indicating the creel limit.

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

16 (1) Lake Norman;

17 (2) Mountain Island Lake;

18 (3) Lake Wylie;

19 (4) Badin Lake;

20 (5) Lake Tillery;

21 (6) John H. Kerr Reservoir (North Carolina portion);

22 (7) Dan River (Downstream of the Union Street Dam in Danville, VA);

23 (8) Lake Gaston (North Carolina portion); and

24 (9) Roanoke Rapids Reservoir.

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

27
28 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0417 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0417 COBIA**

4

5 (a) The daily creel limit for cobia is one fish.

6 (b) The minimum size limit is 36 inches.

7 (c) The season for taking and possessing cobia is May 1 to December 31.

8 (d) Cobia shall not be sold.

9

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

1 15A NCAC 10C .0418 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0418 FRESHWATER MUSSELS**

4

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

7 (1) Lake Waccamaw in Columbus County; and

8 (2) University Lake in Orange County.

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

11 (c) There is no minimum size limit.

12 (d) There is no closed season.

13

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

1 15A NCAC 10C .0419 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0419 GRASS CARP**

4

5 (a) There is no daily creel limit for grass carp, except for waters identified in Paragraphs (d) and (e).

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Grass carp shall not be taken or possessed except that one fish per day may be taken with archery equipment on
9 the following waters:

10 (1) Lake James;

11 (2) Lookout Shoals Lake;

12 (3) Mountain Island Reservoir; and

13 (4) Lake Wylie.

14 (e) Grass carp shall not be taken or possessed except for scientific study by permit issued by the Wildlife Resources
15 Commission on the following waters:

16 (1) Lake Gaston (SL 2009-261);

17 (2) Roanoke Rapids Reservoir (SL 2009-261);

18 (3) Lake Norman; and

19 (4) the North Carolina portion of John H. Kerr Reservoir.

20

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

1 15A NCAC 10C .0420 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0420 KING MACKEREL**

4

5 (a) The daily creel limit for king mackerel is three fish.

6 (b) The minimum size limit is 24 inches.

7 (c) There is no closed season.

8 (d) King mackerel shall not be sold.

9

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

1 15A NCAC 10C .0421 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0421 MARGINED MADTOM AND TADPOLE MADTOM**

4 Margined madtom and tadpole madtom shall not be taken or possessed.

5

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

1 15A NCAC 10C .0422 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0422 STRIPED MULLET AND WHITE MULLET**

4

5 (a) The daily creel limit for striped mullet and white mullet is 200 fish in aggregate.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8

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

1 15A NCAC 10C .0423 is proposed for adoption as follows:

2
3 **15A NCAC 10C .0423 ALEWIFE AND BLUEBACK HERRING**

4
5 (a) There is no daily creel limit for alewife or blueback herring (river herring), except for waters identified in Paragraph
6 (e).

7 (b) There is no minimum size limit, except for waters identified in Paragraph (d).

8 (c) There is no closed season.

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

11 (1) Roanoke River downstream of Roanoke Rapids Dam;

12 (2) Tar River downstream of Rocky Mount Mill Dam;

13 (3) Neuse River downstream of Falls Lake Dam;

14 (4) Cape Fear River downstream of Buckhorn Dam;

15 (5) Pee Dee River downstream of Blewett Falls Dam;

16 (6) Lumber River, including Drowning Creek;

17 (7) all the tributaries to the rivers listed above; and

18 (8) all other inland fishing waters east of I-95.

19 (e) It shall be unlawful to transport, possess, or release live alewife or blueback herring, in the waters of the Little
20 Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and
21 impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

22 (f) Alewife and blueback herring, excluding those less than 6 inches in length collected from Kerr Reservoir
23 (Granville, Vance, and Warren counties), may not be sold.

24
25 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*

1 15A NCAC 10C .0424 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0424 SHARKS**

4 Sharks shall not be taken or possessed.

5

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

1 15A NCAC 10C .0425 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0425 SHEEPSHEAD**

4

5 (a) The daily creel limit for sheepshead is 10 fish.

6 (b) The minimum size limit is 10 inches.

7 (c) There is no closed season.

8 (d) Sheepshead shall not be sold.

9

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

1 15A NCAC 10C .0426 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0426 SPANISH MACKEREL**

4

5 (a) The daily creel limit for Spanish mackerel is 15 fish.

6 (b) The minimum size limit is 12 inches.

7 (c) There is no closed season.

8 (d) Spanish mackerel shall not be sold.

9

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

1 15A NCAC 10C .0427 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0427 SPOT**

4

5 (a) The daily creel limit for spot is 50 fish.

6 (b) There is no minimum size limit.

7 (c) There is no closed season.

8 (d) Spot shall not be sold.

9

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

1 15A NCAC 10C .0428 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0428 TARPON**

4 Tarpon shall not be taken or possessed.

5

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

1 15A NCAC 10C .0429 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0429 WEAKFISH (GRAY TROUT)**

4

5 (a) The daily creel limit for weakfish (gray trout) is one fish.

6 (b) The minimum size limit is 12 inches.

7 (c) There is no closed season.

8 (d) Weakfish shall not be sold.

9

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

1 15A NCAC 10C .0430 is proposed for adoption as follows:

2

3 **15A NCAC 10C .0430 OTHER FISHES**

4

5 (a) For any nongame fish species not specifically listed in this Section, there is no daily creel limit.

6 (b) There is no size limit.

7 (c) There is no closed season.

8

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

1 The Agency proposes a new Section of the NCAC, 15A NCAC 10C .0700, to be titled:

2 **SECTION .0700 – GAME FISH IN COASTAL FISHING WATERS**

3
4 15A NCAC 10C .0701 is proposed for adoption as follows:

5
6 **15A NCAC 10C .0701 INLAND GAME FISHES DESIGNATED IN COASTAL FISHING WATERS**

7 (a) For the purposes of this rule, only the following fishes are classified and designated as inland game fishes in
8 coastal fishing waters:

- 9 (1) Alabama bass, largemouth bass, redeye bass, smallmouth bass, and spotted bass;
10 (2) black crappie and white crappie;
11 (3) chain pickerel (jack), muskellunge, and redfin pickerel;
12 (4) kokanee salmon;
13 (5) mountain trout, all species including but not limited to brook trout, brown trout, and rainbow trout;
14 (6) Roanoke bass and rock bass (redeye);
15 (7) sauger and walleye; and
16 (8) sunfish, including bluegill (bream), flier, pumpkinseed, redbreast (robin), redear (shellcracker),
17 warmouth, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule.

18 (b) Inland game fishes shall not be taken by any method other than with hook and line, except that landing nets may
19 be used to land fishes caught on hook and line.

20 (c) Size, creel limits, and seasons for inland game fishes in coastal fishing waters shall be the same as those in inland
21 waters designated in Section .0300.

22 (d) Inland game fishes taken incidental to commercial fishing operations shall be immediately returned to the water
23 unharmd.

24 (e) Inland game fishes taken from coastal fishing waters shall not be sold.

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

27 (g) Individuals shall only possess, on those waters being fished:

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

31 (h) Individuals shall only possess up to three days creel limit at any place.

32 (i) No person, while fishing or afield, shall:

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

1

2 History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-292;

EXHIBIT J-1

April 14, 2022



**Proposed Rule 15A NCAC 10H .1510 Wildlife Control Technician
Certification and Eligibility Requirements
Recommended by Agency Staff for Public Notice, Comment, and Presentation
at Public Hearing**

Establish Wildlife Control Technician Certification (WCT) requirements and eligibility in rule. Clarify that a WCT may not issue depredation permits and may only place traps, perform euthanasia, bat evictions, and alligator removal under direct supervision of a licensed Wildlife Control Agent.

Session Law 2021-160 established a Wildlife Control Technician Certification. This rule is necessary to set standards and requirements for this certification.

10H .1510 Wildlife Control Technician Certification and Eligibility Requirements (page 2)

15A NCAC 10H .1510 Wildlife Control Technician Certification Eligibility and Requirements

(a) The following definitions shall apply in this Section:

- (1) “Wildlife control technician” or “WCT” means an individual that holds a current and valid wildlife control technician certification issued by the Commission.
- (2) “Wildlife control technician certification” or “WCT certification” means a certification issued by the Commission that authorizes an individual to engage in wildlife control or wildlife removal activities, for compensation, including reimbursement for the cost of materials, under the supervision of a licensed wildlife control agent.
- (3) “Direct supervision” means to physically be within one’s presence while maintaining visual and verbal contact.
- (4) “Wildlife damage control” and “wildlife removal activities” means and includes:
 - (A) bat eviction and alligator damage control or removal activities;
 - (B) setting and moving traps;
 - (C) euthanasia; and
 - (D) issuing depredation permits in accordance with the applicable provision and requirements of 15A NCAC 10H .1502

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, without first obtaining a WCT certification from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCT certification.

(c) Wildlife control technicians may only perform the following wildlife control or removal activities under direct supervision of a licensed WCA, or certified Alligator Control Agent if applicable:

- (1) placement of traps;
- (2) euthanasia of wildlife;
- (3) bat evictions; and
- (4) alligator removal or relocation.

(d) Wildlife control technicians shall not issue depredation permits.

(e) Individuals shall complete a Commission-approved, WCT training course, that reviews wildlife laws and rules, including methods for trapping, capture, and safe and humane wildlife handling to qualify for a WCT certification.

(f) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:

- (1) the applicant's name, mailing address, email address, residence address, telephone number, driver’s license number, and date of birth; and
- (2) organizational affiliation, if applicable.

(g) A WCT certification shall not be transferable between individuals.



Fiscal Note for Proposed Wildlife Control Technician Certification and Eligibility Rule

Rule Amendments: 15A NCAC 10H .1510 Wildlife Control Technician Certification and Eligibility Requirements

Agency Contact: Ashley Pekrul
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Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113-134; 113-273; 113-274

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).

Individuals who perform wildlife damage control and removal activities for compensation are required to be licensed Wildlife Control Agents (WCA) in accordance with G.S. 113-273(l) and 15A NCAC 10H .1501. Most WCAs either run their own business or are employees of a larger company that handles wildlife damage control. Because of the nature of this business, there are often individuals who help with wildlife control activities but do not perform all the activities of a WCA, and according to WCAs, turnover of those individuals tends to be high.

To legally have individuals help WCAs with certain wildlife control activities without requiring

these businesses to invest extensive time and money into licensing everyone as a WCA, the General Assembly established a Wildlife Control Technician (WCT) Certification under G.S. 113-273 (Session Law 2021 – 160). The certification is required for an individual to engage in wildlife damage control or wildlife removal activities for compensation under the direct supervision of a WCA.

Proposed rule text is included in Appendix A and is expected to have minimal state and private impacts.

PROPOSED RULE CHANGE

This proposed rule establishes standards and requirements for the WCT certification and details wildlife control and removal activities that technicians can perform under the direct supervision of a licensed WCA or certified alligator control agent, including: placement of traps, euthanasia of wildlife, bat evictions, and alligator removal or relocation. Wildlife technicians will not be allowed to issue depredation permits.

Impacts & Benefits

State Impact

Benefits

Currently, the Commission has 416 licensed WCAs. Some businesses have one employee and others have many, so the agency cannot predict how many WCT certifications will be issued because, depending on the business, the number of employees is different and can fluctuate frequently. However, based on available information, the agency estimates that there will be between 300 – 500 WCTs requesting certification. Certification costs \$25 annually. Thus, the agency estimates between \$7,500-\$12,500 will be generated annually from the sale of wildlife technician certifications ($\$25/\text{certification} \times 300 \text{ applicants} = \$7,500$; $\$25/\text{certification} \times 500 \text{ applicants} = \$12,500$).

Cost

The application, training and certification processes will all be costs to the agency. Applications will need to be developed and processed, staff will need to create a training course for applicants, and additional administrative work will need to be done to complete certification of these individuals.

This course is likely to be a hybrid of online and in-person learning that will last approximately six hours. Once the course is completed, staff will need to take the time to review and approve each certification application.

Development:

It is projected to take staff one week (40 hours) to create the training program and make it accessible to those who wish to certify. It will cost the agency an estimated \$1,320 in staff time to develop the hybrid training ($40 \text{ hours} \times \$33/\text{hr} = \$1,320$).

It will cost the agency an estimated \$264 to develop the application ($\$33/\text{hr} \times 8 \text{ hours} = \264 staff time)

The total anticipated cost to the agency for developing materials for this certification is \$1,584 ($\$1,320$ developing training course + $\$264$ developing application = $\$1,584$).

Program Maintenance:

The average cost for staff to process a certification application is \$33 (1 hour/certification x $\$33/\text{hr} = \33 certification). It will cost the agency an estimated \$9,900-\$16,500 in staff time processing applications ($\$33/\text{application} \times 300 \text{ applications} = \$9,900$ staff time; $\$33/\text{application} \times 500 \text{ applications} = \$16,500$ staff time).

The in-person portion of the WCT certification course will be four hours in length. The course will cover a review of responsibilities of the WCT, wildlife laws and rules including trapping regulations, zoonotic diseases, humane restraint and euthanasia, interaction with the public and clients, personal safety, and trapping demonstrations. The agency will likely run an in-person training twice per year in each of the 9 districts. The in-person training is estimated to cost the agency approximately \$2,376 annually ($\$33/\text{hr} \times 4 \text{ hrs} = \132 per training; $\$132/\text{training} \times 18 \text{ trainings annually} = \$2,376$ in staff time training).

The average cost for staff to award a certification after all training is complete is \$8.25 (15 minutes/certification x $\$33/\text{hr} = \8.25 certification). It will cost the agency an estimated \$2,475-\$14,125 in staff time processing certifications annually ($\$8.25/\text{certification} \times 300 \text{ trainees} = \$2,475$ staff time; $\$8.25/\text{certification} \times 500 \text{ trainees} = \$4,125$ staff time).

This creates an annual cost to the agency between \$14,751 - \$23,001 ($\$9,900$ processing applications + $\$2,376$ in-person course staff time + $\$2,475$ awarding certifications = $\$14,751$; $\$16,500$ processing applications + $\$2,376$ in-person course staff time + $\$4,125$ awarding certifications = $\$23,001$).

Total cost to the agency in year one may range from \$16,335 - \$24,585 ($\$14,751$ recurring costs + $\$1,584$ development costs = $\$16,335$; $\$23,001$ recurring costs + $\$1,584$ development costs = $\$24,585$).

Additional Cost:

The agency may incur a loss from individuals who no longer wish to be licensed as a WCA and decide to switch to an annual WCT certification. This would be a cost to the agency of \$25 per person ($\50 WCA license - $\$25$ WCT license = $\$25$). While the agency does anticipate any current WCAs switching to become WCTs, it is a possibility.

Local Impact

This amendment is anticipated to have no local government impact.

Private Impact

Benefits

Wildlife control agents and businesses can save \$25 annually by having their employees certified as WCTs rather than having them become licensed WCAs for \$50. There will also be a time savings because the certification course is expected to be 6 hours as opposed to the 2-day agent course. This allows the technicians to go back to their regular wildlife control and removal duties sooner.

Because the Commission does not know how many currently licensed WCAs will become WCTs instead, nor how much those WCTs are paid, there is no way for the agency to quantify the cost or time savings.

SUMMARY

Quantifiable Impacts

State

The following quantifiable one-time costs are anticipated from the proposed wildlife control technician rule:

- Developing application = \$1,320
- Developing training course = \$264
- Total = \$1,584

The following quantifiable annual recurring costs are anticipated from the proposed wildlife control technician rule:

- Processing applications = \$9,900-\$16,500
- In-person training = \$2,376
- Processing & awarding certifications = \$2,475-\$14,125
- Total = \$14,751 - \$23,001

The following total quantifiable costs for year one are anticipated from the proposed wildlife control technician rule: \$16,335 - \$24,585.

Private

The following quantifiable annual cost is anticipated from the proposed wildlife control technician rule:

- Certification application fee = \$25

The following quantifiable annual benefit is anticipated from the proposed wildlife control technician rule:

- Certification application fee = \$25 from the WCA license fee of \$50

Unquantifiable Impacts

State

- Reduced revenue from licensed WCAs becoming certified WCTs

Private

- Reduced course time from 2 days to 6 hours will be a savings

The agency believes that the benefits of the Wildlife Control Technician Certification rule outweigh the potential costs.

15A NCAC 10H .1510 Wildlife Control Technician Certification Eligibility and Requirements

(a) The following definitions shall apply in this Section:

- (1) “Wildlife control technician” or “WCT” means an individual that holds a current and valid wildlife control technician certification issued by the Commission.
- (2) “Wildlife control technician certification” or “WCT certification” means a certification issued by the Commission that authorizes an individual to engage in wildlife control or wildlife removal activities, for compensation, including reimbursement for the cost of materials, under the supervision of a licensed wildlife control agent.
- (3) “Direct supervision” means to physically be within one’s presence while maintaining visual and verbal contact.
- (4) “Wildlife damage control” and “wildlife removal activities” means and includes:
 - (A) bat eviction and alligator damage control or removal activities;
 - (B) setting and moving traps;
 - (C) euthanasia; and
 - (D) issuing depredation permits in accordance with the applicable provision and requirements of 15A NCAC 10H .1502

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, without first obtaining a WCT certification from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCT certification.

(c) Wildlife control technicians may only perform the following wildlife control or removal activities under direct supervision of a licensed WCA, or certified Alligator Control Agent if applicable:

- (1) placement of traps;
- (2) euthanasia of wildlife;
- (3) bat evictions; and
- (4) alligator removal or relocation.

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(e) Individuals shall complete a Commission-approved, WCT training course, that reviews wildlife laws and rules, including methods for trapping, capture, and safe and humane wildlife handling to qualify for a WCT certification.

(f) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:

- (1) the applicant's name, mailing address, email address, residence address, telephone number, driver’s license number, and date of birth; and
- (2) organizational affiliation, if applicable.

(g) A WCT certification shall not be transferable between individuals.

History Note: Authority G.S. 113-134; 113-273; 113-274

EXHIBIT K

April 14, 2022



Proposed Amendments to 15A NCAC 10B .0101 Importation of Wild Animals and Birds **Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing**

Add language regarding importation of domestically raised game birds, chukars and Hungarian partridges to align with the NC Department of Agriculture and Consumer Services (NCDACS) rules regarding the importation of poultry (“any bird”). Clarify that these species coming into the State must be accompanied by a certificate or label showing the name and address of the shipper and the National Poultry Improvement Plan Disease Program Status and if they are not a part of the program, the birds must be tested within 21 days.

Discussions with the NC Department of Agriculture and Consumer Services (NCDACS) identified discrepancies between the WRC importation rule and the NCDACS rule on entry of avian species to North Carolina. The NCDACS defines poultry as any bird and our rules needed to reflect their importation requirements for these species.

10B .0101 Importation of Wild Animals and Birds (page 2)

15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS, BIRDS, AND NATIVE REPTILES AND AMPHIBIANS

(a) Before any live wild bird, wild animal, or any native reptile or amphibian, is imported into North Carolina for any purpose, a permit shall be obtained from the Executive Director of the North Carolina Wildlife Resources Commission authorizing the importation, using application forms provided by the ~~Commission~~Commission, available at ncwildlife.org; and from the North Carolina Department of Agriculture and Consumer Services per 02 NCAC 52B .0200, if applicable.

(b) ~~Waterfowl~~ Domestically raised game birds, chukars, and Hungarian partridges imported into North Carolina shall be accompanied by a certificate or label showing the name and address of the shipper and the National Poultry Improvement plan (NPIP) Disease Program Status of the flock of origin per 02 NCAC 52B .0603. ~~must be received from facilities or individuals who are certified under the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative.~~ If the source birds are not part of NPIP, they must be tested pullorum-typhoid and avian influenza negative by NPIP standards within ~~30~~21 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for inspection by authorized Commission personnel upon request.

EXHIBIT L-1

April 14, 2022



Proposed Rule 15A NCAC 10A .1502 Replacement Costs of Wildlife Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

Combine wildlife and fish replacement cost rules into one rule (10B .0117 and 10C .0215 proposed for repeal). Added various species of ducks, rails, and reptiles and removed nutria and wild boar from the list of species. Updated replacement costs for various fish from a per pound cost to a per-inch or per fish cost based on NC American Fisheries Society recommendations and hatchery production costs.

Replacement costs were updated or added for several species to account for changes in species values as it related to their habitat, sale, production costs, and frequency of occurrence in the state.

10A .1502 Replacement Costs of Wildlife (pg. 2-6)

15A NCAC 10A .1502 REPLACEMENT COSTS OF WILDLIFE

(a) For the purpose of this Rule, “replacement cost” means the monetary amount to replace a specimen of wildlife that has been taken, injured, removed, harmfully altered, damaged, or destroyed. As specified in G.S. 113-267, this term shall be broadly construed to include indirect costs of replacement if direct stocking or replacement is not feasible, including the costs of habitat improvement or restoration, the establishment of sanctuaries, and any other recognized conservation technique.

(b) The following factors shall be considered when determining replacement costs:

- (1) whether the species has a season for take;
- (2) whether the species is classified as endangered, threatened, or special concern;
- (3) the relative frequency of species occurrence in the State;
- (4) the extent of existing suitable habitat for the species within the State;
- (5) the unique habitat requirements of the species;
- (6) the cost of acquiring, by purchase or long-term lease, lands and waters for habitat development;
- (7) the cost of improving and maintaining suitable habitat for the species on lands and waters owned or acquired;
- (8) the cost of live-trapping the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;
- (9) the availability of replacement specimens and the cost of acquisition for restocking species in the wild;
- (10) the cost of propagating and rearing the species in captivity or a hatchery and the cost of transporting them to an area with suitable habitat;
- (11) the ratio between the natural life expectancy of the species and the period of its probable survival in the wild when having been reared in captivity;
- (12) the consumer price index; and
- (13) any other factor that gives value to the species.

(c) Based on the factors in Paragraph (b) of this Rule, the following scheduled amounts shall represent the estimated replacement cost of an individual wildlife specimen. Replacement costs are per individual for wildlife species and per inch for fish species unless otherwise noted:

<u>Species</u>	<u>Replacement Cost</u>
<u>Birds</u>	
<u>Crow</u>	<u>4.00</u>
<u>Dove</u>	<u>13.00</u>
<u>Duck</u>	
<u>American black duck</u>	<u>125.00</u>
<u>Canvasback</u>	<u>125.00</u>

<u>Gadwall</u>	<u>125.00</u>
<u>Long-tailed duck</u>	<u>125.00</u>
<u>White-winged scoter</u>	<u>125.00</u>
<u>All other ducks</u>	<u>41.00</u>
<u>Goose (includes Brant and Snow)</u>	<u>125.00</u>
<u>Grouse</u>	<u>125.00</u>
<u>Pheasant</u>	<u>37.00</u>
<u>Quail</u>	<u>125.00</u>
<u>Rail</u>	
<u>Clapper, king, and Virginia</u>	<u>125.00</u>
<u>Coot, Gallinule, Moorhen, and Sora</u>	<u>37.00</u>
<u>Snipe</u>	<u>26.00</u>
<u>Swan, tundra</u>	<u>1078.00</u>
<u>Woodcock</u>	<u>125.00</u>
<u>Big Game</u>	
<u>Bear, black</u>	<u>2232.00</u>
<u>Deer</u>	<u>602.00</u>
<u>Turkey, wild</u>	<u>525.00</u>
<u>Small Game</u>	
<u>Beaver</u>	<u>104.00</u>
<u>Bobcat</u>	<u>647.00</u>
<u>Fox</u>	<u>88.00</u>
<u>Mink</u>	<u>75.00</u>
<u>Muskrat</u>	<u>19.00</u>
<u>Opossum</u>	<u>6.00</u>
<u>Otter</u>	<u>647.00</u>
<u>Rabbit</u>	<u>13.00</u>
<u>Raccoon</u>	<u>58.00</u>
<u>Skunk</u>	<u>19.00</u>
<u>Squirrel, fox</u>	<u>54.00</u>
<u>Squirrel, gray and red</u>	<u>17.00</u>
<u>Weasel</u>	<u>11.00</u>
<u>Reptiles</u>	
<u>Kingsnake, scarlet</u>	<u>100.00</u>
<u>Milksnake, coastal plain</u>	<u>200.00</u>
<u>Milksnake, eastern</u>	<u>100.00</u>

<u>Snake, eastern hognose</u>	<u>100.00</u>
<u>Turtle, eastern box</u>	<u>150.00</u>
<u>Turtle, spotted</u>	<u>150.00</u>
<u>Elk</u>	<u>2500.00</u>
<u>Any other species with no open season</u>	<u>54.00</u>
<u>Endangered Species</u>	<u>4960.00</u>
<u>Threatened Species</u>	<u>4313.00</u>
<u>Special Concern Species</u>	<u>3000.00</u>
<u>Fish Species</u>	
<u>Bass</u>	
<u>Alabama Bass</u>	<u>0.80</u>
<u>Hybrid (Bodie) Bass</u>	<u>1.27</u>
<u>Largemouth Bass</u>	<u>0.80</u>
<u>Redeye Bass</u>	<u>0.80</u>
<u>Smallmouth Bass</u>	<u>2.34</u>
<u>Spotted Bass</u>	<u>0.80</u>
<u>Striped Bass</u>	<u>1.27</u>
<u>White</u>	<u>0.25</u>
<u>Bullhead</u>	
<u>Black Bullhead</u>	<u>1.72/fish</u>
<u>Brown Bullhead</u>	<u>1.72/fish</u>
<u>Flat Bullhead</u>	<u>1.72/fish</u>
<u>Snail Bullhead</u>	<u>1.72/fish</u>
<u>Yellow Bullhead</u>	<u>1.72/fish</u>
<u>Catfish</u>	
<u>Blue Catfish</u>	<u>0.61</u>
<u>Channel Catfish</u>	<u>0.61</u>
<u>Flathead Catfish</u>	<u>0.61</u>
<u>White Catfish</u>	<u>0.61</u>
<u>Crappie</u>	<u>0.48</u>
<u>Kokanee Salmon</u>	<u>0.71</u>
<u>Muskellunge</u>	<u>9.99</u>
<u>Pickerel</u>	

<u>Chain Pickerel</u>	<u>0.99</u>
<u>Redfin Pickerel</u>	<u>0.99</u>
<u>Sauger</u>	<u>0.92</u>
<u>Shad</u>	
<u>American Shad</u>	<u>1.40/fish</u>
<u>Hickory Shad</u>	<u>1.40/fish</u>
<u>Sunfish</u>	
<u>Bluegill Sunfish</u>	<u>2.65/fish</u>
<u>Flier Sunfish</u>	<u>2.65/fish</u>
<u>Green Sunfish</u>	<u>2.65/fish</u>
<u>Pumpkinseed Sunfish</u>	<u>2.65/fish</u>
<u>Redbreast (Robin)</u>	<u>2.65/fish</u>
<u>Redear (Shellracer)</u>	<u>2.65/fish</u>
<u>Roanoke Bass</u>	<u>2.65/fish</u>
<u>Rock Bass Sunfish</u>	<u>2.65/fish</u>
<u>Warmouth Sunfish</u>	<u>2.65/fish</u>
<u>Trout</u>	
<u>Brook Trout</u>	<u>0.71</u>
<u>Brown Trout</u>	<u>0.71</u>
<u>Rainbow Trout</u>	<u>0.71</u>
<u>Walleye</u>	<u>0.92</u>
<u>White Perch</u>	<u>0.25</u>
<u>Yellow Perch</u>	<u>0.92</u>
<u>All other game fish</u>	<u>0.76/fish</u>
<u>All other nongame fish</u>	<u>1.87/fish</u>
<u>Endangered, Threatened, Special Concern</u>	
<u>Mussels</u>	<u>50.54/mussel</u>
<u>Crayfish</u>	<u>50.00/crayfish</u>
<u>Finfish</u>	<u>157.54/fish</u>

(d) The following factors shall be considered when determining the costs of an investigation conducted pursuant to G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of wildlife:

- (1) the time expended by the employee(s) conducting or involved in the investigation, including travel time between the place of usual employment and the site of the investigation, and the time required in formulating and rendering the report;

- (2) the total compensation cost of service to the state for each employee involved, including annual salary, total insurance, and the state's contribution to social security taxes and to the applicable retirement system;
- (3) subsistence costs for the investigating personnel, including meals, reasonable gratuities, and lodging, when required;
- (4) the cost of all necessary transportation;
- (5) the use or rental equipment or vehicles, when required;
- (6) the cost of cleaning, repairing, or replacing any clothing damaged, soiled, or contaminated by conducting the investigation; and
- (7) any other expense directly related to and necessitated by the investigation.

(e) In assessing the cost of time expended in completing the investigation, the time expended by each person required to take part in the investigation shall be recorded in hours, the value of which shall be computed according to the ratio between the annual costs of service of the employee and his or her total annual working hours (2087 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as follows:

- (1) the actual cost of meals, reasonable gratuities, and lodging away from home, not to exceed the current maximum per diem for state employees at the time of the investigation;
- (2) total mileage by motor vehicle multiplied by:
 - (A) the then current rate per mile for travel by state-owned vehicle; or
 - (B) the then current rate per mile for travel by privately owned vehicle, if applicable;
- (3) ten dollars (\$10.00) per hour for boat and motor use;
- (4) uniform and clothing cleaning and repair cost; and
- (5) any other expense directly related to and necessitated by the investigation.

History Note: Authority G.S. 113-134; 113-267.

EXHIBIT L-2



Fiscal Note for 15A NCAC 10A .1501 - Replacement Costs

Rule Amendments: 15A NCAC 10A .1501 Replacement Costs

Agency Contact: Ashley Pekrul
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919-707-0014
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Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113-134; 113-267

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). In accordance with the supply of wildlife and other factors it determines to be of public importance, the WRC may fix seasons and bag limits upon the wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources (G.S. 113.291.2(a)).

REASON FOR RULE CHANGE

Current rules assign replacement costs to various wildlife and fish species. The purpose of replacement costs are to help deter illegal take and sale of wildlife. The replacement costs in rule have not been re-evaluated since 2002. In the past 20 years, some species listed with a high replacement cost have become more abundant on the landscape while others have become less. Additionally, the market for certain reptiles and amphibians, not currently included in the replacement cost rules has grown, requiring their inclusion in rule.

Proposed rule text is included in Appendix A and is expected to have both a state and private impact.

PROPOSED RULE CHANGE

15A NCAC 10A .1501 REPLACEMENT COSTS

This proposed rule change combines wildlife and fish replacement cost rules into one rule (10B .0117 and 10C .0215 proposed for repeal). Several species of ducks, rails, and reptiles have been added, and nutria and wild boar have been removed. Replacement costs for various fish have been converted from a per pound cost to a per-inch or per fish cost based on American Fisheries Society (AFS) recommendations and WRC fish hatchery production costs.

Replacement costs for all species were evaluated based on whether the species has a season for take, is classified as endangered, threatened, or special concern, the relative frequency of occurrence in the State, the extent of suitable habitat for the species, the cost of acquiring lands and waters for habitat development, the cost of maintaining habitat, the availability of replacement specimens, the consumer price index, and any other factor that gives value to a species. Most replacement costs were retained from 10B .0117 when transferred to this proposed rule.

Season of take was added as a justification for replacement costs because if a species has no closed season, the replacement value of that species would be considered lower. Any other factor that gives value to the species is in reference to G.S. 113-267 that states replacement costs must be broadly construed to include “other recognizable conservation techniques when direct stocking or replacement is not feasible”.

The replacement cost of fin fish, mollusks and crustaceans were calculated from regional costs provided in the 2017 AFS Investigation and Monetary Values of Fish and Freshwater Mollusk Kills guide by Southwick and Loftus¹. Not all NC fish species had southeast regional values, so the nationwide values for all species were used to maintain consistency. In this publication, costs are typically based on the size of the fish with a larger fish having a higher replacement cost. Costs are reported on a per inch basis until a certain size when it switches to per pound. Staff biologists were consulted to determine the maximum size of fish in North Carolina, and those lengths, in conjunction with the Southwick and Loftus (2017) values, were used to determine the cost per fish based on average cost per inch. This was the method used for most fish species.

Values for fish species typically caught in large quantities were calculated on a per fish basis. Per-fish values were determined by taking the average of all size costs of fish likely to be caught.

¹ Southwick, R. I., and A. J. Loftus, editors. 2017. Investigation and monetary values of fish and freshwater mollusk kills. American Fisheries Society, Special Publication 35, Bethesda, Maryland.

For mussels, the cost was calculated using the AFS costs for all listed individuals. The average price points for mussels found in North Carolina were used in the rule (\$50.54/mussel).

Most replacement costs for mammals are proposed to remain the same except for specific species of duck and rail, grouse, quail, and woodcock. These species have been raised to \$125 from \$41, \$37, \$37, \$30, and \$25 respectively. American black duck, canvasback, gadwall, long-tailed duck, white-winged duck, clapper, king, and Virginia rail were specifically identified, as these species are harder to replace due to their status as species of greatest conservation need (SGCN)². Grouse, quail, and woodcock are also a part of the SGCN and the cost for those was also set at \$125.

The replacement cost for wild turkey is currently \$1,617 in rule. The proposed cost is \$525 because this species has been restored on the landscape.

The special concern species category was added to complement the endangered and threatened species category at \$3,000. Special concern listed species are difficult to replace but not as challenging as endangered (\$4,960) or threatened (\$4,313) species.

Reptiles are a new addition to the proposed replacement cost rule. Reptiles were added because of their high resale value and predominance in the illegal pet trade. The reptiles listed, including scarlet kingsnake, coastal plain milksnake, eastern milksnake, eastern hognose snake, eastern box turtle, and spotted turtle are all high value species in the online pet trade, their value ranging from \$15 to \$200. The replacement costs proposed in the rule were evaluated by wildlife enforcement under the assumption that these values would be considered reasonable replacement costs in court.

Nutria and wild boar were removed due to their abundance on the landscape and there are no restrictions on take for these species.

Impacts & Benefits

Private Impact: Costs and benefits from new or higher replacement costs

Because of the way replacement costs are developed, the value for different species varies greatly. With the addition of species to the rule, illegal take of those animals now has an associated replacement cost. Additionally, because some replacement costs are proposed to increase, illegal take of those species could now carry a larger fine, though replacement costs are still up to the discretion of the court.

Logic suggests that assigning costs to species may help to deter illegal take and sale of fish and wildlife species, though enforcement and court decisions, market factors, and personal risk tolerances also play a role

To illustrate, the replacement costs for reptiles, whose illegal trade is rampant, now range from \$100 to \$200 per individual, up from \$54 for any reptile outside of the threatened species category. However, it is rare that the Commission has been afforded replacement costs due to the

² North Carolina Wildlife Resources Commission. 2015. North Carolina Wildlife Action Plan. Raleigh, NC.

court's opinion of snakes and reptiles. The agency does not foresee a large increase in individuals being required to pay replacement costs except in over the limit cases. The agency does not have record of how many replacement costs were awarded for reptiles and thus cannot estimate new and additional costs to individuals.

The efficacy of the penalties also depends on awareness among the regulated community. Most hunters and anglers are likely aware of replacement costs. If this is an offenders first illegal take that would cause them to be charged for replacement costs, a law enforcement officer may only issue a warning, especially if the species is one that was newly added to the list. The assumption is that within a years' time the regulated public will be aware of these changes. Law enforcement aided in the creation of these replacement costs to what they believed the court would most likely award.

Private Impact: Savings from lower or eliminated replacement costs

The bag limit for wild turkey is two per person per season. Because of this, illegal take is common. Fortunately, this species has been restored in North Carolina, and due to this, the associated replacement cost is proposed to decrease from \$1,617 to \$525. This reduction could be a cost savings to individuals. In the past 5 years, there has been an average of 164 turkeys taken illegally per year. We do not have data about the penalties assessed with these violations.

Additionally, the proposed removal of nutria and wild boar from the rule will remove the cost associated with illegal take of these species.

State Impact

The NCWRC has been awarded, on average, replacement costs for 104 species per year. This totals approximately \$51,312 per year. While the agency does not have data on species for which the replacement costs were awarded, the assumption that this monetary amount may increase can be made.

Local Impact

There are no local impacts expected.

Appendix A

1 **15A NCAC 10A .1502 REPLACEMENT COSTS OF WILDLIFE**

2 (a) For the purpose of this Rule, “replacement cost” means the monetary amount to replace a specimen of wildlife that
3 has been taken, injured, removed, harmfully altered, damaged, or destroyed. As specified in G.S. 113-267, this term
4 shall be broadly construed to include indirect costs of replacement if direct stocking or replacement is not feasible,
5 including the costs of habitat improvement or restoration, the establishment of sanctuaries, and any other recognized
6 conservation technique.

7 (b) The following factors shall be considered when determining replacement costs:

- 8 (1) whether the species has a season for take;
- 9 (2) whether the species is classified as endangered, threatened, or special concern;
- 10 (3) the relative frequency of species occurrence in the State;
- 11 (4) the extent of existing suitable habitat for the species within the State;
- 12 (5) the unique habitat requirements of the species;
- 13 (6) the cost of acquiring, by purchase or long-term lease, lands and waters for habitat development;
- 14 (7) the cost of improving and maintaining suitable habitat for the species on lands and waters owned or
15 acquired;
- 16 (8) the cost of live-trapping the species in areas of adequate populations and transplanting them to areas
17 of suitable habitat with low populations;
- 18 (9) the availability of replacement specimens and the cost of acquisition for restocking species in the
19 wild;
- 20 (10) the cost of propagating and rearing the species in captivity or a hatchery and the cost of transporting
21 them to an area with suitable habitat;
- 22 (11) the ratio between the natural life expectancy of the species and the period of its probable survival in
23 the wild when having been reared in captivity;
- 24 (12) the consumer price index; and
- 25 (13) any other factor that gives value to the species.

26 (c) Based on the factors in Paragraph (b) of this Rule, the following scheduled amounts shall represent the estimated
27 replacement cost of an individual wildlife specimen. Replacement costs are per individual for wildlife species and per
28 inch for fish species unless otherwise noted:

30	<u>Species</u>	<u>Replacement Cost</u>
31		
32	<u>Birds</u>	
33	<u>Crow</u>	<u>4.00</u>
34	<u>Dove</u>	<u>13.00</u>
35	<u>Duck</u>	
36	<u>American black duck</u>	<u>125.00</u>
37	<u>Canvasback</u>	<u>125.00</u>

Appendix A

1	<u>Gadwall</u>	<u>125.00</u>
2	<u>Long-tailed duck</u>	<u>125.00</u>
3	<u>White-winged scoter</u>	<u>125.00</u>
4	<u>All other ducks</u>	<u>41.00</u>
5	<u>Goose (includes Brant and Snow)</u>	<u>125.00</u>
6	<u>Grouse</u>	<u>125.00</u>
7	<u>Pheasant</u>	<u>37.00</u>
8	<u>Quail</u>	<u>125.00</u>
9	<u>Rail</u>	
10	<u>Clapper, king, and Virginia</u>	<u>125.00</u>
11	<u>Coot, Gallinule, Moorhen, and Sora</u>	<u>37.00</u>
12	<u>Snipe</u>	<u>26.00</u>
13	<u>Swan, tundra</u>	<u>1078.00</u>
14	<u>Woodcock</u>	<u>125.00</u>
15	<u>Big Game</u>	
16	<u>Bear, black</u>	<u>2232.00</u>
17	<u>Deer</u>	<u>602.00</u>
18	<u>Turkey, wild</u>	<u>525.00</u>
19		
20	<u>Small Game</u>	
21	<u>Beaver</u>	<u>104.00</u>
22	<u>Bobcat</u>	<u>647.00</u>
23	<u>Fox</u>	<u>88.00</u>
24	<u>Mink</u>	<u>75.00</u>
25	<u>Muskrat</u>	<u>19.00</u>
26	<u>Opossum</u>	<u>6.00</u>
27	<u>Otter</u>	<u>647.00</u>
28	<u>Rabbit</u>	<u>13.00</u>
29	<u>Raccoon</u>	<u>58.00</u>
30	<u>Skunk</u>	<u>19.00</u>
31	<u>Squirrel, fox</u>	<u>54.00</u>
32	<u>Squirrel, gray and red</u>	<u>17.00</u>
33	<u>Weasel</u>	<u>11.00</u>
34	<u>Reptiles</u>	
35	<u>Kingsnake, scarlet</u>	<u>100.00</u>
36	<u>Milksnake, coastal plain</u>	<u>200.00</u>
37	<u>Milksnake, eastern</u>	<u>100.00</u>

Appendix A

1	<u>Snake, eastern hognose</u>	<u>100.00</u>
2	<u>Turtle, eastern box</u>	<u>150.00</u>
3	<u>Turtle, spotted</u>	<u>150.00</u>
4		
5	<u>Elk</u>	<u>2500.00</u>
6	<u>Any other species with no open season</u>	<u>54.00</u>
7		
8	<u>Endangered Species</u>	<u>4960.00</u>
9	<u>Threatened Species</u>	<u>4313.00</u>
10	<u>Special Concern Species</u>	<u>3000.00</u>
11		
12	<u>Fish Species</u>	
13		
14	<u>Bass</u>	
15	<u>Alabama Bass</u>	<u>0.80</u>
16	<u>Hybrid (Bodie) Bass</u>	<u>1.27</u>
17	<u>Largemouth Bass</u>	<u>0.80</u>
18	<u>Redeye Bass</u>	<u>0.80</u>
19	<u>Smallmouth Bass</u>	<u>2.34</u>
20	<u>Spotted Bass</u>	<u>0.80</u>
21	<u>Striped Bass</u>	<u>1.27</u>
22	<u>White</u>	<u>0.25</u>
23	<u>Bullhead</u>	
24	<u>Black Bullhead</u>	<u>1.72/fish</u>
25	<u>Brown Bullhead</u>	<u>1.72/fish</u>
26	<u>Flat Bullhead</u>	<u>1.72/fish</u>
27	<u>Snail Bullhead</u>	<u>1.72/fish</u>
28	<u>Yellow Bullhead</u>	<u>1.72/fish</u>
29	<u>Catfish</u>	
30	<u>Blue Catfish</u>	<u>0.61</u>
31	<u>Channel Catfish</u>	<u>0.61</u>
32	<u>Flathead Catfish</u>	<u>0.61</u>
33	<u>White Catfish</u>	<u>0.61</u>
34	<u>Crappie</u>	<u>0.48</u>
35	<u>Kokanee Salmon</u>	<u>0.71</u>
36	<u>Muskellunge</u>	<u>9.99</u>
37	<u>Pickerel</u>	

Appendix A

1	<u>Chain Pickerel</u>	<u>0.99</u>
2	<u>Redfin Pickerel</u>	<u>0.99</u>
3	<u>Sauger</u>	<u>0.92</u>
4	<u>Shad</u>	
5	<u>American Shad</u>	<u>1.40/fish</u>
6	<u>Hickory Shad</u>	<u>1.40/fish</u>
7	<u>Sunfish</u>	
8	<u>Bluegill Sunfish</u>	<u>2.65/fish</u>
9	<u>Flier Sunfish</u>	<u>2.65/fish</u>
10	<u>Green Sunfish</u>	<u>2.65/fish</u>
11	<u>Pumpkinseed Sunfish</u>	<u>2.65/fish</u>
12	<u>Redbreast (Robin)</u>	<u>2.65/fish</u>
13	<u>Redear (Shellracer)</u>	<u>2.65/fish</u>
14	<u>Roanoke Bass</u>	<u>2.65/fish</u>
15	<u>Rock Bass Sunfish</u>	<u>2.65/fish</u>
16	<u>Warmouth Sunfish</u>	<u>2.65/fish</u>
17	<u>Trout</u>	
18	<u>Brook Trout</u>	<u>0.71</u>
19	<u>Brown Trout</u>	<u>0.71</u>
20	<u>Rainbow Trout</u>	<u>0.71</u>
21	<u>Walleye</u>	<u>0.92</u>
22	<u>White Perch</u>	<u>0.25</u>
23	<u>Yellow Perch</u>	<u>0.92</u>
24		
25	<u>All other game fish</u>	<u>0.76/fish</u>
26	<u>All other nongame fish</u>	<u>1.87/fish</u>
27		
28	<u>Endangered, Threatened, Special Concern</u>	
29	<u>Mussels</u>	<u>50.54/mussel</u>
30	<u>Crayfish</u>	<u>50.00/crayfish</u>
31	<u>Finfish</u>	<u>157.54/fish</u>

32 (d) The following factors shall be considered when determining the costs of an investigation conducted pursuant to
 33 G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of wildlife:

34 (1) the time expended by the employee(s) conducting or involved in the investigation, including travel
 35 time between the place of usual employment and the site of the investigation, and the time required
 36 in formulating and rendering the report;

Appendix A

- 1 (2) the total compensation cost of service to the state for each employee involved, including annual
- 2 salary, total insurance, and the state's contribution to social security taxes and to the applicable
- 3 retirement system;
- 4 (3) subsistence costs for the investigating personnel, including meals, reasonable gratuities, and
- 5 lodging, when required;
- 6 (4) the cost of all necessary transportation;
- 7 (5) the use or rental equipment or vehicles, when required;
- 8 (6) the cost of cleaning, repairing, or replacing any clothing damaged, soiled, or contaminated by
- 9 conducting the investigation; and
- 10 (7) any other expense directly related to and necessitated by the investigation.

11 (e) In assessing the cost of time expended in completing the investigation, the time expended by each person
12 required to take part in the investigation shall be recorded in hours, the value of which shall be computed according
13 to the ratio between the annual costs of service of the employee and his or her total annual working hours (2087
14 hours reduced by holidays, annual leave entitlement, and earned sick leave). Other costs shall be assessed as
15 follows:

- 16 (1) the actual cost of meals, reasonable gratuities, and lodging away from home, not to exceed the
- 17 current maximum per diem for state employees at the time of the investigation;
- 18 (2) total mileage by motor vehicle multiplied by:
- 19 (A) the then current rate per mile for travel by state-owned vehicle; or
- 20 (B) the then current rate per mile for travel by privately owned vehicle, if
- 21 applicable;
- 22 (3) ten dollars (\$10.00) per hour for boat and motor use;
- 23 (4) uniform and clothing cleaning and repair cost; and
- 24 (5) any other expense directly related to and necessitated by the investigation.

26 History Note: Authority G.S. 113-134; 113-267.

27

Appendix A

1 15A NCAC 10B .0117 is proposed for repeal as follows:

2

3 **15A NCAC 10B .0117 REPLACEMENT COSTS OF WILDLIFE RESOURCES**

4

5 *History Note: Authority G.S. 113-134; 113-267;*

6 *Eff. October 1, 1980;*

7 *Amended Eff. August 1, 2002; December 1, 1993; October 1, 1989.*

8 *Repealed Eff. September 1, 2022.*

9

10

11 15A NCAC 10C .0215 is proposed for repeal as follows:

12

13 **15A NCAC 10C .0215 REPLACEMENT COSTS OF WILDLIFE RESOURCES - FISH**

14

15 *History Note: Authority G.S. 113-134; 113-267;*

16 *Eff. December 1, 1993.*

17 *Repealed Eff. September 1, 2022.*

EXHIBIT M-1

April 14, 2022



Proposed Amendments to 15A NCAC 10C .0208 Spawning Areas Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

Remove the fishing prohibitions on the Linville River and bypass channel around Lock and Dam No. 1 on the Cape Fear River and prohibit fishing from March 1 to May 31 in three restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County.

Fishing on the Linville River from the NC 126 bridge downstream to the mouth of the Linville River from February 15 to April 15 was originally prohibited to protect Walleye migrating upriver from Lake James to spawn. Hatchery broodfish were collected from this area historically. However, the Walleye population in Lake James is no longer self-sustaining and is supported through hatchery stockings. The prohibition is no longer necessary given the lack of spawning activity in this area.

On the Cape Fear River, a bypass channel was designed to pass anadromous Striped Bass and American Shad around Lock and Dam No. 1 but was never constructed. A rock-arch weir was instead constructed to allow fish to pass over the lock and dam. The prohibition is being removed given the bypass channel does not exist.

As part of the Mud Creek Habitat Restoration Project, three backwater sloughs were restored to provide Muskellunge spawning habitat. To prevent potential targeting of Muskellunge by anglers in the sloughs during the spawn, the proposal prohibits fishing in the sloughs from March through May.

15A NCAC 10C .0208 SPAWNING AREAS

The following waters are designated as spawning areas in which fishing is prohibited or restricted as indicated:

- (1) — No person shall fish by any method from February 15 to April 15, both inclusive, in Linville River from the NC 126 bridge downstream to the mouth of the Linville River.
- (2) — No person shall fish by any method within the bypass channel constructed by the U.S. Army Corps of Engineers around Lock and Dam No. 1 on the Cape Fear River at any time.

(a) No person shall fish by any method from March 1 to May 31 in the following restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County:

- (1) Slough 1 at 35.403687, -82.531970 connected to the French Broad River, located 0.25 miles upstream of Butler Bridge Rd (SR 1345).
- (2) Slough 2 at 35.398380, -82.528750 connected to the French Broad River, located 1.0 miles upstream of Butler Bridge Rd.
- (3) Slough 3 at 35.396449, -82.525462 connected to Mud Creek, located 0.1 miles upstream from confluence with the French Broad River.

(b) Each slough shall be marked with signs on both banks.

Exhibit M-2



Fiscal Note for Proposed Inland Fishing Rule Amendment

Rule Amendment: 15A NCAC 10C .0208 Spawning Areas

Agency Contact: Ashley Pekrul
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Impact:

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

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

BACKGROUND

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

A summary of the proposed rule amendments is shown below, with the full text included in Appendix A.

15A NCAC 10C .0208

This proposal would remove the fishing prohibitions on the Linville River and bypass channel around Lock and Dam No. 1 on the Cape Fear River and prohibit fishing from March 1 to May 31 in three restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County.

Fishing on the Linville River from the NC 126 bridge downstream to the mouth of the Linville River from February 15 to April 15 was originally prohibited to protect Walleye migrating upriver from Lake James to spawn. Hatchery broodfish were collected from this area historically. However, the Walleye population in Lake James is no longer self-sustaining and is supported through hatchery stockings. The prohibition is no longer necessary given the lack of spawning activity in this area.

On the Cape Fear River, a bypass channel was designed to pass anadromous Striped Bass and American Shad around Lock and Dam No. 1 but was never constructed. A rock-arch weir was instead constructed to allow fish to pass over the lock and dam. The prohibition is being removed given the bypass channel does not exist.

As part of the Mud Creek Habitat Restoration Project, three backwater sloughs were restored to provide Muskellunge spawning habitat. To prevent potential targeting of Muskellunge by anglers in the sloughs during the spawn, the proposal prohibits fishing in the sloughs from March through May.

Fiscal Impact

State Impact

Cost

These proposed rule amendments will not change current on-the-ground management. A conservation biologist or technician will put up signage to mark the sloughs as part of their regular duties. It is expected to only take one staff member to put up the signs. Changing the signage will not require more than one day, at an estimated cost to the agency of approximately \$248 ($\$31/\text{hr} \times 8 \text{ hrs} = \248).

It is estimated that no more than 25 new signs will be required to mark the sloughs. New signage will cost the agency, at most, \$22.50 ($\$0.90/\text{sign} \times 25 \text{ signs}$).

The one-time total cost to the agency is estimated to be around \$270.50 ($\$248 + \22.50).

Local Impact

This rule amendment has no anticipated local government impact.

Private Impact

Benefit

The habitat sloughs have been created by partners with the NCWRC. They are newly created aquatic habitats. They are very small in size compared to the fishing areas provided by the French Broad River. Closure to fishing in these areas will have minimal impact to anglers due to their small size. They are newly created areas therefore they are not popular or rich fishing spots because most if not all anglers know very little about them. Removing the prohibitions on the

Linville River and Cape Fear River could allow anglers more fishing opportunity. Because the agency does not know how many anglers fish these areas or how many will take advantage of the increased opportunities, the benefits of the proposed changes cannot be monetized.

The Mud Creek prohibition will allow muskellunge to use the slough habitats to spawn and perform other activities without being captured or harassed by anglers. This prohibition could lead to natural reproduction on the French Broad River which has not been documented to date. This will hopefully restore muskellunge to the French Broad River.

Cost

The proposed prohibition on fishing in three restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County from March 1 to May 31 will reduce angler opportunity in this area, as those who previously fished in this area at that time will no longer be able to. Because there are no angler data for this area, the costs associated with this change cannot be monetized.

APPENDIX A

15A NCAC 10C .0208 SPAWNING AREAS

The following waters are designated as spawning areas in which fishing is prohibited or restricted as indicated:

- (1) ~~No person shall fish by any method from February 15 to April 15, both inclusive, in Linville River from the NC 126 bridge downstream to the mouth of the Linville River.~~
- (2) ~~No person shall fish by any method within the bypass channel constructed by the U.S. Army Corps of Engineers around Lock and Dam No. 1 on the Cape Fear River at any time.~~

(a) No person shall fish by any method from March 1 to May 31 in the following restored floodplain sloughs connected to the French Broad River and Mud Creek in Henderson County:

- (1) Slough 1 at 35.403687, -82.531970 connected to the French Broad River, located 0.25 miles upstream of Butler Bridge Rd (SR 1345).
- (2) Slough 2 at 35.398380, -82.528750 connected to the French Broad River, located 1.0 miles upstream of Butler Bridge Rd.
- (3) Slough 3 at 35.396449, -82.525462 connected to Mud Creek, located 0.1 miles upstream from confluence with the French Broad River.

(b) Each slough shall be marked with signs on both banks.

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

Eff. February 1, 1976;

Amended Eff. September 1, 2022; May 1, 2009; August 1, 2004; July 1, 1993; July 1, 1989; July 1, 1985; July 1, 1984.

EXHIBIT N

April 14, 2022



Proposed Amendments to 15A NCAC 10B Hunting & Trapping Rules Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

15A NCAC 10B .0100 General Regulations

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

10B .0106

Updated to simplify formatting and remove repetitive rule language.
15A NCAC 10B .0106 Wildlife Taken for Depredations (pages 4-8)

10B .0107

Updated to clarify possession of bear and definition of cub bear.
15A NCAC 10B .0107 Black Bear (page 9)

10B .0109

Updated to simplify formatting and aligned counties with 10D .0103.
15A NCAC 10B .0109 Chasing Deer with Dogs in Certain Counties (page 9)

10B .0117

Proposed for repeal.
15A NCAC 10B .0117 Replacement Costs of Wildlife Resources (Pages 10-11)

10B .0118

Clarify and simplify formatting. Removed restriction that hunters can only sell bobcats, opossums, and raccoons to a licensed fur dealer.
15A NCAC 10B Sale of Wildlife (page 12)

10B .0120

Added language from 10B .0217 pistol seasons.
15A NCAC 10B .0120 Taking Deer and Bear with Handguns (page 13)

10B .0126

Removed unnecessary language in paragraph (d).
15A NCAC 10B .0126 State Hunting License Exemptions (page 13)

10B .0127

Added armadillo under parts or pelts to be sold if trapped under a license. Clarified that black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is obtained from the Commission.

15A NCAC 10B .0127 Possession of Wildlife Killed Accidentally or Found Dead (page 14)

15A NCAC 10B .0200 Hunting

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

10B .0212

Updated to simplify formatting.

15A NCAC 10B .0212 Foxes (Gray and Red) (page 15)

10B .0216

Updated to simplify formatting and clarify rule language.

15A NCAC 10B .0216 Falconry (page 16)

10B .0217

Proposed for repeal. Language has been rolled into 10B .0120.

15A NCAC 10B .0217 Pistol Seasons (page 16)

10B .0223

Updated to simplify formatting and align language with 10D .0103.

15A NCAC 10B .0223 Feral Swine (page 17)

15A NCAC 10B .0300 Trapping

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

10CB .0302

Added armadillo, coyote, and groundhog to wildlife no person shall trap, take, or possess.

Simplified formatting.

15A NCAC 10B .0302 Prohibited Taking (page 17)

10CB .0304

Added armadillos and fur-bearing animals to no bag limit restrictions and simplified formatting.

15A NCAC 10B .0304 Bag Limits (page 17)

10CB .0305

Added foothold as a trap type which is synonymous with steel-jaw and leghold.

15A NCAC 10B .0305 Traps (page 18)

15A NCAC 10B .0400 Tagging Furs

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

10B .0401

Added definition of “parts” for clarification to match statute.

15A NCAC 10B .0401 Definitions (page 18)

10B .0404

Updated to simplify language and clarify that bobcat and fox can be shipped without a tag to an out-of-state taxidermist.

15A NCAC 10B .0404 Trappers and Hunters (page 19)

10B .0405

Rewritten for clarification and formatting.

15A NCAC 10B .0405 Fur Dealers (pages 20-22)

10B .0406

Updated to simplify language.

15A NCAC 10B .0406 Misuse of Tags (page 23)

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS

(a) Depredation permits shall authorize the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, destructive, or excess wildlife or wildlife resources as specified in Paragraph (d) of this Rule.

~~(b) The following conditions shall apply to depredation permits:~~

- ~~(1) depredation permits shall be prepared on a form supplied by the Commission; and~~
- ~~(2) depredation permits shall only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA).~~

~~(b)~~ Depredation permits shall not be required for the owner or lessee of a property to take wildlife while committing depredations ~~on~~ to that property; however, the manner of take, disposition of dead wildlife, and reporting requirements specified in this Rule shall apply.

~~(c)~~ No permit shall be issued to take endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. ~~The~~ Only the Executive Director or his or her designee may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. ~~An individual may take an endangered or threatened species in immediate defense of his or her 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 Commission 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 may be issued under the following conditions:~~

(d) An individual may take an endangered or threatened species in immediate defense of his or her 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 state or Federal conservation Officer or employee who is designated by their agency, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102 (c)(2).

(e) No permit may be issued for the taking of migratory birds and other federally-protected animals unless a current Federal Depredation Order applies to a species or a corresponding, valid U.S. Fish and Wildlife Service depredation permit(s), if required, has been issued.

(f) Depredation permits may 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 migratory birds and other federally-protected animals unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to this Rule shall name the species allowed to be taken and may include limitations as to age, sex, type of depredation, location of animal or damage, and local laws. The permit shall be issued to a landholder or an authorized representative of a unit of local government for depredations on public 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 a depredation permit

pursuant to these circumstances shall ~~apply~~ submit to the Commission ~~using an application available from the Commission. The application shall include~~ 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.

(g) The following shall apply to depredation permits:

- (1) the permits shall be prepared on a form supplied by the Commission; and
- (2) the permits shall only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA).
- (3) each permit shall have an expiration date.
- (4) the permit shall name the species allowed to be taken and may include limitations as to age, sex, type of depredation, location of animal or damage, and local laws.
- (5) the permit shall be issued to a landowner or an authorized representative of a unit of local government for depredations on public property.
- (6) the permit shall be used only by individuals named on the permit.
- (7) permit authorizes the possession of wildlife resources taken under the authority of the permit.
- (8) the permits shall be retained as long as the wildlife resource is in the authorized individual's possession.

~~(e) Each depredation permit shall have an expiration date. A depredation permit authorizes the possession of wildlife resources taken under the authority of the permit. Depredation permits shall be retained as long as the wildlife resource is in the authorized individual's possession. Individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions of the permit and the requirements specified in this Rule.~~

(h) Individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions of the permit and the requirements specified in this Rule.

(f) (i) Manner of Taking: The following shall apply to manner of take:

- ~~(1) Taking Without a Permit.~~ Wildlife taken without a permit while committing depredations to property may, during the open season ~~on~~ for the species, be taken by the ~~landholder~~ landowner by any lawful method. During the closed 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, within which the traps shall be set. The Executive Director, Commission employee, or WCA may also state in a permit authorizing trapping whether or not bait or lure may be used and

the type of bait or lure that is authorized based upon factors such as type of depredation, locations of animal or damage, and local laws. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall 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, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any ~~landholder~~ landowner 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~~ Any landholder, landowner, with or without a depredation permit, ~~or second party on a depredation permit to~~ shall not intentionally wound a wild animal in a manner ~~so as not to~~ that will not cause its immediate death as suddenly and humanely as the circumstances permit.

~~(g)~~ (j) Disposition of Wildlife Taken: The following shall apply to the disposition of wildlife taken:

- (1) ~~Generally.~~ Except as provided by Subparagraphs (2) through ~~(5)~~ (7) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or disposed of in a safe and sanitary manner on the property where taken. Wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit. 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 have the depredation permit in his or her possession. Except as provided by Subparagraphs (2) through (5) of this Paragraph, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) 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 have a copy of the depredation permit in his or her possession.
- ~~(2)~~ (3) Deer and feral swine. The edible portions of feral swine and deer may be retained by the ~~landholder~~ landowner for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The ~~landholder~~ landowner may give a second party the edible portions of feral swine or deer taken under a depredation permit. The receiver of the edible portions shall 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) ~~or (2)~~ of this Paragraph or turned over to a Commission employee ~~wildlife enforcement officer~~ for disposition.
- ~~(3)~~ (4) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) ~~or (2)~~ of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B Section .0400, the carcass or pelt ~~thereof~~ may be sold to a licensed fur dealer.

~~(4) (5) Furbearing Animals.~~ The carcass or pelt of any furbearing animal killed during ~~the~~their 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~~ Bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

~~(5) (6) 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 such wild animals must be released on the property where ~~captured.~~ captured with permission from the landowner. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. Animals transported or held for euthanasia shall be euthanized within 12 hours of possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have a copy of the depredation permit in his or her possession. ~~For all other animals taken alive, the animal shall be euthanized or released on property with permission of the landowner.~~ When the relocation site is public property, written permission shall be obtained from the local, State, or federal official authorized to manage the property before any animal may be released. ~~Animals transported or held for euthanasia shall be euthanized within 12 hours of possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have the depredation permit in his or her possession.~~

(7) The edible portions of bear may only be retained by the landowner for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landowner may give a second party the edible portions of a bear taken under a valid depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The complete carcass of a bear taken without a depredation permit and nonedible portions of any bear carcass, including head, hide, feet, claws, and internal organs, from a bear taken under a valid depredation permit shall be disposed of as specified in Subparagraph (1) or (2) of this Paragraph or turned over to a Commission employee for disposition.

~~(h) (k) Reporting Requirements.~~ Any ~~landholder~~ landowner who kills an alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report the number and species of animal(s) kill on killed upon the expiration date of the depredation permit to the Wildlife Resources Commission on the form provided with the permit, or through the website link provided on the permit, including the number and species of animal(s) killed, and submit the form upon the expiration date of the depredation permit to the Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington shall report the kill, including the number of coyotes killed, on the form provided with the depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

(l) The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the killing.

~~(+) (m) Exemption for Animal Control Officers.~~ Animal Control Officers, as defined by G.S. 130A-184(1) when in the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- (1) exhibit visible signs of rabies;
- (2) exhibit unprovoked aggression that may be associated with rabies;
- (3) are suspected to be rabid; or
- (4) have or may have exposed humans, pets, or livestock to rabies.

15A NCAC 10B .0107 BLACK BEAR

It is unlawful to take or possess a female bear with a cub or cubs at its side, or to take or possess a cub ~~bear~~ bear, unless authorized by a valid captivity license, depredation permit, or scientific collection license issued by the Commission. For the purpose of this Rule, a cub bear is defined as specified in G.S. 113-291.7(b), ~~as any bear weighing less than 75 pounds.~~

15A NCAC 10B .0109 CHASING DEER BY DOGS IN CERTAIN COUNTIES

(a) It is unlawful to allow ~~Allowing~~ dogs to run or chase deer or to attempt to take deer with dogs at any time in and west of the following counties or parts of counties is prohibited:

- (1) Alamance County south of I-85
- (2) Anson County west of NC 742
- (3) Chatham
- (4) Guilford
- (5) Lee
- (6) Montgomery
- (7) Orange County south of I-85
- (8) Randolph
- (9) Rockingham
- (10) Stanly
- (11) Union
- (12) Wake south of NC 98

~~Alamance County south of I 85; Orange County south of I 85; Chatham County; Lee County; Wake County south of NC 98; and in and west of Rockingham, Guilford, Randolph and Montgomery Counties and that part of Anson County west of NC 742.~~

~~Note: See 15A NCAC 10D .0103 which prohibits any hunting with dogs on game lands during the season for hunting deer with guns in and west of these counties.~~

(e) For counties and parts of counties east of those listed in paragraph (a), local laws may restrict the taking of deer with dogs.

15A NCAC 10B .0117 REPLACEMENT COSTS OF WILDLIFE RESOURCES

~~(a) Replacement Costs Distinguished. As it applies to wildlife resources, the term "replacement costs" must be distinguished from the "value" of the wildlife concerned. Except in cases where wild animals and wild birds may lawfully be sold on the open market, as with the carcasses or pelts of furbearing animals, the monetary value of the specimens cannot be determined easily. The degree of special interest or concern in a particular species by the public, including not only hunters and trappers, but conservationists and those to whom the value of wildlife resources is primarily aesthetic, cannot be measured in dollar amounts. The average cost per animal or bird legally taken by hunters, including travel and lodging, weapons and ammunition, excise taxes on equipment, licenses, and hunting club fees, may fairly be estimated. This too, however, is a reflection of the value of existing wildlife resources rather than a measure of the cost of its replacement. Thus, the relative values of wildlife species shall be considered only as they may bear on the necessity or desirability of actual replacement.~~

~~(b) Factors to Be Considered. The factors which shall be considered in determining the replacement costs of resident species of wildlife resources that have been taken, injured, removed, harmfully altered, damaged, or destroyed include the following:~~

- ~~(1) — whether the species is classified as endangered or threatened;~~
- ~~(2) — the relative frequency of occurrence of the species in the state;~~
- ~~(3) — the extent of existing habitat suitable for the species within the state;~~
- ~~(4) — the dependency of the species on unique habitat requirements;~~
- ~~(5) — the cost of acquiring, by purchase or long term lease, lands and waters for habitat development;~~
- ~~(6) — the cost of improving and maintaining suitable habitat for the species on lands and waters owned or acquired;~~
- ~~(7) — the cost of live trapping the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;~~
- ~~(8) — the availability of the species and the cost of acquisition for restocking purposes;~~
- ~~(9) — the cost of rearing in captivity those species which, when released, have a probability of survival in the wild;~~
- ~~(10) — the ratio between the natural life expectancy of the species and the period of its probable survival when, having been reared in captivity, it is released to the wild;~~
- ~~(11) — the change in the value of money as reflected by the consumer price index. Inflation costs are based on the consumer price index from the last update shown in Paragraph (c) of this Rule.~~

~~(c) Costs of Replacement. Based on the factors listed in Paragraph (b) of this Rule, including a June, 2001 update of the original figures using consumer price index from the June, 1980 base, the following wild animals and wild birds are listed with the estimated replacement cost of each individual specimen:~~

Species	Replacement Cost
Any endangered species	\$4,960.00
Any threatened species	—4313.00
Any other species with no open season	—54.00

Beaver	—104.00
Black Bear	—2232.00
Crow	—4.00
Deer	—602.00
Dove	—13.00
Duck	—41.00
Elk	—2500.00
Fox	—88.00
Goose	—125.00
Grouse	—37.00
Mink	—75.00
Muskrat	—19.00
Nutria	—15.00
Opossum	—6.00
Otter	—647.00
Pheasant	—37.00
Quail	—30.00
Rabbit	—13.00
Raccoon	—58.00
Rail	—37.00
Skunk	—19.00
Snipe	—26.00
Squirrel, fox	—54.00
Squirrel, gray and red	—17.00
Tundra swan	—1078.00
Weasel	—11.00
Wild boar	—755.00
Wildcat	—647.00
Wild turkey	—1617.00
Woodcock	—26.00

~~(d) Costs of Investigations~~

- ~~(1) — Factors to Be Considered. Upon any investigation required as provided by G.S. 143-215.3(a)(7) or by court order for the purpose of determining the cost of replacement of wildlife resources which have been killed, taken, injured, removed, harmfully altered, damaged, or destroyed, the factors to be considered in determining the cost of the investigation are as follows:~~

15A NCAC 10B .0118 SALE OF WILDLIFE

(a) ~~The carcasses carcasses, parts, or pelts of bobcats, opossums, and raccoon that have been lawfully taken and tagged in accordance with taken by any hunting method, upon compliance with applicable fur tagging requirements set forth in 15A NCAC 10B .0402, may be sold, sold to licensed fur dealers.~~ The sale of carcasses or pelts of bobcats, opossums, and raccoon killed accidentally or taken by hunting for control of depredations shall be permitted under the conditions set forth in 15A NCAC 10B .0106~~(e)(4)~~ and 15A NCAC 10B .0127.

(b) ~~Except as otherwise provided in Paragraphs (a), (d), (e), and (f) of this Rule, the~~ The sale of lawfully acquired game birds and game animals or their parts thereof is prohibited, except that processed non-edible products ~~other than those made from edible portions~~ may be sold except as otherwise provided in this Rule or by statute, provided that no label or advertisement identifies the product as a game bird, game animal, or part thereof; that the game bird or game animal was lawfully acquired; and the product is not readily identifiable as a game bird or game animal, or part thereof.

~~(c) The sale of edible portions or products of game birds and game animals is prohibited, except as may be otherwise provided by statute.~~

~~(c)~~ (c) The dressed pelt or feathers of deer, elk, fox, pheasant, quail, rabbit, or squirrel (fox and gray) may be bought or sold for the purpose of making fishing flies provided that the source of these animals may be documented as being legally obtained from out of state sources or from lawfully operated commercial breeding facilities. The buying and selling of migratory game birds shall be in accordance with 50 C.F.R. 20.91 which is hereby incorporated by reference, including subsequent amendments and editions (<https://www.gpo.gov/fdsys/granule/CFR-2000-title50-vol1/CFR-2000-title50-vol1-sec20-91>).

~~(d)~~ (d) The Executive Director or his designee may issue Trophy Wildlife Sale permits as authorized in G.S. 113-274 for the sale of lawfully taken and possessed individual dead wildlife specimens or their parts that are mounted, stuffed, or otherwise permanently preserved that may be sold under G.S. 113-291.3. A copy of the permit shall be retained with the specimen.

~~(e)~~ (e) Raw hides from any lawfully-taken or possessed white-tailed deer may be sold.

15A NCAC 10B .0120 ~~TAKING DEER AND BEAR~~ TAKING WILDLIFE WITH HANDGUNS

Handguns of any type may be used to take game, fur-bearing, and nongame animals as defined in G.S. 113-129 during the established open season for take with firearms or trapping for each species. ~~deer and bear.~~ Ammunition of any type may be used ~~to take deer and bear,~~ unless otherwise prohibited by state or federal law.

15A NCAC 10B .0126 STATE HUNTING LICENSE EXEMPTIONS

(a) Any governmental or non-profit entity conducting an organized hunting event may obtain from the Executive Director or his designee, subject to the requirements in Paragraph (b) of this Rule, an exemption which allows all participants in the event to hunt without first obtaining hunting licenses, but the participants must:

- (1) comply with the hunter safety requirements of G.S. 113-270.1A or be accompanied by a properly licensed adult who maintains a proximity to the license exempt individual which enables the adult to monitor the activities of, and communicate with, the individual at all times;
- (2) report all big game harvested as proscribed in Rule .0113 of this Section;
- (3) obtain a certificate of participation in federal Harvest Information Program, if hunting migratory game birds; and
- (4) obtain a federal Migratory Bird Hunting and Conservation Stamp, if the participant is 16 years of age or older and hunting waterfowl.

(b) The governmental or non-profit entity requesting a state hunting license exemption shall apply using a form provided by the Commission and submit that form to the Chief of the Division of Wildlife Management not less than 21 days prior to the organized hunting event. A statement of purpose for the event must be attached to the completed form. The Executive Director or his designee shall deny any request with a statement of purpose that is:

- (1) inconsistent with the mission of the Wildlife Resources Commission as stated in Paragraph (d) of this Rule; or
- (2) for a purpose other than to promote hunting to youth, disabled people, novice hunters or lapsed hunters.

(c) The person in charge of the event must be on-site at all times and have a copy of the exemption available for inspection on request by Commission personnel. The exemption is limited to the immediate location of the event and shall remain in effect for the time period specified on the exemption.

~~(d) The mission of the N.C. Wildlife Resources Commission is to conserve North Carolina's wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts to enjoy wildlife associated recreation.~~

15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD

(a) For wildlife killed accidentally or found dead of natural causes the following apply:

(1) — ~~When a deer is Deer killed accidentally killed on a road or highway by reason of collision with a motor vehicle, vehicle may be possessed and transported if authorization is obtained from the law enforcement officer who investigates the accident shall, upon request, authorize possession accident. Possession and transport of the deer carcass of the deer for personal and lawful use, including delivery of the carcass to a second person for his or her private use or the use by a charitable organization. organization shall be authorized. Commission employees may authorize possession of any deer or turkey found dead of natural causes or as the result of a vehicle collision.~~

(b) Commission employees may authorize possession and transport of deer and turkey killed accidently or found dead.

(2) — ~~Black bears shall not be possessed. Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105 may be possessed with written permission. Raptors and nongame migratory birds may be possessed under federal permits.~~

(c) Black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is obtained from the Commission.

(d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from the Commission.

(e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal permits obtained from the U.S. Fish and Wildlife Service.

(f) All other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

(3) — ~~For all other wildlife resources possession shall be legal. The sale of any wildlife resources or wildlife parts found dead is prohibited, except licensed trappers and hunters may sell the carcasses or pelt of any beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or bobcat to a licensed fur dealer if the dead furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the carcasses carcasses or pelt of any fox to a licensed fur dealer if the dead fox was found during an open fox season and the county in which the fox was found allows for the sale of fox carcasses and pelts. All tagging requirements set forth in 15A NCAC 10B .0400 apply.~~

(g) The sale of any wildlife resources or wildlife parts from any animal killed accidentally or found dead is prohibited, except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or bobcat to a licensed fur dealer if the dead furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the carcasses, parts, or pelt of any fox to a licensed fur dealer if the dead fox was found during an open fox season and the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. All tagging requirements set forth in 15A NCAC 10B .0400 apply.

15A NCAC 10B .0212 FOXES (GRAY AND RED)

~~(a) Fox Season:~~

~~(1) There shall be no closed season on taking foxes with dogs, except on Bladen Lakes State Forest Game Land from March 15 through July 15;~~

~~(2) Foxes may be taken with weapons or traps the first to fourth Saturday in January in the following counties:~~

~~Caswell ————— Henderson~~

~~Clay ————— Macon~~

~~Graham ————— Tyrrell~~

~~(3) Foxes may be taken the Saturday before Thanksgiving Day through January 1 using archery equipment in all areas of the State east of Interstate Highway 77 and in Mitchell County.~~

(a) Foxes may be taken with weapons or traps the first through fourth Saturday in January in the following counties:

(1) Caswell

(2) Clay

(3) Graham

(4) Henderson

(5) Macon

(6) Tyrell

~~(b) Bag Limit for Foxes:~~

~~(1) Except in areas of open season for taking foxes with weapons or traps, foxes shall not be intentionally killed by any method;~~

~~(2) For areas of open season detailed in Subparagraph (a)(2) and (a)(3) of this Rule, the following bag limit applies: the daily limit is two; and the season limit is 10.~~

(b) The season for pursuing or taking foxes with dogs on Bladen Lakes State Forest Game Land is August 2 through February 14.

(c) Foxes may be taken the Saturday before Thanksgiving Day through January 1 using archery equipment in all areas of the State east of Interstate Highway 77 and in Mitchell County.

(d) For areas of open season detailed in Subparagraph (a) through (c), the daily limit is two; and the season limit is 10.

~~(e) Where local laws governing the taking of foxes conflict with this Rule, local laws shall prevail.~~

15A NCAC 10B .0216 FALCONRY

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

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

(c) An extended falconry season on rabbits is the Monday on or nearest October 15 through the last day of February.

(d) The daily bag limit for the extended season on rabbits is three, and the possession limit is six.

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

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

(e) ~~Extended Seasons.~~ ~~An extended falconry season on rabbits is the Monday on or nearest October 15 until the last day of February. Bag limits for those portions of the season outside the regular seasons are three rabbits daily, and a possession limit of six.~~

15A NCAC 10B .0217 PISTOL SEASONS

~~The seasons for taking rabbits, squirrels, opossums, raccoons, furbearing animals, groundhogs, and crows by the use of pistols as authorized by G.S. 113-291.1(g) shall be the same as the hunting and trapping seasons established by the applicable rules of this Section and of Section .0300 of this Subchapter for the particular species.~~

15A NCAC 10B .0223 FERAL SWINE

(a) ~~This Rule applies to hunting feral swine.~~ There is no closed season for taking feral swine. ~~swine~~ Feral swine may be taken on private lands anytime during the day or night. ~~Feral swine 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) Feral swine may be taken on game lands from the hours of one-half hour before sunrise until one-half hour after sunset during the open season for any game animal or game bird using any legal manner of take allowed during those seasons.

(c) Feral swine may be taken on game lands from one-half hour after sunset to one-half hour before sunrise by permit only.

(b) There are no bag ~~limit~~ limits ~~restrictions~~ on feral swine.

(c) Hunters may use artificial lights and electronic calls.

15A NCAC 10B .0302 PROHIBITED TAKING

~~It is unlawful for any person to~~ No person shall trap, take, or have in possession possess any armadillo, beaver, coyote, groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or wildcat (bobcat), bobcat, ~~except~~ except: ~~during the open seasons and in accordance with the limits set forth in Rules .0302 and .0303 of this Section or during the open seasons and within the limits prescribed for the particular species under NCAC 10B .0200.~~

Note: ~~See 15A NCAC 10B .0110 as to requirements of tagging and attending traps.~~

- (1) during the open trapping seasons for that species and in accordance with the bag limits set forth in Rule .0303 of this section; or
- (2) during the open hunting seasons for that species and within the bag limits prescribed for the species in Rule .0200 of this Section.

15A NCAC 10B .0304 BAG LIMITS

There are no ~~restrictions on~~ bag limits of ~~fur bearers,~~ on fur-bearing animals as defined in G.S. 113-129(7a), armadillos, coyotes, groundhogs, and feral swine. ~~swine,~~ except where local laws govern trapping, or conflict with this Rule.

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

15A NCAC 10B .0305 TRAPS

(a) A foothold, steel-jaw or leghold trap set on dry land with a solid anchor shall not have a chain longer than eight inches unless the chain is fitted with a shock-absorbing device with at least 40 pounds and no more than 75 pounds of pressure to stretch or compress the device.

(b) A Collarum™-type trap shall:

- (1) Have a cable that is ~~3/16th~~ 3/16 inch in diameter, a loop stop with a minimum loop diameter of three inches, a relaxing lock, and a breakaway device that has been tested to break or disassemble at no more than 285 pounds of pull.
- (2) Have a set capture loop no less than 10 inches and no greater than 12 inches in diameter.
- (3) Be equipped with at least one swivel device between the loop and the anchor.
- (4) Be staked in a manner that does not allow the animal or the restraint device to reach any part of a fence or reach rooted, woody vegetation greater than $\frac{1}{2}$ one-half inch in diameter.
- (5) Not be set using a ~~drag drag~~, ~~or used with a kill pole~~.
- (6) Not be used with a kill pole.

15A NCAC 10B .0401 DEFINITIONS

As used in this Section, the following definitions shall apply:

- (1) "Affix", when used in reference to attachment of a fur tag to the carcass or pelt of an animal, means permanent attachment of the tag through some portion of the carcass or pelt in ~~such a manner as not to be~~ that is not removable without damage to the tag;
- (2) "Carcass" means the dead body of an animal from which the pelt ~~thereof~~ has not been removed;
- (3) "Fur dealer" means any person who is licensed under the provisions of G.S. 113-273(f); ~~Paragraph (f) of Section 113-273 of the General Statutes of North Carolina;~~
- (4) "Pelt" means the fur, hide, or skin of an animal which has been removed from the ~~carcass thereof,~~ carcass, but does not include a finished product which has been manufactured from such fur, hide or skin or is in the active process of such manufacture;
- (5) "Person" means any individual, firm, corporation corporation, or association which is authorized by law to act as an entity.
- (6) "Parts" means any part or portion from the dead body of an animal, including the meat, glands, urine, skull, and dead body of the animal without the pelt.

15A NCAC 10B .0404 TRAPPERS AND HUNTERS TAGGING

(a) Every fox taken in an area of open season as provided by G.S. 113-291.4 shall be tagged at the scene of taking.

(b) Every person taking any bobcat or otter in this State, or any foxes under a depredation permit, general statute, rule, or local law that permits taking, shall obtain and affix the appropriate tag to ~~each~~the carcass or pelt before selling, transferring, or transporting within or outside the state, selling or transferring the same to any person or transporting the same for any purpose, except that:

- (1) A person may transport the same from the place of taking to his North Carolina residence and from his North Carolina residence to a fur tag agent or taxidermist's place of business.
- (2) A person may transport the same from the place of taking to the nearest place in this State where the appropriate tag may be obtained.
- (3) The carcass, pelt or mounted specimen is exempt from tagging requirements while in the taxidermist's place of business or after the mount is completed.
- (4) A licensed trapper may take live foxes during any legal trapping season, except foxes taken under G.S. ~~113-291.4~~, 113-291.4 (f) and (f1), without tagging them and sell them to a licensed controlled hunting preserve for fox in accordance with G.S. 113-273(g).
- (5) A licensed taxidermist may ship to a tannery for processing.

~~No carcass or pelt of any bobcat, otter or fox taken within this State may be removed from the state without an appropriate fur tag having been affixed thereto, except a licensed taxidermist may ship the same to a tannery for processing. Any carcass or pelt remaining in a person's possession after the end of the season, except those in a licensed taxidermist's place of business or his or her taxidermy preservation facility, shall be properly tagged by him or her within 30 days following the close of such season, provided that no tags shall be shipped from the Commission to a person 23 consecutive days from the close of the season. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

~~(e) In any case where the taking of foxes with weapons or traps and the sale thereof is authorized by local legislation, except live foxes taken by licensed trappers who live trap foxes for sale during any open season, the hunter or trapper taking any such fox shall, in the absence of a specific provision to the contrary, obtain and affix the carcass or pelt with an appropriate tag before selling or transferring the same to any other person, or transporting the same for any purpose than as authorized by Paragraph (a) of this Rule.~~

(c) Carcasses and pelts of bobcats, otters, and foxes taken within this State shall not be removed from the state without an appropriate fur tag affixed thereto, except a licensed taxidermist may ship the same to a tannery for processing. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.

(d) Where the taking of foxes with weapons or traps, and the sale thereof is authorized by local legislation, except foxes taken by licensed trappers who live-trap for sale during any open season, the hunter or trapper taking the fox shall, in the absence of a specific provision to the contrary, obtain and affix the carcass or pelt with an appropriate tag before selling or transferring to any other person, or transporting the same for any purpose than as authorized by Paragraph (a) of this Rule.

15A NCAC 10B .0405 FUR DEALERS

~~(a) It is unlawful for any fur dealer licensed or otherwise authorized to deal in furs in this State, or any person or agent acting in his behalf, to buy or accept delivery from any person the carcass or pelt of any fox taken within the State which has not been previously affixed with a tag provided by the North Carolina Wildlife Resources Commission as required by this Section.~~

~~(b) It is unlawful for any fur dealer to import into this State the carcass or pelt of any otter or bobcat which has not been previously affixed with a tag required and supplied by the state in which the animal was taken. It is unlawful for any fur dealer, or agent of a fur dealer, to import into this State or to accept delivery of a carcass or pelt of any fox from a source located in any other state which does not by law or regulation require tagging of such carcasses or pelts, or a carcass or pelt of any fox which has not been tagged in accordance with the tagging requirements of the state from which it is imported, unless documentation of the date and hour of the arrival of such carcass or pelt at such fur dealer's place of business is available for inspection and such carcass or pelt is affixed with a fur tag provided by the North Carolina Wildlife Resources Commission within seven days after the date and hour of such arrival. No such carcass or pelt shall be resold or removed from such fur dealer's place of business without having been tagged as required by this Section. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

~~(c) Any fur dealer or agent of a fur dealer authorized to do business in this State may import and accept delivery in this State of the carcass or pelt of any bobcat, otter or fox which has been affixed with a tag when and as required by the laws or regulations of the state from which such carcass or pelt is imported. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

~~(d) Except as provided by Paragraph (b) of this Rule, it is unlawful for any fur dealer licensed to do business in this State to have in possession the carcass or pelt of any bobcat, otter or fox which has not been affixed with a fur tag provided by the North Carolina Wildlife Resources Commission or a tag required by the laws or regulations of the state from which the same was imported. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.~~

~~(e) Each fur dealer licensed to do business in this State shall maintain records of all acquisitions of carcasses and pelts of beaver, bobcat, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel, and foxes. Such records shall consist of receipts, copies of receipts, or other written evidence of the transactions showing the sources and numbers of acquisition. Each fur dealer shall provide the Wildlife Resources Commission with monthly reports, made on forms supplied by the Commission, summarizing all acquisitions of carcasses and pelts of such animals, except those which have been acquired from and reported by other fur dealers licensed by the State. The reports shall include all such acquisitions made during each month beginning with October and ending with March of the following year; shall distinguish between acquisitions made within the State and those made from without the State; and, if acquired from within the State, shall indicate the counties in which the animals were taken. The report covering each month shall be mailed or delivered to the Commission on or before the 15th day of the next succeeding month. The records required by this Paragraph and the inventory of carcasses and pelts on hand shall be made available for inspection by any officer or representative of the Wildlife Resources Commission upon request at all reasonable times. In the case of~~

~~nonresident fur dealers licensed to do business in this State, the records and reports required by this Paragraph apply only to carcasses or pelts of animals acquired from within this State, and no reports are required from nonresident fur dealers who acquire pelts only from other fur dealers licensed in the State.~~

~~(a) Any individual wanting to engage in the business of buying or selling fur-bearing animals or other wild animals that may lawfully be sold, as specified in G.S. 113-273(f), shall first obtain a fur dealer license from the Commission.~~

~~(b) Application for a fur dealer license shall be made online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606. Information required from the applicant shall include:~~

- ~~(1) the applicant's name, address, telephone number, date of birth; and~~
- ~~(2) a list of all employees to be covered under the license.~~

~~(c) The fur dealer license shall not be transferable.~~

~~(d) Any individual working on behalf of the licensed fur dealer shall have a copy of the fur dealer's current license.~~

~~(e) It is unlawful for any fur dealer, or person acting on his or her behalf, to import, buy, or accept delivery of a carcass or pelt of any fur-bearing animal or other wild animal from a source located in any other state that has not been affixed with a tag in accordance with the tagging requirements of the state from which the animal was taken, unless documentation of the date and hour of the arrival of such carcass or pelt at the fur dealer's place of business is available for inspection~~

~~(f) Imported carcasses and pelts shall not be resold or removed from a fur dealer's place of business without having been tagged as required by Paragraph (e) of this Rule.~~

~~(g) Except as provided by Paragraph (e) of this Rule, it is unlawful for any licensed fur dealer to have in his or her possession, the carcass or pelt of any bobcat, otter or fox which has not been affixed with a fur tag provided by the Commission unless the fox was taken from a county exempt from fox tagging requirements.~~

~~(h) Licensed fur dealers shall maintain records of all acquisitions of carcasses and pelts of beaver, bobcat, coyote, mink, muskrat, nutria, opossum, otter, raccoon, striped skunk, spotted skunk, weasel, and foxes. Such records shall consist of receipts, copies of receipts, or other written evidence of the transactions showing the sources and numbers of acquisition.~~

~~(i) Monthly reports shall be submitted to the Commission on or before the 15th day of the succeeding month on forms supplied by the Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Reports shall include the following:~~

- ~~(1) all acquisitions of carcasses and pelts, except those which have been acquired from and reported by other fur dealers licensed by the State;~~
- ~~(2) all acquisitions made during each month beginning with October and ending with March of the following year;~~
- ~~(3) distinguishment between acquisitions made within the State and those made from outside the State; and~~
- ~~(4) counties in which the animals were taken if within the State.~~

In the case of nonresident fur dealers licensed to do business in this State, the records and reports required by this Paragraph apply only to carcasses or pelts of animals acquired from within this State, and no reports are required from nonresident fur dealers who acquire pelts only from other fur dealers licensed in the State.

(j) The records required by Paragraph (i) of this Rule and the inventory of carcasses and pelts on hand shall be made available for inspection by representatives of the Commission upon request or during the fur dealer's business hours.

~~(f) The tagging requirements of Paragraph (a) of Rule .0402 of this Section and of Paragraphs (b) and (d) of this Rule do not apply to the pelts or furs of foxes that are imported into this State by a fur dealer operating under a valid North Carolina Fur Dealer Station License at a fixed place of business or to such pelts or furs delivered to the place of business of such fur dealer by a seller from another state provided that the following conditions are satisfied:~~

- ~~(1) — the nonresident seller is a licensed fur dealer in the state from which the pelts or furs originated;~~
- ~~(2) — the resident dealer has available for inspection a dated, signed bill of sale indicating the precise number of green pelts and dry pelts of fox purchased in each lot of imported fur; the name, address, and fur dealer license number of the seller; and the date of arrival of the lot of pelts at the licensed place of business;~~
- ~~(3) — imported green pelts of fox are kept separate from the green pelts of native fox during processing and are readily identifiable as to imported lot number and bill of sale;~~
- ~~(4) — imported dry pelts of fox are not batched with native dry pelts of fox unless such pelts are marked in a manner that readily identifies them as to imported lot number and bill of sale;~~
- ~~(5) — such imported, untagged pelts of fox are imported, processed, and stored only for sale and export to buyers in other states; and~~
- ~~(6) — such imported, untagged pelts of fox are not held on the premises for longer than 21 days from the date of arrival without having been tagged as required by Rule .0402(a) of this Section.~~

15A NCAC 10B .0406 MISUSE OF TAGS

~~(a) It is unlawful for any person to affix any fur tag~~ Fur tags shall only be affixed to the carcass or pelt of any the species of animal other than that for which its their use is authorized authorized, and it is unlawful to buy or sell any bobcat, otter, or fox carcass or pelt which has an unauthorized tag so affixed. When the U.S. Fish and Wildlife Service repeals its tagging requirements for otter and bobcat this Paragraph shall apply only to tagging foxes.

~~(b) it is unlawful to buy or sell any bobcat, otter, or fox carcass or pelt that has an unauthorized tag affixed.~~

~~(b) (c) It is unlawful for any person to sell or transfer any unused~~ Unused fox tag tags shall not be sold or transferred to any other person. It is unlawful for any person to sell any unused fur tag for a price greater than the fee listed for such tag in Paragraph (c) of Rule .0403 of this Section.

~~(d) Unused fur tags shall not be sold for a price greater than the fee listed for such tag in Paragraph (c) of Rule .0403 of this Section.~~

~~(e) (e) Fur tags shall not be reused or removed from~~ It is unlawful for any person to reuse a fur tag or to remove the same from the pelt to which they are affixed prior to delivery to a manufacturer or fur processor.

~~(d) (f) It is unlawful to counterfeit or modify any fur tag.~~ Fur tags shall not be counterfeit or modified.

EXHIBIT O

April 14, 2021



Proposed Amendments to 15A NCAC 10C .0200 Inland Fishing Rules Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

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

15A NCAC 10C .0200 General Regulations

10C .0203

Updated to clarify language and simplify formatting.
15A NCAC 10C .0203 Reciprocal License Agreements (pages 2-3)

10C .0206

Updated to clarify language and simplify formatting.
15A NCAC 10C .0206 Troilines, Jug Hooks and Set Hooks (page 4)

10C .0214

Amended to be consistent with wildlife collectors rule.
15A NCAC 10C .0214 Fish Collectors (pages 5-6)

10C .0215

Proposed for Repeal. Fish replacement costs are incorporated into 10A .1501
15A NCAC 10C .0217 Replacement Costs of Wildlife Resources - Fish (Pages 7-8)

10C .0216

Updated to clarify language and simplify formatting.
15A NCAC 10C .0216 State Inland Fishing License Exemptions (Page 9)

15A NCAC 10C .0203 RECIPROCAL LICENSE AGREEMENTS

(a) Virginia. In accordance with a reciprocal license agreement between the States of North Carolina and Virginia, and ~~North Carolina~~, all valid fishing licenses and permits ~~authorizing sport fishing and~~ legally obtained from the Virginia Department of ~~Game and Inland Fisheries~~ Wildlife Resources or the North Carolina Wildlife Resources Commission, or the duly authorized agents of either, shall be reciprocally honored for the purpose of fishing by means of: rod and reel, hook and line, casting, or trotline in the Dan River east of the Union Street Dam at Danville, and east of the mouth of Difficult Creek on the Staunton River arm of Kerr Reservoir to the Gaston Dam on the Roanoke River, including all tributary waters lying in either Virginia or North Carolina that are accessible by boat from the main bodies of the Kerr and Gaston Reservoirs, or from the Island Creek subimpoundment. Senior citizen and juvenile license exemptions authorized by either state shall be honored by both states. In addition, all valid fishing licenses and permits legally obtained from the Virginia Department of Game and Inland Fisheries or the North Carolina Wildlife Resources Commission, or the duly authorized agents of either, shall be reciprocally honored for fishing with rod and reel, hook and line, or by casting in that portion of the New River between the confluence of the North and South forks of the New River in North Carolina (Alleghany County) and the confluence of the New and Little Rivers in Virginia (Grayson County)-with rod and reel, or hook and line, in the following waters:

- (1) Portions of New River:
 - (A) between the confluence of the North and South fork of the New River in Allegheny County North Carolina; and
 - (B) confluence of New and Little Rivers in Grayson County Virginia.
- (2) Dan River east of the Union Street Dam at Danville;
- (3) Staunton River arm of Kerr Reservoir East of the mouth of Difficult Creek;
- (4) Kerr Reservoir;
- (5) Lake Gaston; and
- (6) all tributary waters in either Virginia or North Carolina that are accessible by boat from the main bodies of the Kerr and Gaston Reservoirs, from the Island Creek subimpoundment.

(b) Georgia. In accordance with a reciprocal license agreement between the States of North Carolina and Georgia, all valid ~~statewide fishing licenses, licenses and permits permits, and license exemptions required by~~ and legally obtained from the Georgia Department of Natural Resources, the North Carolina Wildlife Resources Commission ~~Commission~~, or the ~~Georgia Department of Natural Resources~~, or duly authorized agents of either, shall be reciprocally honored for the purposes of fishing with hook and line in all of Chatuge Reservoir including all tributary waters lying in either Georgia or North Carolina that are accessible by boat from the main body of Chatuge Reservoir. All persons fishing in the waters of Chatuge Reservoir beyond the bounds of the state from which they hold a valid fishing license, shall be authorized to fish with said license only from boats not anchored to the shore or to a pier or boat dock connecting to the shore. Senior citizen and juvenile license exemptions authorized by either state shall be honored by both states.

(c) Tennessee. In accordance with a reciprocal license agreement between the States of North Carolina and Tennessee, all valid ~~statewide-inland~~ fishing licenses and permits obtained from the Tennessee Wildlife Resources Agency, the North Carolina Wildlife Resources Commission ~~Commission~~, or the ~~Tennessee Wildlife Resources Agency~~, or the

duly authorized agents of either, shall be reciprocally honored for the ~~purposes of fishing with hook and line or fishing in designated mountain trout waters, in that portion of Slick Rock Creek that coincides with the state line between North Carolina and Tennessee and in all of Calderwood Reservoir.~~ Purpose of fishing with rod and reel, or hook in line in the following waters:

- (1) The portion of Slick Rock Creek that coincides with the state line between North Carolina and Tennessee; and
- (2) Calderwood Reservoir.

15A NCAC 10C .0206 TROTLINES, JUG HOOKS AND SET HOOKS

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

- (1) "set hook" means a fishing device consisting of a single line having no more than three hooks that is attached at one end only to a stationary object.
- (2) "jug hook" means a fishing device consisting of a single line having no more than three hooks that is attached to a float.
- (3) "trotline" means a fishing device consisting of a horizontal common line having multiple hooks attached.

(b) ~~Except as otherwise prohibited in this Rule, trotlines, Trotlines, jug hooks, and set hooks may be set in the inland waters of North Carolina, provided no live bait is used. used, except that they: Trotlines, jug hooks, and set hooks may not be set in any of the impounded waters on the Sandhills Game Land. Trotlines, jug hooks, and set hooks may not be set in any designated public mountain trout waters except impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing. In Lake Waccamaw, trotlines, jug hooks, or set hooks may be set only from October 1 through April 30.~~

- (1) may not be set in any of the impounded waters on the Sandhills Game Land;
- (2) may not be set in any designated public mountain trout waters except impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing; and
- (3) in Lake Waccamaw, trotlines, jug hooks, or set hooks may be set only from October 1 through April 30.

(c) Each trotline, set hook, and jug hook shall bear legible and indelible identification of the user's name and address or the user's Wildlife Resources Commission customer number. ~~Each trotline shall be conspicuously marked at each end and each set hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is readily discernible by boat operators and swimmers. Trotlines shall be set parallel to the nearest shore in all inland fishing waters unless otherwise prohibited. The number of jug hooks that may be fished is limited to 70 per boat. All trotlines, set hooks, and jug hooks shall be fished at least once daily and all fish removed at that time. Trotlines, set hooks, and jug hooks without bait or not labled as described in this Paragraph may be removed from the water by wildlife enforcement officers. It is unlawful to use metal cans or glass jugs as floats.~~

(d) Each trotline and set hook shall be conspicuously marked at each end with a flag, float, or other prominent object so that its location is readily discernible by boat operators and swimmers.

(e) Trotlines shall be set parallel to the nearest shore in all inland fishing waters unless otherwise prohibited.

(f) The number of jug hooks that may be fished is limited to 70 per boat.

(g) All trotlines, set hooks, and jug hooks shall be fished at least once daily with all fish removed.

(h) Trotlines, set hooks, and jug hooks without bait or not labeled as described in this Paragraph may be removed from the water by wildlife enforcement officers.

(i) It is unlawful to use metal cans or glass jugs as floats.

15A NCAC 10C .0214 FISH COLLECTORS

~~(a) Collection Licenses. The Executive Director is authorized to~~ A collection license may be issued to qualified individuals to take or collect any species of fish from the inland fishing waters of the State, or inland game fish from the joint or coastal waters, waters, other than an endangered or threatened species. Such license shall be issued upon payment of a fee of five dollars (\$5.00), except that licenses may be issued to representatives of educational or scientific institutions or of governmental agencies without charge. Such license may be used in lieu of any other fishing license required by law and shall authorize possession and transportation of the fish incidental to the authorized taking.

(b) Individuals interested in obtaining a collection license shall apply by sending an application to 1701 Varsity Drive, Raleigh, NC 27606 or by completing and submitting an application online at www.ncwildlife.org. Information required by the applicant shall include

- (1) name, address, date of birth, email, and driver's license number;
- (2) species information;
- (3) organizational affiliation, if any; and
- (4) full documentation of research or educational proposal(s), if applicable.

(c) The Commission shall consider the following qualifications when issuing a license:

- (1) prior research or educational experience in the same or similar field;
- (2) work with or for an educational institution;
- (3) type of study requested of license (harvest or catch and release);
- (4) current status and quantity of species requested;
- (5) collection methodology proposed; and
- (6) disposition of collection.

(d) A collection license may be used in lieu of any other fishing license required by law and shall authorize possession and transportation of the fish incidental to the authorized taking.

(e) A collection license may be issued:

- (1) upon payment of the license fee.
- (2) to any individual, so long as the take is not deemed harmful to the efficient conservation of the species to be collected or to other fish or wildlife resources that may be dependent thereon.

(f) Endangered and threatened species shall not be taken or collected under a collection license except with a valid endangered species permit.

(g) Unless a more limited duration is designated on the license, collection licenses shall be valid from January 1 through December 31 of the applicable year.

~~(b) Qualifications of Licensees. In addition to representatives of educational or scientific institutions and governmental agencies, the collection license may be issued to any individual for any worthwhile purpose that is not deemed inimical to the conservation of the species to be collected or to some other fish or wildlife resources that may be dependent thereon.~~

~~(e)-(h) Methods of Taking.~~ The manner of taking fish under a collection license may be specified ~~by the Executive Director on the license~~ and need not be restricted to the usual methods of lawful fishing.

~~(d) Term of License.~~ The Executive Director may, in his discretion, impose time limits, but unless so restricted the license shall be valid from January 1 through December 31 of the applicable year.

~~(e)-(i) Report of Collecting Activity.~~ Each individual licensed under this Rule ~~Licensed individuals~~ shall submit a written report ~~the following information~~ to the ~~Commission Executive Director~~ within 15 days ~~of license expiration, following the date of expiration of the license.~~ The report shall be ~~on a form supplied by the Wildlife Resources completed online at www.newwildlife.org and include:~~ and shall show the numbers of each species taken under the license and the use or disposition thereof. ~~The Executive Director may require additional information for statistical purposes such as the dates and places of the taking and the sex, size, weight, condition, and approximate age of each specimen taken. Such additional information may be required on the form of report or by a separate writing accompanying the form.~~

- (1) the numbers of each species taken under the license;
- (2) the use or disposition thereof; and
- (3) the date and waterbody of taking.

Depending on the species taken, additional information including the sex, size, weight, age, and condition of species taken may be required.

~~(f)(j) Other Requirements and Restrictions.~~—The Executive Director or his or her designee may, ~~in his discretion,~~ pursuant to G.S. 113-272.4(d), impose ~~such other requirements and further~~ restrictions or conditions on persons individuals licensed under this Rule ~~as he may deem deemed~~ to be necessary to the efficient administration of the wildlife conservation laws and ~~regulations.~~ Rules.

15A NCAC 10C .0215 — REPLACEMENT COSTS OF WILDLIFE RESOURCES — FISH

(a) ~~Replacement Costs Distinguished.~~ As it applies to fishes the term "replacement costs" must be distinguished from the "value" of the fish concerned. Except in cases where fish may lawfully be sold on the open market, as with commercially reared species, the monetary value of the specimens cannot be determined easily. The degree of special interest or concern in a particular species by the public, including not only anglers, but conservationists and those to whom the value of fishes is primarily aesthetic, cannot be measured in dollar amounts. The average cost per fish legally taken by anglers including travel and lodging, fishing equipment and bait, excise taxes on equipment, licenses and other fees, may fairly be estimated. This too, however, is a reflection of the value of existing fishery resources rather than a measure of the cost of their replacement. Thus, the relative value of fish species should be considered only as they may bear on the necessity or desirability of actual replacement.

(b) ~~Factors to be Considered.~~ The factors which should be considered in determining the replacement costs of resident species of fishes that have been taken, injured, removed, harmfully altered, damaged, or destroyed include the following:

- (1) — whether the species is classified as endangered or threatened;
- (2) — the relative frequency of occurrence of the species in the state;
- (3) — the extent of existing habitat suitable for the species within the state;
- (4) — the dependency of the species on unique habitat requirements;
- (5) — the cost of improving and maintaining suitable habitat for the species;
- (6) — the cost of capturing the species in areas of adequate populations and transplanting them to areas of suitable habitat with low populations;
- (7) — the cost of propagating and rearing the species in a hatchery and the cost of transporting them to areas of suitable habitat with low populations;
- (8) — the availability of the species and the cost of acquisition for restocking purposes;
- (9) — the cost of those species which, when released, have a probability of survival in the wild;
- (10) — the ratio between the natural life expectancy of the species and the period of its probable survival when, having been reared in a hatchery, it is released to the wild;
- (11) — the change in the value of money as reflected by the consumer price index.

(c) ~~Costs of Replacement.~~ Based on the factors listed in Paragraph (b) of this Rule, including the June, 1980, consumer price index of 247.6 percent of the 1967 base, the following fishes are listed with the estimated replacement cost:

Species	Weight	Replacement Cost
Striped bass and	up to 5 lbs.	\$25/fish
Bodie bass	5 lbs. to 10 lbs.	\$20/lb.
	10 lbs. to 20 lbs.	\$25/lb.
	Over 20 lbs.	\$30/lb.
White bass	up to 2 lbs.	\$10/fish
	Over 2 lbs.	\$10/lb.
Largemouth bass	Up to 2 lbs.	\$10/fish
	2 lbs. to 7 lbs.	\$10/lb.

	Over 7 lbs.	\$20/lb.
Smallmouth bass and other black bass	Up to 2 lbs.	\$10/fish
	2 lbs. to 4 lbs.	\$10/lb.
	Over 4 lbs.	\$20/lb.
Walleye	Up to 2 lbs.	\$10/fish
	2 lbs. to 5 lbs.	\$10/lb.
	Over 5 lbs.	\$20/lb.
Muskellunge	Up to 1 lb.	\$30/fish
	Over 1 lb.	\$30/lb.
Sunfish	All Sizes	\$5/fish
Crappie	All Sizes	\$10/fish
Catfish (Channel, Blue and Flathead)	Up to 1 lb.	\$5/fish
	1 lb. to 20 lbs.	\$5/lb.
	Over 20 lbs.	\$10/lb.
Trout (Wild)	Up to 7 in.	\$10/fish
	7 in. to 13 in.	\$15/fish
	Over 13 in.	\$30/lb.
Trout (Hatchery)	7 in. to 13 in.	\$5/fish
	Over 13 in.	\$10/lb.
All Other Game Fish	All Sizes	\$5/fish
All Other Non Game Fish	All Sizes	\$2.50/fish

(d) Cost of Investigations. The factors to be considered and the computation of costs are as specified in 15A NCAC 10B .0117.

15A NCAC 10C .0216 STATE INLAND FISHING LICENSE EXEMPTIONS

~~(a) The Commission may exempt participants of an organized fishing event conducted by a governmental or non-profit entity from obtaining an inland fishing license. Any governmental or non-profit entity conducting an organized fishing event for educational or therapeutic purposes may obtain from the Commission an exemption from the requirements of the fishing license for participants in the event.~~

(b) The state inland fishing license exemption shall only be issued when all the following information required by these Rules contained on a form provided by the Commission is submitted by the applicant on a form found online at www.ncwildlife.org to the Chief of the Division of Inland Fisheries not less than 21 days prior to the organized fishing event, ~~subject to the following conditions:~~ event:

- (1) applicant name, address, phone number, and email address;
- (2) applicant organization name and address;
- (3) date, time, and location of event; and
- (4) estimated number of event attendees and event description.

(c) The state inland fishing license exemption is subject to the following conditions:

- (1) The person in charge of the event must be on-site at all times and have a copy of the exemption available for inspection on request by Commission personnel; and
- (2) The exemption shall be limited to the immediate location of the event and shall remain in effect only for the duration of the event.

~~(e)(d)~~ The Commission may require that a the applicant-applicants submit participant information for those fishing under the exemption, receiving a state fishing license exemption report both the number of male participants and the number of female participants less than 16 years of age and the names of participants 16 years of age and older who do not have a fishing license.

EXHIBIT P-1

April 14, 2021



Public Comments for 15A NCAC 10F .0312, .0317, .0318, .0323, .0327, .0333, .0336, .0354, and .0378

Henderson, Stanly, Warren, Burke, Montgomery, Mecklenburg and Gaston, Northampton and Warren, Pitt, and Halifax No Wake Zone Rules

Position	Comment
Disagree	<p>I THINK IT IS ABSOLUTELY CRAZY THAT ANYONE WOULD PROPOSE TO ELIMINATE ‘NO WAKE’ ZONES!!! The proposal to eliminate ‘NO WAKE’ zones on <u>any lake</u> is absurd and detrimental for the following reasons:</p> <p>1-Even though it may be “unenforceable” as suggested by the DEQ, it <u>is</u> enforceable <u>if</u> patrol officers on any given lake would arrest/fine a few of the repeat violators. The word would spread and soon violators would be at a minimum. I boat while camping 6 to 8 weeks each summer, and the greatest & repetitive violators are the jet ski operators!!</p> <p>2-From a genuine <u>safety</u> standpoint: at least half or more of boaters do observe the NO WAKE zones, which cuts down on the high waves (wakes) that hit the floating docks. Many of us have inflatables which are difficult to launch when waves come crashing in. And higher wakes make it more difficult to land our boats, inflatables, etc. In addition, with floating docks, the more they rock from higher waves it endangers children and older adults drastically!! I think any human injury or death as the result of removing NO WAKE ZONES on any present lake, the Wildlife Resources and Water Safety Commission will be liable.</p> <p>3- From an <u>environmental</u> standpoint: Most launch areas are built that such area to the left and right of the ramp are pervious to repetitive crashing waves, which means greater water force will be placed on these beach and coast/land line areas. So, even though riprap or other media (stone/rocks/etc.) has been placed in these areas, there will be greater erosion caused by the higher, stronger and more frequent waves. Much of our NC soil has a high content of sand and/or clay, which washes away very easily [as is seen on almost every lake in NC]. The more sediment that erodes into lakes the more it is an environmental hazard to all aquatic species.</p> <p>https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/?cid=nrcs143_014201</p> <p>4-<u>Detriment to fishermen</u>: fishermen provide an abundant amount of money to the state’s economy and all wildlife agencies. Many fishermen do not have boats to fish from, therefore they fish from the shore or from docks. Many of these fishermen take small children to the shore of our numerous lakes to teach them how to fish, and to introduce them to this sport. Any increase in wake (wave) height and repetitiveness of wakes will drastically reduce the success of fishing from a floating dock or the shore area. I normally always see individuals fishing from the launch area docks or on the shore area near the docks. The ‘NO WAKE’ zones help these individuals by reducing the “crashing waves” from engulfing them and their bobbers! A person who is unsuccessful at fishing will not continue to fish, regardless of age. The water area in these areas is always shallower, and therefore if there is more water agitation caused by more frequent/higher/stronger wakes (waves) then the fish will migrate from these areas.</p> <p>My hope is you will <u>NOT</u> remove a single ‘NO WAKE ZONE’ from any of our NC lakes. Thank-you.</p>
Agree	1 individual signified that they agreed with 10F .0323 Burke County

One public hearing was held on February 7, 2022.

EXHIBIT P-2

April 14, 2022



Final Adoption Proposed Amendments to 15A NCAC 10F No Wake Zone Rules

15A NCAC 10F .0312 Henderson County

This rule is proposed for repeal.

During the Periodic Review of water safety Rules in 2018, agency staff corresponded and met with the Lake Summit Homeowners Association and with Henderson County Emergency Services Director Jimmy Brissie about Lake Summit. The no-wake zone on Lake Summit is not enforceable because it is not properly marked, it covers more than half the lake, and it is described as a “seasonal” no-wake zone where markers may be placed and removed.

The Lake Summit Homeowners Association withdrew its support for maintaining a no-wake zone on the waters of that lake and withdrew the request for the county to pursue further rulemaking at two coves on the lake. An official from Henderson County stated that the Rule, which dates to 1976, is impractical, is not enforceable, and is not marked. The Henderson County Board of Commissioners has concurred and supports repeal of the Rule. There are not sufficient boater safety hazards to be mitigated and no history of boating fatalities that could have been prevented by a no-wake zone.

15A NCAC 10F .0312 Henderson County

15A NCAC 10F .0317 Stanly County

A no wake zone is proposed on a portion of Lake Tillery at Morrow Mountain State Park, within 50 yards of the shoreline to mitigate hazards to boater safety at the Boathouse, fishing pier, and boat launch. A formal application and letter were received from Morrow Mountain State Park requesting rulemaking. The Morrow Mountain State Park agreed to purchase and place buoys to mark the no-wake zone.

Additional technical amendments to the Rule are proposed to itemize all public and private Boating Access Areas in Stanly County on Badin Lake, Lake Tillery, and Tuckertown Reservoir, and to identify the existing Badin Swim Area. *15A NCAC 10F .0317 Stanly County*

15A NCAC 10F .0318 Warren County

This Rule is proposed for repeal to incorporate the amendments for the Warren County no-wake zones on Lake Gaston into 15A NCAC 10F .0336 Northampton and Warren counties.

15A NCAC 10F .0318 Warren County

15A NCAC 10F .0323 Burke County

A no-wake zone is proposed 50 yards northwest and southeast of the Mills Creek pedestrian bridge on Mills Creek at Lake James State Park on Lake James in Burke County to mitigate hazards to boater safety. An amendment to the Rule will codify the existing marked swim area at Paddy's Creek at Lake James State Park into the NCAC.

A formal application and letter were received from Lake James State Park requesting consideration of the no wake zone on Mills Creek. Lake James State Park agreed to purchase and place no-wake signage necessary to mark the no-wake zone.

15A NCAC 10F .0323 Burke County

15A NCAC 10F .0327 Montgomery County

Revisions to the Montgomery County Rule are proposed to remove the amendment for the no wake zone on Badin Lake at the cove west of Lakeshore Drive and east of Strand Drive, as it does not meet statutory criteria for a no-wake zone.

Additional technical amendments to the Rule itemize and describe boating access areas that are privately owned and owned or maintained by the WRC on Badin Lake, Lake Tillery, and Tuckertown Reservoir in Montgomery County.

15A NCAC 10F .0327 Montgomery County

15A NCAC 10F .0333 Mecklenburg and Gaston Counties

A no-wake zone is proposed in a portion of Brown's Cove on Lake Wylie in Mecklenburg County to mitigate hazards to boater safety.

The Commission received a formal application from the Lake Wylie Marine Commission requesting consideration of rulemaking for a no-wake zone on a portion of Brown's Cove on Lake Wylie where the channel narrows and makes a sharp bend near the back of the cove. Under its statutory authority the Lake Wylie Marine Commission will place and maintain the buoys to mark the no-wake zone.

15A NCAC 10F .0333 Mecklenburg and Gaston Counties

15A NCAC 10F .0336 Northampton and Warren Counties

The Commission requested that agency staff review and revise 15A NCAC 10F .0336 and to incorporate into this Rule some other amendments for Lake Gaston in Warren County that were in 15A NCAC 10F .0318.

Revisions to the Rule for Northampton and Warren Counties incorporate the amendments for Lake Gaston in Warren County that currently are codified in 15A NCAC 10F .0318, into this Rule. Technical changes remove the text in 15A NCAC 10F .0336(c) - Speed Limit Near Shore Facilities, as this language is confusing and unnecessary. Language is being removed in (e) - Swim Areas as a technical change. Proposed swim areas will be considered for rulemaking on a case-by-case basis.

15A NCAC 10F .0336 Northampton and Warren Counties

15A NCAC 10F .0354 Pitt County

A no-wake zone is proposed at Barber Lake in the City of Greenville to mitigate hazards to boater safety.

The Commission received a formal application and Resolution from the City of Greenville, requesting consideration of rulemaking for a no-wake zone shore to shore on Barber Lake at Wildwood Park, beginning north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W. The City of Greenville will purchase and place the buoys to mark the no-wake zone.

15A NCAC 10F .0354 Pitt County

15A NCAC 10F .0378 Halifax County

This new Rule for Halifax County includes a proposed no-wake 50 yards north and south of the abandoned railroad trestle at the location where Deep Creek meets Roanoke Rapids Lake, northwest of Windsong Drive in Roanoke Rapids.

Halifax County applied for rulemaking to mitigate hazards to boater safety. The location of the abandoned trestle is in a narrow channel between the creek and its entrance to the lake. Trestle supports in the water create a hazard to boaters. There are danger buoys in the water north of the railroad trestle.

This proposed rule names and includes addresses of Boating Access Areas that are privately owned or owned or maintained by the WRC, located on Roanoke Rapids Lake, the Roanoke River, and a portion of Lake Gaston in Halifax County. Names and locations of boating access areas statewide are being itemized in the Rules for clarity and information for the boating public.

15A NCAC 10F .0378 Halifax County

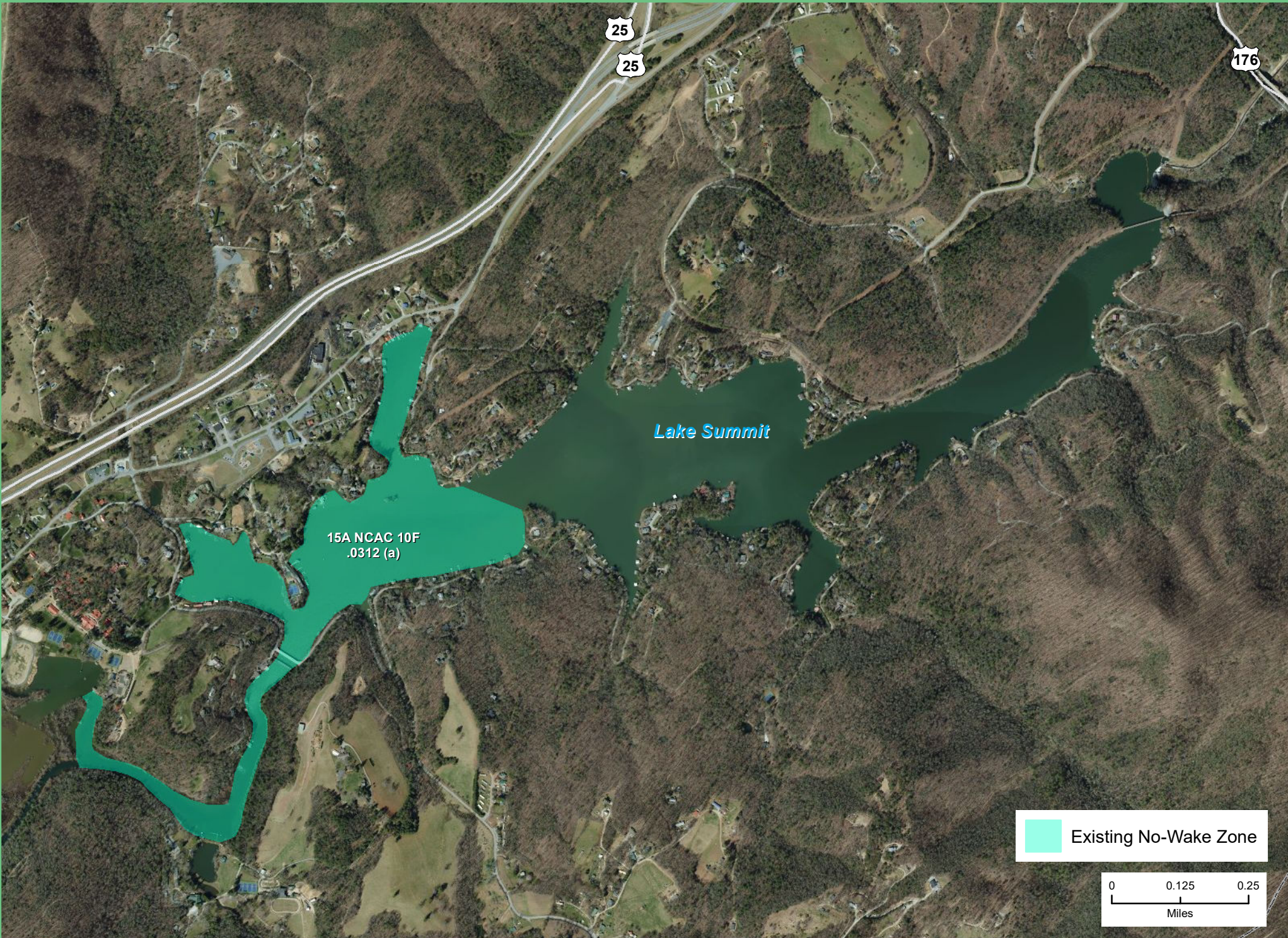
15A NCAC 10F .0312 HENDERSON COUNTY

~~(a) Regulated Area. The regulated area is that portion of Lake Summit which lies west and south of a straight line between Williams Shepherd Point and Zimmerman Point.~~

~~(b) Speed Restriction. It is unlawful to operate a vessel at a speed greater than no wake speed in the regulated area described in the preceding Paragraph; provided, that at least five regulatory markers warning of the speed zone are spaced substantially along the line between the two points described; provided, further, that this speed zone is effective only from June 1 through September 10 of each year, and the regulatory markers required are to be removed during the period in which the speed zone is not in effect.~~

~~(c) Placement, Maintenance and Removal of Markers. The Board of Commissioners of Henderson County is designated a suitable agency for placement, maintenance and removal of the markers implementing this Rule.~~

15A NCAC 10F .0312 (a) - Repeal of No Wake Zone
Summit Lake, Henderson County



15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters described as follows:

- (1) ~~Badin Lake, within 50 yards northeast and southwest of the section of railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly Montgomery County line.~~ Badin Lake.
 - (A) ~~within 50 yards northeast and southwest of the section of the railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line;~~ within 50 yards northeast and southwest of the section of the railroad trestle designed for vessel traffic, northwest of the Old Whitney Boating Access Area near the Stanly-Montgomery County line;
 - (B) ~~Old Whitney Boating Access Area on Old Whitney Road in New London; and~~
 - (C) ~~Badin Lake Boat Ramp, 293 NC Highway 740 in Badin.~~
- (2) Lake Tillery.
 - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W; ~~and~~
 - (B) ~~The~~ the waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in ~~Norwood;~~ Norwood;
 - (C) ~~the waters within 50 yards of the shoreline at Morrow Mountain State Park, from a point north of the Morrow Mountain Boathouse at a point at 35.38256 N, 80.06221 W, to a point south of the Morrow Mountain Boat Launch at 35.37919 N, 80.06114 W;~~
 - (D) Norwood Boating Access Area, 307-A Lakeshore Drive in Norwood; and
 - (E) Stony Mountain Boating Access Area, 22682-A Lake Tillery Road in Albemarle.
- (3) Tuckertown Reservoir, within 50 yards of the NC Highway 49 Boat Ramp at 36824 NC Highway 49 in New London.

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

~~(c)(b) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.~~ the waters of the Badin Swim Area.

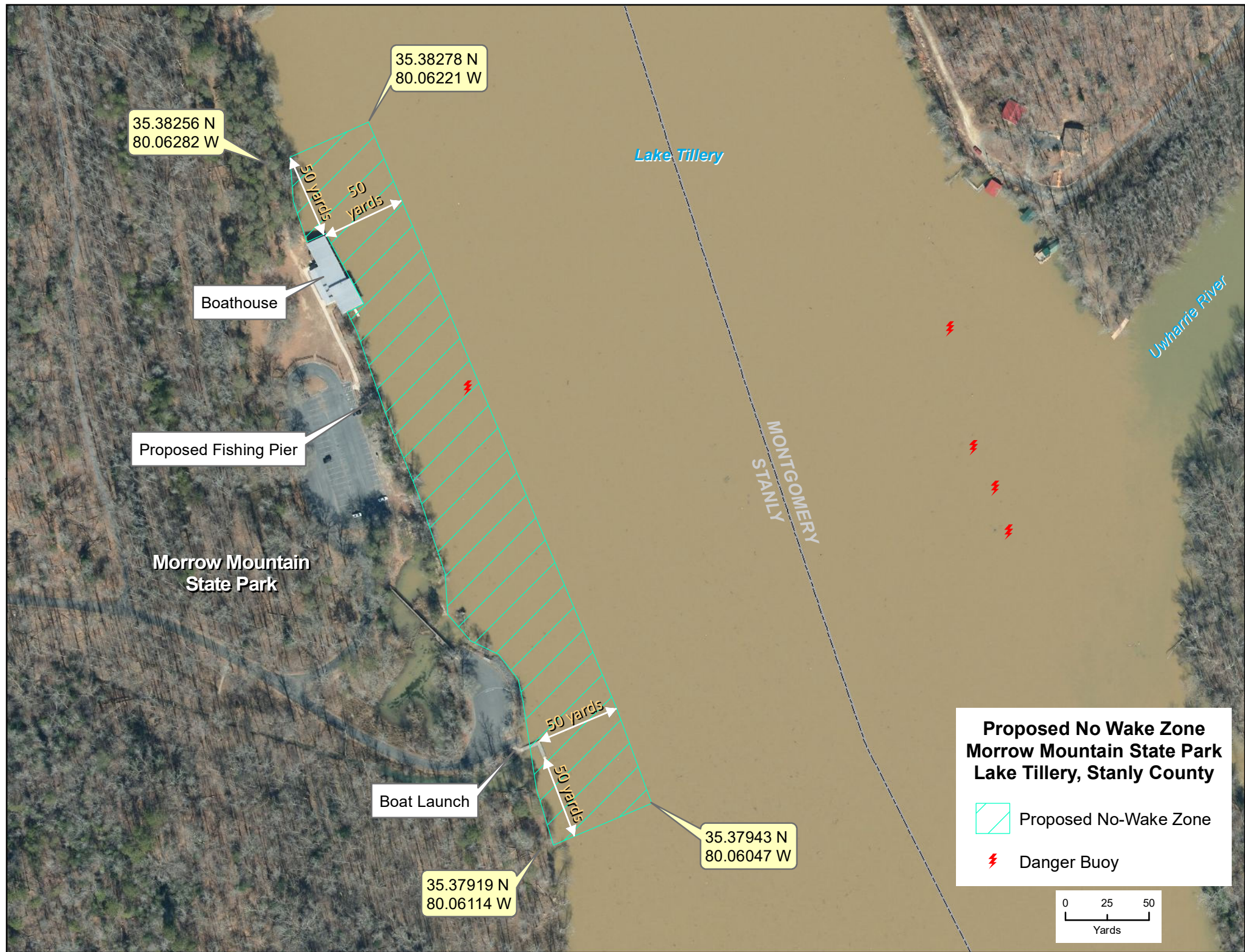
~~(d)(c) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule.~~

~~(e) Placement of Markers. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraph (a)(1) of this Rule. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Parts (a)(2)(A) and (B) of this Rule.~~

~~(e)(d) Placement of Markers.~~

(1) The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing Subparagraphs (a)(1)(A), (B), (C), (a)(2)(D), (E), and (a)(3) of this Rule.

- (2) The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing Subparagraphs (a)(2)(A), (B) and Paragraph (b) of this Rule.
- (3) Morrow Mountain State Park shall be the designated agency for placement of markers implementing Subparagraph (a)(2)(C) of this Rule.



35.38256 N
80.06282 W

35.38278 N
80.06221 W

Boathouse

Proposed Fishing Pier

Morrow Mountain
State Park

Boat Launch

35.37919 N
80.06114 W

35.37943 N
80.06047 W

Lake Tillery

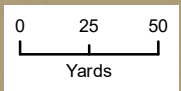
Uwharrie River

MONTGOMERY
STANLY

**Proposed No Wake Zone
Morrow Mountain State Park
Lake Tillery, Stanly County**

 Proposed No-Wake Zone

 Danger Buoy



15A NCAC 10F .0318 WARREN COUNTY

~~(a) Regulated Area. This Rule shall apply to that portion of Lake Gaston which lies within the boundaries of Warren County.~~

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

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

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

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

~~(1) — within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49534 N, 77.91508 W.~~

~~(2) — within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore at 36.49947 N, 78.00553 W.~~

~~(f) Placement of Markers. The Board of Commissioners of Warren County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies ~~only to the following waters or portions of waters~~ in Burke County:

- (1) ~~Lake Hickory;~~ Hickory.
- (2) ~~Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations;~~ Lake James at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) ~~The~~ the waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;
 - (F) ~~Eastern shore of Lake James at Mallard Cove;~~ Mallard Cove shore to shore, southwest of a point at 35.74437 N, 81.87053 W;
 - (G) ~~That~~ the portion of Lake James shore to shore, beginning 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;
 - (H) ~~The~~ the waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; ~~and~~
 - (I) ~~The~~ the waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 ~~W~~; W; and
 - (J) the waters of Mills Creek at Lake James State Park, shore to shore from a point 50 yards northwest of the Cove bridge at 35.76469 N, 81.87703 W to a point 50 yards southeast of the bridge at 35.76406 N, 81.87637 W.
- (3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within ~~50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.~~ the regulated areas described in Paragraph (a) of this rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

~~(d) Restricted Swimming Areas. Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.~~ person operating or responsible for the operation of a vessel shall permit it to enter the waters of Paddy's Creek Swim Area at Lake James State Park Road in Nebo.

~~(e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.~~

(e) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) the Board of Commissioners of Burke County, for the regulated areas designated in Subparagraphs (a)(2)(A) through (I) of this Rule; and
- (2) Lake James State Park for the regulated areas designated in Subparagraph (a)(2)(J) and paragraph (d) of this Rule.

15A NCAC 10F. 0323 - Proposed No Wake Zone
Pedestrian Cove Bridge, Lake James, Burke County



15A NCAC 10F. 0323 - Proposed No Wake Zone
Marked Swim Zone, Lake James, Burke County



15A NCAC 10F .0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

- (1) Badin Lake.
 - (A) ~~the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;~~
 - ~~(B)~~(A) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
 - ~~(C)~~(B) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W;
 - ~~(D)~~(C) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W; ~~and~~
 - ~~(E)~~(D) within 50 yards of the fueling station at the Old North State Marina at the entrance to a cove within the Uwharrie Point community. community;
 - (E) within 50 yards of the Circle Drive Boating Access Area, at 724 Shoreline Drive in New London;
 - (F) within 50 yards of Lakemont Boating Access Area, at 241 Lakemont Road in New London;
and
 - (G) within 50 yards of the Cove Boat Ramp at 400 Cove Road in New London.
- (2) Lake Tillery.
 - (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
 - (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W; ~~and~~
 - (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; ~~80.06437 W.~~
80.06437 W; and
 - (D) within 50 yards of Swift Island Boating Access Area at 4917 NC Highway 24/27 in Mount Gilead.

(3) Tuckertown Reservoir. Pee Dee River, within 50 yards of the Clarks Creek Boating Access Area at 177 Tillery Dam Road in Mount Gilead.

~~(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule~~

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

~~(d)(c) Badin Lake Swimming Area. No person operating or responsible for the operation of a vessel shall permit it to enter the marked swimming area on Badin Lake at the Pinehaven Village beach area at 370 Pinehaven Drive in New London, within 50 feet of the shoreline between points at 35.49927 N, 80.11428 W; and 35.49934 N, 80.11437 W.~~

~~(e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (D), (E), (2)(A) and (B), and Subparagraph (a)(3) of this Rule. The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule. The Board of Commissioners of Montgomery County shall be the designated agency for placement and maintenance of the ropes and markers implementing Paragraph (d) of this Rule.~~

(e) Placement of Markers. The following agencies shall be responsible for placement or placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers:

- (1) The Board of Commissioners of Montgomery County for placement of the markers implementing Subparagraphs (a)(1)(A), (B), (C), (D), and (a)(2)(A), and (B) of this Rule;
- (2) The North Carolina Wildlife Resources Commission placement and maintenance of the markers implementing Subparagraphs (a)(1)(E), (F), (a)(2)(C), (D), and (a)(4) of this Rule;
- (3) The Board of Commissioners of Montgomery County shall be the designated agency for placement and maintenance of the ropes and markers implementing Paragraph (c) of this Rule; and
- (4) The U.S. Forest Service for placement and maintenance of the markers implementing Subparagraph (a)(1)(G) of this Rule.

Montgomery Co Badin Lake Cove between Lakeshore and Strand Drive

Write a description for your map.

Legend

- 15A NCAC
- Feature 1
- line marking no wake zone

Untitled Placemark

35.49141 N, 80.09355 W

58 Strand Dr

Lakeshore Dr
1159

Sanford Ln



15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES

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

- (1) McDowell Park. The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County shore to shore, east of the mouth of the cove at a line from a point on the south shore at 35.10272 N, 81.03026 W to a point on the north shore at 35.10556 N, 80.02964 W;
- (2) Gaston County Wildlife Club Cove. The waters of the cove west of the Gaston County Wildlife Club on South Point Road in Belmont, north of a line at the mouth of the cove from a point on the east shore at 35.15628 N, 81.01427 W to a point on the west shore at 35.15628 N, 81.01615 W;
- (3) Buster Boyd Bridge. The waters from a point 250 feet east of the Buster Boyd Bridge on N.C. Highway 49 in Mecklenburg County at 35.10293 N, 81.03932 W, to a point 150 feet west of the Buster Boyd Bridge at 35.10242 N, 81.04089 W;
- (4) N.C. Highway 27 bridge. The waters shore to shore, from a point 50 yards north of the N.C. Highway 27 bridge in Mecklenburg and Gaston counties at 35.29849 N, 81.00346 W to a point 190 yards south of the N.C. Highway 27 bridge at 35.29635 N, 81.00424 W;
- (5) Brown's Cove. The area beginning at the mouth of Brown's Cove in Mecklenburg County shore to shore, at a point at 35.16453 N, 81.00474 W, west to a point at 35.16480 N, 81.00309 W;
- (6) Paradise Point Cove. The waters of Paradise Point Cove in Gaston County between Paradise Circle and Lake Front Drive, west of a line from a point on the south shore at 35.18853 N, 81.04036 W to a point on the north shore at 35.18991 N, 81.04136 W;
- (7) Withers Cove. The waters from a point 50 feet southeast of the Withers Bridge on SR 1116, otherwise known as Shopton Road W. in Mecklenburg County at 35.14576 N, 81.00187 W, to a point 50 feet northwest of the bridge at 35.14599 N, 81.00222 W;
- (8) Sadler Island. The waters shore to shore beginning at a line from a point on the west shore of Lake Wylie in Gaston County at 35.27481 N, 81.0138 W east to a point on the east shore of the Lake in Mecklenburg County at 35.27423 N, 81.01111 W, extending south on the Lake west of Sadler Island to a line from a point on the west shore of the Lake in Gaston County at 35.27079 N, 81.01525 W, east to a point on the west side of Sadler Island in Mecklenburg County at 35.27051 N, 81.01396 W, and the waters shore to shore east of Sadler Island in Mecklenburg County from a point at 35.27441 N, 81.01185 W, south-southwest to a line from a point on the south shore of Sadler Island at 35.26635 N, 81.01432 W, south to a point on the Lake shore at 35.26494 N, 81.01368 W;
- (9) Other bridges. The areas within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph; and
- (10) Yachtsman on Lake Wylie Community. The waters within 50 yards of the community piers near the terminus of Waterside Drive in Mecklenburg County, and northward to include the waters east of the island that is west of Point Lookout Road, ending at a line from a point on the northern end of

the island at 35.12226 N, 81.03306 W, east to a point on the shore at 35.12253 N, ~~81.03190 W~~.
81.03190 W; and

- (11) Brown's Cove. The waters of Brown's Cove beginning at a line from a point on the east shore at 35.16892 N, 80.99702 W to a point on the west shore at 35.16948 N, 80.99783 W, northeast to a line from a point on the south shore at 35.16913 N, 80.99556 W to a point on the north shore at 35.17043 N, 80.99684 W.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat-launching ramp, dock, pier, marina, boat storage structure, or boat service area.




(c) Speed Limit Near Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked mooring area or marked swimming area.

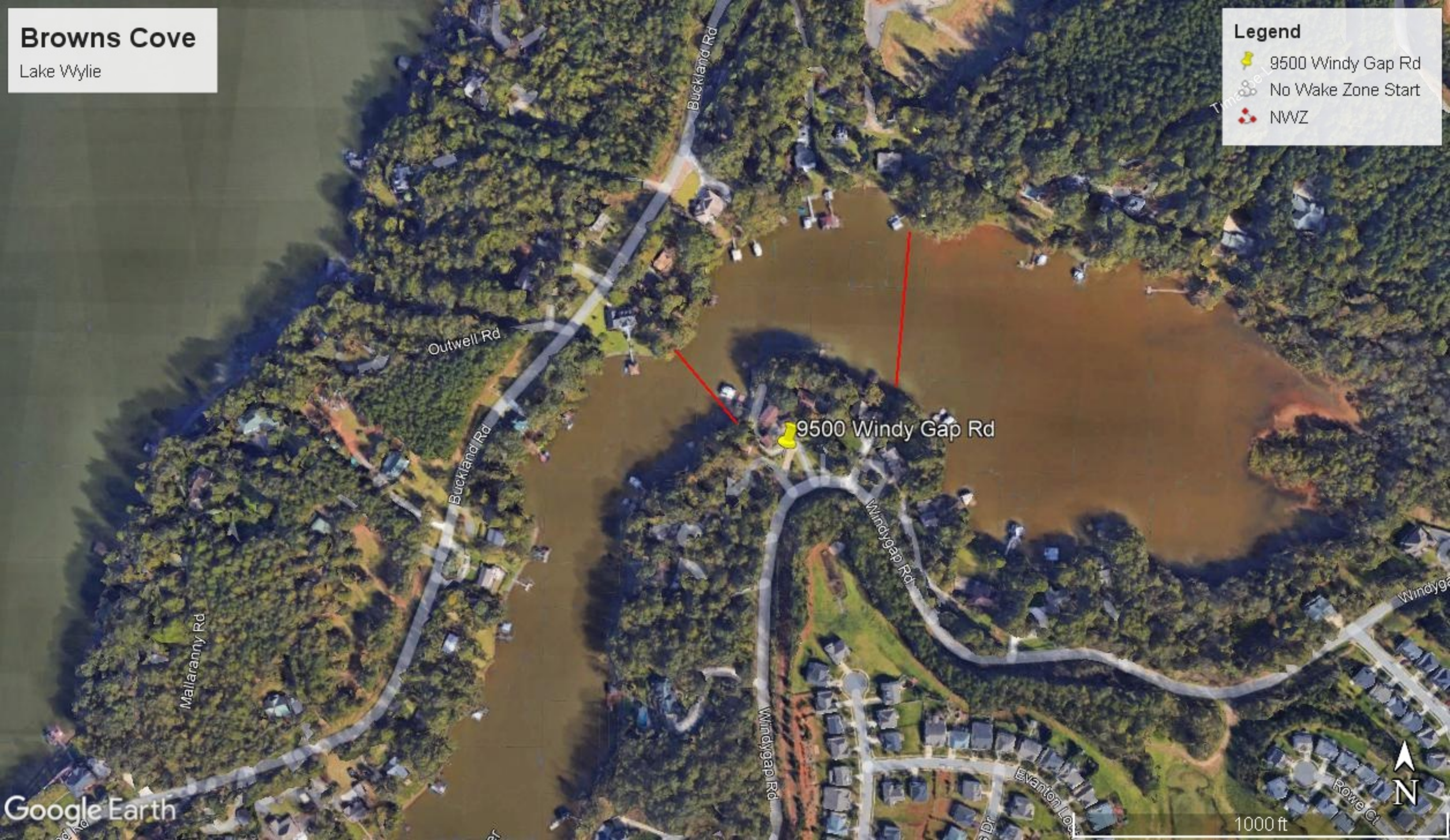
(d) Placement and Maintenance of Markers. The Lake Wylie Marine Commission shall be the designated agency for placement and maintenance of markers implementing this Rule.

Browns Cove

Lake Wylie

Legend

-  9500 Windy Gap Rd
-  No Wake Zone Start
-  NWZ



9500 Windy Gap Rd

Outwell Rd

Buckland Rd

Buckland Rd

Mallaranny Rd

Windygap Rd

Windygap Rd

Evanton Ln

Windygap Rd

Rowe Ct



15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES

~~(a) Regulated Area. This Rule shall apply to the waters of Lake Gaston in Northampton and Warren counties. No person shall operate a vessel at greater than no-wake speed in the following waters of Lake Gaston and the Roanoke River in Northampton and Warren counties.~~

(1) Lake Gaston:

- (A) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
- (B) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W;
- (C) within 50 yards of the Henrico Boating Access Area in Northampton County, 142 Wildlife Landing Road, Henrico, N.C.;
- (D) within 50 yards of the Vulture Boating Access Area in Northampton County, 773 Old Gaston Road, Gaston, N.C.;
- (E) within 50 yards east and west of the N.C. Highway 903 Eaton Ferry Road Bridge in Warren County;
- (F) within 50 yards of the Hawtree Creek Boating Access Area in Warren County, 1200 Peete Farm Road, Warrenton, N.C.;
- (G) within 50 yards of the Salmons Landing Boating Access area in Warren County, 129 Salmon Landing Road, Littleton, N.C.;
- (H) within 50 yards of the Wildwood Point boat ramp in Warren County, 184 N. Oak Drive, Littleton, N.C.;
- (I) within 50 yards of the Lizard Creek boat ramp in Warren County, 417 Lizard Creek Road, Littleton, N.C.;
- (J) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W; and
- (K) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W;
- (L) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W;
- (M) within 50 yards of the Waters View Restaurant adjacent to the northwest end of the N.C. Highway 903 bridge in Warren County;
- (N) the cove west of the Pointe at Lake Gaston at the southwest end of the N.C. Highway 903 bridge in Warren County, south of a point at 36.50937 N, 77.96644 W;

(O) Camp Willow Run Canoe and Sail Cove in Warren County, beginning at a line shore to shore from a point on the southwest shore at 36.49355 N, 77.91795 W, to a point on the north shore at 36.49534 N, 77.91508 W; and

(P) the cove on Hubquarter Creek in Warren County, shore to shore beginning at a line from a point on the northeast shore at 36.50030 N, 78.00474 W to a point on the southwest shore at 36.49947 N, 78.00553 W.

(2) Roanoke River. No person shall operate a vessel at greater than no-wake speed in Roanoke River in Northampton County within 50 yards of the Gaston Boating Access Area, 601 Roanoke Rapids Road, Gaston, N.C.

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

~~(c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.~~

~~(d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of water:~~

~~(1) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;~~

~~(2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.48789 N, 77.95009 W;~~

~~(3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W;~~

~~(4) Sixpound Creek in Warren County within 50 yards of the culvert under SR 1704 otherwise known as Noearva Road at 36.52950 N, 78.07283 W;~~

~~(5) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, 77.91187 W; and~~

~~(6) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W.~~

~~(e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of Lake Gaston in Northampton and Warren counties.~~

~~(f)(c)~~ Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule shall apply to the waters described in this Paragraph:

- (1) the waters of Tar River, known as Hardee Creek, shore to shore, west of a line at its confluence with the main course of Tar River from a point on the north shore at 35.59878 N, 77.31168 W to a point on the south shore at 35.59813 N, 77.31157 W; ~~and~~
- (2) the portion of Tranters Creek east of a line from a point on the north shore at 35.56961 N, 77.09159 W to a point on the south shore at 35.56888 N, 77.09118 W and north of a line from a point on the east shore at 35.56714 N, 77.08941 W to a point on the west shore at 35.56689 N, ~~77.09029 W.~~ 77.09029 W; and
- (3) the waters of Barber Creek at Wildwood Park in the City of Greenville shore to shore, north of its confluence with Tar River at a point at 35.60719 N, 77.32890 W.

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

~~(c) Placement of Markers. The Board of Commissioners of Pitt County shall be the designated agency for placement and maintenance of markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.~~

(c) Placement of Markers. The following agencies shall be responsible for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers:

- (1) The Board of Commissioners of Pitt County for those waters listed in Subparagraphs (a)(1) and (a)(2); and
- (2) The City of Greenville for the waters listed in Subparagraph (a)(3).

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

Eff. May 1, 1988;


Amended Eff. May 1, 2014; September 1, 2010; July 1, 1995; April 1, 1992;

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

Amended Eff. June 1, 2022; October 1, 2018.

15A NCAC 10F. 0354 - Proposed No Wake Zone
Barber Creek, City of Greenville, Pitt County



 Proposed No-Wake Zone

0 200 400
Feet

15A NCAC 10F .0378 HALIFAX COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Halifax County:

(1) Roanoke Rapids Lake.

(A) within 50 yards north and south of the abandoned railroad trestle at the location where Deep Creek meets Roanoke Raids Lake in Roanoke Rapids, northwest of Windsong Drive;

(B) within 50 yards of the Thelma Boating Access Area, 1011 Van Warren Road, Roanoke Rapids; and

(C) within 50 yards of the Fifth Street Landing Boating Access Area, 1919 W. Fifth Street, Roanoke Rapids.

(2) Roanoke River.

(A) Within 50 yards of the Weldon Boating Access Area, 1090 Rockfish Lane, Weldon; and

(B) within 50 yards of the Edwards Ferry Boating Access Area, 89 U.S. Highway 258, Scotland Neck.




(3) Lake Gaston within 50 yards of Summit Boating Access Area at 432 Bluebird Lane, Littleton.

(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 North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

Requested No-Wake Zone 50 yards on either side of an abandoned trestle
Roanoke Rapids Lake - Deep Creek, Halifax County



-  Requested No Wake Zone
-  abandoned trestle
-  WRC-maintained Danger Buoy

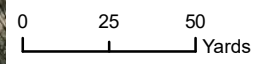


EXHIBIT Q-1

April 14, 2022



PERMANENT RULEMAKING REQUEST TO PUBLISH NOTICE OF TEXT 15A NCAC 10F .0310 – DARE COUNTY

Dare County submitted an official application and Resolution requesting that the WRC undertake rulemaking to extend the no-wake zone shore to shore in Mill Creek, to include a small area of Pamlico Sound between Big Island and the mainland at Avon. Staff contacted USACE Wilmington District as a courtesy to seek concurrence for these coastal waters. The Corps of Engineers has no objection to WRC's consideration of regulating the waters between Big Island and the mainland.

An assessment matrix was completed by Law Enforcement. (Attachment A) Enforcement noted multiple hazards to boating and water recreation safety, including very shallow depths except for the channel that is very close to the shore and multiple docks within the channel that extend from shoreline properties. There are obstructed sight lines for vessels leaving docks and exiting the creek and canals. The waters immediately south of Big Island are not navigable except by jet ski, with water less than one foot deep and shoals present. The area is heavily used for swimming, shelling, kite surfing and paddle boarding. Most of the recreationists who use the area are not local and are unfamiliar with navigational hazards caused by the shallow waters and shoals.

Because Dare County as the local unit of government agreed to purchase and place buoys to mark the no-wake zone if approved, a Fiscal Note was submitted to the Office of State Budget and Management.

Staff requests approval to publish Notice of Text in the *NC Register* and on the Agency website, with an open comment period and virtual public hearing for an amendment to 15A NCAC 10F .0310, to extend the no-wake zone in Avon to include Mill Creek and the waters of Pamlico Sound between Big Island and the Avon shoreline. Final adoption of this amendment may be considered by the Wildlife Resources Commission later this year.

15A NCAC 10F .0310 DARE COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters in Dare County:

- (1) Manteo. Doughs Creek off of Shallowbag Bay and all canals off of Shallowbag Bay.
- (2) Hatteras.
 - (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W; and
 - (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard Beacon Number One in the Hatteras Channel.
- (3) Mann's Harbor. Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W.
- (4) Nags Head.
 - (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound beginning at a point at 35.94192 N, 75.62571 W;
 - (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north from U.S. Highway 64-264.
- (5) Wanchese.
 - (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from Roanoke Sound at a point at 35.84006 N, 75.61726 W; and
 - (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end road SR 1141 otherwise known as Thicket Lump Drive, extending northwest roughly parallel to SR 1141, SR 1142 otherwise known as The Lane, and SR 1143 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway 345, and finally curving to the southwest roughly parallel to SR 1289 otherwise known as C B Daniels SR Road to its end.
- (6) Stumpy Point Canal shore to shore, beginning 50 yards west of the Wildlife Resources Commission boating access area.
- (7) Stumpy Point Basin off of Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- (8) Town of Southern Shores. canals and lagoons within the Town of Southern Shores north of U.S. Highway 158.
- (9) Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle Sound.
- (10) Kitty Hawk. the waters contained in the canals of Kitty Hawk Landing Subdivision.

- (11) Washington Baum Bridge. Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.
- (12) Kill Devil Hills. Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.
- (13) Avon. ~~Mill Creek beginning at its entrance at Pamlico Sound at a point at 35.36434 N, 75.50603 W.~~
The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826 W.
- (14) Jean Guite Creek. Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W.
- (15) Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301 W.

(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) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point where the canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and extending 300 feet west into Albemarle Sound.

(d) Placement of Markers. The following agencies shall be the designated agencies 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:

- (1) the Board of Commissioners of the Town of Manteo for the areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Dare County for the areas indicated in Subparagraphs (a)(2) through (a)(7), (a)(9) and (a)(11) through (a)(15) of this Rule;
- (3) the Board of Commissioners of the Town of Southern Shores for the areas indicated in Subparagraph (a)(8) of this Rule; and
- (4) the Board of Commissioners of the Town of Kitty Hawk for the area indicated in Subparagraph (a)(10) of this Rule.

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



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: Dare County
- Primary contact information: Robert Outten, Co Mgr/Attorney 252-475-5803
- Location of requested no-wake zone:
 - Body of water and County: Pamlico Sound Dare Co.
 - Location: North Avon water east of Big Island and cove north of existing NWZ _____
 - Popular name of area, if any: Big Island and North Avon _____
 - Width of No-Wake Zone: Narrowest Point: _____ Widest Point: _____
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)
 Obstructed views and blind corners at mouth of cove north of existing NWZ, shallow waters, multiple recreational uses east of Big Island. Users of the area are primarily renters with no knowledge of multiple safety hazards in the area.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact



NO-WAKE ZONE INVESTIGATION MATRIX

Provide detailed reason given from point of contact for the request

Full time resident reports shallow water between Big Island and North Avon, busy swim area, kayaking, beginning wind surfers, floating water toys; blind corner north of existing NWZ as well as at entrance of unregulated cove coming south. A deep channel near the shore of North Avon creates path for fast moving vessels to turn into existing NWZ but creates hazards for other recreationists. Requests assessment to extend the current NWZ to include waters between Big Island and North Avon, and the cove north of the current NWZ.

Because this is a coastal county in Federal waters, USACE Wilmington District was consulted and concurs with any rulemaking required there to mitigate hazards to boater and water recreation safety.

Full time resident is Sam Eggleston at 919-631-0086; 39160 South Albacore Lane, Avon, NC 27915

- Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e., Intracoastal Waterway?

YES

NO

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

FUELING DOCK OR FACILITY

Name of Facility: _____

PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA

NO-WAKE BUOYS

PUBLIC BOAT ACCESS

Name of Access Area: _____

PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) _____

Can obstructions be removed? YES NO

NARROW CHANNEL (give approximate width) Navigable channel <75' wide

SHALLOW WATER (give average depth) _____ Navigable Channel is 3'-5' deep with sudden depth change to <1' in adjacent waters.



NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) >100'

STRUCTURES: (Check all applicable)

DAM Name: _____

SPILLWAY Location: _____

FLOOD CONTROL STRUCTURE Location: _____

BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

TRESTLE Height above water: _____
Width between piers: _____

POWER LINE _____

LOCK Lock Number: _____

JETTY _____

SUBMERGED STRUCTURE Identify Structure: _____

▪ Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? YES NO

SANDBAR The majority of the proposed NWZ is less than 1' deep

SHOAL The area South of big island is not navigable due to shoaling

OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS Date(s): _____

CITATIONS ISSUED Violations: 75A-13.3(a1)(b1)(d), 75A-10(a)

VERIFIED COMPLAINTS List: PWC Operation in contrary to 75A-13.3(a1)(b1)(d), 75A-10(a)

=====

- Rate traffic density in this area **HEAVY**
- Is traffic density specific to weekend/and or holidays? YES NO
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES NO

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
There is currently an approved NWZ that encompasses the canal immediately South of S. Albacore lane.
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES Identify Violations: 75A-13.3(a1)(b1)(d), 75A-10(a)
 NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 6: NO-WAKE ZONE DIMENSIONS AND SCOPE

Evaluate the applicant’s proposed no-wake request based on criteria and complete Section 6. If investigated area does not meet criteria for a no-wake zone, move to section 7. If the area meets no-wake zone criteria but the proposed area exceeds the need to address the issues, recommend appropriately sized area and attach map with changes.

A. PROPOSED

- If approved, does no-wake zone extend into a designated channel?
 YES Distance extended into channel: _____
 NO

- Total distance travelled at no-wake speed (in feet): Approximately 400 yards (proposed)//770 to the back of existing NWZ

- Estimated travel time through propose area at no-wake speed: 12 minutes (proposed)//20 minutes from back of existing NWZ

- Width of proposed no-wake zone (in feet): Narrowest: 460' Widest: 800'

- Does proposed no-wake zone meet criteria for consideration?
 YES: Appropriately sized
 YES: Adjusted size recommended
 NO

- Description/Explanation of adjusted size

- Adjusted map attached



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 7: OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

- Does the proposed area meet the criteria to be recommended as a no-wake zone?

YES:

NO:

- Justification:

The proposed NWZ is needed to ensure the safety of the public in this area. The waters between "Big Island" and the homes to the East are less than 1' deep with the exception of the channel that is visible on Google Maps. The depth changes very quickly from 4'&5' in the channel to 1' in the adjacent waters. This channel is less than 75' wide and is very near to shore and the docks connected to the properties. Due to the boats operating near shore it creates multiple obstructed views for vessels leaving docks and exiting the canals. Additionally, the waters immediately South of "Big Island" are not navigable except by jet drive vessels as it is less than 1' deep (PWC's run aground here frequently). Next, this area is heavily used by Kite Surfers, Paddle Boarders, and families swimming/shelling in the shallow waters. There has been numerous complaints and citations issued for PWC operation at greater than no-wake speed near swimmers and manually propelled vessels. Though there has not been a reportable boating accident in this immediate area there has been numerous close calls and incidents that did not meet the statutory requirement for reporting. The majority of the users in this area are not local to the area and are unfamiliar with the navigational hazards caused by the shallow waters which has resulted in the grounding of numerous vessels. The only negative impact of the implementation of the proposed NWZ is the travel time from the back of the NWZ already in place. However, the time it would require a vessel traveling at no-wake speed would not exceed 20 minutes to traverse the entire area. For the reasons listed above and taking into account the only negative issue discussed, our patrol area would be in support of the proposed NWZ as it would increase the safety of the recreating public in this immediate area and would have little impact on local use of the waterway.

Officer: Robert Martine

Date: 5/20/2021


Sergeant: John Beardsley


Date: 5/26/2021

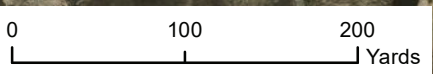
Requested No-Wake Zone Extension
Mill Creek/Pamlico Sound, Avon, Dare County

PAMLICO SOUND



 Requested No-Wake Zone

 Existing No-Wake Zone





A RESOLUTION REQUESTING RULEMAKING FOR THE EXTENSION OF A NO WAKE ZONE LOCATED ADJACENT TO MILL CREEK AND BIG ISLAND IN THE VILLAGE OF AVON

WHEREAS, the North Carolina Wildlife Resources Commission completed an assessment of the area and made a recommendation to expand the current No Wake Zone; and

WHEREAS, the North Carolina Wildlife Resources Commission found the proposed No Wake Zone is needed to ensure the safety of the recreating public in this area; and

WHEREAS, the North Carolina Wildlife Resources Commission will enforce the No Wake Zone once buoys are installed; and

WHEREAS, the Dare County Waterways Commission unanimously recommended the Board of Commissioners of Dare County submit an Application for Water Safety Rulemaking to expand the No Wake Zone in accordance with the attached map; and

WHEREAS, Dare County has given public notice of intention to apply for rulemaking on waters within the County's territorial jurisdiction.

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of Dare County, North Carolina hereby adopts the following resolution for the state to consider expanding the No Wake Zone area in accordance with the attached map.

This 3rd day of January, 2022.

A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board



SUNDAY, DECEMBER 19, 2021

THE COASTLAND TIMES



NOTICE is hereby given that the Dare County Board of Commissioners will consider a resolution requesting rulemaking for the extension of a No Wake Zone located adjacent to Mill Creek and Big Island in the Village of Avon on Monday, January 3, 2022 at 9:00 a.m., or as soon thereafter as practicable. This item was originally scheduled to be considered during the December 20, 2021 meeting, which was cancelled. The North Carolina Wildlife Resources Commission completed an assessment and found the proposed No Wake Zone extension is necessary to ensure the safety of the recreating public in the area. Public comments can be made at the beginning of the meeting, by submitting written comments by mail to Dare County Board of Commissioners at P.O. Box 1000 Manteo, NC 27954, or by email to DCBOC@darenc.com. For more information about the No Wake Zone extension application, please contact Dare County Grants & Waterways at (252) 475-5628.

12-19c



**Fiscal Note Review of
Proposed Wildlife Resources Commission No-Wake Zone Rule
15A NCAC 10F .0310 – Dare County**

Contact: Ashley Pekrul
Regulatory Analyst
(919) 707 – 0114
Ashley.pekrul@ncwildlife.org

Betsy Haywood
Water Safety Rules Coordinator
(919) 707-0013
betsy.haywood@ncwildlife.org

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

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

The proposed amendment to 15A NCAC 10F .0310 - Dare County (APPENDIX 1), will extend a no-wake zone in Mill Creek in Avon to the west and north to include the waters of the cove between North Albacore Lane and South Albacore Lane, a small canal, and the waters of Pamlico Sound south and east of Big Island.

Dare County applied for rulemaking to mitigate hazards to boater safety. The waters of Pamlico Sound west and north of Mill Creek are shallow with sandbars and shoals. There is a small navigable portion in this part of the sound near the shoreline at the mouth of Mill Creek, at the mouth of the cove, and mouth of the small canal north of the creek. There are obstructed views and blind corners at the mouth of the cove. Multiple recreational water activities take place in the one-foot-deep waters east of Big Island. Navigation hazards are in the shallow area with dangers to water recreationists who use the area for kite surfing, paddle boards, and swimming and shelling.

State Impact Analysis: The WRC is responsible maintenance of buoys once installed. It is anticipated that the total annual cost to maintain the markers will be no more than \$200.00 (assuming the chain and anchor are not needed) and only if a marker is destroyed and must be replaced.

Local Impact Analysis: Dare County is responsible for purchase and placement of markers to mark the no-wake zone shore to shore between the north end of Big Island and the Avon mainland, and to the south from a line south of Big Island to the mainland. Two technicians' time to place two buoys will be \$116.00 (4 hours x \$29¹/hr = \$116). Cost for two buoys to be purchased and installed will be \$600.00 (\$300/buoy x2=\$600), for a total cost by Dare County of \$716.00.

¹ Calculated using average salary and benefits of current technicians.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost because of this rule, but their behavior will be restricted in the waters in the regulated portion of Pamlico Sound and the cove and canal.

Substantial Economic Impact: There will be no substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0310 DARE COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters in Dare County:

- (1) Manteo. Doughs Creek off of Shallowbag Bay and all canals off of Shallowbag Bay.
- (2) Hatteras.
 - (A) the waters of Pamlico Sound otherwise known as Hatteras Harbor and Muddy Creek bounded on the north and south by the high-water mark, on the west by a straight line between channel markers number 20 and 17 at the entrance to Hatteras Harbor, and on the east by the mouth of Muddy Creek at Sandy Bay at a point at 35.22801 N, 75.68050 W; and
 - (B) Hatteras Ferry Terminal and United States Coast Guard basins ending at Coast Guard Beacon Number One in the Hatteras Channel.
- (3) Mann's Harbor. Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W.
- (4) Nags Head.
 - (A) the canals of Old Nags Head Cove where the canal entrance meets Roanoke Sound beginning at a point at 35.94192 N, 75.62571 W;
 - (B) the Roanoke Sound inlets at Pond Island on either side of W. Marina Drive extending north from U.S. Highway 64-264.
- (5) Wanchese.
 - (A) Wanchese Harbor otherwise known as Mill Landing Creek, beginning at its entrance from Roanoke Sound at a point at 35.84006 N, 75.61726 W; and
 - (B) the canal from its beginning where it connects with Roanoke Sound south of the dead-end road SR 1141 otherwise known as Thicket Lump Drive, extending northwest roughly parallel to SR 1141, SR 1142 otherwise known as The Lane, and SR 1143 otherwise known as Tink Tillet Road, then westward roughly parallel to N.C. Highway 345, and finally curving to the southwest roughly parallel to SR 1289 otherwise known as C B Daniels SR Road to its end.
- (6) Stumpy Point Canal shore to shore, beginning 50 yards west of the Wildlife Resources Commission boating access area.
- (7) Stumpy Point Basin off of Stumpy Point Bay, east of U.S. Highway 264 where it intersects Stumpy Point Bay at a point at 35.69591 N, 75.77264 W.
- (8) Town of Southern Shores. canals and lagoons within the Town of Southern Shores north of U.S. Highway 158.
- (9) Colington Harbour. The waters in the canals of Colington Harbour Subdivision on Albemarle Sound.
- (10) Kitty Hawk. the waters contained in the canals of Kitty Hawk Landing Subdivision.
- (11) Washington Baum Bridge. Roanoke Sound from marker 24B north of the bridge to marker 24A south of the bridge, and 50 yards east of the navigation span west to the shore as designated by the appropriate markers.
- (12) Kill Devil Hills. Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.
- (13) Avon. ~~Mill Creek beginning at its entrance at Pamlico Sound at a point at 35.36434 N, 75.50603 W.~~
The waters of Pamlico Sound shore to shore beginning at a line from a point on the east shore of Big Island at 35.36653 N, 75.50770 W westward to a point on the mainland at 35.36653 N, 75.50556 W, south to include the waters of the cove between North Albacore Lane and South Albacore Lane and the waters of Mill Creek, and ending east of a line from a point on the south shore of Big Island at 35.36500 N, 75.50820 W southward to a point on the mainland at 35.36358 N, 75.50826 W.
- (14) Jean Guite Creek. Jean Guite Creek from where it meets Kitty Hawk Bay at 36.04887 N, 75.72754 W, north to a line from a point on the east shore in Southern Shores at 36.10460 N, 75.74192 W to a point on the west shore in Martin's Point Subdivision at 36.10452 N, 75.73948 W.
- (15) Frisco. The waters of the marina canal and boat basin at Palmetto Shores Subdivision, shore to shore beginning at the canal's entrance at Pamlico Sound at a point at 35.25427 N, 75.60301 W.

(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) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard, water skis, or jet skis shall permit it to enter the marked swimming area at Colington Island on the west shore, from a point where the

canal enters the harbor at 36.01797 N, 75.72681 W, north 600 feet to a point at 36.01964 N, 75.72683 W and extending 300 feet west into Albemarle Sound.

(d) Placement of Markers. The following agencies shall be the designated agencies 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:

- (1) the Board of Commissioners of the Town of Manteo for the areas indicated in Subparagraph (a)(1) of this Rule;
- (2) the Board of Commissioners of Dare County for the areas indicated in Subparagraphs (a)(2) through (a)(7), (a)(9) and (a)(11) through (a)(15) of this Rule;
- (3) the Board of Commissioners of the Town of Southern Shores for the areas indicated in Subparagraph (a)(8) of this Rule; and
- (4) the Board of Commissioners of the Town of Kitty Hawk for the area indicated in Subparagraph (a)(10) of this Rule.

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

EXHIBIT R

April 14, 2022



Proposed Temporary Rules 15A NCAC 10B .0500 Chronic Wasting Disease Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

The rules in this Section are necessary to regulate activities that aid in the transmission of chronic wasting disease (CWD), to assist with detection and isolation of the disease. Requirements will apply to areas surrounding the CWD detection to reduce movement and infection opportunities.

15A NCAC 10B .0501

Clarifies applicability of rules in the Section and defines CWD-related terms.

15A NCAC 10H .0501 Definitions and General Requirements (page 2)

15A NCAC 10B .0502

Identifies surveillance areas around the Index Location in Yadkin County.

15A NCAC 10B .0502 CWD Surveillance Areas Defined (page 3)

15A NCAC 10B .0503

Specifies activities prohibited in Surveillance Areas, including:

- Placement of bait and food;
- Exportation of cervids, cervid carcasses or carcass parts with exceptions; and
- White-tailed deer fawn rehabilitation and transportation.

15A NCAC 10B .0503 Surveillance Area (page 4)

15A NCAC 10B .0504

Specifies mandatory testing requirements and prohibition on transportation.

15A NCAC 10B .0504 Primary Surveillance Area (page 5)

15A NCAC 10B .0505

Specifies mandatory testing requirements and transportation restrictions.

15A NCAC 10B .0505 Secondary Surveillance Area (page 6)

1 **15A NCAC 10B .0501 DEFINITIONS AND GENERAL REQUIREMENTS**

2
3 (a) The rules in this Section apply to any area of the State where Chronic Wasting Disease (CWD) has
4 been detected, as determined by the Commission.

5 (b) The following definitions shall apply to rules in this Section:

6 (1) “Cervid” means all animals in the Family Cervidae not otherwise regulated by the NC
7 Department of Agriculture and Consumer Services.

8 (2) “Cervid Health Cooperator” means an individual authorized to collect CWD samples on
9 behalf of the Commission.

10 (3) “Chronic Wasting Disease” or “CWD” means the transmissible spongiform
11 encephalopathy prion disease affecting species within the deer (Cervidae) Family.

12 (4) “CWD Management Area” means the area delineated by the Commission where CWD
13 has been determined to be endemic and the rules of this Section apply.

14 (5) “Index location” means the approximate location where a new CWD detection has been
15 identified.

16 (6) “Primary Surveillance Area” or “PSA” means an area within an approximate five-mile
17 radius around an index location as delineated by the Commission for CWD surveillance.

18 (7) “Sample” means tissue from a cervid suitable for CWD testing.

19 (8) “Secondary Surveillance Area” or “SSA” means an area within an approximate five- to
20 30-mile radius around an index location delineated by the Commission for CWD
21 surveillance.

22 (9) “Surveillance Area” means the PSA and SSA collectively.

23
24 *History Note: Authority G.S. 113-134; 113-306*

1 **15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED**

2
3 The following Surveillance Area is established around the Yadkin County index location:

4 (1) Surry County East of US 601, South of NC 268 and West of Quaker Church Road and
5 the Ararat River; and Yadkin County East of US 601, North of NC 67, West of Shoals
6 Road to the intersection with Shady Grove Church Road and West of Fairground Road
7 are delineated as the PSA.

8 (2) Surry County, Yadkin County, Davie County, Forsyth County, Stokes County, Alleghany
9 County East of US 21 and NC 18, Wilkes County East of NC 18 and NC 115, and Iredell
10 County East of NC 115 and North of I 40 are delineated as the SSA.

11
12 *History Note: Authority G.S. 113-134; 113-306*

1 **15A NCAC 10B .0503 SURVEILLANCE AREA**

2
3 (a) Placement of bait, food, food product, mineral, or salt licks to purposefully congregate wildlife shall
4 be prohibited from January 2 through August 31 each year inside the Surveillance Area, except that bird
5 feeders and other activities specifically permitted by the Commission shall be allowed. Placement of bait,
6 food, or food products for the purpose of hunting during the urban archery season shall be allowed within
7 the established season in participating municipalities.

8 (b) It is unlawful to export a live cervid, cervid carcass or carcass parts originating from inside a
9 Surveillance Area except:

10 (1) meat that has been boned out such that no pieces or fragments of bone remain;

11 (2) caped hides with no part of the skull or spinal column attached;

12 (3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;

13 (4) cleaned lower jawbones with teeth or cleaned teeth;

14 (5) finished taxidermy products and tanned hides; and

15 (6) carcass or carcass parts permitted by the Commission for disposal outside of the
16 Surveillance Area.

17 (c) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

18 (d) White-tailed deer fawns originating from within the Surveillance Area shall not be transported outside
19 the Surveillance area.

20
21 History Note: Authority G.S. 113-134; 113-306

1 **15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREA**

2

3 (a) Any hunter who harvests a cervid in the PSA during the blackpowder or all lawful weapons season
4 shall submit a sample to the Commission for CWD testing.

5 (b) No cervid carcass or carcass part originating from inside a PSA shall be transported outside the PSA
6 unless double bagged and taken directly to a Cervid Health Cooperator in a county included in the PSA ,
7 or the carcass parts comply with Rule 10B .0503(b), or as permitted by the Commission.

8

9 *History Note: Authority G.S. 113-134; 113-306*

1 **15A NCAC 10B .0505 SECONDARY SURVEILLANCE AREA**

2
3 (a) Any hunter who harvests a cervid in the SSA during the blackpowder season and from opening day
4 through the second Sunday of all lawful weapons season shall submit a sample to the Commission for
5 CWD testing.

6 (b) Cervid carcass and carcass parts originating from inside an SSA may be transported to the PSA within
7 the same Surveillance Area.

8 (c) Except as provided in 10B .0503 (b), cervid carcasses or carcass parts shall not be transported outside
9 of the SSA without a permit from the Commission.

10
11 *History Note: Authority G.S. 113-134; 113-306*

12