



AGENDA
N.C. WILDLIFE RESOURCES COMMISSION
February 23, 2023, 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 Kelly Davis*

INVOCATION – *Commissioner John Stone*

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 DECEMBER 8, 2022 MEETING MINUTES – Take action on the December 8, 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. – *Charonda Lee, Budget Analyst (EXHIBIT B)*

COMMITTEE MEETING REPORTS

Habitat, Nongame, & Endangered Species Comm. Report – Feb. 22, 2023 – *Mark Craig, Chair*

Rules Committee Report – February 22, 2023 – *David Hoyle, Vice Chair*

Fisheries Committee Report – February 22, 2023 – *John Stone, Chair*

Big Game Committee Report – February 22, 2023 – *David Hoyle, Chair*

Committee of the Whole Report – February 22, 2023 – *Monty Crump, Chair*

AGENCY SPOTLIGHT – The NWT Super Fund: A Recipe for Success—Chris Kreh, *Wildlife Management Division Assistant Chief*

SPECIAL PRESENTATIONS

Check Presentation from NC State Chapter of the National Wild Turkey Federation – Receive a donation from the NC State Chapter of the National Wild Turkey Federation’s Super Fund Program for wildlife management and land acquisition projects across the state that benefit wild turkey habitat – *Tim Draughon, President, NC State Chapter of the National Wild Turkey Federation*

2022 National Wild Turkey Federation’s North Carolina Officer of the Year Award – Present the National Wild Turkey Federation’s North Carolina Officer of the Year Award to Senior Officer Hunter Perdue – *Tim Draughon*

BREAK FOR PHOTOGRAPHS

LAND ACQUISITION AND PROPERTY MATTERS

Other Property Matters – Consider staff recommendation for other property matters – *Ben Solomon, Assistant Chief and Land Acquisition Manager (EXHIBIT C)*

- Consider approval of the proposed lease amendment for the Weldon Boating Access Area **(EXHIBIT C)**

WATER SAFETY RULEMAKING

15A NCAC 10F .0310 Dare County – Consider application from Dare County 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 on behalf of the National Park Service, to establish a no-wake zone in the waters of Motts Creek in the area surrounding the Oregon Inlet Fishing Center and Boat Basin and Bodie Island U. S. Coast Guard Station. Incorporate into the North Carolina Administrative Code the names and addresses of Boating Access Areas in Dare County – *Betsy Haywood, Water Safety Rules Coordinator (EXHIBIT D)*

15A NCAC 10F .0374 Cube Hydro Carolinas Safety and Restricted Zones – Consider request to publish Notice of Text in the NC Register, hold one public hearing, and open the public comment period for proposed amendments to 15A NCAC 10F .0374, to change the name from Cube Yadkin Generation to Cube Hydro Carolinas; to establish Safety Zones where vessel entry is prohibited; and Restricted Areas where US Coast Guard approved personal flotation devices shall be worn, where swimming is prohibited and discharge of a firearm is prohibited, at High Rock Hydroelectric Station on Yadkin River in Rowan and Davidson counties; Tuckertown Hydroelectric Station on Yadkin River in Stanly and Montgomery counties; Narrows Hydroelectric Station on Yadkin River in Stanly and Montgomery counties; and Falls Hydroelectric Station on Yadkin River in Stanly and Montgomery counties – *Betsy Haywood (EXHIBIT E)*

RULEMAKING

Permanent Rulemaking Adoption – 2023-2024 Wildlife Management Rules – Review public comments and consider request to adopt proposed changes to wildlife management rules – *Brad Howard, Wildlife Management Division Chief (EXHIBITS F-1, F-2)*

Permanent Rulemaking Notice of Text – 10B .0113 Big Game Harvest Reporting – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed amendments to Rule 10B .0113 for electronic reporting. Review and consider approval of fiscal note. – *Carrie Ruhlman, Rulemaking Coordinator (EXHIBITS G-1, G-2)*

Permanent Rulemaking Notice of Text – 10F Vessel Numbering – Consider request to publish Notice of Text with an open comment period and a public hearing for proposed amendments to 10F .0102, .0104, and .0109 to update vessel data collection and certificate of number requirements to comply with USCG regulations – *Carrie Ruhlman (EXHIBIT H)*

COMMENTS BY THE CHAIRMAN – *Chairman Crump*

COMMENTS BY THE EXECUTIVE DIRECTOR – *Executive Director Ingram*

ADJOURN

EXHIBIT A



MINUTES December 8, 2022 N.C. Wildlife Resources Commission Meeting Raleigh, North Carolina

Chairman Monty Crump called the December 8, 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 Steve Windham led the Pledge of Allegiance.

Commissioner Tom Berry gave the invocation.

ROLL CALL

Margo Minkler, *Commission Liaison*, called the roll. David Hoyle, JC Cole, John Stone, Hayden Rogers, and Mike Alford were absent.

COMMISSIONER ATTENDANCE

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

MANDATORY ETHICS INQUIRY

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

RECEIVE STATE ETHICS COMMISSION REVIEWS OF 2022 STATEMENT OF ECONOMIC INTEREST FOR COMMISSIONERS MONTY R. CRUMP, THOMAS L. FONVILLE, KELLY N. DAVIS, STEPHEN L. WINDHAM, MARK R. CRAIG, LANDON ZIMMER, JAMES M. RUFFIN – Pursuant to NCGS §138A-15(c), Margo Minkler, Ethics Liaison, read into the minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2022 Statement of Economic Interest for Commissioners Monty R. Crump, Thomas L. Fonville, Kelly N. Davis, Stephen L. Windham, Mark R. Craig, Landon G. Zimmer, James M. Ruffin.

MINUTES

On a motion by John Coley and second by Landon Zimmer, the Commission approved the Minutes of the following meetings:

OCTOBER 20, 2022 MEETING – the Wildlife Resources Commission Minutes of the October 20, 2022 meeting were approved as presented in **EXHIBIT A**.

NOVEMBER 3, 2022 MEETING – the Wildlife Resources Commission Minutes of the November 3, 2022 meeting were approved as presented in **EXHIBIT B**.

Exhibits A & B are incorporated into the official record of this meeting.

ADMINISTRATION

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

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

SPECIAL PRESENTATIONS

Lawrence G. Diedrick Small Game Award – Brad Howard, *Wildlife Management Division Chief*, presented the 2022 Lawrence G. Diedrick Small Game Awards to Wake County Wildlife Club and Kathryn Booher.

COMMITTEE MEETING REPORTS

Habitat, Nongame, Endangered Species Committee Report – December 7, 2022 – *Mark Craig Chair*, reported the Committee met on December 7, 2022. Dr. Sara Schweitzer, *Wildlife Management Division Assistant Chief*, provided an overview of Species Conservation Plan process and presented the Conservation Plan for the Bog Turtle. The Committee approved posting the plan on the Commission website for a 30-day public comment period. Once staff receive comments and make any necessary changes, the plan will be brought back to the HNGES Committee for approval and consideration by the entire Commission. Gabriella Graeter, *Wildlife Biologist*, presented an informative overview of conservation and research projects underway for the Bog

Turtle in North Carolina. Commission biologists and partners, including private landowners, are working hard to enhance and restore habitat, protect nests, create safe road underpasses, and take other conservation actions to mitigate the many threats this smallest turtle in North Carolina faces. Rachael Hoch, *Inland Fisheries Division Assistant Chief*, provided an update on the Commission's Programmatic Safe Harbor Agreement and Candidate Conservation Agreement with Assurances. This landmark agreement was officially executed on November 24, 2022. Ms. Hoch presented an approval process for stocking fish, freshwater mussels, crayfish, and snails into North Carolina waters.

Motion from the Habitat, Nongame and Endangered Species Committee – Approval Process for Stocking Fish, Freshwater Mussels, Crayfish, and Snails into North Carolina Waters – On a motion by Mark Craig and second by Landon Zimmer, the Commission approved the proposed Approval Process for Stocking Fish, Freshwater Mussels, Crayfish, and Snails into North Carolina Waters. (EXHIBIT U)

Boating Safety Committee Report – December 7, 2022 – *John Coley, Chair*, reported The Boating Safety Committee met on December 7, 2022. Betsy Haywood, No Wake Zone Coordinator, reviewed eleven water safety rulemaking exhibits. She presented public comments and requests for final adoptions of six Rules. The Committee endorses final adoption of Rule amendments for New Hanover County, Wilkes County, Northampton and Warren counties, Pamlico County, Montgomery County, and a technical correction to 15A NCAC 10F .0301 General Provisions, to be considered later in today's meeting. Betsy also presented five requests for Notices of Text for permanent rulemaking to be submitted to the Office of Administrative Hearings to begin rulemaking; and reviewed one Fiscal Note. The Committee endorses Notice of Text for Clay County, Mecklenburg and Gaston counties, City of Roxboro, and Perquimans County as presented and endorsed consideration of Humphrey's Ridge Marina and Grill only for Forsyth, Rockingham, and Stokes counties. Additionally, the Committee endorses the fiscal note for Perquimans County.

Education and Communication Committee Report – December 7, 2022 – *Kelly Davis, Chair*, reported the Education and Communication Committee met on Wednesday, December 7, 2022. Staff presented the Wildlife Education Division's Action Plan – the culmination of the 18-month long division examination and reformation that this committee tasked the division within April 2021. Several WRC divisions were involved in the development of the Action Plan. It is being implemented in conjunction with the agency's R3 Plan and will be the guiding document for the preparation of individual division plans such as the Fishing Education and Hunter Education plans. All of these documents do or will set clear, measurable R3 and Relevancy goals and objectives - evaluation will be integral in program planning so that the agency can deliver the best service to the public and resources it serves. The committee also received an update on the WRC hunter education program. We reviewed the impressive new hunter ed manual which includes NC-specific information about hunter ethics, the Landowner Protection Act, trespass, the history of hunting with dogs, and CWD protocols and regulations. We discussed the status of in-person and online classes as well as the ongoing opportunities for teaching hunter education in schools.

Land Acquisitions and Property Committee Report – December 7, 2022 – *Tom Berry, Chair*, reported the Land Acquisition and Property Committee met on December 7, 2022. The Committee reviewed and endorsed two Phase I and five Phase II land acquisition projects. Cumulatively, the Committee reviewed just over 5,000 acres of land acquisition projects that will hopefully result in

conservation ownership. The Committee also reviewed and approved 4 other property matters, including the Denton Trade Concept, the Mattamuskeet Lodge Lease, and two DOT easement requests.

Rules Committee Report – December 7, 2022 – *Wes Seegars, Chair*, reported the Rules Committee met December 7, 2022, and received an update on proposed out of cycle rules for next year. Several rule changes are needed for the new 3rd party license system, including terminology updates to several vessel rules and the addition of electronic reporting options to the big game harvest reporting rule. Updates to special concern species and hunter education rules as part of the periodic review are scheduled for next year, and permanent rules to replace the temporary CWD rules will be introduced to the Commission for action after the season closes. Staff are currently working on CWD rule revisions and a fiscal note with OSBM. Finally, as a reminder, the Commission currently has 50 rules subject to legislative review in the long session.

Committee of the Whole Report – December 7, 2022 – *Monty Crump, Chair*, reported the Committee of the Whole met December 7, 2022. Ashley Pekar, *Regulatory Analyst*, presented permanent rulemaking Notice of Text for Gull Rock Game Land and Rulemaking Adoption for Endangered, Threatened, and Special Concern Species and Prohibited Taking and Manner of Take. Next, Director Ingram reviewed the 2023-2024 Annual Cycle Public Hearing schedule and the 2023 Commission Meeting Schedule. Director Ingram then recognized Sergeant Brandon Lyon as the 2022 Southeastern Association of Fish and Wildlife Agencies' Wildlife Officer of the Year. Finally, Director Ingram congratulated Missy McGaw on her impactful career as the staff photographer for Wildlife in North Carolina magazine and presented her with a signed Duane Raver print in celebration of her retirement. Lastly, the Committee received a very informative update on Striped Bass including the 2023 Roanoke River harvest season and supplemental stocking and the Amendment 2 to the Estuarine Striped Bass Fishery Management Plan. This plan is meant to be a joint between the WRC and the MFC. However, there was never any attempt to discuss the WRC's concerns. As a result, the Committee unanimously voted to not approve Amendment 2 to the Estuarine Striped Bass Fishery Management Plan that was approved by the Marine Fisheries Committee on November 17, 2022 and send a letter explaining that decision to the MFC chairman.

AGENCY SPOTLIGHT

Our Conservation Legacy – *Dr. David Cobb, Research Director*, gave a 75th anniversary spotlight titled Our Conservation Legacy. The presentation focused on the Commission's legacy, past, present, and future with a particular emphasis on the Wildlife Action Plan and broad conservation missions.

LAND ACQUISITION AND PROPERTY MATTERS

Phase II Land Acquisition – With Chairman Monty Crump and Commissioner Landon Zimmer recused and on a motion by Tom Berry and second by Brad Stanback, the Commission approved the acquisition of the following properties presented by *Ben Solomon, Assistant Chief and Land Acquisition Manager* (**EXHIBITS D-1, D-2, D-3, D-4, D-5, D-6**)

- Corbett Tract – Pender County (**EXHIBIT D-1**)
- Looking Glass Run Tract – Halifax Counties (**EXHIBIT D-2**)
- Panther Branch Tract – Montgomery County (**EXHIBIT D-3**)
- Sanford Depot – Lee County (**EXHIBIT D-4**)
- Grimesland DOT Site – Pitt County (**EXHIBIT D-5**)

EXHIBITS D-1, D-2, D-3, D-4, D-5, D-6 are incorporated into the official record of this meeting.

Other Property Matters – On a motion by John Alexander and second by Jim Ruffin, the Commission approved staff recommendations for other property matters presented in (**EXHIBIT E-1**) by *Ben Solomon*

- Trade Concept – Consider approval of a land trade associated with South Mountains Game Land, Linville River Game Land, and a private landowner (**EXHIBIT E-1**)

On a motion by Kelly Davis and second by Jim Ruffin, the Commission approved staff recommendations for other property matters presented in (**EXHIBIT E-2**) by *Ben Solomon*

- Lease Request – Consider a request for long term lease of the Mattamuskeet Lodge in Hyde County (**EXHIBIT E-2**)

With Commissioner Landon Zimmer recused, and on a motion by Ray Clifton and second by Jim Ruffin, the Commission approved the easement requests of the following presented in (**EXHIBITS E-3, E-4**) by Ben Solomon

- Request for Easements - NC DOT requests a Right of Way Acquisition, Permanent Utility Easement, and Temporary Construction Easement for addition of a median to the adjacent road in Montgomery County (**EXHIBIT E-3**)
- Request for Easements– NC DOT requests a Permanent Drainage Easement for replacement of an old bridge in Columbus County (**EXHIBIT E-4**)

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

WATER SAFETY RULEMAKING

On a motion by Steve Windham and second by John Alexander, the Commission approved the following water safety rules presented in **EXHIBITS F-2, G-2, H-2, I-2, J-2, K-2** by Betsy Haywood, Water Safety Rules Coordinator

Permanent Rulemaking Adoption – 15A NCAC 10F .0314 New Hanover County – The Commission reviewed public comments (**EXHIBIT F-1**) and adopted proposed amendment to

15A NCAC 10F .0314 to extend the no-wake zone in the navigation channel in a portion of Bradley Creek in Wilmington. **(EXHIBIT F-2)**

Permanent Rulemaking Adoption – 15A NCAC 10F .0361 Wilkes County – The Commission reviewed public comments **(EXHIBIT G-1)** and adopted proposed amendments to 15A NCAC 10F .0361 to extend no-wake zones at Dam Site Park and to incorporate the entire cove where Smithey’s Creek Boat Ramp and ADA Fishing Area and Fort Hamby BAA are located, to incorporate the Safety Zone adjacent to the dam, and to replace vague text language and itemize descriptions and locations of existing no-wake zones and marked swim areas. **(EXHIBIT G-2)**

Permanent Rulemaking Adoption – 15A NCAC 10F .0336 Northampton and Warren Counties – The Commission reviewed public comments **(EXHIBIT H-1)** and adopted a no-wake zone at the Stonehouse Timber Lodge Marina on Lake Gaston in Littleton; and the no-wake zone within 50 yards of the new Odom Boating Access Area on the Roanoke River in Jackson. **(EXHIBIT H-2)**

Permanent Rulemaking Adoption – 15A NCAC 10F .0326 Pamlico County – The Commission reviewed public comments **(EXHIBIT I-1)** and adopted proposed technical changes to 15A NCAC 10F .0326 to correct the descriptions and addresses of four Boating Access Areas in Pamlico County. **(EXHIBIT I-2)**

Permanent Rulemaking Adoption – 15A NCAC 10F .0327 Montgomery County – The Commission reviewed public comments **(EXHIBIT J-1)** and adopted technical correction to 15A NCAC 10F .0327 to add the address of the Old North State Marina on Badin Lake. **(EXHIBIT J-2)**

Permanent Rulemaking Adoption – 15A NCAC 10F .0301 General Provisions – The Commission reviewed public comments **(EXHIBIT K-1)** and adopted technical correction to 15A NCAC 10F .0301 to remove language that limits the size of a Safety Zone where vessel access is denied. **(EXHIBIT K-2)**

EXHIBITS F-1, F-2, G-1, G-2, H-1, H-2, I-1, I-2, J-1, J-2, are incorporated into the official record of this meeting.

On a motion by Wes Seegars and second by John Coley, the Commission approved the following water safety rules presented in **EXHIBITS L, M, N, O, P-1, P-2** by Betsy Haywood

Notice of Text – 15A NCAC 10F .0308 Clay County – The Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearing to extend the no-wake zone at the Ho Hum Campground boat ramp; to remove the no wake zone in McCracken Cove for lack of necessity; to incorporate a marked Swim Area at the Clay County Recreational Park; and to incorporate a Restricted Area denoting the existing Jack Rabbit swimming area and no-wake zone. **(EXHIBIT L)**

Notice of Text – 15A NCAC 10F .0316 Forsyth, Rockingham, and Stokes Counties – The Commission approved publishing Notice of Text in the *NC Register* with an open comment period

and public hearing to establish a no-wake zone at Humphrey's Ridge Marina and Grill on Belews Lake in Stokesdale. **(EXHIBIT M)**

Notice of Text – 15A NCAC 10F .0333 Lake Wylie Marine Commission, Mecklenburg County – The Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearing to establish a no-wake zone in the waters of Withers Cove on Lake Wylie, in the waters shore to shore in the vicinity of the Mecklenburg 4 Charlotte Fire and Police Department and Shopton Road West Bridge on Route 1116. **(EXHIBIT N)**

Notice of Text – 15A NCAC 10F .0379 City of Roxboro – The Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearing to establish a no-wake zone in a narrow channel, shore to shore in the open part of Lake Roxboro. **(EXHIBIT O)**

Notice of Text – 15A NCAC 10F .0355 Perquimans County, Town of Hertford, Perquimans River – The Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearing to extend the existing no-wake zone in the Perquimans River to 190 yards northeast of the Perquimans River Bridge, otherwise known as the Hertford S-Bridge, in the navigation channel and to the east and southward to the shoreline of the Town of Hertford and fiscal note for proposed rule. **(EXHIBITS P-1, P-2)**

EXHIBITS L, M, N, O, P-1, P-2, are incorporated into the official record of this meeting.

RULEMAKING

Notice of Text – 15A NCAC 10D .0232 Gull Rock Game Land in Hyde County – On a motion by Jim Ruffin and a second by John Coley, the Commission approved publishing Notice of Text in the *NC Register* with an open comment period and public hearing for 15A NCAC 10D .0232 Gull Rock Game Land in Hyde County presented in **(EXHIBIT Q)** by *Ashley Pekrul, Regulatory Analyst*

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

Permanent Rulemaking Adoption – 10I .0103 - .0105 Endangered, Threatened, and Special Concern Species – On a motion by Landon Zimmer and a second by Steve Windham, the Commission reviewed public comments **(EXHIBIT R-1)** and adopted 10I .0103-.0105 Endangered, Threatened, and Special Concern Species, to modify protected animal lists presented in **(EXHIBIT R-2)** by *Ashley Pekrul*

EXHIBITS R-1, R-2 are incorporated into the official record of this meeting.

Permanent Rulemaking Adoption – 15A NCAC 10B .0201 Prohibited Taking and Manner of Take – On a motion by John Alexander and a second by Steve Windham, the Commission reviewed **(EXHIBIT S-1)** public comments and readopted 15A NCAC 10B .0201 Prohibited Taking and Manner of Take to clarify the use of deer excretions presented in **(EXHIBIT S-2)** by *Ashley Pekrul*

EXHIBITS S-1, S-2 are incorporated into the official record of this meeting.

2023 Wildlife Resources Commission Meeting Schedule – On a motion by Ray Clifton and a second by Tom Berry, the Commission approved the proposed 2023 Wildlife Resources Commission meeting schedule presented in (**EXHIBIT T**) by *Cameron Ingram, Executive Director*

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

COMMENTS FROM THE CHAIRMAN – Chairman Crump reflected on the past year in celebration of the agency’s 75 anniversary and thanked staff for highlighting our conversation achievements.

COMMENTS FROM THE EXECUTIVE DIRECTOR – Executive Director Cameron Ingram shared with deepest sympathy the passing of former Executive Director Richard “Dick” Hamilton and offered condolences to his family. Next, he reflected on the past 75 years of conservation achievements and the importance of protecting our state’s wild places and preserving outdoors traditions. In closing, he praised staff for their presentations spotlighting the agency’s history during the celebration of 75th Anniversary.

ADJOURNMENT

There being no further business, the WRC webinar meeting was adjourned at 10:29 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 DEC 31, 2022

	FY 2023 General Fund	FY 2023 Capital Improvement Fund
REVENUES		
Federal funds	\$ 16,404,301.89	\$ 132,281.39
Local funds	\$ 1,554.06	\$ -
Investment earnings	\$ 94,090.36	\$ -
Sales and services	\$ 7,910,965.70	\$ -
Rental and lease of property	\$ 26,073.40	\$ -
Fees, licenses and fines	\$ 19,682,626.02	\$ -
Contributions, gifts and grants	\$ 1,181,830.55	\$ 4,467,069.30
Miscellaneous	\$ 7,928.00	\$ -
Unclassified/invalid accounts	\$ -	\$ -
Other Financing Sources - Sale of capital assets	\$ 167,837.88	\$ -
Other Financing Sources - Insurance recoveries	\$ 48,674.41	\$ -
Other Financing Sources - Transfers in	\$ 3,453,053.85	\$ 1,063,282.88
Other Financing Sources - Appropriations	\$ 8,797,707.00	\$ -
TOTAL REVENUES	\$ 57,776,643.12	\$ 5,662,633.57
EXPENDITURES		
Personal services	\$ 19,620,578.03	\$ -
Employee benefits	\$ 9,634,468.57	\$ -
Contracted personal services	\$ 5,739,377.88	\$ 127,779.55
Supplies and materials	\$ 4,553,627.55	\$ -
Travel	\$ 338,403.02	\$ -
Communication	\$ 588,068.05	\$ -
Utilities	\$ 380,409.26	\$ -
Data processing services	\$ 455,081.78	\$ -
Other services	\$ 2,560,257.53	\$ 15,721.04
Claims and benefits	\$ 758,304.77	\$ -
Other fixed charges	\$ 153,940.29	\$ 510.00
Capital outlay	\$ 4,159,725.02	\$ 5,398,582.05
Grants, state aid and subsidies	\$ 1,805,256.02	\$ -
Insurance and bonding	\$ 20,195.26	\$ -
Other expenditures	\$ 1,291,682.66	\$ -
Reimbursements	\$ (322,088.99)	\$ -
Unclassified/invalid accounts	\$ 104,821.18	\$ -
Other Financing (Uses) - Transfers out	\$ 4,837,147.88	\$ -
TOTAL EXPENDITURES	\$ 56,679,255.76	\$ 5,542,592.64
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ 1,097,387.36	\$ 120,040.93
FUND BALANCE - JULY 1, 2022	\$ 19,342,386.49	\$ 3,281,835.81
FUND BALANCE - DEC 31, 2022	\$ 20,439,773.85	\$ 3,401,876.74

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ENDOWMENT PORTFOLIO

Fund Balance*: Dec 2022 \$149,891,366.13

* 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	\$ 76,569,342.40		\$ 39,596,380.98	\$ 116,165,723.38
Magazine Subs Lifetime	\$ 1,573,477.50		\$ 884,315.11	\$ 2,457,792.61
Contributions	\$ 773,718.39		\$ 2,113,116.06	\$ 2,886,834.45
Diversity	\$ 62,167.29		\$ 2,698.40	\$ 64,865.69
Infant Lifetime Licenses	\$ 20,335,871.00	\$ 5,019,862.33		\$ 25,355,733.33
Youth Lifetime Licenses	\$ 2,856,174.00	\$ 196,736.67		\$ 3,052,910.67
Total	\$ 102,170,750.58	\$ 5,216,599.00	\$ 42,596,510.55	\$ 149,983,860.13

*** Include Deposit/s In Transit

EXHIBIT C

February 23, 2023



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

February 23, 2023

MEMORANDUM

TO: Daron Barnes, Division Chief
Land and Water Access

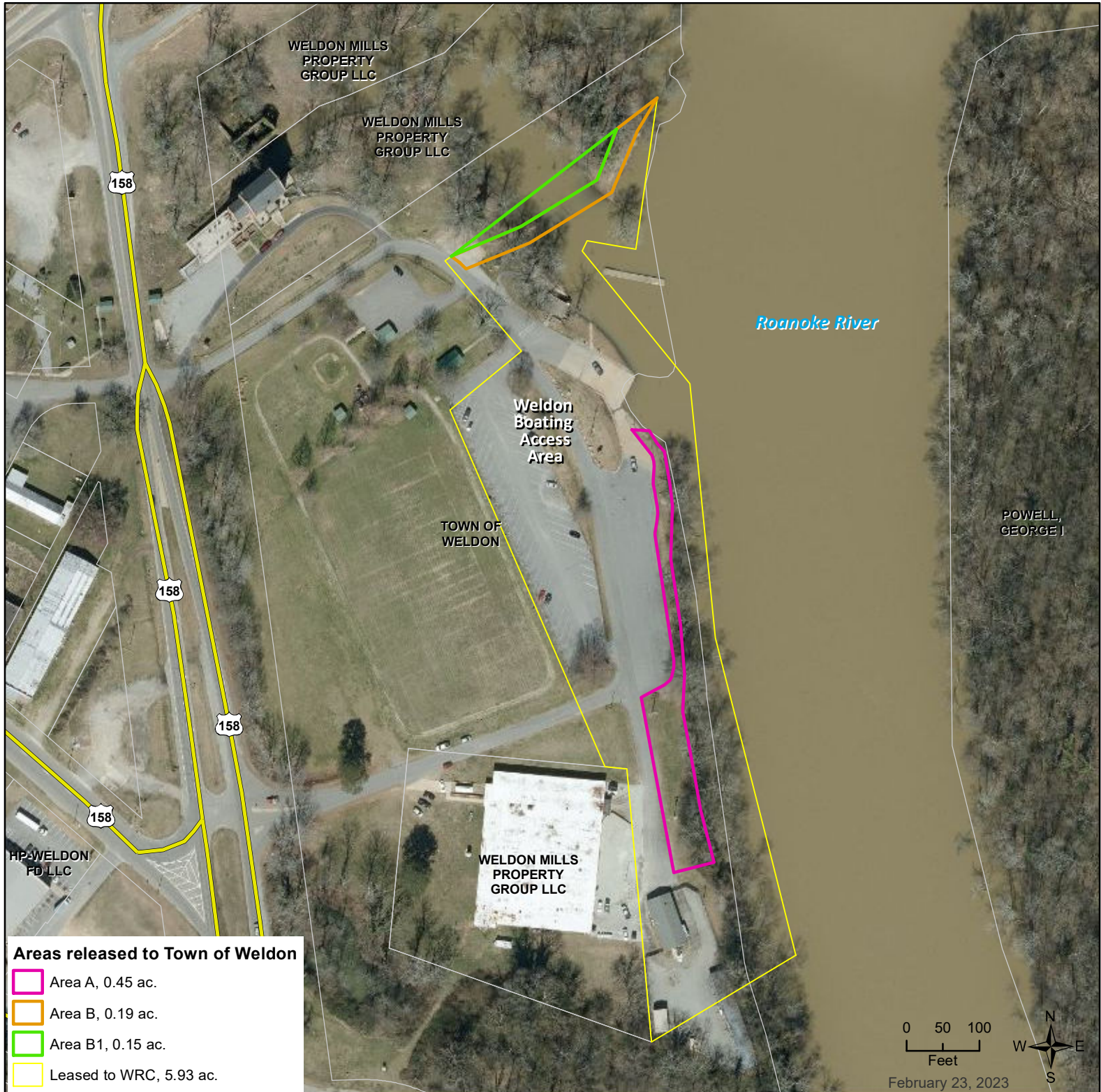
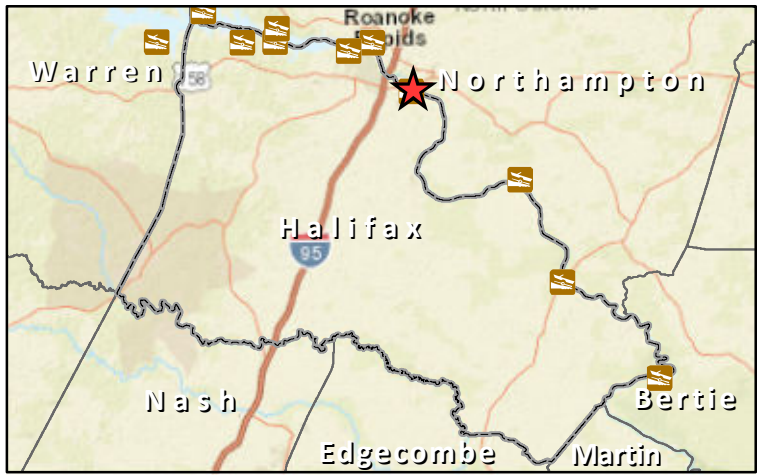
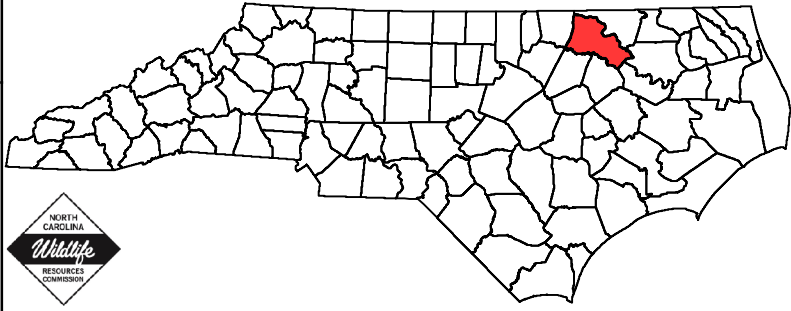
FROM: Ben Solomon, Assistant Chief and Land Acquisition Manager
Land and Water Access

SUBJECT: Proposed Amendment to Current Lease with Town of Weldon

The Town of Weldon (Town) has requested the North Carolina Wildlife Resources Commission (NCWRC) amend the current lease agreement to release approximately 0.79 acres to the Town for purposes of boardwalk development along the bank of the Roanoke River. Areas to be released to the Town are adjacent to the existing boat ramp and do not infringe upon the paved areas of the ramp, or staging lane. Releasing approximately 0.79 acres to the Town will provide the Town with site control and eligibility for NC Division of Parks and Recreation Trust Fund (PARTF) funding, which is a critical component of the Town's eco-tourism strategy and success of the boardwalk project. The PARTF program provides matching grants to local governments to assist with public park and recreation projects.

In the spirit of continuing a long-standing partnership with the Town of Weldon, staff recommends seeking NCWRC approval to work with the Town and State Property Office to execute the requested lease amendment.

**Weldon BAA - Release to Town of Weldon
Halifax County
0.79 Acres**



- Areas released to Town of Weldon**
- Area A, 0.45 ac.
 - Area B, 0.19 ac.
 - Area B1, 0.15 ac.
 - Leased to WRC, 5.93 ac.

0 50 100
Feet

February 23, 2023

EXHIBIT D

February 23, 2023



APPLICATION FOR RULEMAKING FROM DARE COUNTY ON BEHALF OF NATIONAL PARK SERVICE – CAPE HATTERAS NATIONAL SEASHORE AT MOTTS CREEK 15A NCAC 10F .0310

The Wildlife Resources Commission received a formal application from Dare County on behalf of the National Park Service (NPS), requesting consideration of rulemaking to establish a no-wake zone shore to shore in the waters of Motts Creek inside Cape Hatteras National Seashore, at the Oregon Inlet Fishing Center and Marina, Public Boat Ramp, kayak launch area, and Oregon Inlet U.S. Coast Guard Station and boat launch facilities. Dare County submitted a Resolution asking the Wildlife Resources Commission to undertake rulemaking at Motts Creek. The National Park Service Superintendent David Hallec submitted a request for the Wildlife Resources Commission to codify a complementary Administrative Rule and partner with the Superintendent's Compendium for establishing a no-wake zone as authorized by 36 CFR 3.8. NPS has agreed to purchase, place, and maintain regulatory markers in Motts Creek. No Fiscal Note is required.

USACE Wilmington District was consulted and offered their concurrence with rulemaking, so long as the no-wake zone does not extend into the Federal Channel.

Agency Enforcement has investigated the area and returned the Assessment Matrix (**Attachment A and Map**). Multiple hazards to boater safety and navigation were noted, including the largest boat ramp and parking facility south of Nags Head near Oregon Inlet, charter fishing marina with transient fuel dock, heavy recreational and charter boat and Coast Guard vessel activity, U.S. Coast Guard Station Oregon Inlet with multiple docks and boat ramp, and various recreational fishing and kayaking facilities within Motts Creek at Cape Hatteras National Seashore.

As part of the rulemaking process, staff reviewed and made technical changes for clarity to the entire Dare County Rule. Descriptions and locations of seven boating access areas owned or maintained by the Wildlife Resources Commission will be added into the North Carolina Administrative Code (NCAC) under this revision.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of an amendment to 15A NCAC 10F .0310, with an open comment period of at least 60 days and one public hearing, per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the amendment for the no-wake zone at Motts Creek at Cape Hatteras National Seashore and technical changes to the Rule.

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.
 - (A) the waters of Doughs Creek off of off Shallowbag Bay and all canals off of Shallowbag Bay.
 - (B) within 50 yards of the Bowsertown Boating Access Area on Croatan Sound at 35.89810 N, 75.67710 W.
- (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~~ Manns Harbor.
 - (A) Old Ferry Dock Road Canal, beginning at a point at 35.90654 N, 75.76916 W.
 - (B) within 50 yards of the Manns Harbor Boating Access Area on Croatan Sound at 35.91020 N, 75.77150 W.
 - (C) within 50 yards of the Mashoes Boating Access Area on East Lake at 35.92820 N, 75.81470 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.

- (A) Stumpy Point Canal shore to shore on Pamlico Sound, beginning 50 yards west of the ~~Wildlife Resources Commission boating access area, Stumpy Point Boating Access Area,~~ 321 Bayview Drive.
- (7) (B) 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.
- (7) Rodanthe. Within 50 yards of the Rodanthe Boating Access Area in Roanoke Sound, 23170 Myrna Peters Road.
- (8) Town of Southern Shores. ~~Canals~~ the 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. Bridge Boating Access Area. 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. The waters within 150 yards north and south and 300 yards east of the Washington Baum Boating Access Area in Roanoke Sound, at 35.89380 N, 75.63710 W.~~
- (12) Kill Devil Hills.
- (A) Baum Bay Harbor, beginning at a point at 36.00572 N, 75.68105 W.
- (B) the waters within 50 yards of the Avalon Beach Boating Access Area in Kitty Hawk Bay, 2025 Bay Street.
- (13) Avon. 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. The waters of 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.
- (16) Cape Hatteras National Seashore. The waters of Motts Creek in Roanoke Sound, shore to shore at a line from a point on the north shore where the Oregon Inlet U.S. Coast Guard Station is located, to a point near the south shore of Motts Creek at 35.792070 N, 75.54903 W, then northward to include the waters at the Oregon Inlet Fishing Center and Marina, Oregon Inlet Public Boat Ramp, kayak launch area, and U. S. Coast Guard Station and Launch Area.

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

(c) Swimming Area. No person operating or responsible for the operation of any ~~vessel, surfboard, water skis, or jet skis~~ vessel 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~~ are 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~~ designated in ~~Subparagraph (a)(1)~~ Part (a)(1)(A) 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;~~
- (2) the Board of Commissioners of Dare County for the areas designated in Paragraph (c), Subparagraphs (a)(2); (a)(4); (a)(5); (a)(8) through (10); (a)(13) through (15); and Parts (a)(3)(A); (a)(6)(B); and (a)(12)(A) of this Rule;
- (3) the Board of Commissioners of the Town of Southern Shores for the areas ~~indicated~~ designated in Subparagraph (a)(8) of this Rule; ~~and~~
- (4) the Board of Commissioners of the Town of Kitty Hawk for the area ~~indicated~~ designated in Subparagraph (a)(10) of this ~~Rule.~~ Rule;
- (5) the National Park Service for the area designated in Subparagraph (a)(16) of this Rule; and
- (6) the North Carolina Wildlife Resources Commission for the areas designated in Subparagraphs (a)(7) and (a)(11); and Parts (a)(1)(B); (a)(3)(B) and (C); (a)(6)(A); and (a)(12)(B) of this Rule.

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

Eff. February 1, 1976;

Amended Eff. April 1, 1997; December 1, 1994; May 1, 1994; March 1, 1993; May 1, 1988;

Temporary Amendment Eff. February 1, 1999; July 1, 1998;

Amended Eff. July 1, 2000; April 1, 1999;

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

Amended Eff. October 1, 2022; October 1, 2018.



22-12-45

**Resolution Requesting Rulemaking for the Request of a No Wake Zone
Located at Motts Creek, Dare County**

WHEREAS, the Cape Hatteras National Park Service completed an assessment of the area and made a recommendation to establish a No Wake Zone; and

WHEREAS, the Cape Hatteras National Park Service found the proposed No Wake Zone is needed to ensure the safety of the recreating public in this area; and

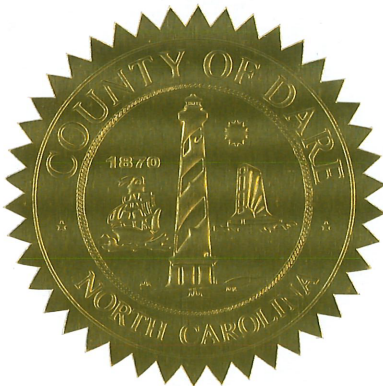
WHEREAS, the Cape Hatteras National Park Service will enforce the No Wake Zone once buoys are installed; and

WHEREAS, the Cape Hatteras National Park Service unanimously recommended the Board of Commissioners of Dare County submit an Application for Water Safety Rulemaking at the Pamlico Sound at Motts Creek where the Oregon Inlet Fishing Center Marina and Oregon Inlet Public Boat Launch are located; and

WHEREAS, the Cape Hatteras National Park Service has given public notice of the intention for Dare County to apply for rulemaking on waters with the County's territorial jurisdiction.

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Dare County, North Carolina hereby adopts the following resolution for the state to consider the no wake zone to be located at Motts Creek in accordance with the attached map.

This the 5th day of December, 2022.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board



United States Department of the Interior
NATIONAL PARK SERVICE



OUTER BANKS GROUP

Fort Raleigh National Historic Site

Wright Brothers National Memorial

Cape Hatteras National Seashore

M. [REDACTED]

IN REPLY REFER TO
10.A.(CAHA-S)

NOV 28 2022

Betsy Haywood
[REDACTED]

Dear Ms. Haywood:

Thank you for working with Cape Hatteras National Seashore (Seashore) on implementation of a no-wake zone for visitor safety in the area of Motts Creek.

The Seashore is establishing a no wake zone at the Seashore by codifying the zone in the Superintendent's Compendium as authorized by 36 CFR 3.8. The no-wake Zone, including the associated buoys and signs, will be implemented and managed by Seashore law enforcement rangers for the purposes of mitigating potential safety issues in the area.

The new zone will be placed around a congested channel surrounded by shallow water and bordered by five large public boat ramps, a 57-slip large charter boat fishing marina, a fueling dock, a public kayak and nonmotorized watercraft launch area, wade fishing activity, and U.S. Coast Guard Surf Station Oregon Inlet. The zone will help mitigate various safety issues associated with a variety of user groups and provide for a safer environment for recreating in the area.

If the North Carolina Wildlife Resources Commission establishes a complementary rule establishing a no-wake zone in this area, it will allow state officers to work in partnership with Seashore law enforcement rangers to enforce the zone.

Thank you for your long-standing support of the Seashore. We appreciate the strong partnership in protecting Seashore resources and implementing safe and enjoyable recreational programs.

If you have any questions, please contact Lynne Edwards at [REDACTED]


Sincerely,
[REDACTED]

David E. Hallac
Superintendent



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 1: APPLICANT REQUEST AND INFORMATION

- Name of organization/entity: _____
- Primary contact information: _____ 
- Location of requested no-wake zone:
 - Body of water and County: _____
 - Location: _____
 - Popular name of area, if any: _____
 - Width of No-Wake Zone: Narrowest Point: _____ Widest Point: _____
 - Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc.)

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

- 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 USACE Wilmington District has concurred with placement of a NWZ within the area of Motts Creek inside the Cape Hatteras National Seashore
 - NO Boundary.

When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 2: PUBLIC SAFETY HAZARD

Identify all public safety hazards in this section by checking the block and listing name and/or location

FUELING DOCK OR FACILITY

Name of Facility: _____

PUBLIC SWIMMING OR RECREATIONAL AREA

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA

NO-WAKE BUOYS

PUBLIC BOAT ACCESS

Name of Access Area: _____

PUBLIC FISHING PIER OR FISHING ACCESS AREA

Name of Pier/Access Area: _____

RESTAURANT DOCKS

Name of Restaurant: _____

Number of Docks: _____

OTHER (list and describe)

SECTION 3: NAVIGATIONAL HAZARDS

Identify all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS (Identify) _____

Can obstructions be removed? YES NO

NARROW CHANNEL (give approximate width) _____

SHALLOW WATER (give average depth) _____



NO-WAKE ZONE INVESTIGATION MATRIX

OBSTRUCTED VISION (for approximately how great a distance) _____

STRUCTURES: (Check all applicable)

DAM Name: _____

SPILLWAY Location: _____

FLOOD CONTROL STRUCTURE Location: _____

BRIDGE Roadway: _____
Height above water: _____
Width between piers: _____

TRESTLE Height above water: _____
Width between piers: _____

POWER LINE _____

LOCK Lock Number: _____

JETTY _____

SUBMERGED STRUCTURE Identify Structure: _____

- Would placement of "Danger" buoys or other informational markers mitigate the hazards in lieu of a no-wake zone? YES NO

SANDBAR _____

SHOAL _____

OTHER (list and describe)



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 4: SUMMARY OF BOATING SAFETY STATISTICS

Identify known data reflecting safety concerns:

BOAT INCIDENTS Date(s): _____

CITATIONS ISSUED Violations: _____

VERIFIED COMPLAINTS List: _____

=====

- Rate traffic density in this area
- Is traffic density specific to weekend/and or holidays? YES NO
- Does traffic density or ability to maneuver a vessel due to traffic cause safety issues?
YES NO

SECTION 5: CURRENT REGULATIONS

- List existing local laws currently in place restricting vessel speed in the requested area:
- Would enforcement of existing boating laws mitigate the issues and concerns addressed in the proposed area?

YES Identify Violations: _____
 NO



NO-WAKE ZONE INVESTIGATION MATRIX

SECTION 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:

Officer: _____

Date: _____

Sergeant: _____

Date: _____

No Wake Zone Request
USCG Station, Boat Ramp and Basin, Motts Creek, Roanoke Sound, Dare County

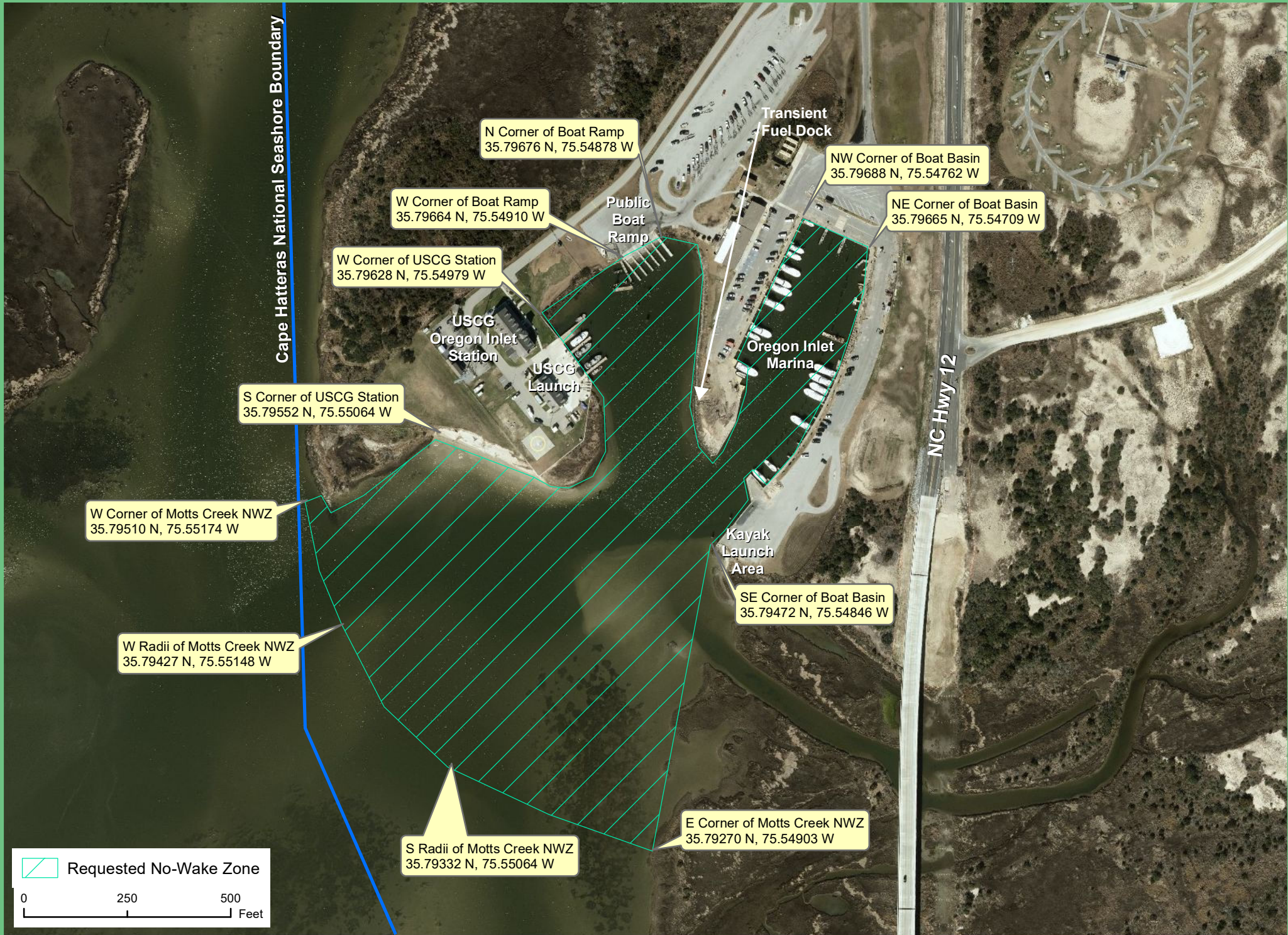




EXHIBIT E

August 18, 2022

**REQUEST FOR APPROVAL TO PUBLISH NOTICE OF TEXT FOR ESTABLISHMENT OF
SAFETY ZONES AND RESTRICTED AREAS FOR CUBE HYDRO CAROLINAS
(FORMERLY CUBE YADKIN GENERATION)
15A NCAC 10F .0374**

Wildlife Law Enforcement, working with Eagle Creek Renewable Energy, the parent company of Cube Hydro Carolinas, received a request to investigate the water safety requirements at four hydroelectric facilities on the Yadkin River chain for purposes of rulemaking. Staff was asked to define regulated facilities and activities at each location and to seek action from the Wildlife Resources Commission to codify the Rule changes in the North Carolina Administrative Code (NCAC).

Enforcement evaluated High Rock Hydroelectric Station on Yadkin River in Rowan and Davidson counties; Tuckertown Hydroelectric Station on Yadkin River in Stanly and Montgomery counties; Narrows Hydroelectric Station on Yadkin River in Stanly and Montgomery counties; and Falls Hydroelectric Station on Yadkin River in Stanly and Montgomery counties. At each facility, Safety Zones were identified, where entry by any unauthorized person or vessel shall be prohibited in the waters downstream from the powerhouse, turbines, or generator discharge that mechanically propel or accelerate the flow of water. The Rule proposes to define the Safety Zone at each of the four facilities.

Additionally, staff identified Restricted Areas 200 feet upstream and 200 feet downstream from the four facilities, where regulated activity is limited for purposes of safety at the hydroelectric plants. The Rule revision defines the Restricted Areas, sets the requirement that U.S. Coast Guard - approved personal flotation devices be worn always, prohibits swimming; and prohibits the discharge of a firearm within the restricted areas. The need for the prohibition against discharge of firearms was identified when boaters shot at birds on the dams, damaging the hydroelectric equipment. No vessel shall tie off to the hydroelectric structure nor anchor a vessel within the regulated areas.

A technical revision to the Rule changes the name from Cube Yadkin Generation to Cube Hydro Carolinas.

Cube Hydro Carolinas remains the designated entity for placement and maintenance of buoys and other signs implementing the Rule. No Fiscal Note is required.

Staff recommends WRC approval to publish Notice of Text in the *NC Register* with an open comment period and public hearing. The Rule then will be brought to the Commission for final adoption and codification in the NCAC.

1 **15A NCAC 10F .0374** ~~CUBE YADKIN GENERATION~~ CUBE HYDRO CAROLINAS SAFETY ZONES
2 AND RESTRICTED ZONES AREAS

3 (a) Regulated Areas. This Rule shall apply to the ~~area one hundred feet upstream or and downstream from the stations~~
4 ~~and dams, associated structures, abutments, and equipment at the following stations:~~ following hydroelectric stations,
5 dams, associated structures, abutments, and equipment:

6 (1) ~~Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery Counties;~~

7 (2) ~~High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson Counties.~~

8 (1) High Rock Hydroelectric Station on the Yadkin River in Rowan and Davidson counties;

9 (2) Tuckertown Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties;

10 (3) Narrows Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties; and

11 (4) Falls Hydroelectric Station on the Yadkin River in Stanly and Montgomery counties.

12 (b) Safety Zones. With the exception of authorized persons and vessels, no entry shall be allowed in the waters listed
13 below:

14 (1) Yadkin River in Rowan and Davidson counties, two hundred feet downstream from the powerhouse,
15 turbines, or generator discharge that mechanically propels or accelerates the flow of water at the
16 High Rock Hydroelectric Station;

17 (2) Yadkin River in Stanly and Montgomery counties, two hundred feet downstream from the
18 powerhouse, turbines, or generator discharge that mechanically propels or accelerates the flow of
19 water at the Tuckertown Hydroelectric Station;

20 (3) Yadkin River in Stanly and Montgomery counties, one hundred feet directly in front of the
21 powerhouse, turbines, or generator discharge that mechanically propel or accelerate the flow of
22 water at the Narrows Hydroelectric Station; and

23 (4) Yadkin River in Stanly and Montgomery counties, one hundred feet downstream from the
24 powerhouse, turbines, or generator discharge that mechanically propels or accelerates the flow of
25 water at the Falls Hydroelectric Station.

26 (c) Restricted Areas. Restricted Areas shall be located 200 feet upstream and 200 feet downstream from the
27 hydroelectric stations described in Paragraph (a) of this Rule. Individuals in or upon a vessel in a restricted area shall
28 wear a U.S. Coast Guard-approved personal flotation device as described in Rule .0201 of this Subchapter at all times.

29 (d) Swimming. Swimming shall be prohibited in restricted areas.

30 (e) Firearms. No person shall discharge a firearm within a restricted area.

31 (b) Fishing. ~~Except as otherwise provided in this Paragraph or in Paragraph (c) of this Rule, no person shall enter the~~
32 ~~waters within the regulated areas described in Paragraph (a) of this Rule, except persons engaged in fishing within the~~
33 ~~regulated areas described in Paragraph (a) of this Rule may enter these waters in connection with such fishing activities~~
34 ~~provided that they shall wear at all times a U.S. Coast Guard approved personal flotation device in serviceable~~
35 ~~condition and of appropriate size for the wearer.~~

1 ~~(e) Boating. Any person in or upon a boat, raft, or other floating object that enters into the regulated areas described~~
2 ~~in Paragraph (a) of this Rule shall wear at all times a U.S. Coast Guard approved personal flotation device in~~
3 ~~serviceable condition and of appropriate size for the wearer.~~

4 ~~(d) (f)~~ No vessel shall tie off to any part of the hydroelectric station structure or the accessory portions thereof
5 within restricted areas described in ~~Paragraph (a) of this Rule~~ or nor anchor or otherwise secure a vessel in these areas.

6 ~~(e) (g)~~ ~~Paragraph (d)~~ Paragraph (f) of this Rule shall not apply to persons who enter with consent of ~~Cube Yadkin~~
7 ~~Generation~~ Cube Hydro Carolinas for the purpose of maintaining, repairing, or evaluating facilities of ~~Cube Yadkin~~
8 ~~Generation~~; Cube Hydro Carolinas; law enforcement or emergency personnel; or N.C. state employees acting in an
9 official capacity.

10 ~~(f) (h)~~ Placement and Maintenance of Markers. ~~Cube Yadkin Generation~~ Cube Hydro Carolinas shall be the designated
11 entity for placement and maintenance of buoys and other signs implementing this Rule.

12
13 *History Note: Authority G.S. 75A-3; 75A-15;*

14 *Eff. January 1, 2008;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
16 *6, 2016;*

17 *Amended Eff. October 1, 2018.*

----- Original message -----

From: Jody Smet [REDACTED]
Date: 8/4/22 5:07 PM (GMT-05:00)
To: "Howell, John M" <[REDACTED]>
Cc: Mark Gross [REDACTED], Karen Baldwin [REDACTED]
Subject: [External] RE: Rules Revisions to the Cube Hydro Carolinas Safety and Restricted Zones 15A NCAC 10F .0374

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

John, thank you again for the incredible effort you've put into drafting these rule revisions. The Company's top priority is safety, and we strongly believe that these rule revisions will help keep the recreating public and our staff working in these areas safer.

Cube Hydro Carolinas supports the rule revisions proposed by NCWRC and we continue accept the responsibility we have for the placement and maintenance of safety devices and signs in these areas.

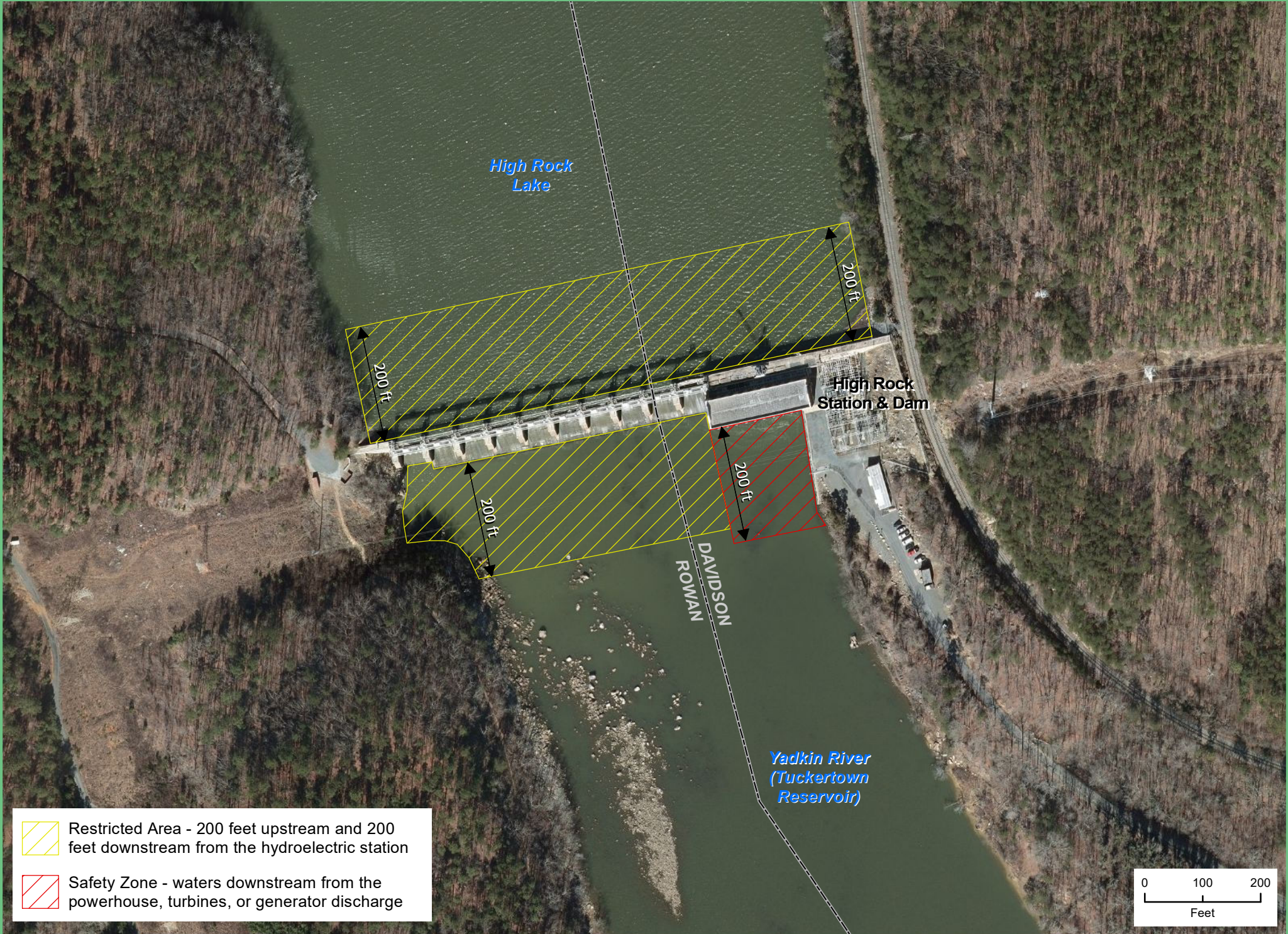
Please let me know if there's anything more you need from the Company as you begin to work the rule revisions through the agency process.



Thanks again,

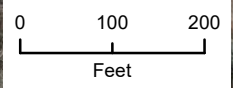
Jody J. Smet, AICP | Senior Vice President Engineering and Regulatory Affairs
Eagle Creek Renewable Energy



15A NCAC 10F .0374 - Cube Hydro Carolinas Safety Zone and Restricted Area
High Rock Hydroelectric Station, Davidson and Rowan Counties



-  Restricted Area - 200 feet upstream and 200 feet downstream from the hydroelectric station
-  Safety Zone - waters downstream from the powerhouse, turbines, or generator discharge



15A NCAC 10F .0374 - Cube Hydro Carolinas Safety Zone and Restricted Area
Tuckertown Hydroelectric Station, Montgomery and Stanly Counties





Yadkin River
(Tuckertown
Reservoir)

Tuckertown
Station & Dam

MONTGOMERY
STANLY

Yadkin River
(Badin Lake)

 Restricted Area - 200 feet upstream and 200 feet downstream from the hydroelectric station

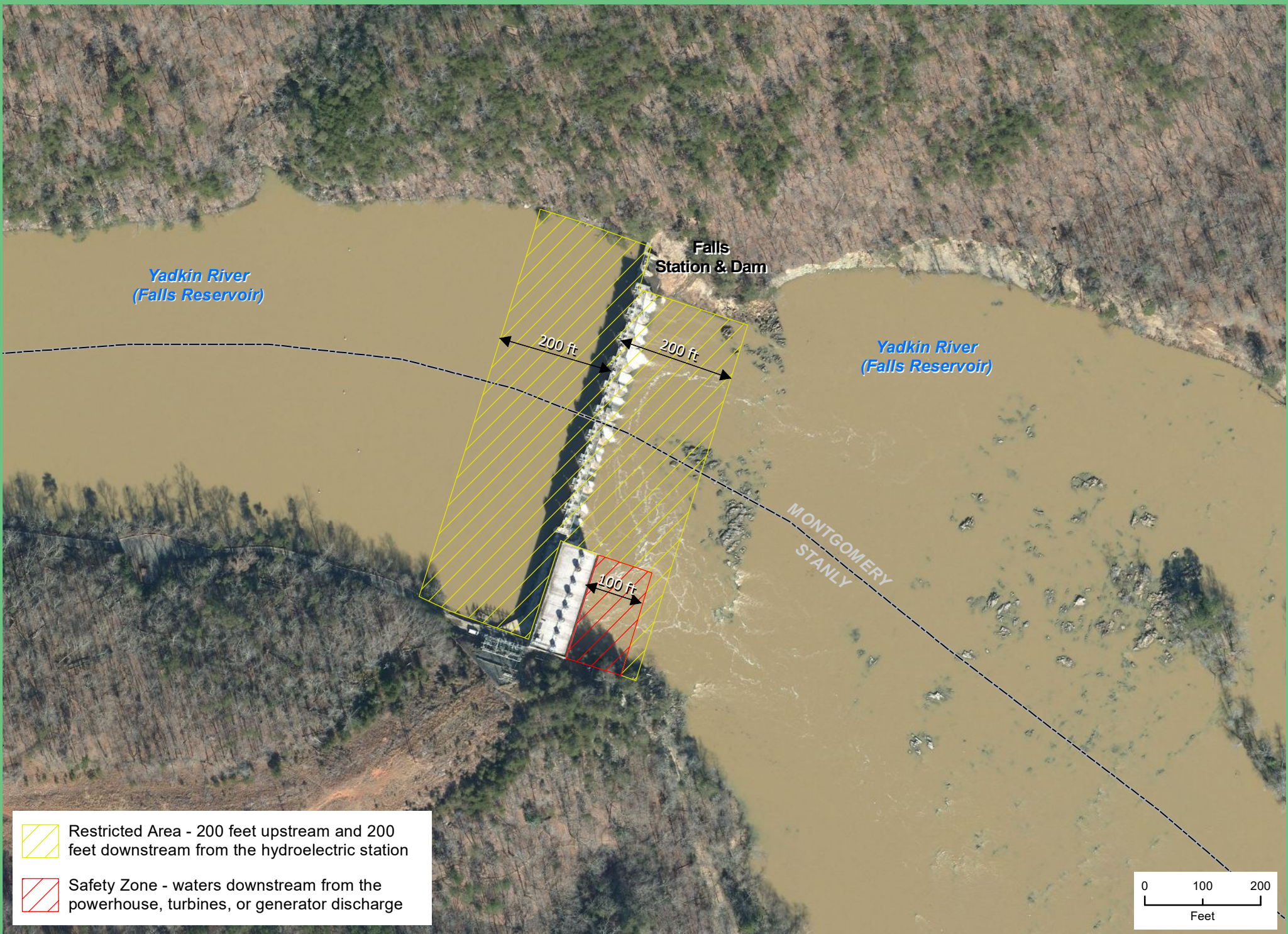
 Safety Zone - waters downstream from the powerhouse, turbines, or generator discharge



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15A NCAC 10F .0374 - Cube Hydro Carolinas Safety Zone and Restricted Area
Narrows Hydroelectric Station, Montgomery and Stanly Counties



15A NCAC 10F .0374 - Cube Hydro Carolinas Safety Zone and Restricted Area
Falls Hydroelectric Station, Montgomery and Stanly Counties



-  Restricted Area - 200 feet upstream and 200 feet downstream from the hydroelectric station
-  Safety Zone - waters downstream from the powerhouse, turbines, or generator discharge

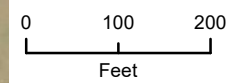
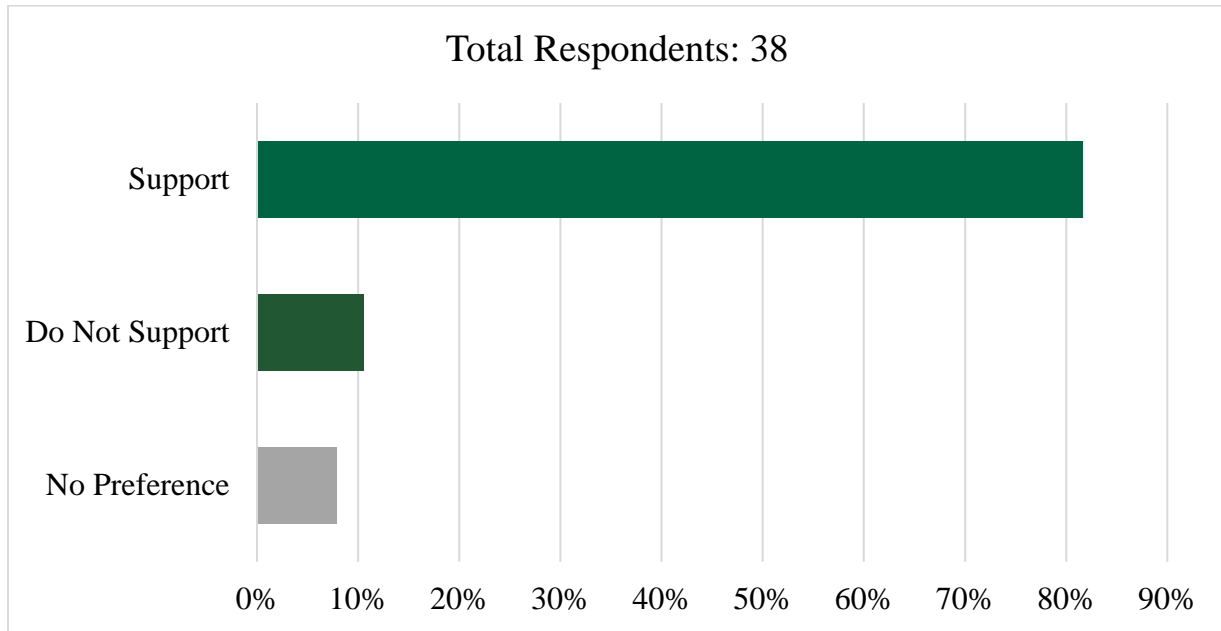


Exhibit F – 1

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H1 – Define conibear[®] and conibear[®]-type trap, box trap, bodygrip, and cage trap. Clarify that a weather-resistant permanent tag must be attached on Collarum[™]-type traps, snares, box traps, and cage traps, as is required for foothold and body-gripping traps. Repeal 10B .010 and adopt 10B .0306 to keep all trapping regulations in the Code.

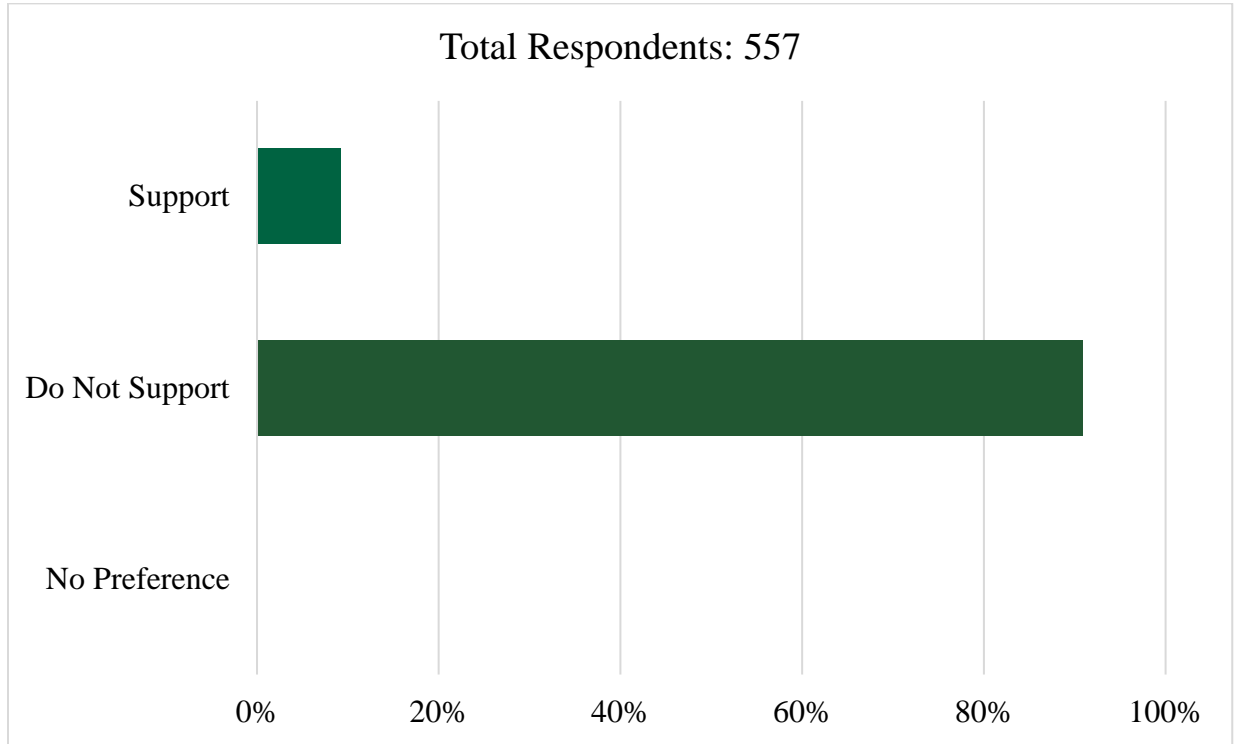


Choices	Responses	
Support	82%	31
Do Not Support	11%	4
No Preference	8%	3
Total		38

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	8	1	2	8	4	4	1	3	1	0
Do Not Support	0	0	1	0	0	1	0	1	0	0	1
No Preference	0	0	0	0	0	0	0	2	1	0	0
Total	0	8	2	2	8	5	4	4	4	1	1

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H2 – Change the start date of the statewide regulated trapping season from November 1 to October 1.

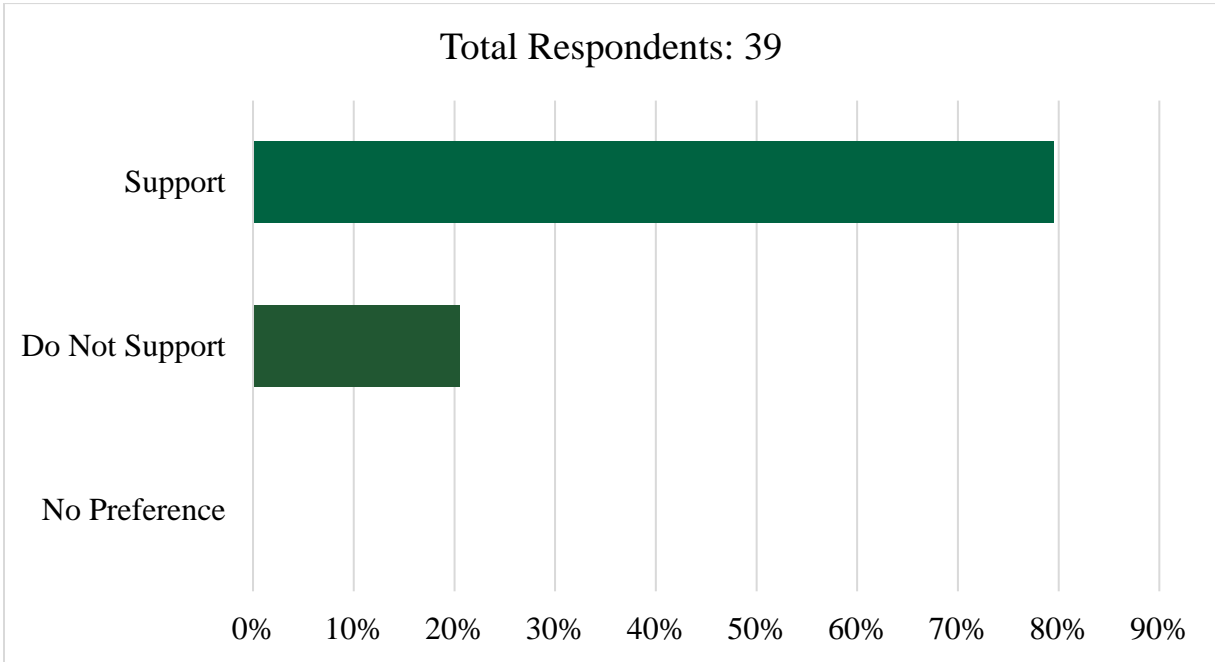


Choices	Responses	
Support	9%	51
Do Not Support	91%	506
No Preference	0%	0
Total		557

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	10	1	2	9	4	5	12	8	0	0
Do Not Support	9	35	63	19	117	72	39	33	97	17	5
No Preference	0	0	0	0	0	0	0	0	0	0	0
Total	0	45	64	21	126	76	44	45	105	17	5

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H3 – Require authorization from the Commission to possess or transport elk that are killed accidentally or found dead.

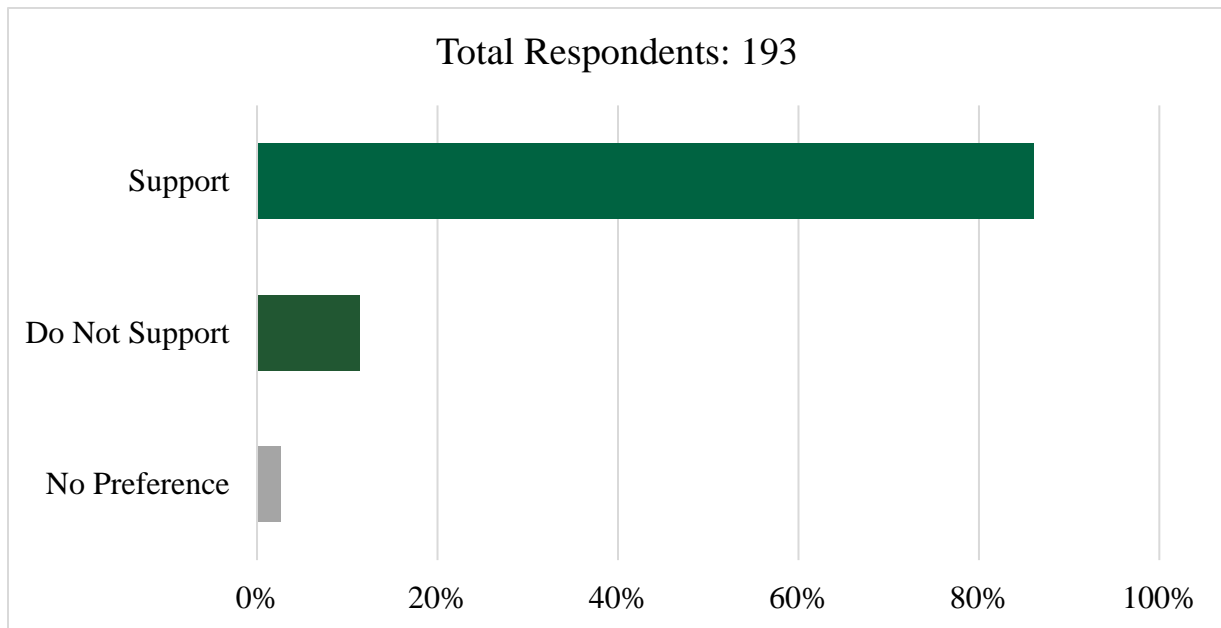


Choices	Responses	
Support	79%	31
Do Not Support	21%	8
No Preference	0%	0
Total		39

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	5	1	0	3	3	4	4	9	0	2
Do Not Support	1	1	0	0	0	1	0	2	2	0	1
No Preference	0	0	0	0	0	0	0	0	0	0	0
Total	1	6	1	0	3	4	4	6	11	0	3

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H4 – Increase either-sex seasons on private lands in the following counties in the Western and Northwestern Zones: (1) Madison county will increase from a 1-day “introductory” to a 6-day “conservative” season (opening day through 1st Saturday); (2) Burke, Yancey, Mitchell, Avery, and Caldwell counties will increase from a 6-day “conservative” to a 13-day “moderate” season (opening day through 2nd Saturday); and (3) Polk, Rutherford, and Cleveland counties will increase from a 2-week “moderate” to a 4-week season (opening day through 4th Saturday).

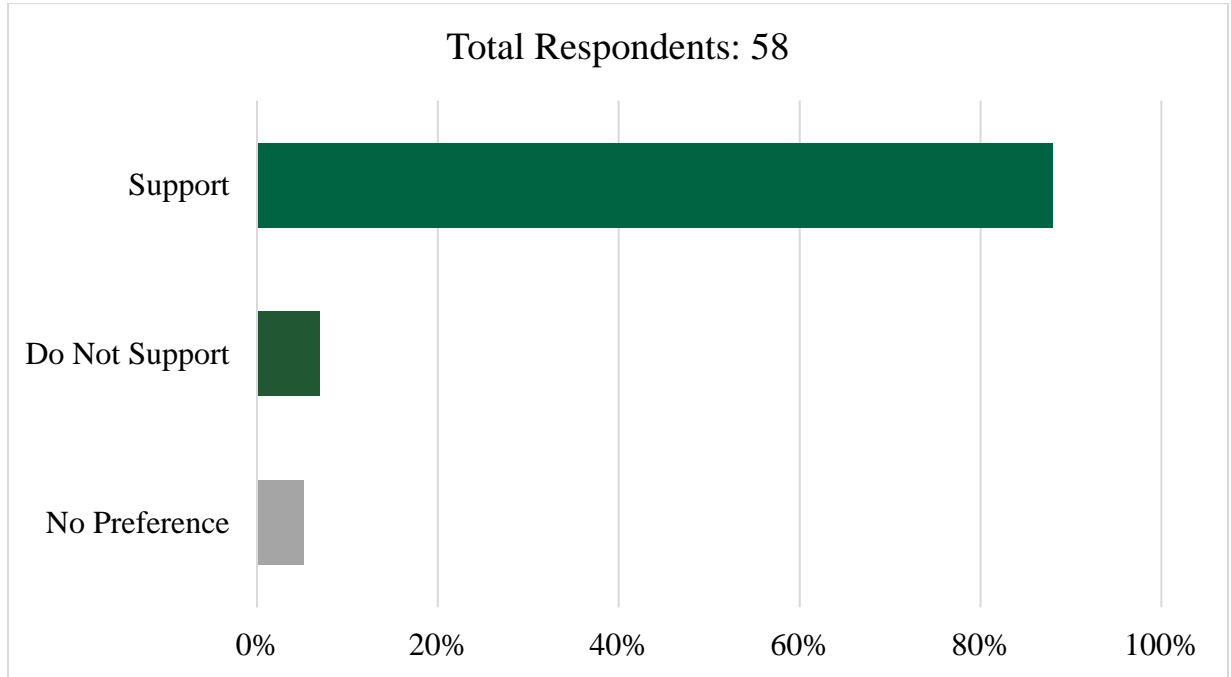


Choices	Responses	
Support	86%	166
Do Not Support	11%	22
No Preference	3%	5
Total		193

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	1	6	1	5	4	8	6	92	36	1	6
Do Not Support	0	0	1	0	1	1	1	6	7	3	2
No Preference	1	1	0	0	0	1	0	1	0	1	0
Total	2	7	2	5	5	10	7	99	43	5	8

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H5 – Allow landowners to remove raccoons, striped skunks, opossums, and armadillos throughout the entire nesting season on Wild Quail Management Areas.

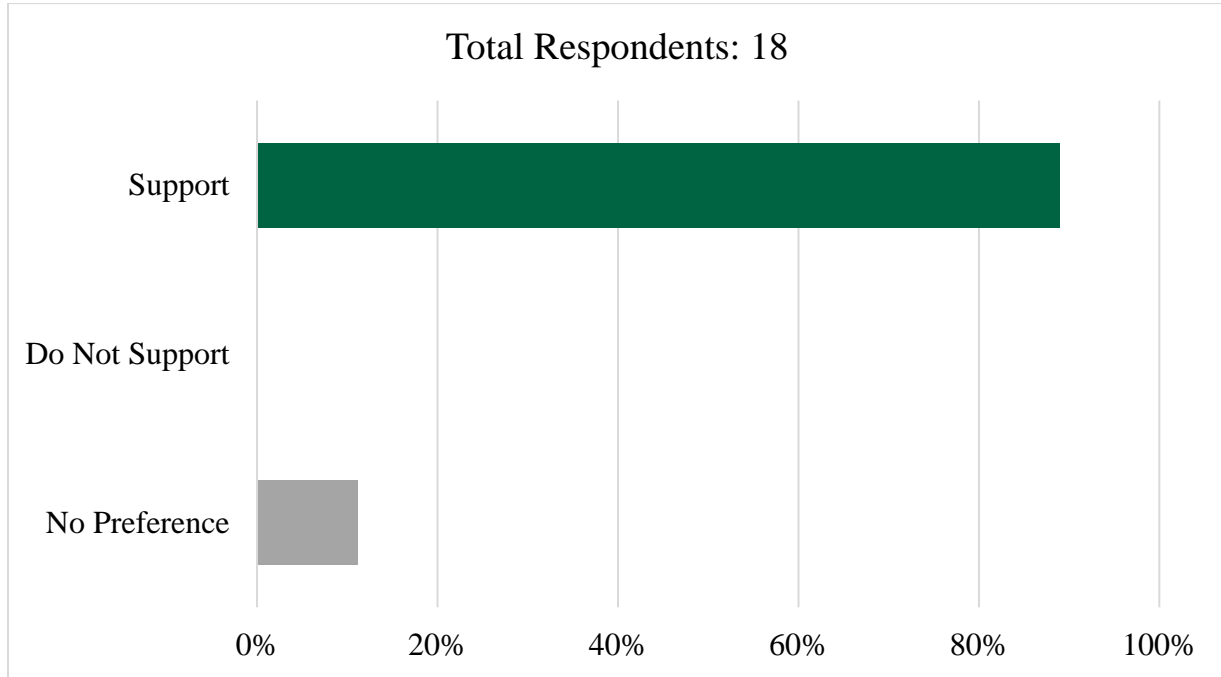


Choices	Responses	
Support	88%	51
Do Not Support	7%	4
No Preference	5%	3
Total	58	

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	9	0	1	9	6	2	12	9	0	3
Do Not Support	0	1	1	1	0	0	0	0	1	0	0
No Preference	0	0	1	0	1	0	0	0	0	0	1
Total	0	10	2	2	10	6	2	12	10	0	4

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H6 – Amend Alligator Control Agent (ACA) Eligibility and Requirements rule to prohibit the use of equipment used in captive facilities or on captive alligators in ACA operations.

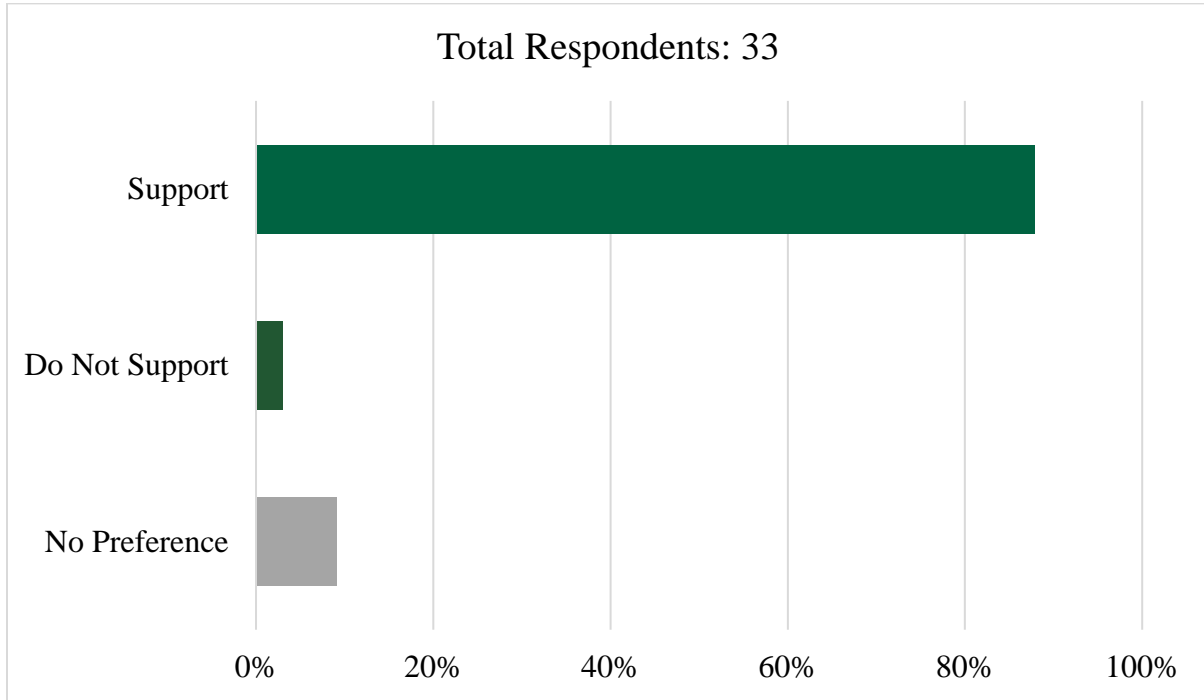


Choices	Responses	
Support	89%	16
Do Not Support	0%	0
No Preference	11%	2
Total	18	

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	4	1	0	3	2	2	1	3	0	0
Do Not Support	0	0	0	0	0	0	0	0	0	0	0
No Preference	0	1	0	0	0	1	0	0	0	0	0
Total	0	5	1	0	3	3	2	1	3	0	0

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H7 – Define terms used throughout Wildlife Conservation Area rules.

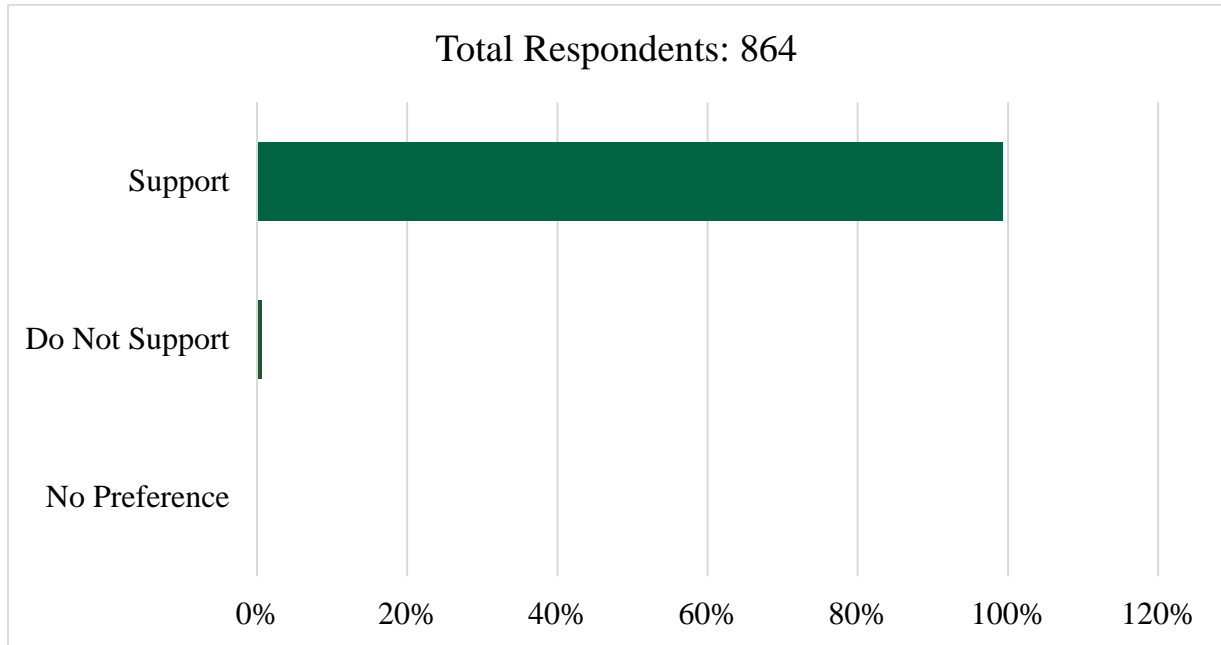


Choices	Responses	
Support	88%	29
Do Not Support	3%	1
No Preference	9%	3
Total	33	

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	0	5	1	0	4	5	3	4	7	0	0
Do Not Support	0	0	0	0	0	0	0	0	1	0	0
No Preference	0	0	0	0	0	1	0	1	1	0	0
Total	0	5	1	0	4	6	3	5	9	0	0

Summary of Public Comments on Proposed Changes to
Wildlife Management for 2023-2024

H8 – Change the dates of restricted access on portions of Wildlife Conservation Areas that are posted as Waterbird Nesting Areas from April 1 through August 31, to March 1 through September 15. Prohibit open fires on Wildlife Conservation Areas and reformat the rule for clarity.



Choices	Responses	
Support	99%	858
Do Not Support	1%	5
No Preference	0%	1
Total	864	

District	1	2	3	4	5	6	7	8	9	Not Specified	Out of State
Support	12	138	122	35	207	104	58	27	108	10	37
Do Not Support	0	1	0	2	0	2	0	0	0	0	0
No Preference	0	0	1	0	0	0	0	0	0	0	0
Total	12	139	123	37	207	106	58	27	108	10	37

EXHIBIT F-2

February 23, 2023



Proposed Amendments to Wildlife Management Rules for 2023-2024 Annual Cycle Recommended by Agency Staff for Adoption

Trapping

1. 15A NCAC 10B .0110, .0301, .0306

Define conibear[®] and conibear[®]-type trap, box trap, and cage trap. Clarify that a weather-resistant permanent tag must be attached on Collarum[™]-type traps, snares, box traps, and cage traps, as is required for foothold and body-gripping traps. Repeal 10B .0110 and adopt 10B .0306 to keep all trapping regulations together in the Code.

Justification: These changes are necessary to reduce regulatory complexity and confusion among trappers. Requiring traps to have identifying tags will aid in enforcement. These changes will not impact furbearer populations.

15A NCAC 10B .0110 ATTENDANCE OF TRAPS (Pg. 4)

15A NCAC 10B .0301 DEFINITIONS (Pg. 12)

15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF TRAPS (pg. 14)

2. 15A NCAC 10B .0303 & 10D .0102

Change the start date of the statewide regulated trapping season from November 1 to October 1.

Justification: Adding an additional month to the regulated trapping season would allow more opportunities to trap furbearers and non-game (armadillo, coyote, groundhog) species on both private lands and Game Lands. Fur can be in prime condition in October, allowing the pelt to be used. These populations are abundant and additional trapping is sustainable.

15A NCAC 10B .0303 OPEN SEASONS (Pg. 13)

15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE (corresponding changes have been incorporated)

Deer & Elk

1. 15A NCAC 10B .0127

Require authorization from the Commission to possess or transport elk that are killed accidentally or found dead.

Justification: It is important that the Commission sample elk killed by accident or found dead for disease surveillance and population monitoring, while providing opportunity for possession by the public when appropriate. Given the size of elk, the proximity to traffic, and the possibility of elk having anesthesia drugs in their system it is generally inappropriate for the public to retrieve dead elk and possibly consume them without contacting Agency staff.

15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD (Pg. 5)

2. 15A NCAC 10B .0203

Increase either-sex seasons on private lands in the following counties in the Western and Northwestern Zones:

- Madison county will increase from a 1-day “introductory” to a 6-day “conservative” season (opening day through 1st Sat.)
- Burke, Yancey, Mitchell, Avery, and Caldwell counties will increase from a 6-day “conservative” to a 13-day “moderate” season (opening day through 2nd Sat.)
- Polk, Rutherford, and Cleveland counties will increase from a 2-week “moderate” to a 4-week season (opening day through 4th Saturday)

Justification: The harvest objective of at least 1.0 antlered buck / square mile is being met on private lands in these counties and continued herd growth is expected. Additional antlerless harvest is sustainable and will provide hunters with additional opportunity as well as help balance the buck to doe ratio.

15A NCAC 10B .0203 DEER (WHITE-TAILED) (Pg. 7)

Quail

1. 15A NCAC 10B .0227

Allow landowners to remove raccoons, striped skunks, opossums, and armadillos throughout the entire nesting season on Wild Quail Management Areas.

Justification: Quail are a Species of Greatest Conservation Need in the NCWRC Wildlife Action Plan. Research has shown that in areas with excellent habitat, as is required for Wild Quail Management Areas, quail populations can increase by removing these nest predators throughout the nesting season. Currently, landowners on Wild Quail Management Areas are only allowed to remove nest predators during the early portion of the nesting season, with no provision to remove armadillos at that time.

15A NCAC 10B .0227 WILD QUAIL MANGEMENT AREAS (Pg. 10-11)

Alligator Control Agents

1. 15A NCAC 10H .1506

Amend Alligator Control Agent (ACA) Eligibility and Requirements rule to prohibit the use of equipment used in captive facilities or on captive alligators in ACA operations.

Justification: This change will better protect native alligators from diseases that may be unintentionally introduced by equipment or handling of captive alligators. Disease mortality can be significant, and these diseases have been documented in other states in both wild and captive alligators.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS (Pg. 15)

Wildlife Conservation Areas

1. 15A NCAC 10J .0101

Define terms used throughout Wildlife Conservation Area rules.

Justification: Currently, rule language references terms that are defined only in Subchapter 10D where they apply only to specific subsections.

15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS (Pg. 16)

2. 15A NCAC 10J .0102

Change the dates and areas of restricted access on portions of Wildlife Conservation Areas that are posted as Waterbird Nesting Areas from April 1 through August 31, to March 1 through September 15. Prohibit open fires on Wildlife Conservation Areas and reformat the rule for clarity.

Justification: Data from the NCWRC and partners show that disturbance to waterbirds during territory establishment, nesting, incubating, and chick-rearing occurs earlier and later than the current restricted access period. These breeding activities have been documented from late February through mid-September. Several waterbirds and herpetofauna using Wildlife Conservation Areas for nesting are state listed endangered, threatened, or special concern species; therefore, it is imperative that their populations are protected during this critical time. In addition, restricting open fires was extended to all Wildlife Conservation Areas for resource protection and safety.

15A NCAC 10J .0102 GENERAL REGULATIONS REGARDING USE OF WILDLIFE CONSERVATION AREAS (Pg. 17-18)

~~15A NCAC 10B .0110 — ATTENDANCE OF TRAPS~~

~~(a) Every trap shall be visited daily and any animal caught therein removed, except for completely submerged conibear type traps which shall be visited once every 72 hours and any animal caught therein removed.~~

~~(b) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following features:~~

~~(1) — a control unit that monitors the trap in real time and reports trap status and unit status to a centralized application database at least once every 12 hours;~~

~~(2) — a software application that notifies the user of unit status, trap activity, and system health issues within 10 minutes of these events via email, text based messaging systems, or an in application notification; and~~

~~(3) — an on demand test procedure that is used at each deployment of a unit to confirm that the unit is placed in a location where its wireless communication can be received and processed.~~

~~(c) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within 24 hours of the time the trap was reported closed.~~

~~(d) If a remote trap checking system control unit fails to report its status after a 12 hour period, or reports a system health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.~~

~~(e) Remote trap checking system users shall maintain records of trap status and notification alarms for at least seven days after receipt. Records shall be made available for inspection upon request by a representative of the Commission.~~

15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD

(a) Deer killed accidentally on a road by reason of collision with a motor vehicle may be possessed and transported if authorization is obtained from the law enforcement officer who investigates the accident. Possession and transport of the deer carcass for personal and lawful use, including delivery of the carcass to a second person for his or her private use or use by a charitable organization shall be authorized.

(b) Commission employees may authorize possession and transport of deer and turkey killed accidentally or found dead.

(c) The following shall not be possessed or transported if killed accidentally or found dead unless written authorization is obtained from the Commission:

(1) black bears; and

(2) elk.

~~(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.

(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 .0203 DEER (WHITE-TAILED)

(a) Open Seasons (All Lawful Weapons) for hunting deer:

- (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the following seasons:
 - (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick, Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties.
*Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.
 - (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
 - (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.
 - (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.
 - (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
 - (F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (2) Antlered or Antlerless Deer. ~~Deer of Either Sex~~. Except on Game Lands, antlered or antlerless deer ~~of either sex~~ may be taken during the open seasons and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Antlered or antlerless deer ~~Deer of either sex~~ may be taken during the open season identified in Part (H) of this Subparagraph.
 - (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service during the period from the Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.

- (B) The open either-sex deer hunting dates established by the appropriate military commands at each of the military installations listed in this Paragraph, during the period from Saturday on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) Youth antlered or antlerless ~~either sex~~ deer hunts. First Saturday in October for youth antlered or antlerless ~~either sex~~ deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission; the third Saturday in October for youth antlered or antlerless ~~either sex~~ deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the second Saturday in November for youth antlered or antlerless ~~either sex~~ deer hunting by permit only on apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated by agents of the Commission. A youth is defined as a person under 18 years of age.
- (D) The first open Saturday of the Deer ~~with~~ With Visible Antlers season described in Subparagraph (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania counties.
*Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280
- (E) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in all of ~~Avery, Burke, Caldwell, Madison and McDowell~~ McDowell, Mitchell, and Yancey counties.
- (F) The first open day of the Deer ~~with~~ With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the second ~~Friday~~ Saturday thereafter in all of ~~Cleveland, Polk, and Rutherford~~ Avery, Burke, Caldwell, [Madison,] Mitchell, and [Yaney] Yancey counties.
- (G) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule through the fourth [Friday] Saturday thereafter in all of Cleveland, Polk, and Rutherford counties.
- ~~(G)~~(H) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1) of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston counties and in the following parts of counties: Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280; and Henderson: That part east of NC 191 and north and west of NC 280.
- ~~(H)~~(I) The fourth Saturday in September in all counties, subject to the following restriction: only persons under the age of 18 years may hunt.

(b) Open Seasons (Archery) for hunting deer:

- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the following seasons:
 - (A) Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1) of this Rule; and the Sunday immediately following the closing of blackpowder firearms and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Archery seasons on these Game Lands).

- (B) Sunday immediately following the closing of the open season for Deer With Visible Antlers through January 1 in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.
- (2) Restrictions
- (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the archery deer hunting season.
 - (C) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during archery seasons specified by Part (b)(1)(A) of this Rule.
 - (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, shall be taken during the archery season specified by Part (b)(1)(B) of this Rule.
- (c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment during the following seasons:
 - (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and Archery seasons on these Game Lands):
 - (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.
 - (2) Restrictions
 - (A) ~~Antlered or antlerless deer Deer of either sex~~ may be taken during blackpowder firearms and archery season in any county or county part set forth in Part (a)(2)(G) of this Rule that has either-sex days for all lawful weapons and in the following counties: Polk, Rutherford, McDowell, Burke, Caldwell, and Cleveland. ~~Antlered or antlerless deer Deer of either sex~~ may be taken on the first Saturday day of this season only in all other counties.
 - (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
 - (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.
- (d) Open Season (Urban Season) for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, ~~antlered or antlerless deer of either sex~~ may be taken with bow and arrow in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part thereof that occurs within a city boundary.

- (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no later than April 1 of the year prior to the start of the urban season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the urban season shall apply.
- (3) Restrictions:
 - (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
 - (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the urban season.

(e) Bag limits. The possession and season limit is six deer, two of which may be deer with visible antlers and four of which may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. In addition to the bag limits described above, a hunter may obtain multiple bonus antlerless deer harvest report cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit. The bag limits described above do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with these DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to all the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

15A NCAC 10B .0227 WILD QUAIL MANGEMENT AREAS

- (a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild bobwhite quail conservation under signed agreement between the landowner(s) and the Wildlife Resources Commission.
- (b) The following qualifications shall apply to all Wild Quail Management Areas:
- (1) At least 500 acres of contiguous land; and
 - (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-round bobwhite quail habitat.
- (c) Wild bobwhite quail habitat shall be any early successional habitat dominated by herbaceous vegetation or shrub cover consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with scattered open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60 square feet per acre. Land managed and maintained primarily for human uses such as large lawns, golf courses, sod-forming pastures, production agriculture fields, monoculture hayfields, solar energy, or production timber stands shall not qualify as early successional habitat.
- (d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described on the Commission's website at www.ncwildlife.org.
- (e) The signed agreement between the landowner(s) and the Commission shall include:
- (1) a list of all owners of land included in the Wild Quail Management Area;
 - (2) county parcel identification information for each parcel to be included in the Wild Quail Management Area;
 - (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round bobwhite quail habitat identified;
 - (4) management practices to be used to maintain bobwhite quail habitat and populations; and
 - (5) any reporting requirements in addition to the minimum requirements in Subparagraph (g)(6) of this Rule that are specific to the individual Wild Quail Management Area.
- (f) Property inspection:
- (1) All potential properties shall be inspected by a representative of the Commission prior to acceptance into the program to determine that the proposed land and habitat will qualify to become a Wild Quail Management Area; and
 - (2) Wild Quail Management Areas shall be inspected by a representative of the Commission at least once every five years to determine that the requirements of the signed agreement and this rule are being met.
- (g) The following shall apply to all Wild Quail Management Areas:
- (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.
 - (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A NCAC 10B .0208.
 - (3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite quail populations remain stable during droughts or other periods of stressful environmental conditions. Supplemental feed shall:
 - (A) be broadcast into quail habitat along a minimum linear distance of at least one mile per 100 acres of habitat at a rate of three bushels per mile;
 - (B) be broadcast on a bi-weekly schedule during at least five months each year
 - (C) be broadcast using a non-stationary spreader;
 - (D) be only natural grains or seed; and
 - (E) not be placed to attract birds for the purpose of hunting.
 - (4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near or with the aid of supplemental feed.
 - (5) Outside of the trapping season established in 15A NCAC 10B .0303, trapping ~~Trapping~~ for raccoon, striped skunk, armadillo, and opossum on Wild Quail Management Areas for the purpose of nest

predator control shall only be allowed ~~from the end of the established trapping season in 15A NCAC 10B .0303 through May 31. Enclosed~~ using enclosed foot-hold traps with a one-way trigger or cage traps may be used, and trapped traps. Trapped raccoons, striped skunks, armadillos, and opossums may be euthanized or released at the trap site.

- (6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission within 30 days of the end of the reporting period, and shall include the following:
- (A) number of days and hours wild bobwhite quail were hunted;
 - (B) total annual harvest of wild bobwhite quail;
 - (C) total number of coveys flushed;
 - (D) supplemental feeding activities;
 - (E) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted during trapping seasons established by 15A NCAC 10B .0303; and
 - (F) number of trap nights, number of animals trapped and their disposition or release, by species, for trapping activity conducted outside of trapping seasons established by 15A NCAC 10B .0303.

15A NCAC 10B .0301 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) “Box trap” and “cage trap” are any device designed in such a manner that the animal enters the trap through a door that closes and is meant to prevent the animal from exiting.
- ~~(1)~~(2) "Breakaway device" means any device incorporated into a snare or snare component that allows the loop to break open, and an animal to escape completely free of the snare, when a specified amount of force is applied.
- ~~(2)~~(3) "Collarum™-type trap" means any power-activated snare that is activated when the trigger is pulled and that is designed to capture and restrain the animal by a cable around the neck.
- (4) “Conibear®”, “conibear®-type”, and “bodygrip” traps are designed to catch an animal in a body hold resulting in a quick kill.
- ~~(3)~~(5) "Leghold" and "foothold" mean any trap designed to hold an animal by the foot.
- ~~(4)~~(6) "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing beyond a specified point.
- ~~(5)~~(7) "Power-activated" means a snare on which the speed or direction of the loop closure is initiated or augmented by some type of powering device like a spring.
- ~~(6)~~(8) "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the captured animal when the cable is not taut.
- ~~(7)~~(9) "Snare" means any cable restraining device.
- ~~(8)~~(10) "Steel-jaw" means any leghold or foothold trap in which the jaw(s) are made of metal.

15A NCAC 10B .0303 OPEN SEASONS

(a) ~~General.~~ The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S. 113-129(7a), as well as the taking by trapping of coyotes, armadillos, and groundhogs, shall be ~~November~~ October 1 through the last day of February, subject to the following:

- (1) trapping coyotes shall also be allowed during local fox trapping seasons and in accordance with methods described by local law in counties that have established fox trapping seasons by law outside the regular trapping season described in Paragraph (a); and
 - (2) nutria may be trapped east of I-77 at any time.
- (b) Feral Swine. There is no closed season for trapping feral swine, subject to the following restrictions:
- (1) in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission is required to trap feral swine. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must acquire the permit;
 - (2) feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed in a manner such that a non-target animal can be released or can escape without harm. The permit number must be displayed on all traps; and
 - (3) feral swine must be euthanized while in the trap and may not be removed alive from any trap.

~~Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.~~

15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF TRAPS

(a) Every trap shall be visited daily and any animal caught therein removed, except for completely submerged conibear type traps which shall be visited once every 72 hours and any animal caught therein removed.

(b) Steel-jaw, leghold, conibear®, conibear®-type traps, Collarum™-type traps, snares, box traps, and cage traps must have a weather-resistant permanent tag attached legibly giving the trapper's name and address or the trapper's trapper identification number provided by the Wildlife Resources Commission and the Wildlife Resources Commission's telephone number to report wildlife violations. Box traps for rabbits must have a weather-resistant permanent tag attached legibly giving the hunter's name and address or the hunter's Wildlife Resources Commission customer number and the Wildlife Resources Commission's telephone number to report wildlife violations.

(c) Remote trap checking systems may be used in lieu of visiting the trap, provided the system has the following features:

- (1) a control unit that monitors the trap in real-time and reports trap status and unit status to a centralized application database at least once every 12 hours;
- (2) a software application that notifies the user of unit status, trap activity, and system health issues within 10 minutes of these events via email, text-based messaging systems, or an in-application notification; and
- (3) an on-demand test procedure that is used at each deployment of a unit to confirm that the unit is placed in a location where its wireless communication can be received and processed.

(d) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within 24 hours of the time the trap was reported closed.

(e) If a remote trap checking system control unit fails to report its status after a 12-hour period, or reports a system health issue, the trap shall be physically visited within 24 hours of the last time a status report was sent.

(f) Remote trap checking system users shall maintain records of trap status and notification alarms for at least seven days after receipt. Records shall be made available for inspection upon request by a representative of the Commission.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS

- (a) The following definitions shall apply in this Section:
- (1) "Alligator control agent" or "ACA" means a licensed Wildlife Control Agent that holds a current and valid alligator control agent certification issued by the Commission.
 - (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the Commission that authorizes a Wildlife Control Agent to engage in alligator damage control or alligator removal activities by means of a Commission-issued depredation permit.
- (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without first obtaining an alligator control agent (ACA) certification from the Commission.
- (c) Only individuals with a valid WCA license shall be eligible for ACA certification.
- (d) WCAs meeting the following requirements shall qualify for ACA certification:
- (1) completion of a Commission-approved ACA training course that reviews the following:
 - (A) alligator rules;
 - (B) procedures for alligator data collection activities; and
 - (C) safe, humane alligator capture, handling, and transporting techniques.
 - (2) a passing score on the ACA written examination as specified in Paragraph ~~(d)~~(f) of this Rule.
 - (3) demonstration to the Commission of necessary equipment to safely and humanely capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag reader, and an alligator transport device.
- (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca
- (f) WCAs scoring at least an 80 percent on the ACA examination provided by the Commission shall be deemed to have received a passing score. WCAs failing to obtain a passing score on the examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the ACA training course.
- (g) An ACA certification shall not be transferable between individuals.
- (h) All equipment used in captive facilitates or on captive alligators shall not be used for ACA operations.

15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS

~~For the purposes of these regulations, wildlife conservation areas are defined as any lands owned, leased, controlled, or cooperatively managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife resources including those areas designated and posted as Wildlife Conservation Areas and those designated and posted as Colonial Waterbird Nesting Areas.~~

(a) For purposes of this Subchapter, the following definitions shall apply:

- (1) "Wildlife Conservation Area" means any lands owned, leased, controlled, or cooperatively managed by the Wildlife Resources Commission primarily for the conservation of nongame wildlife resources including those areas designated and posted as Wildlife Conservation Areas and those designated and posted as Waterbird Nesting Areas.
- (2) "Other materials" means: all metals, minerals, rocks, soil, organic debris, buildings, fences, archeological resources as defined in G.S. 70-12, and water.

(b) The Wildlife Resources Commission has identified and posted the following areas on Wildlife Conservation Areas that have additional restrictions on entry or usage:

- (1) On portions of Wildlife Conservation Areas posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or archery equipment as defined in 15A NCAC 10B .0116 within, into, or across a posted safety zone on any Wildlife Conservation Area. Falconry is exempt from this provision.
- (2) Portions of Wildlife Conservation Areas posted as "Restricted Zones" are closed to all use by the public, and entry upon such an area for any purpose is prohibited without first having obtained written approval of such entry or use from the Wildlife Resources Commission. Entry shall be authorized only when such entry will not compromise the primary purpose for establishing the Restricted Zone and the person or persons requesting entry are able to demonstrate a valid need or such person is a contractor or agent of the Commission conducting official business. Valid needs may include access to private property, scientific investigations, surveys, or other activities in the public interest.

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

~~(a) Trespass.~~ Entry on areas posted as Wildlife Conservation Areas for purposes other than wildlife observation, hunting, trapping or fishing shall be as authorized by the landowner. ~~On those areas designated and posted as Colonial Waterbird Nesting Areas, entry is prohibited during the period of April 1 through August 31 of each year, except by written permission of the landowner. Entry into Colonial Waterbird Nesting Areas during the period of September 1 through March 31 is as authorized by the landowner.~~

(b) Entry is prohibited above the high tide waterline from March 1 through September 15 of each year on areas designated and posted as Waterbird Nesting Areas.

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

~~(e)(d) Use and possession of weapons.~~ No person shall discharge:

- (1) any weapon from a vehicle;
- (2) any weapon within 200 yards of any building or designated camping areas;
- (3) any weapons within, into, or across a posted "safety zone;" or
- (4) ~~a firearm~~ any weapons within, into, or across a posted "restricted zone."

No person shall hunt with or have in possession any shotgun shell containing lead or toxic shot while hunting waterfowl on any area designated as a ~~wildlife conservation area~~, Wildlife Conservation Area, except shotgun shells containing lead buckshot may be used while deer hunting. ~~Every individual carrying a concealed handgun must adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina.~~

~~(d)(e) License Requirements.~~ All applicable hunting, trapping, and fishing license requirements shall apply on Wildlife Conservation Areas.

~~(1) — Hunting and Trapping:~~

~~(A) — Requirement.~~ Except as provided in Part (d) (1)(B) of this Rule, any person entering upon any designated wildlife conservation area for the purpose of hunting or trapping shall have in his possession a game lands use license in addition to the appropriate hunting or trapping licenses.

~~(B) — Exception.~~ A person under 16 years of age may hunt on designated wildlife conservation areas on the license of his parent or legal guardian.

~~(2) — Trout Fishing.~~ Any person 16 years of age or over, including an individual fishing with natural bait in the county of his residence, entering a designated wildlife conservation area for the purpose of fishing in designated public mountain trout waters located thereon must have in his possession a regular fishing license and special trout license. The resident and nonresident sportsman's licenses and short term comprehensive fishing licenses include trout fishing privileges on designated wildlife conservation areas.

~~(e)(f) Training Dogs.~~ Dogs shall not be trained on designated wildlife conservation areas during open hunting seasons for game animals or game birds thereon. Dogs are ~~shall not allowed to enter any wildlife conservation area~~ Wildlife Conservation Area designated and posted as a ~~colonial waterbird nesting area~~ Waterbird Nesting Area ~~during the period of April from March 1 through August 31.~~ September 15 above the high tide waterline.

~~(f)(g) Trapping.~~ Subject to the restrictions contained in 15A NCAC 10B .0140, .0302, and .0303, and .0306 trapping of fur-bearing animals is permitted on any area designated and posted as a ~~wildlife conservation area~~ Wildlife Conservation Area during the applicable open seasons, except that trapping is prohibited:

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

(h) The following is prohibited on areas designated as Wildlife Conservation Areas or on their waters:

- (1) driving a motorized vehicle on any area posted against vehicular traffic;

- (2) camping, unless designated by the landowner. On the coastal islands designated Wildlife Conservation Areas, camping is allowed except on those areas designated and posted as Waterbird Nesting Areas;
- (3) swimming, except for the waters adjacent to coastal island Wildlife Conservation Areas;
- (4) operating a vessel powered by internal combustion engine; and
- (5) operating motorized land vehicles not licensed for highway use. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions;
- (6) open fires.

~~(g) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.~~

~~(h) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except on those areas designated and posted as Colonial Waterbird Nesting Areas.~~

~~(i) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a person may swim in waters adjacent to coastal island wildlife conservation areas.~~

~~(j) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters located on designated wildlife conservation areas.~~

~~(k) Non Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions.~~

~~(l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson Cohen Wildlife Conservation Area.~~

~~(m)(i) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written authorization of the Wildlife Resources Commission. Releasing animals or birds, domesticated animals, and feral animals on Wildlife Conservation Areas is prohibited except for:~~

- ~~(1) hunting dogs and raptors when permitted for hunting and training purposes; or~~
- ~~(2) with prior written authorization of the Wildlife Resources Commission.~~

~~(n)(j) Possession and removal. No living or dead nongame wildlife, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other materials may be possessed on or removed from ~~conservation~~ Wildlife Conservation Areas without written permission from the ~~Commission.~~ Commission as specified in 15A NCAC 10J .0101. ~~For purposes of this Rule, "other materials" includes all metals, minerals, rocks, soil, organic debris, buildings, fences, historic artifacts and water.~~ Minimal amounts of animal parts, plant parts not removed from live plants, and other materials may be collected by hand and removed from Commission lands without written permission, except in violation of rules, general statutes, or federal law. Collection of animal parts, and plant parts not removed from live plants for commercial use or sale is prohibited. For purposes of this Subparagraph, "minimal amounts," are quantities that fit within a cubic foot of space, except for firewood to be used at posted camping areas. Minimal amounts of firewood are quantities sufficient to build and maintain a fire for the duration of the Wildlife Conservation Area user's stay at the campground.~~

EXHIBIT G-1

February 23, 2023



Proposed Amendments to 10B .0113 Big Game Harvest Reporting Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

The proposed amendments to this rule expand the recording and reporting options to include new technology the WRC is implementing as part of its transition to a third-party license vendor, that will allow hunters to validate and register their big game harvests through the WRC's mobile app.

The Commission will no longer be providing a paper report card to all big game hunters, unless specifically requested either from the Commission or at an agent location. Licensed hunters will be emailed a printable pdf report card and can access the pdf version in their account and through the app to print themselves if they do not wish to report electronically.

15A NCAC 10B .0113 BIG GAME HARVEST REPORTING (Pg. 2-4)

15A NCAC 10B .0113 ~~BIG GAME HARVEST REPORTS~~ REPORTING

(a) Definitions. The following definitions shall apply in this Rule:

- (1) "Authorization number" means the number or code issued by the ~~Electronic Big Game Reporting System~~ Commission upon completion of big game harvest registration, which shall serve as proof of registration and allow continued possession of the carcass.
- (2) "Big Game" means bear, wild turkey, and white-tailed deer, as defined in G.S. 113- 129.
- (3) "Big Game Harvest Report Card" means the non-transferrable physical or electronic reporting card ~~supplied~~ issued to the hunter an individual by the Commission as part of ~~the~~ their big game license, upon which ~~the successful hunter validates and records~~ they validate and record the authorization number for a big game harvest.
- (4) "DMAP" means Deer Management Assistance Program as defined in G.S. 113-291.2(e).
- (5) "Field Dress" means the bleeding or removal of the digestive, respiratory, and circulatory organs.
- ~~(5)(6)~~ "Validate" or "validation" means electronically recording a harvest or cutting or punching-out the day and month of the harvest occurred on the appropriate line of the Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card or by affixing a Commission-issued DMAP tag. ~~Deer Management Assistance Program (DMAP) tag, as required by G.S. 113-291.2(e).~~
- ~~(6)(7)~~ "Register" or "Registration" means the process by which the big game harvest ~~of big game~~ is reported ~~through the Electronic Big Game Reporting System to the Commission~~ and an authorization number is ~~issued.~~ issued by the Commission.
- ~~(7)(8)~~ "Remote Area" means an area where ~~access to the Electronic Big Game Reporting System~~ cellular phone signal, internet access or the Mobile app is unavailable.
- ~~(8)(9)~~ "Site of kill" or "site of harvest" means the location that a person takes possession of harvested big game.
- ~~(9)(10)~~ "Successful hunter" means a person that has lawfully taken and reduced to possession a big game animal.
- (11) "Mobile app" means a unique Commission application that may be downloaded to a mobile device allowing successful hunters to validate and register a big game harvest.

(b) Any individual hunting big game animals, including license exempt individuals, shall have an electronic or paper version of the Big Game Harvest Report Card, Bonus Antlerless Deer Harvest Report Card, or DMAP tag pursuant to G.S. 113-291.2, on their person while hunting.

(c) Validation. ~~The~~ A successful hunter shall validate ~~the their~~ Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card or affix a Commission-issued DMAP tag before moving any big game from the site of kill. ~~Deer harvested pursuant to the Deer Management Assistance Program (DMAP), that are not validated by the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card, shall be validated by affixing a Commission issued DMAP tag.~~

~~(e)~~ (d) Field Dressing. Harvested big game may be field dressed at the site of kill or before registration. Further processing that obscures the identification of the harvested animal's species, age, or sex shall be prohibited without a valid authorization number.

~~(d)~~(e) Registration. Harvested big game shall be registered via ~~the Electronic Big Game Reporting System~~ the Commission's mobile app, online at www.newwildlife.org or www.ncwildlife.org, by calling 1-800-446-8663, 1-800-446-8663, or as described in the DMAP license. Harvested big game shall be registered before the animal is:

- (1) skinned; or
- (2) dismembered; or
- (3) left unattended by the successful hunter; or
- (4) placed in the possession of another person.

Harvested big game animals that are not skinned, dismembered, left unattended by the successful hunter, or placed in the possession of another person, shall be registered by 12pm noon the day following the harvest.

~~(e)~~(f) Registration in Remote Areas. Big game harvested in remote areas shall be registered by 12pm noon, the day after leaving the remote area. Notwithstanding the registration requirements in Paragraph ~~(de)~~ of this Rule, big game harvested in remote areas may:

- (1) be placed in the possession of another, provided that the person in possession of the big game has the successful hunter's name and date of kill on their person; and
- (2) be skinned and dismembered before registration, if the carcass cannot be transported intact.

~~(f)~~(g) Authorization number. Successful hunters using the paper Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card, the authorization number shall be recorded in the space provided for the appropriate harvested big game animal. animal on the Big Game Harvest Report Card or on the Bonus Antlerless Deer Harvest Report Card. ~~Successful hunters validating a deer harvest by affixing using~~ a Commission-issued DMAP tag shall record and maintain the authorization number upon registration, as described in the DMAP license.

~~(g)~~(h) Unattended Harvests. Except as otherwise provided by rule or law, successful hunters that leave a harvested big game animal unattended or in the possession of another person shall identify the carcass by attaching the authorization number issued at the time of registration. Except as provided in Paragraph ~~(e)~~ (f) of this Rule, a person that takes possession of a big game animal from a successful hunter shall retain the authorization number of that animal.

~~(h)~~ Exceptions. Requirements of this Rule shall not be applicable to special deer tags issued pursuant to G.S. 113-291.2(e).

~~(i)~~ Any person hunting big game animals, including license exempt persons, shall have a valid Big Game Harvest Report Card, valid Bonus Antlerless Deer Harvest Report Card, or special tag pursuant to G.S. 113-291.2 in their possession. ~~The Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card is part of the big game license and shall not be transferrable.~~

~~(j)~~ Any persons who has requested a Big Game Harvest Report Card by phone or internet but has not yet received the Big Game Harvest Report Card by mail, shall validate the kill by affixing the harvest ID number provided by the Commission to the carcass and shall register in accordance with Paragraphs (d) or (e) of this Rule. ~~The successful~~

~~hunter shall retain all authorization numbers from reported harvests and shall transcribe those authorization numbers to the Big Game Harvest Report Card upon receipt of the card.~~

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2017; August 1, 2012; August 1, 2010; June 1, 2009; May 1, 2007; May 1,
2004; July 1, 2000;
Readopted Eff. August 1, 2020.*



Fiscal Note for Proposed Wildlife Management Rule Amendments

Rule Amendments: 15A NCAC 10B .0113 Big Game Harvest Reporting

Agency Contact: Carrie Ruhlman
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NC Wildlife Resources Commission
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Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113-134; 113-270.3; 113-276.1; 113-291;

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)). The Wildlife Resources Commission (WRC) is tasked with the conservation of wildlife resources of the State (G.S. § 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take 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).

The WRC is required to implement a system of tagging and reporting big game (bear, wild turkey, and white tailed deer as defined in G.S. 113-129) harvests per G.S 113-276.1. The Commission has historically supplied paper “Big Game Harvest Report Cards” (BGHRC), to individuals to validate their big game harvest(s). These BGHRC are issued with four different annual licenses (sportsman, unified sportsman, comprehensive hunting, and non-resident big game hunting) and three lifetime licenses (unified sportsman, sportsman and comprehensive hunting). BGHRC are issued at the time of license purchase and depending on where the license was purchased, are either printed and mailed from the Commission through CES Mail Communications or printed at the Wildlife Service Agent (agent), official license and vessel agents of the WRC authorized to issue hunting licenses and other items authorized by the

Commission, location and handed to the individual at time of purchase.

The BGHRC is printed with the license, on 28lb, perforated punch-out ID card with void copy pantograph security paper. The Commission purchases the paper and envelopes for printing and mailing. Fulfillment is done through CES Mail Communications. Paper, printers, and toner is purchased for Wildlife Service Agents and shipped to those agents through CES Mail Communications.

Depending on when the annual licenses are issued, some hunters receive one BGHRC and others two BGHRCs per year. Lifetime license holders are sent a BGHRC annually from the Commission upon request.

Registration of harvested big game is required online or by calling an interactive voice response (IVR) toll-free number to obtain an authorization number. This number is then required to be recorded on the paper BGHRC and proves that the hunter is authorized to possess that animal.

15A NCAC 10B .0113 BIG GAME HARVEST REPORTING

The proposed amendments to this rule expand the recording and reporting process to include new technology the WRC is implementing as part of its transition to a third-party license vendor, that will allow hunters to validate, and register their big game harvests through the WRC's mobile app.

In addition to the new app reporting option, the Commission will no longer be providing a paper report card to all big game hunters, unless specifically requested either from the Commission or at an agent location. Licensed hunters will be emailed a printable pdf BGHRC and can access a pdf version in their account and through the app to print themselves if they don't wish to report electronically. If hunters want a paper BGHRC, the document can be requested from the Commission or an agent and will be printed on regular printer paper.

A summary of the proposed rule amendments with anticipated impacts is shown below. Proposed rule text is included in Appendix A.

Impacts & Benefits

State Costs

There are no anticipated costs to the state as a result of the proposed rule changes.

State Benefits

Proposed changes to this rule allow completely paperless reporting of big game harvests. While the agency does not expect that all hunters will use this new method, it is likely that a substantial percentage of the approximately 300,000 licensed hunters that receive a BGHRC annually will.

In FY22 the agency spent approximately \$526,834.31 on paper licenses. Thirty percent of those

licenses had the big game privilege and came with a BGHRC. If all 300,000 hunters use paperless big game harvest reporting methods, agency savings will be approximately \$158,050.29/year ($\$526,834.3 \times 0.30 = \$158,050.29$).

Approximately 47% of the total annual license costs are for Commission fulfillment through CES for paper, envelopes, labor, printing and mailing of licenses to hunters. Because the WRC will no longer be supplying a paper license or BGHRC to hunters, the agency is expecting to save approximately \$74,283.64 per year ($\$526,834.31 \times 0.47 = \$247,612.13 \times 0.30 = \$74,283.64$).

Approximately 53% of the total annual license costs are for agent supplies, including paper, printers, toner, and distribution (labor and mailing of supplies to agents). The discontinuance of paper BGHRCs will result in a cost savings of up to approximately \$83,766.66 per year ($\$526,834.31 \times 0.53 = \$279,222.18 \times 0.30 = \$83,766.66$).

Additionally, with the implementation of services from the third-party vendor, the agency will no longer host the IVR number for registering big game harvests. This service will be hosted by the vendor, saving the agency approximately \$38,000 per year.

Local Impact

There are no anticipated impacts to local government.

Private Costs

Because agents will no longer be required to print licenses or the BGHRC, the agency will not be supplying printers and toner. Of the 750 agent locations, approximately 300 of them currently have an agency-supplied printer. These 300 agents will be permitted to keep the printers; however, the agency will no longer supply the printer toner. Printer paper will still be supplied at no cost to all agents. We believe that the number of hunters that will visit one of the 750 agent locations across the state and request a paper BGHRC will be minimal. The individuals that may still go to an agent location are likely those who will go there to purchase a license and can get both the license and BGHRC printed at the same time if they wish. Thus, the agency believes that the cost of printing will be minimal.

A potential implication of fewer hunters using paper BGHRC is that agents may experience decreased license sales and associated decreased traffic to their business. Agents currently make \$2 for each license they sell, and as of 7/1/2023, they will receive \$4 for each license they sell. In FY22, approximately 173,993 licenses with BGHRCs were sold at agent locations resulting in a profit of \$347,896 collectively ($173,993 \text{ licenses} \times \$2/\text{license}$). Because hunters no longer need a paper license or report card, they may choose to not go to an agent to purchase their license. The agency doesn't know how many hunters will still purchase licenses at agent locations, but it is likely that a significant number of hunters will opt to purchase a license with BGHRC electronically. Assuming the total number of licenses with BGHRCs purchased in the future remains unchanged, and hunters no longer use agent to purchase those licenses, the maximum potential future revenue loss to agents would be \$695,972 ($173,993 \text{ licenses} \times \$4/\text{license}$). This potential future loss of revenue, if assumed to be spread evenly across approximately 750 agents,

equates a potential maximum annual revenue loss due to decreased license sales of approximately \$928 per agent. However, the agency does not believe that this will be the case and anticipates that many hunters will continue to use agents.

Additionally, if license sales are a factor in driving foot traffic to agents' businesses, the decreased foot traffic of hunters in agent locations also has the potential to decrease business revenue. Unfortunately, the agency has no way to estimate that potential impact.

Because the benefits of revenue from license sales and the draw of business from license buyers is no longer as substantial, some agents may decide that they no longer want to be agents, thus reducing the options for hunters to have their licenses printed. However, because of the low cost associated with being an agent, along with the alternative options for license purchases, the agency does not believe that agents will stop offering this service, nor will the sparsity of agents be a barrier to participation.

Private Benefits

While the proposed changes may decrease use of agents, the third-party license vendor may benefit, as they collect a larger fee for online sales (\$1 at an agent vs. \$3 online). Thus, the increase of online license sales with the big game privilege could shift up to \$347,986 (173,993 licenses x \$2 additional per license) from agents to the vendor. The agency anticipates that some hunters will continue to use agents, so the total fees shifted to vendors is likely to be less than this estimated maximum.

The proposed changes also increase options for big game hunters to report their harvest. While there is no way of knowing how many hunters will use the app, allowing big game harvest reporting through a mobile app will provide a convenient option.

SUMMARY

Quantifiable Impacts

State

No quantifiable costs to the state were identified.

The following quantifiable benefits (cost savings) were identified for the proposed rule changes:

- \$74,283.64 per year for Commission fulfillment of license/BGHRC paper, envelopes, printing, postage and labor through CES
- \$83,766.66 per year on supplies (paper, printers, toner, and shipping costs) and labor for agents
- \$38,000 per year on IVR for 800-I-GOT-ONE

Total annual cost savings to the state are estimated at approximately \$185,050.30.

Local

There are no quantifiable impacts for local government.

Private

The following quantifiable maximum cost to agents was identified for the proposed rule changes:

- A maximum of \$695,972 per year in potential revenue loss collectively from the sale of licenses at 750 agent locations. Actual revenue loss to agents is likely to be less as the agency expects some hunters to continue purchasing their license at agent locations.

The following quantifiable maximum benefit to the vendor was identified for the proposed rule changes:

- Up to \$347,986 in potential revenue shifted from agents to the license vendor for online sale of licenses with the big game privilege. Actual revenue shifted to the vendor is likely to be less as the agency expects some hunters to continue to use agents.

Unquantifiable Impacts

State

There are no unquantifiable impacts to the State.

Local

There are no unquantifiable impacts to local government.

Private

The following unquantifiable costs were identified:

- Hunters will be able to request paper licenses and BGHRC at agent locations. Printers and toner will no longer be supplied by the agency. However, 350 agents have agency printers that they can continue to use.

The following unquantifiable benefits were identified:

- Allowing big game harvest reporting through a mobile app will provide a convenient option to hunters.

The following additional potential implications of the proposed rule changes include:

- Allowing big game harvest reporting through a mobile app may cause hunters to purchase their licenses electronically instead of at an agent. This could decrease traffic at agent locations, causing decreased revenue from sales to these hunters.

While some unquantifiable costs have been identified for private individuals, the Commission believes they will be minimal and that benefits to both the state and private entities outweigh those costs.

15A NCAC 10B .0113 BIG GAME HARVEST REPORTS REPORTING

(a) Definitions. The following definitions shall apply in this Rule:

- (1) "Authorization number" means the number or code issued by the ~~Electronic Big Game Reporting System~~ Commission upon completion of big game harvest registration, which shall serve as proof of registration and allow continued possession of the carcass.
- (2) "Big Game" means bear, wild turkey, and white-tailed deer, as defined in G.S. 113- 129.
- (3) "Big Game Harvest Report Card" means the non-transferrable physical or electronic reporting card supplied issued to the hunter an individual by the Commission as part of ~~the~~ their big game license, upon which ~~the successful hunter validates and records~~ they validate and record the authorization number for a big game harvest.
- (4) "DMAP" means Deer Management Assistance Program as defined in G.S. 113-291.2(e).
- (5) "Field Dress" means the bleeding or removal of the digestive, respiratory, and circulatory organs.
- ~~(5)(6)~~ "Validate" or "validation" means electronically recording a harvest or cutting or punching-out the day and month of the harvest occurred on the appropriate line of the Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card or by affixing a Commission-issued DMAP tag. Deer Management Assistance Program (DMAP) tag, as required by G.S. 113-291.2(e).
- ~~(6)(7)~~ "Register" or "Registration" means the process by which the big game harvest of big game is reported through the Electronic Big Game Reporting System to the Commission and an authorization number is issued. issued by the Commission.
- ~~(7)(8)~~ "Remote Area" means an area where access to the Electronic Big Game Reporting System cellular phone signal, internet access or the Mobile app is unavailable.
- ~~(8)(9)~~ "Site of kill" or "site of harvest" means the location that a person takes possession of harvested big game.
- ~~(9)(10)~~ "Successful hunter" means a person that has lawfully taken and reduced to possession a big game animal.
- (11) "Mobile app" means a unique Commission application that may be downloaded to a mobile device allowing successful hunters to validate and register a big game harvest.

(b) Any individual hunting big game animals, including license exempt individuals, shall have an electronic or paper version of the Big Game Harvest Report Card, Bonus Antlerless Deer Harvest Report Card, or DMAP tag pursuant to G.S. 113-291.2, on their person while hunting.

~~(c)~~ Validation. The A successful hunter shall validate the their Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card or affix a Commission-issued DMAP tag before moving any big game from the site of kill. Deer harvested pursuant to the Deer Management Assistance Program (DMAP), that are not validated by the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card, shall be validated by affixing a Commission-issued DMAP tag.

~~(e)~~ (d) Field Dressing. Harvested big game may be field dressed at the site of kill or before registration. Further processing that obscures the identification of the harvested animal's species, age, or sex shall be prohibited without a valid authorization number.

~~(d)~~(e) Registration. Harvested big game shall be registered via ~~the Electronic Big Game Reporting System the Commission's mobile app, online at www.newwildlife.org or www.ncwildlife.org, by calling 1-800-446-8663, 1-800-446-8663, or as described in the DMAP license.~~ Harvested big game shall be registered before the animal is:

- (1) skinned; or
- (2) dismembered; or
- (3) left unattended by the successful hunter; or
- (4) placed in the possession of another person.

Harvested big game animals that are not skinned, dismembered, left unattended by the successful hunter, or placed in the possession of another person, shall be registered by 12pm noon the day following the harvest.

~~(e)~~(f) Registration in Remote Areas. Big game harvested in remote areas shall be registered by 12pm noon, the day after leaving the remote area. Notwithstanding the registration requirements in Paragraph ~~(d)~~ of this Rule, big game harvested in remote areas may:

- (1) be placed in the possession of another, provided that the person in possession of the big game has the successful hunter's name and date of kill on their person; and
- (2) be skinned and dismembered before registration, if the carcass cannot be transported intact.

~~(f)~~(g) Authorization number. Successful hunters using the paper Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card, the The authorization number shall be recorded in the space provided for the appropriate harvested big game animal. animal on the Big Game Harvest Report Card or on the Bonus Antlerless Deer Harvest

~~Report Card.~~ Successful hunters ~~validating a deer harvest by affixing using~~ a Commission-issued DMAP tag shall record and maintain the authorization number ~~upon registration as described in the DMAP license.~~

~~(g)~~(h) Unattended Harvests. Except as otherwise provided by rule or law, successful hunters that leave a harvested big game animal unattended or in the possession of another person shall identify the carcass by attaching the authorization number issued at the time of registration. Except as provided in Paragraph ~~(e)~~ (f) of this Rule, a person that takes possession of a big game animal from a successful hunter shall retain the authorization number of that animal.

~~(h) Exceptions. Requirements of this Rule shall not be applicable to special deer tags issued pursuant to G.S. 113-291.2(e).~~

~~(i) Any person hunting big game animals, including license exempt persons, shall have a valid Big Game Harvest Report Card, valid Bonus Antlerless Deer Harvest Report Card, or special tag pursuant to G.S. 113-291.2 in their possession. The Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card is part of the big game license and shall not be transferrable.~~

~~(j) Any persons who has requested a Big Game Harvest Report Card by phone or internet but has not yet received the Big Game Harvest Report Card by mail, shall validate the kill by affixing the harvest ID number provided by the Commission to the carcass and shall register in accordance with Paragraphs (d) or (e) of this Rule. The successful hunter shall retain all authorization numbers from reported harvests and shall transcribe those authorization numbers to the Big Game Harvest Report Card upon receipt of the card.~~

*History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2017; August 1, 2012; August 1, 2010; June 1, 2009; May 1, 2007; May 1,
2004; July 1, 2000;
Readopted Eff. August 1, 2020.*

EXHIBIT H

February 23, 2023



Proposed Rule Changes to 10F .0100 – Motorboat Registration Recommended by Agency Staff for Public Notice, Hearing, and Comment

Title 15A NCAC 10F .0100 – Motorboat Registration

As the Commission works through database conversion from ALVIN to Brandt, updates are needed to our vessel data collection points and certificate of number terminology to match United States Coast Guard regulations. In making these changes, rules 10F .0102, .0104, and .0109 have been updated with technical and terminology changes.

15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER (Pg. 2-5)

15A NCAC 10F .0104 CERTIFICATE OF NUMBER (Pg. 6-8)

15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER (Pg. 9-10)

15A NCAC 10F .0102 APPLICATION FOR CERTIFICATE OF VESSEL NUMBER

(a) Definitions. The definitions in G.S. 75A-2 shall apply throughout this Subchapter and to all forms prescribed pursuant to this Subchapter. As used in this Subchapter, the following definitions shall also apply:

- (1) "Boating Accident" means a collision, accident, casualty, or occurrence involving a vessel or its equipment and resulting in:
 - (A) damage by or to the vessel, its equipment, or other property;
 - (B) injury or loss of life to any person; or
 - (C) the disappearance of any person from a vessel under circumstances that indicate the possibility of death or injury.

A "boating accident" includes capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.

- (2) "Certificate of Title" means a document that serves as evidence of ownership of a vessel.
- (3) "Charter Fishing Vessel" means a vessel carrying passengers for hire who are engaged in recreational fishing.
- ~~(3)~~ (4) "Dealer" means a person, firm, or corporation engaged in the business of offering vessels for sale at retail or wholesale from an established location.
- ~~(4)~~ (5) "Government Agency Vessel" means a vessel owned and operated by the United States or a federal agency, a state, or a subdivision of a state.
- ~~(5)~~ (6) ~~"Livery Vessel"~~ "Rent or Lease Vessel" means a vessel that is rented or leased by the owners to an individual for a defined period of time.
- ~~(6)~~ (7) "Manufacturer" means a person, firm, or corporation engaged in the business of manufacturing vessels either upon prior commission or for the purpose of sale after manufacture.
- ~~(7)~~ (8) "Nonprofit Rescue Squad Vessel" means a vessel owned and operated by a nonprofit rescue squad exclusively for rescue purposes, including rescue training.
- ~~(8)~~ (9) "Proof of Ownership Document" means a document that provides evidence of ownership, including a Certificate of Number or a Certificate of Title issued by the Commission or any similar document issued by another state or country, an affidavit, a bill of sale, a manufacturer's statement of origin, or any other document that establishes ownership.
- ~~(9)~~ (10) "Vessel Agent" means an individual or business authorized by the Commission to conduct vessel transactions.

(b) General. The certificate of numbering and certificate of titling requirements of G.S. 75A-4, 75A-7, 75A-34, and 75A-35 shall apply to all vessels operated on the public waters of North Carolina, including ~~livery~~ rented and leased vessels, commercial fishing vessels, and commercial passenger vessels. Vessels operated pursuant to a dealer's or manufacturer's certificate of number for demonstration or testing purposes, government agency vessels, and non-profit rescue squad vessels shall not be subject to the titling requirements of G.S. 75A-34 and G.S. 75A-35 but shall remain subject to the certificate of numbering requirements of G.S. 75A-4 and G.S. 75A-7. Every owner applying for a certificate of number and certificate of title of a vessel, if applicable, shall apply to the Commission or to one of its

vessel agents using an application available on the Commission website at www.ncwildlife.org. The application shall include the following information:

- (1) the name of the owners;
- (2) the address, telephone number, date of birth, and North Carolina driver license number of the owners;
- (3) the current or previous certificate of number, if applicable;
- (4) the desired period of certificate of number, either one or three years;
- (5) the primary ~~use~~ operation of the vessel:
 - (A) pleasure;
 - (B) ~~livery~~; rent or lease;
 - (C) ~~dealer or manufacturer~~ demonstration;
 - (D) commercial fishing;
 - (E) commercial passenger;
 - (F) other commercial; ~~or~~
 - (G) ~~other~~; charter fishing; or
 - (H) other.
- (6) the model of the vessel, if known;
- (7) the manufacturer, if known;
- (8) the year of manufacture or model year, if known;
- (9) the manufacturer's hull identification number, if any;
- (10) the length of the vessel in feet and inches;
- (11) the type of vessel:
 - (A) ~~open~~; open motorboat;
 - (B) ~~cabin~~; cabin motorboat;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; ~~or~~
 - (F) ~~other~~; air boat;
 - (G) auxiliary sail;
 - (H) inflatable;
 - (I) paddlecraft/canoe;
 - (J) paddlecraft/kayak;
 - (K) rowboat;
 - (L) sail only; or
 - (M) other.
- (12) the hull material:
 - (A) wood;

- (B) ~~metal;~~ aluminum;
 - (C) ~~fiberglass;~~ steel;
 - (D) ~~plastic;~~ fiberglass;
 - (E) ~~inflatable;~~ or rubber/vinyl/canvas;
 - (F) ~~other;~~ plastic; or
 - (G) other.
- (13) the type of propulsion:
- (A) ~~inboard;~~ propeller;
 - (B) ~~outboard;~~ sail;
 - (C) ~~inboard-outdrive;~~ water jet;
 - (D) ~~sail;~~ manual;
 - (E) ~~auxiliary sail with inboard;~~ air thrust; or
 - (F) ~~auxiliary sail with outboard;~~ or other.
 - (G) ~~jet Drive;~~
- (14) the type of fuel:
- (A) gasoline;
 - (B) diesel;
 - (C) electric; or
 - (D) ~~other;~~ other.
- (15) the engine drive type:
- (A) inboard;
 - (B) outboard;
 - (C) stern drive;
 - (D) pod drive;
 - (E) other; or
 - (F) none.
- ~~(15)~~ (16) a proof of ownership document;
- ~~(16)~~ (17) the signature of the owners;
- ~~(17)~~ (18) the make of motor if over 25 horsepower, including serial number and purchase price of ~~motor;~~ motor, if known;
- ~~(18)~~ (19) the lien holder name, address, and telephone ~~number;~~ number, if applicable;
- ~~(19)~~ (20) the effective lien ~~date;~~ date, if applicable;
- ~~(20)~~ (21) the county where vessel is taxed; and
- ~~(21)~~ (22) proof of United States Coast Guard documentation, if applicable.

(c) Application for certificate of number and certificate of title. The owners shall complete and submit an application for a certificate of number, proof of ownership documents, and applicable fees to the Commission or one of its vessel agents for processing within 15 days of the date of sale. A new certificate of number shall be issued for new or never-

before registered vessels. For a period of 60 days following the date of sale, the new owners may use a copy of the proof of ownership document as a temporary certificate of number pending receipt of the original certificate, provided it contains the date of sale. If required, a certificate of title shall be issued and all reported liens shall be recorded.

(d) ~~Livery~~ Rented or Leased Vessel Owners. Upon receipt of a completed application and a copy of the lease or rental agreement form and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

(e) Dealers and Manufacturers of Vessels. Upon receipt of a completed application and fee, the Commission shall issue to the applicant a certificate of number that may be used in connection with the operation of any vessel in the possession of the dealer or manufacturer when the vessel is being demonstrated. Dealer and manufacturer certificates of number shall not be transferred. A new certificate of number shall be issued upon sale or transfer. Demonstration vessels shall not be titled so long as the vessel is owned by the dealer or manufacturer. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be individually registered in the name of the dealer or manufacturer in accordance with the certificate of number requirements of Paragraph (b) of this Rule. Additional dealer or manufacturer certificates of number may be obtained by making application in the same manner as prescribed for the initial certificate with payment of a fee for each additional certificate. Dealers and manufacturers may register individual vessels in accordance with Rule .0104(a) of this Section.

(f) Government Agency and Nonprofit Rescue Squad Vessels. Upon receipt of a completed application and proof of ownership documents from a government agency or non-profit rescue squad, the Commission shall issue to the applicant a permanent certificate of number. There shall be no fee for a permanent government agency or non-profit rescue squad certificate of number and the certificate shall be valid until the vessel is transferred to another government agency, an individual, a business, or a dealer. Government agency and nonprofit rescue squad registered vessels shall not be titled.

(g) Commercial Fishing Vessel. The standard application for a certificate of number shall be used for commercial fishing vessels with the term "commercial fishing" marked in the section designated for "primary use." Upon receipt of a completed application, proof of ownership document, and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

(h) Commercial Passenger Vessel. Upon receipt of a completed application, proof of ownership document, and fee, the Commission shall issue to the applicant a certificate of number and, if applicable, a certificate of title.

15A NCAC 10F .0104 CERTIFICATE OF NUMBER

(a) General. Upon receipt of a completed application, a proof of ownership document, and the applicable fees as provided in G.S. 75A-5(a1) and G.S. 75A-5.2(c), the Commission shall issue to the applicant a certificate of number authorizing the operation of the vessel. The certificate of number shall be carried while operating the vessel and shall be presented for inspection to any law enforcement officer upon request. The certificate of number shall include the following information:

- (1) the name of the owners, dealer, or manufacturer;
- (2) the address, including zip code, of the primary owners, dealer, or manufacturers;
- (3) the title indicator;
- (4) the certificate of number awarded to vessel;
- (5) the expiration date of the certificate of number;
- (6) ~~vessel use type;~~ the primary operation of the vessel;
 - (A) pleasure;
 - (B) ~~livery;~~ rent or lease;
 - (C) dealer or manufacturer demonstration;
 - (D) commercial fishing;
 - (E) commercial passenger;
 - (F) other commercial; ~~or~~
 - (G) ~~other;~~ charter fishing; or
 - (H) other.
- (7) the model of vessel, if known;
- (8) the manufacturer, if known;
- (9) the year of manufacture or model year, if known;
- (10) the manufacturer's hull identification number, if any;
- (11) the ~~overall~~ length of ~~vessel;~~ vessel in feet and inches;
- (12) the type of vessel:
 - (A) ~~open;~~ open motorboat;
 - (B) ~~eabin;~~ cabin motorboat;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; ~~or~~
 - (F) ~~other;~~ air boat;
 - (G) auxiliary sail;
 - (H) inflatable;
 - (I) paddlecraft/canoe;
 - (J) paddlecraft/kayak;
 - (K) rowboat;

- (L) sail only; or
(M) other.
- (13) the hull material:
(A) wood;
(B) ~~metal;~~ aluminum;
(C) ~~fiberglass;~~ steel;
(D) ~~plastic;~~ fiberglass;
(E) ~~inflatable; or rubber/vinyl/canvas;~~
(F) ~~other;~~ plastic; or
(G) other.
- (14) the type of ~~Propulsion;~~ propulsion:
(A) ~~inboard;~~ propeller;
(B) ~~outboard;~~ sail;
(C) ~~inboard outdrive;~~ water jet;
(D) ~~sail;~~ manual;
(E) ~~auxiliary sail with inboard;~~ air thrust; or
(F) ~~auxiliary sail with outboard;~~ other.
~~(G) jet drive;~~
- (15) the type of fuel:
(A) gasoline;
(B) diesel;
(C) electric; or
(D) ~~other;~~ other.
- (16) the engine drive type:
(A) inboard;
(B) outboard;
(C) stern drive;
(D) pod drive;
(E) other; or
(F) none.
- ~~(16)~~ (17) a notice to owner that he shall report within 30 days changes of address or ownership, and destruction or abandonment of vessel;
- ~~(17)~~ (18) the signature of the owners; and
- ~~(18)~~ (19) a notice to the owner that the operator shall:
(A) always carry this certificate on vessel when in use;
(B) report any accident involving injury or death to persons or property damage in excess of two thousand dollars (\$2,000.00); and

(C) stop and render assistance if involved in boating accident.

(b) Dealers and Manufacturers. A dealer or manufacturer demonstrating or testing a vessel may use a set of dealer numbers and the corresponding dealer certificate of number to operate a vessel held for sale, but only for demonstration or testing purposes. Vessels owned or possessed by dealers or manufacturers for personal use or for any use other than for demonstration and testing purposes shall be individually registered in the name of the dealer in accordance with Paragraph (a) of this Rule.

(c) Government agency. There shall be no title indicator or expiration date listed for permanent certificate of numbers.

(d) Vessel Agents. Vessel dealers, manufacturers, and other businesses that operate from locations within North Carolina may be appointed as vessel agents of the Commission and be authorized to issue temporary certificates of number for new registrations, transfers of ownership, renewals, and duplicate transactions. All official certificates of number shall be processed and mailed from the Commission headquarters. Rules governing the appointment and operations of vessel agents are contained in 15A NCAC 10G .0400 WILDLIFE SERVICE AGENTS.

15A NCAC 10F .0109 TEMPORARY CERTIFICATE OF NUMBER

(a) When a vessel agent processes the final transaction to issue, renew, or transfer a certificate of number or to issue a duplicate certificate of number, the new owner shall be issued a temporary certificate of number. For a period not exceeding 60 days following the date of the transaction, the vessel may be operated with the temporary certificate of number.

(b) The temporary certificate of number shall contain the following:

- (1) the name of issuing wildlife service agent;
- (2) the name and address of the owners, dealer, or manufacturer;
- (3) the title indicator;
- (4) the certificate of number;
- (5) the ~~vessel use type~~; primary operation of the vessel:
 - (A) pleasure;
 - (B) ~~livery~~; rent or lease;
 - (C) dealer or ~~manufacturer~~; manufacturer demonstration;
 - (D) ~~permanent~~; commercial fishing;
 - (E) commercial ~~fishing~~; passenger;
 - (F) ~~commercial passenger~~; other commercial;
 - (G) ~~other commercial~~; charter fishing; or
 - (H) ~~other~~; other.
- (6) the model of ~~vessel~~; the vessel, if known;
- (7) the ~~manufacturer~~; manufacturer, if known;
- (8) the year of manufacture or model ~~year~~; year, if known;
- (9) the manufacturer's hull identification ~~number~~; number, if any;
- (10) the length of ~~vessel~~; vessel in feet and inches;
- (11) the type of vessel:
 - (A) ~~open~~; open motorboat;
 - (B) ~~eabin~~; cabin motorboat;
 - (C) houseboat;
 - (D) personal watercraft;
 - (E) pontoon; ~~or~~
 - (F) ~~other~~; air boat;
 - (G) auxiliary sail;
 - (H) inflatable;
 - (I) paddlecraft/canoe;
 - (J) paddlecraft/kayak;
 - (K) rowboat;
 - (L) sail only; or

- (M) other.
- (12) the hull material:
- (A) wood;
 - (B) ~~metal;~~ aluminum;
 - (C) ~~fiberglass;~~ steel;
 - (D) ~~plastic;~~ fiberglass;
 - (E) ~~inflatable;~~ or rubber/vinyl/canvas;
 - (F) ~~other;~~ plastic; or
 - (G) other.
- (13) the type of propulsion:
- (A) ~~inboard;~~ propeller;
 - (B) ~~outboard;~~ sail;
 - (C) ~~inboard outdrive;~~ water jet;
 - (D) ~~sail;~~ manual;
 - (E) ~~auxiliary sail with inboard;~~ air thrust; or
 - (F) ~~auxiliary sail with outboard;~~ or other.
 - (G) ~~jet drive;~~
- (14) the type of fuel:
- (A) gasoline;
 - (B) diesel;
 - (C) electric; or
 - (D) ~~other;~~ other.
- (15) the engine drive type:
- (A) inboard;
 - (B) outboard;
 - (C) stern drive;
 - (D) pod drive;
 - (E) other; or
 - (F) none.
- ~~(15)~~ (16) the date the temporary certificate of number is issued;
- (16) (17) the date the temporary certificate of number expires;
- ~~(17)~~ (18) the type of transaction pending; and
- ~~(18)~~ (19) the signature of the owners.