



## **AGENDA**

### **N.C. WILDLIFE RESOURCES COMMISSION**

**July 18, 2019, 9:00 a.m.**

**1751 Varsity Drive**

**NCWRC Conference Room, 5<sup>th</sup> Floor**

**Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman John Coley*

**This meeting is being recorded as a public record and is audio streaming live at [www.ncwildlife.org](http://www.ncwildlife.org). As a courtesy to others please turn off all cell phones during the meeting.**

**PLEDGE OF ALLEGIANCE** – *Commissioner Nat Harris*

**INVOCATION** - *Commissioner Wes Seegars*

### **RECOGNITION OF VISITORS**

**MANDATORY ETHICS INQUIRY** - North Carolina General Statute §163A-159(e) mandates that the Commission Chair shall remind all Commissioners of their duty to avoid conflicts of interest and appearances of conflict under this Chapter, and that the chair also 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 John Coley*

**NOTICES OF COMMISSION APPOINTMENTS** – Receive Notices of Appointment by Governor Roy Cooper of *Kelly N. Davis, District 1; and Stephen L. Windham, District 4* for terms ending June 30, 2025; **(EXHIBITS A-1, A-2)**; Appointments by Senate President Pro Tempore Phil Berger of *Thomas Berry, Mark Craig, James Cogdell, and Landon Zimmer* for terms ending June 30, 2021 **(EXHIBITS A-3, A-4, A-5, A-6 Appointments Bill)**; and Appointments by House Speaker Tim Moore of *John T. Coley IV, Vernon Ray Clifton, Jr., Tommy Fonville, and John A. Stone* for terms ending June 30, 2021 **(EXHIBITS A-7, A-8, A-9, A10)**

**RECEIVE STATE ETHICS COMMISSION REVIEWS OF 2019 STATEMENTS OF ECONOMIC INTEREST FOR PROSPECTIVE COMMISSIONERS KELLY N. DAVIS, STEPHEN L. WINDHAM, AND JAMES T. COGDELL** - *Pursuant to NCGS §138A-15(c), any actual or potential conflict of interest by a public servant sitting on a board and cited by the Ethics Commission under NCGS 138A-24(e) is required to be read into the minutes of the applicable board.* Read into the Minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2019 Statements of Economic Interest for Kelly N. Davis and Stephen L. Windham, Governor Appointees; and James T. Cogdell, President Pro Tempore Appointee – *Betsy Haywood, Ethics Liaison*

**ADMINISTER OATH OF OFFICE TO NEW COMMISSIONER** – Administer the Oath of Office to Governor appointee Kelly N. Davis – *The Honorable Rueben Young, Judge, North Carolina Court of Appeals*

### **Break for Photographs**

**APPROVAL OF MINUTES** – Take action on the April 25, 2019 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members **(EXHIBIT B)**

### **ADMINISTRATION**

**Financial Status Report** - Receive a financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund – *Melissa Earp, Finance Office Chief (EXHIBIT C)*

### **SPECIAL PRESENTATIONS**

**PRESENTATION OF ART GIFT** – Receive gift of wildlife painting of Peregrine Falcon by artist Clayton Pennell, given by Commissioner Nat Harris – *Executive Director Gordon Myers*

**RECOGNITION OF 2019 NATIONAL FISHING AND BOATING WEEK LICENSE WINNERS** - Present Lifetime Unified Sportsman License donated by Russell Rhodes of Neuse Sport Shop in Kinston to prize winner and Lifetime Freshwater Fishing License donated by the Triangle Fly Fishers to prize winner from fishing events held during the 2019 National Fishing and Boating Week – *Kris Smith, Wildlife Education Division Chief, and Chairman John Coley*

**2019 THOMAS L. QUAY WILDLIFE DIVERSITY AWARD PRESENTATION** – Present the 2019 Thomas L. Quay Wildlife Diversity Award to Ann Berry Somers – *Gordon Myers, Executive Director*

### **Break for Photographs**

**CONSIDERATION OF NONGAME WILDLIFE ADVISORY COMMITTEE APPOINTMENTS** – Pursuant to North Carolina General Statute §113-335, consider appointment of members to the Nongame Wildlife Advisory Committee – *Gordon Myers, Executive Director (EXHIBIT D)*

### **COMMITTEE REPORTS**

**Boating Safety Committee** – *Ray Clifton, Vice Chair*

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

**Land Use and Access/Small Game and Wild Turkey Committees** – *Tom Berry, LUAC Chair and John Stone, Small Game and Wild Turkey Committee Vice Chair*

**Finance Committee** – *Landon Zimmer, Chair*

**Fisheries Committee** – *Tommy Fonville, Chair*

**Big Game Committee** – *Wes Seegars, Vice Chair*

**Committee of the Whole** - *John Coley, Chair*

**AGENCY SPOTLIGHT – WALLEYE MANAGEMENT IN WESTERN NORTH CAROLINA** - *Doug Besler, Mountain Region Fishery Supervisor*

### **INLAND FISHERIES DIVISION**

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

**Catfish Management Plan** – Consider staff recommendation to adopt the *North Carolina Wildlife Resources Catfish Management Plan* – *Christian Waters (EXHIBIT E)*

### **WILDLIFE MANAGEMENT DIVISION**

**Wildlife Management Division Update** – Receive an update on the activities of the Wildlife Management Division – *Brad Howard, Wildlife Management Division Chief*

## LAND AND WATER ACCESS SECTION

### Land Acquisitions and Property Matters

**Phase II Land Acquisition** – Consider final approval to proceed with acquisition of the Three Top East tract in Ashe County – *Jessie Birckhead, Land Acquisition and Grants Manager (EXHIBIT F)*

## RULES

**Notice of Text – 15A NCAC 10H .0100 – Controlled Hunting Preserves for Domestically Raised Game Birds** – Consider request to approve publishing Notice of Text in the *NC Register* and open the public comment period for proposed amendments to the 10H .0100 Rules – *Carrie Ruhlman, Rulemaking Coordinator (EXHIBIT G)*

**Final Adoption – 15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation** – Review public comments and consider adoption of 15A NCAC 10H .1401 – 10H .1406 – *Carrie Ruhlman (EXHIBITS H-1, H-2)*

**Final Adoption – 15A NCAC 10B .0106 – Wildlife Taken for Depredations** – Review public comments and consider adoption of amendments to 10B .0106 – *Carrie Ruhlman (EXHIBITS I-1, I-2)*

## WATER SAFETY RULEMAKING

**Final Adoption, Safety Zone – City of Rocky Mount** – Consider final adoption of an amendment to 15A NCAC 10F .0370 – City of Rocky Mount, for a safety zone in the waters of the Tar River near the Rocky Mount Millpond Dam – *Betsy Haywood, No Wake Zone Coordinator (EXHIBIT J)*

**Final Adoption, No-Wake Zone - Lake James, McDowell County** – Consider final adoption of an amendment to 15A NCAC 10F .0339 – McDowell County, for a no-wake zone in the waters of Lake James within 50 yards of the shoreline of the peninsula at Old Wildlife Club Subdivision – *Betsy Haywood (EXHIBIT K)*

**Final Adoption, No-Wake Zone - Intracoastal Waterway, Onslow County** – Consider final adoption of an amendment to 15A NCAC 10F .0320 – Onslow County, for a no-wake zone in a portion of the Intracoastal Waterway at Hammocks Beach State Park in Swansboro – *Betsy Haywood (EXHIBIT L)*

**Final Adoption, No-Wake Zone Technical Correction – Lake Norman, Iredell County** – Consider final adoption of a technical correction to correctly identify coordinates that mark a no-wake zone on Lake Norman in a small cove north of the entrance to Hager Creek – *Betsy Haywood (EXHIBIT M)*

**Approval of Fiscal Note and Request to Publish Notice of Text – 15A NCAC 10F .0336 Lake Gaston, Northampton County** – Consider approval of the Fiscal Note and consider an application by Northampton County for approval to publish Notice of Text in the *NC Register*, hold one public hearing, and open the public comment period for a proposed amendment to 15A NCAC 10F .0336, for a no-wake zone within a portion of Jimmies Creek on Lake Gaston - *Betsy Haywood* (EXHIBITS N-1, N-2)

## **TEMPORARY AND EMERGENCY WATER SAFETY RULEMAKING**

**Temporary Rulemaking Request – 15A NCAC 10F .0317 Lake Tillery, Stanly County** – Consider action to propose text for a temporary rule for a no-wake zone within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood - *Betsy Haywood* (EXHIBIT O)

**Emergency Rulemaking Requests – 15A NCAC 10F .0317 Stanly County, Lake Tillery and 15A NCAC 10F .0327 Montgomery County, Lake Tillery** - Consider action to propose text for emergency rulemaking for no-wake zones in the waters of Lake Tillery in Stanly and Montgomery counties, 85 yards north and 85 yards south of the NC Hwy 24/27/23 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge, to mitigate water safety hazards during an NC DOT bridge construction project (EXHIBIT P-1)

**Temporary Rulemaking Requests – 15A NCAC 10F .0317 Lake Tillery, Stanly County and 10F .0327 Lake Tillery, Montgomery County** – Consider action to propose text for temporary rulemaking for no-wake zones in the waters of Lake Tillery, in Stanly County and Montgomery County, 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge, to mitigate water safety hazards during an NC DOT bridge construction project. Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule(s) (*See G.S. 150B-21.1A*). – *Betsy Haywood* (EXHIBIT P-2)

## **LICENSE FEE RULE**

**Final Adoption – 15A NCAC 10A .1601 – License Fee Rule** – Review public comments and consider adoption of 10A .1601 to establish license fees in rule and adjust those fees by the Consumer Price Index for all Urban Consumers (CPI-U) – *Carrie Ruhlman, Rulemaking Coordinator* (EXHIBITS Q-1, Q-2)

**Temporary Rulemaking Request to Propose Text for 15A NCAC 10A .1601 - License Fees** – Consider action to propose text for temporary rulemaking because the status of House Bill 597 is uncertain. In accordance with changes in House Bill 597, 15A NCAC 10A .1601 moves all licenses, permits, stamps, and certifications issued and administered by the Commission (except for the RCGL) and associated fees from statute to rule and adjusts existing fees by the CPI-U – *Carrie Ruhlman* (EXHIBIT R)

**ELECTION OF OFFICERS** - Pursuant to North Carolina General Statute § 143-243, at the first scheduled meeting of the Commission after July 1 of each odd-numbered year, the Wildlife Resources Commission shall select from among its membership a chairman and a vice chairman who shall serve for terms of two years or until their successors are elected and qualified.

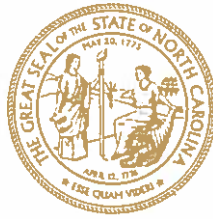
**Vote for Vice Chairman**

**Vote for Chairman**

**COMMENTS BY CHAIRMAN**

**COMMENTS BY EXECUTIVE DIRECTOR** – *Gordon Myers*

**ADJOURN**



STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR

ROY COOPER  
GOVERNOR

July 9, 2019

Ms. Kelly N. Davis  
19770 US Hwy 264  
Swan Quarter, North Carolina 27885

Dear Kelly:

I am pleased to appoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your appointment is effective immediately. Your term will expire on June 30, 2025.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

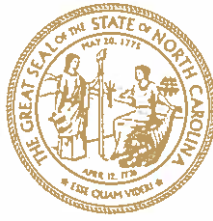
With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Gordon Myers



**EXHIBIT A-2**  
**July 18, 2019**

**STATE OF NORTH CAROLINA**  
**OFFICE OF THE GOVERNOR**

ROY COOPER  
GOVERNOR

July 10, 2019

Mr. Stephen L. Windham  
2688 River Road, SE  
Winnabow, North Carolina 28479

Dear Steve:

I am pleased to appoint you to serve as a member of the North Carolina Wildlife Resources Commission. Pursuant to N.C. Gen. Stat. § 143-241, your appointment is effective immediately. Your term will expire on June 30, 2025.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am grateful for your willingness to serve the people of North Carolina. Your leadership and commitment to this Commission are key to our efforts to strengthen our communities and improve the quality of life for our people.

Please read the enclosed instructions carefully so that we may complete the appointment process. If you have any questions or need additional information, please contact the Office of Boards and Commissions at (919) 814-2077.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper".

Roy Cooper

cc: Mr. Gordon Myers



**EXHIBITS A-3, A-4, A-5, A-6**

**July 18, 2019**

**PRESIDENT PRO TEMPORE APPOINTMENTS TO THE WILDLIFE RESOURCES  
COMMISSION**

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019 S D SENATE BILL DRS35323-LG-184

Short Title: Appointments Bill 2019. (Public)

Sponsors: Senator Rabon (Primary Sponsor). Referred to:

\*DRS35323-LG-184\*

A BILL TO BE ENTITLED

**AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE  
PRESIDENT PRO TEMPORE OF THE SENATE.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate; and

Whereas, the President Pro Tempore of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

**PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS**

**SECTION 1.47.** Thomas Berry of Guilford County, Mark Craig of Guilford County,

James Cogdell of Stanly County, and Landon Zimmer of New Hanover County are appointed to

the North Carolina Wildlife Resources Commission for terms expiring on June 30, 2021.



Office of the Speaker  
North Carolina House of Representatives

TIM MOORE  
SPEAKER

July 16, 2019

Mr. John T. Coley, IV  
517 Chrismill Lane  
Holly Springs, North Carolina 27540

Dear Mr. Coley:

Pursuant to the authority granted in the North Carolina General Statute 143-241, I am pleased to reappoint you to serve on the North Carolina Wildlife Resources Commission. In accordance with General Statute 138A-22, your appointment is subject to the State Ethics Commission evaluating your Statement of Economic Interest. Pending this evaluation, your appointment will become effective immediately and will expire on June 30, 2021.

Enclosed is a copy of Senate Bill 686 which was recently ratified by the North Carolina General Assembly. This bill contains your appointment.

As a reminder, you have received information from my office that you complete and submit the SEI. The State Ethics Commission will review this information for any potential conflicts of interest and provide you with their evaluation letter. You are required to file an SEI annually before April 15. You are also required to take an Ethics Education course within six months of your appointment and every two years thereafter. You will receive information regarding the education requirement in conjunction with the Ethics Commission's evaluation of your SEI.

Thank you for your willingness to serve in this capacity. I am confident you will have much to offer to North Carolina Wildlife Resources Commission and will be effective and diligent in your service to our State.

Best Regards,

A handwritten signature in black ink, appearing to read "Tim Moore".

Tim Moore  
Speaker of the House

TM/jgl  
Enclosure—SB 686

CC: Governor Roy Cooper  
Lieutenant Governor Dan Forest  
The Honorable Phil Berger  
The Honorable Elaine Marshall  
James White, House Principal Clerk  
Sarah Lang, Senate Principal Clerk

Paul Y. Coble, Legislative Services Officer  
Karen Cochrane Brown, Legislative Analysis  
Office of the State Controller  
State Library  
Legislative Library  
State Ethics Commission



Office of the Speaker  
North Carolina House of Representatives

TIM MOORE  
SPEAKER

July 16, 2019

Mr. Vernon Ray Clifton, Jr.  
720 Campbell Road  
Clarkton, North Carolina 28433

Dear Mr. Clifton:

Pursuant to the authority granted in the North Carolina General Statute 143-241, I am pleased to reappoint you to serve on the North Carolina Wildlife Resources Commission. In accordance with General Statute 138A-22 your appointment is subject to the State Ethics Commission evaluating your Statement of Economic Interest. Pending this evaluation, your appointment will become effective immediately and will expire on June 30, 2021.

Enclosed is a copy of Senate Bill 686 which was recently ratified by the North Carolina General Assembly. This bill contains your appointment.

As a reminder, you have received information from my office that you complete and submit the SEI. The State Ethics Commission will review this information for any potential conflicts of interest and provide you with their evaluation letter. You are required to file an SEI annually before April 15. You are also required to take an Ethics Education course within six months of your appointment and every two years thereafter. You will receive information regarding the education requirement in conjunction with the Ethics Commission's evaluation of your SEI.

Thank you for your willingness to serve in this capacity. I am confident you will have much to offer to North Carolina Wildlife Resources Commission and will be effective and diligent in your service to our State.

Best Regards,

A handwritten signature in black ink, appearing to read "Tim Moore".

Tim Moore  
Speaker of the House

TM/jgl  
Enclosure—SB 686

CC: Governor Roy Cooper  
Lieutenant Governor Dan Forest  
The Honorable Phil Berger  
The Honorable Elaine Marshall  
James White, House Principal Clerk  
Sarah Lang, Senate Principal Clerk

Paul Y. Coble, Legislative Services Officer  
Karen Cochrane Brown, Legislative Analysis  
Office of the State Controller  
State Library  
Legislative Library  
State Ethics Commission



Office of the Speaker  
North Carolina House of Representatives

TIM MOORE  
SPEAKER

July 16, 2019

Mr. Tommy Fonville  
1018 Harvey Street  
Raleigh, North Carolina 27608

Dear Mr. Fonville:

Pursuant to the authority granted in the North Carolina General Statute 143-241, I am pleased to reappoint you to serve on the North Carolina Wildlife Resources Commission. In accordance with General Statute 138A-22 your appointment is subject to the State Ethics Commission evaluating your Statement of Economic Interest. Pending this evaluation, your appointment will become effective immediately and will expire on June 30, 2021.

Enclosed is a copy of Senate Bill 686 which was recently ratified by the North Carolina General Assembly. This bill contains your appointment.

As a reminder, you have received information from my office that you complete and submit the SEI. The State Ethics Commission will review this information for any potential conflicts of interest and provide you with their evaluation letter. You are required to file an SEI annually before April 15. You are also required to take an Ethics Education course within six months of your appointment and every two years thereafter. You will receive information regarding the education requirement in conjunction with the Ethics Commission's evaluation of your SEI.

Thank you for your willingness to serve in this capacity. I am confident you will have much to offer to North Carolina Wildlife Resources Commission and will be effective and diligent in your service to our State.

Best Regards,

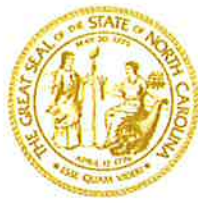
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Tim Moore  
Speaker of the House

TM/jgl  
Enclosure—SB 686

CC: Governor Roy Cooper  
Lieutenant Governor Dan Forest  
The Honorable Phil Berger  
The Honorable Elaine Marshall  
James White, House Principal Clerk  
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Paul Y. Coble, Legislative Services Officer  
Karen Cochrane Brown, Legislative Analysis  
Office of the State Controller  
State Library  
Legislative Library  
State Ethics Commission



Office of the Speaker  
North Carolina House of Representatives

TIM MOORE  
SPEAKER

July 16, 2019

Mr. John A. Stone  
977 Jackson Springs Road  
Jackson Springs, North Carolina 27281

Dear Mr. Stone:

Pursuant to the authority granted in the North Carolina General Statute 143-241, I am pleased to reappoint you to serve on the North Carolina Wildlife Resources Commission. In accordance with General Statute 138A-22 your appointment is subject to the State Ethics Commission evaluating your Statement of Economic Interest. Pending this evaluation, your appointment will become effective immediately and will expire on June 30, 2021.

Enclosed is a copy of Senate Bill 686 which was recently ratified by the North Carolina General Assembly. This bill contains your appointment.

As a reminder, you have received information from my office that you complete and submit the SEI. The State Ethics Commission will review this information for any potential conflicts of interest and provide you with their evaluation letter. You are required to file an SEI annually before April 15. You are also required to take an Ethics Education course within six months of your appointment and every two years thereafter. You will receive information regarding the education requirement in conjunction with the Ethics Commission's evaluation of your SEI.

Thank you for your willingness to serve in this capacity. I am confident you will have much to offer to North Carolina Wildlife Resources Commission and will be effective and diligent in your service to our State.

Best Regards,

A handwritten signature in black ink, appearing to read "T. Moore", with a long horizontal flourish extending to the right.

Tim Moore  
Speaker of the House

TM/jgl  
Enclosure—SB 686

CC: Governor Roy Cooper  
Lieutenant Governor Dan Forest  
The Honorable Phil Berger  
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James White, House Principal Clerk  
Sarah Lang, Senate Principal Clerk

Paul Y. Coble, Legislative Services Officer  
Karen Cochrane Brown, Legislative Analysis  
Office of the State Controller  
State Library  
Legislative Library  
State Ethics Commission

**EXHIBIT B**  
**July 18, 2019**



**MINUTES**  
**April 25, 2019**  
**N. C. Wildlife Resources Commission Meeting**  
**Raleigh, North Carolina**

The April 25, 2019 N. C. Wildlife Resources Commission meeting was called to order by *Commission Chairman* John Coley at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters in Raleigh. Coley reminded everyone that the meeting audio is being streamed live and will be available on the Wildlife Resources Commission website. He requested that everyone silence electronic devices. Commissioners Nat Harris and Mike Johnson were absent.

Commissioner Garry Spence led the Pledge of Allegiance.

Commissioner Joe Budd gave the invocation.

**WELCOME AND MANDATORY ETHICS INQUIRY**

Chairman Coley welcomed the Commissioners and guests. Chairman Coley advised the Commission of the mandatory ethics inquiry as mandated in North Carolina General Statute §163A-159(e). Landon Zimmer recused himself from discussion and action on **Exhibit E-3**, final approval to proceed with acquisition of the Rhems Depot NCDOT Tract in Craven County.

**COMMISSIONER ATTENDANCE**

John Coley  
Wes Seegars  
Garry Spence  
David Hoyle, Jr.  
Tom Berry  
Landon Zimmer  
John Litton Clark  
Ray Clifton  
Joe Budd

Brian White  
John Stone  
Monty Crump  
Brad Stanback  
Tommy Fonville  
Mark Craig  
Hayden Rogers  
Richard Edwards

## VISITORS

Liz Rutledge – Southern Environmental Law Center  
Manley Fuller – NC Wildlife Federation

## MINUTES OF FEBRUARY 21, 2019 MEETING

On a motion by John Litton Clark and second by Wes Seegars the Commission approved the February 21, 2019 Wildlife Resources Commission (WRC) minutes as presented in **Exhibit A**. The Minutes are incorporated into the official record of this meeting.

## MINUTES OF MARCH 21, 2019 SPECIAL MEETING

On a motion by David Hoyle, Jr. and second by John Litton Clark the Commission approved the March 21, 2019 WRC special meeting minutes as presented in **Exhibit B**. The Minutes are incorporated into the official record of this meeting.

Chairman John Coley announced that based on discussion the Committee of the Whole meeting on April 24, 2019, adoptions of five species conservation plans presented in **Exhibits K-1 through K-5** are removed from the agenda.

## ADMINISTRATION

**Financial Status Report** - Melissa Earp, *Finance Office Chief*, presented a status report in **Exhibit C** on the Wildlife Operating Fund and the Wildlife Endowment Fund. As of March 31, 2019, the expenditures from the Wildlife Operating Fund are \$59,374,638.80, and the receipts are \$52,503,702.30. The Fund Balance as of March 31, 2019 is \$13,340,564.32. Balances in the Endowment Fund as of March 31, 2019 are \$107,428,794.10 in the Bond Index Fund and \$22,347,977.63 in the Equity Index Fund for a total of \$130,231,183.93. Expendable interest is \$30,872,379.05. **Exhibit C** is incorporated into the official record of this meeting.

**2019-2020 Wildlife Endowment Fund Annual Interest Allocation** – On a motion by Landon Zimmer and second by Monty Crump, the Commission approved the allocation of Endowment Fund investment returns from January 1, 2018 to December 31, 2018, in the amount of \$2,920,381.81, presented in **Exhibit D**. Of that amount, 100 percent of the interest earned from magazine lifetime subscriptions, in the amount of \$122,287.73, was allocated to the *Wildlife in North Carolina* magazine budget. **Exhibit D** is incorporated into the official record of this meeting.

## COMMITTEE REPORTS

**Joint Committee on Delineation of Fishing Waters Meeting Report – March 21, 2019 –** Commissioner John Stone reported that the Joint Committee on Delineation of Fishing Waters met at agency headquarters on March 21, 2019. Biologists from DMF and WRC gave presentations about jurisdictional boundaries by regions. Wildlife Commissioner Tommy Fonville made a motion that salinity be used as the scientific and biologically defensible methodology to determine delineation of inland, joint, and coastal waters, and further moved that all waters outside the sounds with salinities less than four parts per thousand year-round be considered Inland Fishing Waters, and those with salinities greater than four parts per thousand year-round be considered Coastal Fishing Waters. He further requested staff of both agencies to work collaboratively to provide recommendations for determining the inland-coastal delineations in those areas where salinities are greater than four parts per thousand during high salinity periods and less than four parts per thousand in low salinity periods. Wildlife Commissioner Monty Crump seconded the motion. Marine Fisheries Commissioner Rob Bizzell advised that the MFC members of the committee felt it was premature to select a number for the parts per thousand and tabled the motion, with the question to be taken up at the next meeting.

**Land Use and Access Committee Report –** Tom Berry, *Chair*, reported that the Land Use and Access Committee met on April 24, 2019. Jessie Birckhead, Land Acquisition and Grants Manager gave a land acquisition projects update and reviewed the land status spreadsheet. The Committee evaluated and approved one Phase I Land Acquisition Project. Additionally, the Committee evaluated and endorsed three Phase II Land Acquisition Projects. The Committee reviewed and endorsed the request to demolish one residence at the McKinney Lake Fish Hatchery and endorsed releasing and relocating an easement to provide access to the Roberson Tract of Lower Roanoke River Game Land in Martin County. Berry announced that Wes Seegars will chair the committee to develop estate plan bequests to benefit the non-profit Wildlife Outdoor Recreation Foundation (WORF). Monty Crump will chair an *ad hoc* committee to study possible Sunday hunting on specified game lands.

**Habitat, Nongame and Endangered Species Committee Report –** Mark Craig, *Chair*, reported that the HNGES Committee met on April 24, 2019. Shannon Deaton, *Habitat Conservation Division Chief* announced the Nongame Wildlife Advisory Committee's (NWAC) recommendation for Ann Berry Somers to receive the Thomas L. Quay Wildlife Diversity Award. On a motion by Mark Craig and second by Landon Zimmer the Commission voted to accept the recommendation for Ann Somers as recipient of the Thomas L. Quay Wildlife Diversity Award. The Committee received an update on the Statewide Safe Harbor for Aquatic Species. Six aquatic species for augmentation and reintroduction were discussed by Todd Ewing. Sara Schweitzer presented an Alligator Management Update for Alligator Management Unit 1. Ground truth mapping for alligators in AMU 1 will be conducted for three years at a cost of \$73,000. State and federal partners will conduct the mapping using survey method protocol.



**Finance Committee Report** – Landon Zimmer, *Chair*, reported that the Finance Committee met on April 24, 2019. Melissa Earp, *Finance Office Chief*, reviewed the Financial Status Report and indicated that the report formatting has changed to include details for federal funds sub-categories with totals, as well as a summary restatement to make the report easier to read. Earp indicated that the Commission appears to be right on target against the previous fiscal year. Earp discussed the return on investment for the Bond Index Fund and the Equity Index Fund investments of the Wildlife Endowment Fund over the period of June 2018 to March 31, 2019. She reported a cumulative return on investment of 4.46% in bonds and 0.19% in equities for this period. A presentation was made concerning the Wildlife Endowment Fund legislation, how the investment income on the fund is calculated and what the full Board would be voting on to allocate for fiscal year 19-20 to the Commission's operating funds. A list of parameters was provided to ask a third-party vendor to seek an actuarial study of the lifetime license program. This study will review all current license types and vessel registrations to provide a NC specific churn rate as well as provide a comparative analysis of the lifetime licenses against annual licenses of the same license type.

Janice Underwood, *IT Director*, provided an update on automatic renewals of licenses to include the direct and in-direct costs associated with this program. She also provided issues the Committee should consider in making a decision about the program such as customer burden, additional information required to be obtained at the time of license purchase, and the potential for the Board to approve CPIU adjustments to the fee structure annually. After a review, the Committee decided to pilot the program beginning with the inland fishing annual licenses. Ms. Underwood indicated that IT would start work on this in early 2020 to coincide with a new ALVIN user interface scheduled for that time which should be in place April or May of 2020.

Todd Leck, *IT*, gave a presentation concerning Financial Cybersecurity and what tools the agency currently utilizes to protect its systems from security breaches.

Chairman Zimmer asked that all Commissioners present for the meeting individually provide their thoughts about whether the Commission should continue efforts towards self-sufficiency or maintain the path of a hybrid approach which involves some general fund appropriations. Commissioners provided a quick response and will continue the discussion at the next Finance Committee meeting.

**Small Game and Wild Turkey Committee Report** – Garry Spence, *Chair*, reported that the Small Game and Wild Turkey Committee met on April 24, 2019. The Committee discussed options for expanding management practices allowed on private lands managed as small game focal areas. Doug Howell presented waterfowl frameworks and waterfowl zoning. During Youth Days, in addition to youth, veterans and active military will be allowed to hunt. A short update was given about the May trip to the Canadian Maritimes with Ducks Unlimited.

**Migratory Birds and Waterfowl Committee Report** –Richard Edwards, *Chair*, reported that the Migratory Birds and Waterfowl Committee met on April 24, 2019. The Committee reviewed staff recommendations for 2019-2020 migratory bird seasons and extended falconry seasons prior to consideration by the entire Commission. Edwards gave an update about the May trip to the Canada Maritimes with Ducks Unlimited. Director Gordon Myers stated that WRC is receiving an award for 50 years working with Ducks Unlimited, providing more than one million dollars for habitat enhancement at the Canadian migratory waterfowl breeding grounds.

**Committee of the Whole Report – March 21, 2019** – John Coley, *Chairman*, reported that the Committee of the Whole met on March 21, 2019. A study of Sunday hunting on public lands was discussed and an *ad hoc* committee will be formed to discuss Sunday hunting on public lands, with Monty Crump as Chair. The Legislative Agenda was reviewed. Director Myers and Commissioners Hoyle and Coley will plan a schedule of out of cycle committee meetings for discussion of Big Game issues. Kris Smith provided an update about national Archery in the Schools Program (NASP). Christian Waters reviewed the draft Catfish Management Plan for consideration by the Commission.

**Committee of the Whole Report – April 24, 2019** – John Coley, *Chairman*, reported that the Committee of the Whole met on April 24, 2019. Commissioner John Stone provided an update about the delineation of fishing waters discussions. Daron Barnes provided an update on proposed Periodic Review of Rules including Controlled Hunting Preserves for domestically raised game birds, Game Bird Propagator rules, Furbearer Propagation rules, and reptile and amphibian rules. Corey Oakley reviewed Exhibit O, the draft Catfish Management Plan. Two Mountain Heritage Trout City requests were reviewed by Todd Ewing – Town of Wilkesboro and Town of North Wilkesboro. Kris Smith gave an update about the National Youth Hunter Education Challenge Update. The Committee of the Whole then went into closed session to preserve attorney client privilege for legal advice regarding correspondence received from the Southern Environmental Law Center about the Red Wolf.

#### **AGENCY SPOTLIGHT – COASTAL PRESCRIBED FIRE PROGRAM**

Casey Phillips, *Recovery and Sustainment Program (RASP) Forester*, presented a spotlight about the prescribed fire program at coastal habitats. The program concentrates on restoration, cooperation, and innovation through controlled burning in varied habitats. Phillips stated that prescribed fires at coastal habitats include salt marshes, where a short burning season is used to maintain breeding habitat and water quality; the VOA (Voice of America) grasslands, a 2800 acre parcel with the only breeding population of Henslow's Sparrows, and where prescribed fire is resulting in an increase in population; Carolina Bays and pocosin swamps with rich organic soils and a high fuel load; longleaf pine forest with a unique understory that includes the presence of Venus Fly Traps and the pitcher plant, and where the growing season is the best time frame for prescribed burning; and loblolly plantation, with altered hydrology and ditching for drainage and resulting dryer soil. The loblolly plantation is slated for conversion to longleaf pine forest. Phillips stated that in the past two decades capacity for acreage undergoing prescribed burns has greatly increased. In 2000, 3500 acres were burned. Today the acreage has more than doubled to greater than 10,000 acres. Seasonal burn crews have been added and a RASP agreement has been made with the United States military. Long leaf stewardship grants have been awarded on more than 35,000 acres. The Nature Conservancy and National Wild Turkey Federation have added crews in cooperation with WRC. The agency has worked with Southeastern NC Quail Forever, providing more than three miles in fire break protection. NWTFF purchased equipment and pyro-shotguns and the NC Forest Services invoices WRC for use of their helicopters on prescribed burns, increasing daily efficiency to five – six dollars per acre. Phillips remarked about smoke produced by the prescribed burns. A Smoke-Atmospheric Dispersion Modeling is used to predict how smoke will travel. FAA drone pilot training is available, and consideration is being given for use of drones.

## **PROPERTY MATTERS**

### **Phase II Land Acquisitions**

Upon a motion by Tom Berry and second by Tommy Fonville, the Commission gave final approval to proceed with the acquisition of two properties, presented by Jessie Birckhead, Land Acquisition and Grants Manager, in **Exhibits E-1 and E-2**:

- Little Cedar Mountain – Burke County (E-1)
- Rocky Swamp Tract – Halifax County (E-2)

With Commissioner Landon Zimmer recused, on a motion by Tom Berry and second by Tommy Fonville the Commission gave final approval to proceed with the acquisition of the Rhems Depot NCDOT tract in Craven County, presented in **Exhibit E-3**.

**Exhibits E-1, E-2, and E-3** are incorporated into the official record of this meeting.

### **Other Property Matters**

On a motion by Tom Berry and second by Tommy Fonville, the Commission approved a staff request to demolish one residence at the McKinney Lake Hatchery in Richmond County, presented in **Exhibit F-1**, and a staff request to release and relocate an easement providing access to the Roberson Tract of Lower Roanoke River Game Land in Martin County, presented in **Exhibit F-2**. **Exhibits F-1 and F-2** are incorporated into the official record of this meeting.

**Break** – Chairman John Coley announced a short break. The meeting reconvened at 9:55 am.

## **WILDLIFE EDUCATION UPDATE**

Kris Smith, *Education and Outreach Division Chief*, presented an update about the activities of the Division. The Fishing Fun Fiesta was held at Jordan Lake. Walter “Deet” James is conducting turkey hunting seminars. Smith reminded Commissioners that May 22 is Legislative Sportsmen’s Day.

## **INLAND FISHERIES**

### **Inland Fisheries Update**

On behalf of Christian Waters, Todd Ewing, *Aquatic Wildlife Diversity Supervisor*, gave a brief update about the activities of the Inland Fisheries Division. He announced that three important meetings will be held about reservoirs in western North Carolina.

### **Town of Wilkesboro Mountain Heritage Trout City Request**

On a motion by David Hoyle, Jr. and second by Garry Spence, the Commission approved designating the Town of Wilkesboro as a Mountain Heritage Trout City and recognizing the Public Mountain Trout Waters within Wilkesboro as Mountain Heritage Trout Waters, presented in **Exhibit G**.

### **Town of North Wilkesboro Mountain Heritage Trout City Request**

By the same motion by David Hoyle, Jr. and second by Garry Spence, the Commission approved designating the Town of North Wilkesboro as a Mountain Heritage Trout City and recognizing the Public Mountain Trout Waters within North Wilkesboro as Mountain Heritage Trout Waters, presented in **Exhibit H**. **Exhibits G and H** are incorporated into the official record of this meeting.

## **WILDLIFE MANAGEMENT**

### **Wildlife Management Update**

Dr. David Cobb, *Research Director*, presented an update about the activities of the Wildlife Management Division. He reported that the turkey harvest during youth season from 2018 to 2019 was up 14.3 percent in the first week. During the regular season statewide, the turkey harvest is up 10.3 percent, for a total increase of 10.8 percent. Cobb reported that rabies was found in a deer in Forsyth County. He stressed the need to wear gloves when handling deer and to be aware of evidence of disease. He announced that Brad Howard, the new Wildlife Management Division Chief, will present the exhibits for the Wildlife Management Division.

### **2019 - 2020 Waterfowl Season Frameworks and Public Comments**

Brad Howard, *Wildlife Management Division Chief*, reviewed U.S. Fish and Wildlife Service season frameworks and public comments regarding certain migratory waterfowl in **Exhibits I-1 and I-2**.

### **Adoption of 2019-2020 Migratory Game Bird Gun Season Frameworks**

Upon a motion by Monty Crump and second by David Hoyle, Jr., the Commission adopted the 2019-2020 options for bag limits, shooting hours, and season dates for waterfowl seasons presented by Brad Howard in **Exhibit I-3**:

**Note: Possession limits are three times the daily bag for all seasons unless otherwise noted.**

**HOURS:** One-half hour before sunrise to sunset.

## MOURNING DOVE AND WHITE-WINGED DOVE

<b><u>Season Length:</u></b>	90 days
<b><u>Season Dates:</u></b>	September 2 – October 5 November 16 – November 30 December 9 – January 31
<b><u>Daily Bag:</u></b>	15

## KING AND CLAPPER RAILS

<b><u>Season Length:</u></b>	70 days
<b><u>Season Dates:</u></b>	September 7 – November 27
<b><u>Daily Bag:</u></b>	15

## SORA AND VIRGINIA RAILS

<b><u>Season Length:</u></b>	70 days
<b><u>Season Dates:</u></b>	September 7 – November 27
<b><u>Daily Bag:</u></b>	25

## GALLINULE AND MOORHENS

<b><u>Season Length:</u></b>	70 days
<b><u>Season Dates:</u></b>	September 7 – November 27
<b><u>Daily Bag:</u></b>	15

## WOODCOCK

<b><u>Season Length:</u></b>	45 days
<b><u>Season Dates:</u></b>	December 7 – January 28
<b><u>Daily Bag:</u></b>	3

## COMMON SNIPE

<b><u>Season Length:</u></b>	107 days
<b><u>Season Dates:</u></b>	October 28 – February 28
<b><u>Daily Bag:</u></b>	8

**CANADA GOOSE (September season)**

**Season Length:** 30 days

**Season Dates:** September 2 – 30 (statewide)

**Daily Bag:** 15

Special methods: During the September Canada goose season only, the following expanded hunting methods are allowed only west of U.S. 17: Extended shooting hours to ½ hour after sunset; unplugged guns; electronic calls. Note: The special methods cannot occur during any other open waterfowl season, e.g. teal season.

**SEPTEMBER TEAL**

**Season Length:** 16 consecutive days

**Season Dates:** September 12 – 30 (east of U.S. 17 only)

**Daily Bag:** 6

***GENERAL DUCK SEASON (includes coots and mergansers)***

**Season Length:** 60 hunting days with three splits

**Season Dates:** October 2 – 5  
November 16 – December 2  
December 14 – January 31  
Season on black ducks and mottled ducks is closed until November 23.

**Conventional bag:** 6 ducks with no more than 4 scoters, 2 mallards with no more than 1 hen mallard, 3 wood ducks, 4 eiders, 4 long-tailed ducks, 2 scaup, 2 redheads, 1 pintail, 2 black ducks, 1 mottled duck, 2 canvasbacks, and 1 fulvous whistling duck. The season on harlequin ducks is closed.

**Coots and Mergansers (season same as general duck season)**

**Bag Limits:** 15 coots; 5 mergansers (no more than 2 hooded mergansers)

***SPECIAL SEA DUCK SEASON (in the special sea duck area only)***

**Season Length:** 60 consecutive days or season must coincide with the general duck season.

**Season Dates:** November 23 – January 31

**Bag Limit:** 5 sea ducks with no more than 4 scoters, 4 eiders and 4 long-tailed ducks.

**GOOSE SEASONS**

**DARK GEESE (includes Canada geese and white-fronted geese):**

**RESIDENT (RP) ZONE**

<b><u>Season Length:</u></b>	80 days
<b><u>Season Dates:</u></b>	October 2 – October 12 November 16 – December 7 December 14 – February 8
<b><u>Bag Limit:</u></b>	5 geese per day

**NORTHEAST HUNT ZONE**

<b><u>Season Length:</u></b>	14 days
<b><u>Season Dates:</u></b>	January 16 – January 31
<b><u>Bag Limit:</u></b>	1 goose per day (with valid permit) (unlimited point-of-sale permits available)

**ATLANTIC BRANT:**

<b><u>Season Length:</u></b>	30 Days
<b><u>Season Dates:</u></b>	December 28 – January 31
<b><u>Bag Limit:</u></b>	1 bird daily

**LIGHT GEESE (includes snow and Ross' geese) – Regular Season:**

<b><u>Season Length:</u></b>	107 Days
<b><u>Season Dates:</u></b>	October 8 – February 8
<b><u>Bag Limit:</u></b>	25 birds daily (no possession limit)

**LIGHT GEESE (*includes snow and Ross' geese*) – Conservation Season:**

**Season Dates:** February 10 – March 31

**Bag Limit:** No daily bag or possession limit

**Expanded methods:** Allow the use of electronic calls, unplugged guns, and extend shooting hours to ½ hour after sunset

**TUNDRA SWAN:**

**Season Length:** 90 Days

**Season Dates:** November 9 - January 31

**Bag Limit:** One per season (with valid permit)

**YOUTH WATERFOWL DAYS** - February 1 and February 8, 2020. Youth are age 17 or younger.

**Daily Bag Limit:** includes ducks, geese, grant, tundra swans, mergansers and coots. Must have valid permit if hunting tundra swans and Canada gees (Northeast Hunt Zone only)

**VETERANS/MILITARY WATERFOWL DAYS** - February 1 and February 8, 2020.

**Daily Bag Limit:** includes ducks, geese, grant, tundra swans, mergansers and coots. Must have valid permit if hunting tundra swans and Canada geese (Northeast Hunt Zone only)

Federal guidelines allow for shooting hours for all migratory game birds to be from ½ hour before sunrise to sunset.

Possession limit is three times the daily bag for all species.

**Adoption of Extended Falconry Seasons for Migratory Bird Species**

On a motion by David Hoyle, Jr. and second by John Litton Clark, the Commission adopted the 2019-2020 Extended Falconry Seasons for migratory bird species, presented in **Exhibit I-4**.

**GENERAL RESTRICTIONS**

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



***EXTENDED FALCONRY***

**MOURNING DOVE AND WHITE-WINGED DOVE**

**Season Dates:** October 12 – October 26

**RAILS, GALLINULE, AND MOORHENS**

**Season Dates:** November 30 – January 4

**WOODCOCK**

**Season Dates:** November 2 – November 30 and February 1 – February 29

**DUCKS, MERGANSERS, AND COOTS**

**Season Dates:** October 21 – November 2 and February 1 – February 15

**Exhibits I-3 and I-4** are incorporated into the official record of this meeting.

**Adoption of a Season to Allow the Take of Migrant Peregrine Falcons**

Upon a motion by David Hoyle, Jr. and second by John Litton Clark, the Commission adopted the proposal presented by Brad Howard in **Exhibit J** to establish a 2019 season for the take of six live migrant juvenile peregrine falcons for use in falconry, with the following stipulations:

- Total allowable take is 6 birds during the period from September 20, 2019 through October 20, 2019.
- Any bird taken must be a juvenile.
- Take would be allowed only by permit from the WRC and only east of US Highway 17.
- No banded birds may be taken. Any banded birds captured must be immediately released at the site of capture.
- Permit will be issued through our special hunts permitting system (random).
- An individual issued a permit must have the proper state and federal falconry licenses/permits.
- The person receiving the permit must complete a post-season survey provided by WMD staff and submit that survey no later than December 15, 2019.

**Exhibit J** is incorporated into the official record of this meeting.

**RULEMAKING NOTICES OF TEXT – PERIODIC REVIEW OF RULES**

**Game Bird Propagators – 15A NCAC 10H .0900** – On a motion by David Hoyle, Jr. and second by John Litton Clark, the Commission approved **Exhibit L**, presented by Daron Barnes, *Section Manager, Regulated Activities Permits Section*, to publish Notice of Text in the *NC Register* for proposed amendments to 10H .0900 Rules and open the public comment period.

**Furbearer Propagation – 15A NCAC 10H .1100** – On a motion by David Hoyle, Jr. and second by Garry Spence, the Commission approved **Exhibit M**, a request to approve publishing Notice of Text in the *NC Register* for proposed amendments to 10H .1100 Rules and to open the public comment period.

**Reptiles & Amphibians – 15A NCAC 10H .1300** – On a motion by Brian White and second by Garry Spence, the Commission approved **Exhibit N**, a request to approve publishing Notice of Text in the *NC Register* for proposed amendments to 10H .1300 Rules and to open the public comment period.

**Exhibits L, M, and N** are incorporated into the official record of this meeting.

### **COMMENTS BY COMMISSIONERS**

Commissioner John Litton Clark thanked agency staff and Commissioners for their assistance during his years on the Wildlife Resources Commission. He especially thanked Executive Director Gordon Myers for his guidance.

Commissioner Tom Berry reminded Commissioners of the upcoming North Carolina Sportsmen's Hall of Fame. He also announced that there will be a festival and booth celebrating the Maggie Valley elk on September 14.

### **COMMENTS BY THE CHAIRMAN**

Chairman Coley thanked Commissioners and staff for preparing for and attending meetings. He congratulated Brad Howard on his promotion to Wildlife Management Division Chief.

### **COMMENTS BY THE EXECUTIVE DIRECTOR**

*Executive Director* Gordon Myers pointed out an earlier omission regarding a vote on the allocation of endowment funds. He said that a vote is required to transfer monies into the operations funds. Landon Zimmer made a motion to amend to identify earnings in the amount of \$2,920,382.81 as expendable interest. The motion was seconded by John Litton Clark and carried.

Myers stated that May 22 is Legislative Day. Ashton Godwin will reach out to Commissioners encouraging their participation in the Legislative Day. Myers thanked Godwin for his efforts in obtaining bill sponsors.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman John Coley at 10:45 am.

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

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John Coley, Chairman

Date

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Gordon Myers, Executive Director

Date

NC Wildlife Resources Commission  
 CAFR 52G (Statement of Revenues, Expenditures and Changes in Fund Balances)  
 Governmental Funds  
 As of June 30, 2019

EXHIBIT C

	2018-19 YTD	2018-19 YTD	2018-19 YTD
	General	Capital Improvement	Endowment/ Permanent
<b>REVENUES</b>			
Federal funds	25,959,481.03	1,810,075.32	-
Local funds	4,071.48	-	-
Investment earnings	131,448.73	-	2,084,620.49
Sales and services	9,706,855.87	-	-
Rental and lease of property	68,943.96	-	-
Fees, licenses and fines	32,828,477.48	-	3,801,815.00
Contributions, gifts and grants	974,670.43	387,025.00	50,080.84
Miscellaneous	547,907.45	-	-
<b>TOTAL REVENUES</b>	<b>70,221,856.43</b>	<b>2,197,100.32</b>	<b>5,936,516.33</b>
<b>EXPENDITURES</b>			
Personal services	34,280,248.85	-	-
Employee benefits	14,347,091.82	-	-
Contracted personal services	8,689,439.25	184,695.26	-
Supplies and materials	8,012,216.40	311,070.77	-
Purchases for resale	316,575.57	-	-
Travel	525,095.46	-	-
Communication	744,134.81	33,470.26	-
Utilities	592,333.91	-	-
Data processing services	1,014,222.88	-	-
Other services	3,822,912.89	3,747.16	-
Claims and benefits	1,367,946.92	-	-
Other fixed charges	366,524.74	1,190.00	-
Capital outlay	4,170,884.71	2,561,751.97	-
Grants, state aid and subsidies	1,657,928.89	-	-
Insurance and bonding	296,220.53	-	-
Other expenditures	1,182,017.21	14,355.00	-
Unclassified/invalid accounts	3,625.00	-	-
Reimbursements	-788,448.14	-	-
<b>TOTAL EXPENDITURES</b>	<b>80,600,971.70</b>	<b>3,110,280.42</b>	<b>-</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(10,379,115.27)</b>	<b>(913,180.10)</b>	<b>5,936,516.33</b>
<b>OTHER FINANCING SOURCES (USES)</b>	<b>7,665,806.63</b>	<b>1,110,604.82</b>	<b>(1,569,797.90)</b>
Sale of capital assets	218,539.53	-	-
Insurance recoveries	60,000.00	-	-
Transfers in	42,492,300.28	1,448,219.72	6,994,154.91
Transfers out	(45,862,818.43)	(337,614.90)	(9,921,449.03)
Appropriations	10,757,785.25	-	-
<b>TOTAL OTHER FINANCING SOURCES (USES)</b>	<b>7,665,806.63</b>	<b>1,110,604.82</b>	<b>-2,927,294.12</b>
<b>EXCESS OF REVENUES AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES</b>	<b>-2,713,308.64</b>	<b>197,424.72</b>	<b>3,009,222.21</b>
<b>FUND BALANCE - JULY 1, As previously stated</b>	<b>14,838,043.55</b>	<b>3,986,758.85</b>	<b>123,569,426.52</b>
<b>FUND BALANCE - JUNE 30</b>	<b>12,124,734.91</b>	<b>4,184,183.57</b>	<b>126,578,648.73</b>

\*Note FY18-19 books have not closed, therefore balances may change upon final certification.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION  
WILDLIFE ENDOWMENT FUND  
FUND BALANCES AS OF May 31, 2019

BOND INDEX FUND (BIF)	\$104,384,175.29
EQUITY INDEX FUND (EIF)	24,568,155.83
SHORT TERM INVESTMENT FUND (STIF)	233,337.36
<b>TOTAL WILDLIFE ENDOWMENT FUND BALANCE AS OF 5/31/19</b>	<b><u>\$ 129,185,668.48</u></b>

INTEREST INCOME WITHIN FUNDS	EXPENDABLE	NON-EXPENDABLE
ADULT LICENSE SALES	\$27,874,429.72	
INFANT LICENSE SALES		\$12,666,325.59
YOUTH LICENSE SALES		1,147,304.88
CONTRIBUTIONS	1,885,496.54	
WILDLIFE DIVERSITY	892.23	
MAGAZINE SALES	1,470,947.85	
	<b><u>\$ 31,231,766.34</u></b>	<b><u>\$ 13,813,630.47</u></b>

EXPENDABLE INTEREST TRANSFERRED TO OPERATIONS FISCAL YTD
\$2,757,746.76
<b><u>\$ 2,757,746.76</u></b>

# EXHIBIT D

July 18, 2019



## NONGAME WILDLIFE ADVISORY COMMITTEE APPOINTMENTS FOR 2019

Government Affiliate – Two seats are up for re-appointment as of June 30, 2019.

- 1. Jeff Beane, NC State Museum of Natural Sciences** **recommended for re-appointment**  
Length of NWAC membership: since 2015  
Current Position: Curator I/ Collections Manager for Herpetology  
Expertise: Biology, especially herpetology, natural history, zoogeography, ecology, and conservation
- 2. Karen Beck, NC Department of Agriculture & Consumer Services** **recommended for re-appointment**  
Length of NWAC membership: since 2012  
Current Position: Public Health Surveillance Veterinarian  
Expertise: wildlife disease and preparedness, wildlife veterinary, GIS for planning and preparedness

Expert Affiliate – Two seats are up for consideration as of June 30, 2019.

- 1. Michael Abney, Duke Energy** **appointment recommended**  
Current Position: Senior Environmental Resources Manager, Duke Energy, Water Strategy & Hydro Licensing  
Expertise: Biology, Zoology, Marine Biology, Hydro Relicensing, Robust Redhorse Conservation Committee, Sicklefins Redhorse Conservation Committee, Hydroacoustics
- 2. Ruby Davis, Carolina Wildlife Conservation Center**  
Current Position: Facility Director, Carolina Wildlife Conservation Center  
Expertise: Wildlife Biologist, Licensed Rehabilitator, Environmental Scientist and Monitoring Lead  
Coordinator for the western division of Wildlands Engineering, training in Aquatic Insect Taxonomy and Pollution Ecology, Assessment of Riparian Vegetation, Scientific Fish Collection and Natural Training Design
- 3. Joseph B. Jackson, Eco-Grounds Management Systems**  
Current Position: Consultant  
Expertise: Implemented first public tree inventory and management plan for the City of Winston-Salem, NC, Organized “Community Roots Day” in the City of Winston-Salem, Creator of Duke University’s “Environmental Management Advisory Committee (EMAC)”, Began Facilities Management activities to recognize Earth Day during the entire month of April on Duke campus, Obtained “Tree Campus USA” designation for Duke University through the Arbor Day Foundation program, Chairman of Environmental Affairs Board, facilitated the first “Environmental Indicators Report” for Durham City/County governments

- 4. Dr. Joe Poston, Catawba College** **recommended for re-appointment**  
Length of NWAC membership: Since 2017  
Current Position: Professor, Catawba College  
Expertise: Courses taught Anatomy and Physiology, Animal Behavior, Behavioral Ecology, Biodiversity II, Biological Research Methods, Biology Capstone, Birds and Beans, Comparative Vertebrate Anatomy, Conservation Biology, Conversation between Science and Culture in Britain 1600-2000, Ecology, Ecology and Evolution, Environmental Concepts and Issues, Evolution, Freshman Seminar, Human Origins, Marine Science, Molecules and Cells (lab), Ornithology, Ornithology Research Methods, Principles of Biology I and II, Tropical Conservation and Management, Tropical Ecology, Vertebrate Field Zoology.

At-large Affiliate – One seat is up for consideration as of June 30, 2019.

- 1. Gary T. Clawson, Retired**  
Current Position: Retired, Bank of America, President CEO of Parkway Bank  
Expertise: Business graduate, former board member of the Blue Ridge Conservancy, Avid sportsman, landowner in Ashe County, and plants 10+ acres of food plots each year.
- 2. Crystal Joann Cockman, Three Rivers Land Trust**  
Current Position: Director of Conservation  
Expertise: Land conservation; wildlife biology; environmental health; land and watershed management; ecological restoration; natural history; ecotoxicology; decision analysis; and conflict resolution.
- 3. Dr. Josh Fisher, Charlotte-Mecklenburg Police – Animal Care and Control Division**  
Current Position: Director of the Animal Care and Control Division  
Expertise: Population Management/Medicine, Public Health, Veterinary Sciences, Informatics, Healthcare Administration, Disease Reduction/Prevention, Advanced Marketing/Placement, and Intake Reduction Tactics. A strong advocate for professional development and growth in the animal welfare industry.
- 4. Michael Fisher, Bee Keeper**  
Current Position: Bee Keeper  
Expertise: Member of the Buncombe County bee keeper association, a member of the North Carolina bee keeper, and Director of the Asheville Buncombe Crime stopper.
- 5. Elaine Jordan, The Coastal Companies** **appointment recommended**  
Current Position: General Counsel  
Expertise: AV Preeminent peer review rating by Martindale, Leadership Brunswick County (chamber of commerce), Former Chairman, Virginia State Bar Construction & Real Estate Section, Former Chairman, Virginia Bar Association Construction & Real Estate Section, Founding director, two Virginia community banks, Former President, J. Sargent Reynolds Community College Foundation, Former Director, Base Alliance for a Sound Economy (BASE), Wilmington, NC
- 6. Dana Shook**  
Current Position: Wildlife Rehabilitator  
Expertise: Is the Secretary/ Treasurer of the South Carolina Wildlife Rehabilitation Board and a volunteer Wildlife Rehabilitator in South Carolina. She has been working with wildlife over 55 years.

**7. James C. Woodley, Environmental Protection Agency, Retired**

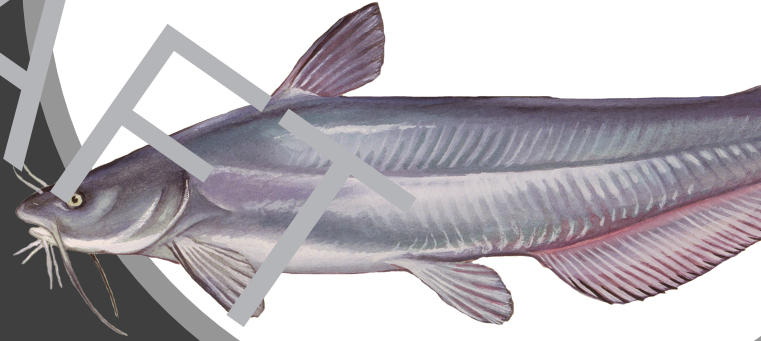
Current Position: Retired, from EPA (1994-2004); part time faculty member at Pitt Community College (2009-2010)

Expertise: Disabled minority with strong interests post career in conservation. Expertise in zoology, biology, neurobiology, water quality, and NPDES. Managed National Programs in marine debris, boat sewage discharges, offshore oil rigs and fish discharges, and wetlands mitigation. Since retirement he is active with Greenville NC Environmental Advisory Commission, Cypress Group of Sierra Club, and Dogwood Alliance.

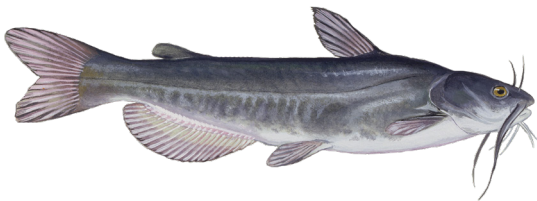


# EXHIBIT E

July 18, 2019



# 2019 CATFISH Management Plan



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Front cover illustrations from top left, clockwise: Carolina Madtom (U.S. Fish and Wildlife Service); Channel Catfish; Blue Catfish, Flathead Catfish and White Catfish (Duane Raver/USFWS)

## I. INTRODUCTION

The North Carolina Wildlife Resources Commission (Commission) conserves and promotes North Carolina's aquatic wildlife resources and their habitats. The Commission provides opportunities, programs, and experiences that allow anglers, boaters, and outdoor enthusiasts to enjoy aquatic wildlife associated recreation. Commission staff evaluate and continue to improve fisheries management programs to promote conservation of the abundant and diverse aquatic resources in North Carolina. The development of fisheries management plans balances both the ecological needs of aquatic resources and the desires of the citizens of North Carolina.

Catfish inhabit all of North Carolina's freshwater ecosystems. North Carolina river basins are home to several species of catfish (Order Siluriformes, Family Ictaluridae), including the three largest members of the North American freshwater catfish family (Blue Catfish *Ictalurus furcatus*, Channel Catfish *I. punctatus*, and Flathead Catfish *Pylodictis olivaris*) as well as six bullhead species (White Catfish *Ameiurus catus*, Black Bullhead *A. melas*, Brown Bullhead *A. nebulosus*, Flat Bullhead *A. platycephalus*, Snail Bullhead *A. brunneus*, and Yellow Bullhead *A. natalis*). Madtoms are also in the catfish family, and seven madtom species (Mountain Madtom *Noturus eleutherus*, Stonecat *N. flavus*, Carolina Madtom *N. furiosus*, Tadpole Madtom *N. gyrinus*, Orangefin Madtom *N. gilberti*, Margined Madtom *N. insignis*, and Broadtail Madtom *Noturus sp.*) are native to North Carolina.

Several key distinctions need to be made when addressing catfishes within North Carolina. Native catfish are those species that occur naturally in a specific geographic area or ecosystem (NCANS 2015). Blue Catfish, Channel Catfish, Flathead Catfish, Black Bullhead, Mountain Madtom and Stonecat are native to some Interior River Basins in North Carolina (Figure 1, pg. 21). White Catfish, Brown Bullhead, Flat Bullhead, Snail Bullhead, Yellow Bullhead, Broadtail Madtom, Carolina Madtom, Margined Madtom, Orangefin Madtom, and Tadpole Madtom are native to Atlantic River Basins (Figure 1, pg. 21). Non-native catfish are species that have been introduced into an aquatic system outside its historical range. Non-native species can be further classified as invasive when they have the potential to, or are likely to, cause harm to an ecosystem and/or the economy (NCANS 2015). Channel Catfish and Black Bullhead are considered non-native where they occur in Atlantic River Basins because they do not have known negative impacts to native species. Blue Catfish and Flathead Catfish are characterized as invasive to Atlantic River Basins due to the negative impacts to native species.

Blue Catfish, Channel Catfish, and Flathead Catfish are native to the Mississippi River drainage, which includes the New and French Broad drainages in western North Carolina (Table 1, pg. 22). However, these catfish species have been introduced throughout the United States and are now found in rivers and reservoirs throughout North Carolina (Jenkins and Burkhead 1994; USGS 2018). Channel Catfish were introduced into the Cape Fear drainage and elsewhere in the early 1900s (Moser and Roberts 1999) and are non-native to Atlantic River Basins. This species was naturalized and present in surveys prior to introduction of Blue Catfish and Flathead Catfish in the Cape Fear River (Louder 1963). Flathead Catfish were introduced into the Cape Fear River in North Carolina in 1966 by the Commission and were considered established in 1976 when five individuals representing multiple size classes were collected (Guier et al. 1984). Since their establishment in the Cape Fear River, Flathead Catfish have been established

in more rivers throughout North Carolina by range expansion and unauthorized introductions by anglers (Ashley and Rachels 1998). Flathead Catfish were first documented in the Black River, a tributary of the Cape Fear River, in the 1980s, in the Lumber River in 1998, and in the Waccamaw River in 1999 (NCWRC, unpublished data). Flathead Catfish have been documented in the Catawba, Neuse, upper Roanoke, Tar, and Yadkin-Pee Dee river systems and reservoirs in recent years. They are considered invasive in these systems due to their ecological impacts to native aquatic resources. Blue Catfish were introduced in 1966 to the Cape Fear River as well (Guier et al. 1984; Borawa 1982), and their range expansion within the Cape Fear River was noted in Moser and Roberts (1999). The mode of Blue Catfish range expansion into the Black, Lumber, and Waccamaw rivers likely occurred similarly to the Flathead Catfish. Blue Catfish are now established in most of North Carolina's river basins and many reservoirs and are considered invasive as well due to their ecological impacts on native aquatic resources.

Negative effects of invasive catfish on native aquatic species have been described throughout the United States and Canada (summarized in Kwak et al. 2011). These invasive introductions often result in concurrent declines of native catfishes and sunfishes likely from predation (Thomas 1993; Ashley and Rachels 1998; Bonvechio et al. 2009; Schloesser et al. 2011; Dobbins et al. 2012). As Flathead Catfish invaded the Black River, and later the Lumber and Waccamaw rivers, declines in native sunfish and catfishes were documented (Ashley and Rachels 1998; Rachels and Ashley 2002). Similarly, recent studies have demonstrated the introductions of Flathead Catfish in the Yadkin River, Tar River, and Neuse River were associated with declines of native catfish species (Hining 2006; Ricks, unpublished data). Rare species with already low population numbers are particularly at risk; Flowers et al. (2011) documented a 15-inch Flathead Catfish had consumed a 6.25-inch juvenile Atlantic Sturgeon *Acipenser oxyrinchus* (federally Endangered). Declines in Robust Redhorse populations in the Ocmulgee River have been

Flathead catfish have been associated with declines of native catfish species.



correlated with Flathead Catfish presence and abundance (Bart et al. 1994), and intensive non-native Flathead Catfish predation on other endangered suckers in the southwestern US has been documented during native population recovery efforts (Marsh and Brooks 1989). The rare Carolina Madtom, a candidate for Federal protection and a species endemic only to the Tar and Neuse River basins of North Carolina, has declined dramatically in recent years. Biologists postulate these declines are due partially to the introduction of Flathead Catfish (Wood and Nichols 2011). Flathead Catfish outcompete species occupying the same benthic habitat through direct (i.e. predation) and indirect (i.e. opportunistic predator) competition (Baumann and Kwak 2011). Diet studies of introduced populations of Flathead Catfish have documented an opportunistic feeding strategy with fish and crayfish comprising much of their diet (Pine et al. 2005); their large adult size makes it possible for them to consume nearly all North Carolina native species.

Several of the state's native catfishes are state-listed as endangered, threatened or special concern. Two species of madtoms are being evaluated by the U.S. Fish and Wildlife Service for placement on the federal endangered and threatened species list.

Few studies have focused on negative impacts from Blue Catfish introductions on native species in North Carolina, although impacts may be substantial as large Blue Catfish are primarily piscivorous (Schmitt et al. 2017; Schmitt et al. 2018). Blue Catfish in coastal rivers of Virginia have been found to have a very diverse diet, feeding on both native and non-native species from multiple taxa (Schmitt et al. 2017; Schmitt et al. 2018). Schloesser et al. (2011) documented declines in White Catfish from subsequent Blue Catfish introductions in the Chesapeake Bay.

Historically, catfish anglers were focused on harvest-oriented activities in North Carolina. Most anglers prefer harvesting catfish with traditional boat and bank angling techniques as well as using trotlines, jug hooks, and limb lines. Recently, catfish users have become more diverse across North Carolina. The growth rate of invasive catfish and their ability to attain large sizes has created fisheries where anglers focus on trophy-sized catfish and often release their catch. Trophy anglers have developed catfish tournaments in both reservoir and riverine systems. As invasive catfish populations expand across the state, the numbers of trophy anglers interested in Blue Catfish and Flathead Catfish management is expected to increase.

Additional methodologies of catfish angling include bowfishing, handcrank electrofishers, noodling, and micro anglers. Bowfishing was recently highlighted as an outdoor activity in the Wildlife in North Carolina magazine (Shively 2018). Bowfishing enthusiasts utilize both reservoir and riverine areas and direct their efforts toward catfish in shallow waters or near the water surface. Handcrank electrofishing is a process of using low pulse electricity that stuns catfish and allows their capture with dip nets. Handcrank electrofishing is only allowed in specified waters in Columbus, Bladen, Pender, and Sampson counties. Noodling, also known as grabbing or hand-fishing, is a technique in which anglers use their hands to catch catfish. This technique is popular in the Midwest and occurs sporadically throughout North Carolina. Anglers tend to target invasive Blue Catfish and Flathead Catfish when noodling. Micro angling is a new form of angling that focuses on capturing smaller fishes.

Catfish are also a focus of the commercial fishing industry. Commercial fishermen harvest catfish from both reservoirs and rivers and sell their catch to available fish markets. One recent example is a commercial fishing operation removing substantial quantities of Blue Catfish from the North Carolina portion of Lake Gaston. Anecdotal reports indicate the catfish were sold to pay ponds and food markets, often in neighboring states. However, preliminary biological data from Lake Gaston suggest that overfishing is not occurring; there is evidence of crowding of medium-sized catfish and the presence of moderate numbers of larger catfish over 32 inches. Commercial harvest of catfish also occurs in joint and coastal waters managed and regulated by North Carolina Division of Marine Fisheries (NCDMF). NCDMF estimated commercial catfish landings in joint and coastal waters in 2017 of 1,165,136 pounds valued at US\$399,413 (NCDMF, License & Statistics Section).

Several of our native catfishes are on the North Carolina Protected Animal List (Appendix D, pg. 43). The Orangefin Madtom and Stonecat are listed as State Endangered; the Carolina Madtom is listed as State Threatened; and the Broadtail Madtom and Mountain Madtom are listed as State Special Concern. Additionally, the Carolina Madtom and Orangefin Madtom are being evaluated by the US Fish and Wildlife Service for placement on the federal endangered and threatened species list.

The NC Wildlife Action Plan also identifies several catfish species as Species of Greatest Conservation Need (SGCN). Broadtail Madtom, Carolina Madtom, Flat Bullhead, Mountain Madtom, Orangefin Madtom, Snail Bullhead, and Stonecat are SGCN and require conservation and protection. All SGCN are considered a priority for use of State Wildlife Grant (SWG) Program funds (NCWRC 2015).

This plan sets the direction of the Commission's catfish management program as an update to the goals, objectives, and strategies presented in the 2007 Commission Catfish Management Plan (NCWRC 2007). It provides a general outline of goals and strategies that seek to integrate biological data and angler preferences to protect and enhance the catfish resources of North Carolina. Commission activities related to this plan will be vetted through Commission processes and stakeholder input.

Herein, we emphasize the importance of collecting sound science-based information on catfish populations statewide, identify concerns about conserving native catfish populations of North Carolina, discuss the challenges and ecological impacts of non-native catfish introductions, consider the social importance of catfish to citizens, and provide recommendations for advancing catfish management across the state. We also identify knowledge gaps and research needs as well as the importance to include constituency input when finalizing management decisions.

## II. PLAN GOALS

Four dynamic goals will guide the Commission's management of all catfish species within its jurisdiction. Proposed strategies (Section III) will guide activities to achieve these goals.

### **Support Science-Based Management**

Science-based management of aquatic wildlife resources is a strategic goal for the Commission. Long-term monitoring and continued research of catfish natural history, population dynamics, and ecology are essential to inform management decisions and conserve native catfish in North Carolina. Long-term information on the ecology of native, non-native, and invasive catfish is essential for successful management of all species.

### **Protect and Enhance Native Catfish**

North Carolina is home to a diverse group of native catfishes. Conservation of these species is important to the heritage of North Carolina, critical to maintaining aquatic biodiversity, and is a core charge of the Commission's mission statement. These species play vital ecological roles as predators, host fish, and prey in aquatic ecosystems. The North Carolina Wildlife Action Plan (NCWRC 2015, p. 94) lists seven of the fifteen native catfish species as "Species of Greatest Conservation Need". The Wildlife Action Plan is the guiding conservation document for the Commission. It highlights the importance of the conservation and restoration of our native species.

### **Develop and Implement Management Strategies for Invasive Catfish**

The introduction of invasive catfish has resulted in negative ecological effects on the state's aquatic natural resources. Flathead and Blue catfishes consume, outcompete, and displace native fishes and other aquatic fauna. Native catfishes have shown significant declines across North Carolina due to these introductions. Due to their large size and excellent taste, anglers enjoy catching invasive catfish species. The popularity of these species among some anglers has led to their movement and rapid expansion through unauthorized stockings. In contrast, other anglers, such as those targeting sunfish and bullheads, have expressed concerns about invasive catfish and the declines of other popular sport fish species. Conservation groups and citizens value native species and invest substantial effort and funds to protect and restore ecosystems. Ecological needs and broad stakeholder desires must be considered along with angler interests when developing and implementing management strategies for invasive catfishes.

### **Establish Relationships and Understand Desires of Constituents**

Catfish are valuable aquatic resources in North Carolina, both biologically and economically. Many constituents have interest in conservation of native species by applying good stewardship of our ecological resources. Catfish anglers and their desires are diverse. Some anglers prefer bullheads and White Catfish, while others pursue larger trophy species such as Flathead and Blue catfish. Commission staff will identify and collaborate with all user groups across the state to inform management strategies that address both the ecological and sociological importance of catfish in North Carolina.

### III. STRATEGIES

Effective and efficient management approaches will continue to be developed, refined, and implemented to ensure that the Commission fulfills its mission of conserving these important natural resources, which includes maintaining healthy native communities and providing anglers with quality fishing opportunities.

#### Establishment of Population Management Zones and Units

Establishing population management zones and units will allow staff to focus efforts on conserving native catfish populations statewide while managing invasive catfish within restricted areas (Figure 1, pg. 21).

##### A. Population Management Zones

Statewide strategies for managing catfish species are not appropriate due to differences in native catfish species compositions, management goals, and conservation needs. Management zones allow for greater flexibility. Two management zones have been identified. The Interior River Basin Catfish Management Zone includes Mississippi drainage systems where Flathead Catfish, Blue Catfish, and Channel Catfish are native. The Atlantic River Basin Catfish Management Zone includes all waters that flow toward the Atlantic Ocean where Flathead Catfish, Blue Catfish, and Channel Catfish are non-native. The primary management focus in each zone will be the protection and enhancement of native catfish. Due to complex ecological and social management issues, the Atlantic River Basin Catfish Management Zone is subdivided into three population management units: Blue Catfish Management Unit, Invasive Catfish Harvest Unit, and Native Catfish Conservation Unit.

##### B. Population Management Units

The Blue Catfish Management Unit includes areas with current or future management efforts targeted to Blue Catfish in reservoirs. This unit includes reservoirs in the Catawba River Basin (Lake Hickory, Lookout Shoals Reservoir, Lake Norman, Mountain Island Lake, and Lake Wylie), Yadkin-Pee Dee River Basin (High Rock Lake, Tuckertown Lake, Falls Lake, Badin Lake, Lake Tillery, and Blewett Falls Lake), and the Roanoke River Basin (John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake). Because Blue Catfish attain the largest sizes of catfish species in North Carolina, they are highly sought after by catfish anglers and requested to be managed as a trophy fishery. Some of these reservoirs have a restrictive Blue Catfish harvest regulation that has been established at the request of anglers to create trophy catfish fisheries. However, current abundance levels and growth rates suggest that these regulations are having little impact on Blue Catfish populations. Further studies are needed to determine if these regulations are effective.

The Invasive Catfish Harvest Unit includes waterbodies in the Piedmont and Coastal regions with a focus on the protection of native catfish, bullheads, and madtoms while having no harvest restrictions on invasive catfish populations due to the risks posed by these fish on our native aquatic communities. The primary goals



of this unit are to manage for native catfish populations where possible and to limit the expansion of invasive catfish throughout the unit. To limit range expansion and abundance of Blue and Flathead catfish, harvest will be encouraged, and harvest restrictions on these species will not be considered. Currently, there are no management tools available to control Blue and Flathead Catfish other than recreational and commercial harvest. Future tools will be considered to control invasive catfish as they become available.

The Native Catfish Conservation Unit includes systems where only catfish species native to that river basin occur and there is no evidence of non-native catfish species in the system. The primary goal of this unit is to preserve these rare and unique populations. As staff continue to evaluate catfish populations across the state, areas included in this unit may change as new systems with only native catfish are identified or as non-native catfish are introduced into existing areas.

## Research and Survey Needs

### A. Address data gaps for catfish populations

Several studies have been completed in North Carolina related to catfish management. However, data gaps still exist for both riverine and reservoir catfish populations, especially where adequate collections of catfish can be problematic. New research projects are needed to provide up-to-date, scientifically sound data to direct catfish management in North Carolina. Additional surveys and research needs include current distribution data, particularly for invasive Flathead Catfish, inventory of any areas which may still be free of invasive or non-native species, status of native bullhead and madtom populations, understanding dynamics of catfish population declines in various systems, and documenting any disease or pathogens of invasive catfish along with predation on native species.

### B. Evaluate current and proposed catfish regulations

*Piedmont Reservoirs*—A growing number of anglers pursuing trophy catfish desire regulations protecting large catfish. While trophy regulations have been implemented for several piedmont reservoirs to protect Blue Catfish, it is uncertain if these regulations are effective or necessary. These regulations were established at the request of angler groups interested in protecting trophy catfish, and not as the result of a review of biological data. Dorsey et al. (2011) found little impact following establishment of a one fish over 32 inches (813 mm) per day in Badin Lake and Lake Norman. Trophy Blue Catfish regulations need to be evaluated to determine if they are effective.

*Piedmont Rivers*—A regulation proposal establishing a 5-fish per day creel limit for catfish in the Pee Dee River below Blewett Falls Dam was considered during the Commission's 2019-2020 rule-making cycle. The proposal was initiated due to angler concerns about the overharvest of catfish, especially given the amount of habitat available varies substantially with flow from dam releases. Surveys to characterize the catfish community throughout the Pee Dee River were initiated in fall 2018 to understand the fishery and guide future management. Initial catfish survey data as well as observations made during Robust Redhorse *Moxostoma robustum* and American Shad *Alosa sapidissima* surveys indicate that abundance levels and growth rates are high and

suggest harvest is not currently limiting Blue Catfish in the Pee Dee River. Further data collection is needed to determine the efficacy of a restrictive creel limit on catfish in the Pee Dee River below Blewett Falls Dam.

### **C. Investigate alternative methods of removal and control**

Traditional removal methods (e.g., electrofishing) have had limited success in reducing non-native catfish numbers and biomass in other southeastern states (NC, Herndon and Waters 2000; GA and SC, Bonvechio et al. 2016). In addition, these techniques are expensive and staff intensive. Where practical, it may be feasible to expand commercial harvest options to increase removals and generate beneficial impacts. The utilization of triploid (sterile) catfish to interrupt natural reproduction to reduce recruitment of established non-native populations has been theorized. Production of triploid Flathead Catfish is possible, although hatchery rearing techniques need to be refined as well as field studies conducted (Gima 2009). A sterile male release technique was used to control the population size of Sea Lampreys *Petromyzon marinus* in the Great Lakes, with survival of embryos in nests lower during years when the sterile male release technique was used (Bravener and Twohey 2016). Additional removal and control techniques need to be investigated to determine for feasibility.

### **D. Quantify commercial harvest and impacts.**

Currently, catfishes are classified as nongame fish in North Carolina. Catfish taken legally may be sold without restriction, except for those on the North Carolina Protected Animal List. Hook and line, trotlines, set hooks, jug hooks, and archery equipment can be used to take catfish for sale with any license that provides basic inland fishing privileges. Catfish can also be taken for sale with special fishing devices under a special device fishing license in those counties and waters with an open season. Commercial fishermen prefer a high biomass of catfish that are marketable, which tend to be small to medium in size, for sale to food markets. An exception is large catfish that are sold to pay ponds, where patrons pay for a set amount of fishing time for the opportunity to catch trophy size catfish. Because commercial fishing activities are not specifically regulated in inland fishing waters, it is often difficult to identify commercial fisherman, and the impacts of commercial harvest of catfish from inland fishing waters is unknown. Surveys to estimate commercial catch and harvest of catfish in inland fishing waters are needed to better understand the impacts of these practices on both native and invasive catfish populations. Commercial catfish harvest also occurs in joint and coastal fishing waters and is regulated by the NC Division of Marine Fisheries.

### **E. Quantify economic importance of catfish**

Catfish are economically important to North Carolina both recreationally and commercially. The economic value associated with fishing for catfish in inland fishing waters is unknown. A statewide economic analysis of inland fishing will be completed in 2019 by economists at UNC Wilmington. This project will provide economic data on catfish angling statewide. Understanding the economic importance of catfish will help staff determine the value and importance that anglers place on catfish angling.

## Education and Outreach to Constituents

### **A. Illustrate the importance of native catfish**

Intact native fish assemblages are vital to the maintenance of a healthy fish community and indicate a healthy aquatic environment. Some freshwater mussels rely on specific native catfishes as host fish to complete their life cycle. Without the correct host species, the entire population may be extirpated from that environment, or, in the case of endemic species occupying small ranges, become extinct. Native catfish have evolved in specific systems and have developed the genetic diversity required to adapt and be resilient in the face of natural changes. For example, native catfish may be able to respond more quickly after natural mortality events such as hurricanes to rebuild the population. Native fish communities may also be more resilient to disease and pathogens. Conservation priorities of the NC Wildlife Action Plan and research illustrating these benefits will be highlighted.

### **B. Emphasize the prevention of invasive catfish introductions**

Invasive catfish are known to displace native catfishes and sport fish (e.g., sunfish, migratory species) through indirect (resource competition) and direct (predation) interactions. Flathead and Blue catfish occur in many Atlantic River Basins, yet efforts to mitigate further expansion of these species are still warranted. Efforts will focus on preventing the expansion of these species into the Native Catfish Conservation Unit and to reduce their expansion and impacts in the Invasive Catfish Harvest Unit. Educating constituents on the mechanisms for expansion such as angler movement, trailer tournaments, and incidental releases can help prevent their expansion.

### **C. Consumption advisories due to contaminants in catfish**

Currently, there are 29 fish consumption advisories in North Carolina issued by the North Carolina Department of Health and Human Services (NCDHHS). Seventeen of the fish consumption advisories that affect specific waterbodies and basins identify catfish as a fish species to limit or avoid consumption by humans. Four of the 17 consumption advisories are also size-specific where catfish greater than 18 inches are to be consumed in limited quantities. See Table 2 (pg. 22) for the type of contaminant and waterbody and fish species affected. Anglers may choose to not harvest and eat fish with established consumption advisories. Where size and/or creel limits are established, the restrictions may be ineffective if harvest is already reduced due to a fish consumption advisory. In situations where harvest is encouraged to help address invasive catfishes, anglers may be reluctant to harvest fish with consumption advisories. Information will be provided to anglers on the safe consumption of catfish and alternative disposal options for harvested catfish.

## Conservation of Native Catfish

### A. Management for native catfish

Efforts to document the status of native catfish populations will continue. Systems supporting native catfish species will be targeted with conservation measures such as harvest restrictions for native species, supplemental stocking of native species, and regulations prohibiting the stocking of invasive catfish.

### B. Habitat for native catfish

Habitat degradation and manipulation are causes of species decline. Work to protect, conserve and enhance aquatic habitats supporting native catfish will be a focus. Commission staff will consider native catfish during environmental permit reviews. For example, dam removals can have biological benefit for aquatic species through range expansion, access to additional habitats, and species diversity, not to mention hydrological and ecological enhancements realized through barrier removals. However, the impacts to native species from invasive catfish resulting from range expansion upstream following a barrier removal should also be considered when investigating dam removal.

## IV. RECOMMENDATIONS

### Establish Population Management Zones and Units

- Categorize individual waters into appropriate zones and units.
- Share population zones and units and associated management approaches with the angling public.

### Conduct Research and Surveys

- Continue to conduct distribution surveys and population assessments for all catfish species.
- Evaluate current regulations to determine the effects on catfish populations.
- Investigate alternative methods to reduce invasive catfish within the Invasive Catfish Harvest Management Unit.
- Develop a regulatory framework for commercial fishing in inland fishing waters to identify commercial fishing activity, to evaluate its impact on catfish populations, and to facilitate the promotion or restriction of commercial fisheries where appropriate.
- Complete and share the results of the Economic Study of Inland Recreational Fishing in North Carolina which included catfish as a focal species.

## Protect Native Catfish of North Carolina

- Develop and implement an education campaign to demonstrate the value of native catfishes and the need for their conservation.
- Participate in status assessments to determine appropriate conservation status at the state and federal level.
- Amend 15A NCAC 10C .0301 to designate Black Bullhead, Brown Bullhead, Flat Bullhead, Snail Bullhead, White Catfish, and Yellow Bullhead as inland game fish when found in inland fishing waters. This designation restricts harvest to hook and line and prohibits the sale of these species.
- Amend 15A NCAC 10C .0321 to establish a statewide creel limit of 10 fish in aggregate with no closed season for those catfish species listed as inland game fish.
- Amend 15A NCAC 10C .0401 to prohibit the possession or harvest of Margined Madtom and Tadpole Madtom in all inland fishing waters. The possession of Broadtail Madtom, Carolina Madtom, Mountain Madtom, Orange-fin Madtom, and Stonecat is prohibited by 15A NCAC 10I .0102 Protection of Endangered/Threatened/Special Concern.

## Emphasize the Prevention of Invasive Catfish Introductions

- Develop outreach campaign to explain the impacts of Blue and Flathead catfish on native fish assemblages and to discourage movement between aquatic systems.
- Amend 15A NCAC 10C.0209 (c(5)) to add Blue Catfish to the list of species that is unlawful to stock in any waters of the State. No stocking permit will be issued by the Commission to allow such activity.

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## VI. GLOSSARY AND ACRONYMS

### Glossary

Aquatic Nuisance:	Non-native species that lives most or all its life in aquatic environments and is causing negative ecological and/or economic impacts in North Carolina.
Endemic:	A species that can only be found in a particular place.
Exotic:	A species that is not native to the state of North Carolina and the United States.
Introduced:	A species that is not native to a designated ecosystem or geographic area.
Invasive:	An exotic or non-native species that has the potential to, or is likely to, cause harm to the ecosystem and/or the economy.
Mortality:	The number of fish dying within a given time period either from fishing activities or natural causes.
Native:	A species that is naturally occurring in a specific geographic area or ecosystem.
Naturalized:	To introduce organisms into a region and to cause them to flourish as if they are native.
Non-native:	A species that have been introduced into an aquatic system outside its historical range.
Nonindigenous:	Species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities. Also referred to as Exotic, Non-native, or Introduced species.
Population:	A biological unit referring to individuals of a species living in the same area
Management Unit:	Fish population grouped by genetic relationship, geographic distribution, or movement patterns.
Recruitment:	Number of fish born within a given period that survive to the juvenile stage.

## Acronyms

ASMFC:	Atlantic States Marine Fisheries Commission
NCAC:	North Carolina Administrative Code
NCDHHS:	North Carolina Department of Health and Human Services
NCDMF:	North Carolina Division of Marine Fisheries
NCGS:	North Carolina General Statute
USGS:	United States Geological Survey
USFWS:	United States Fish and Wildlife Service

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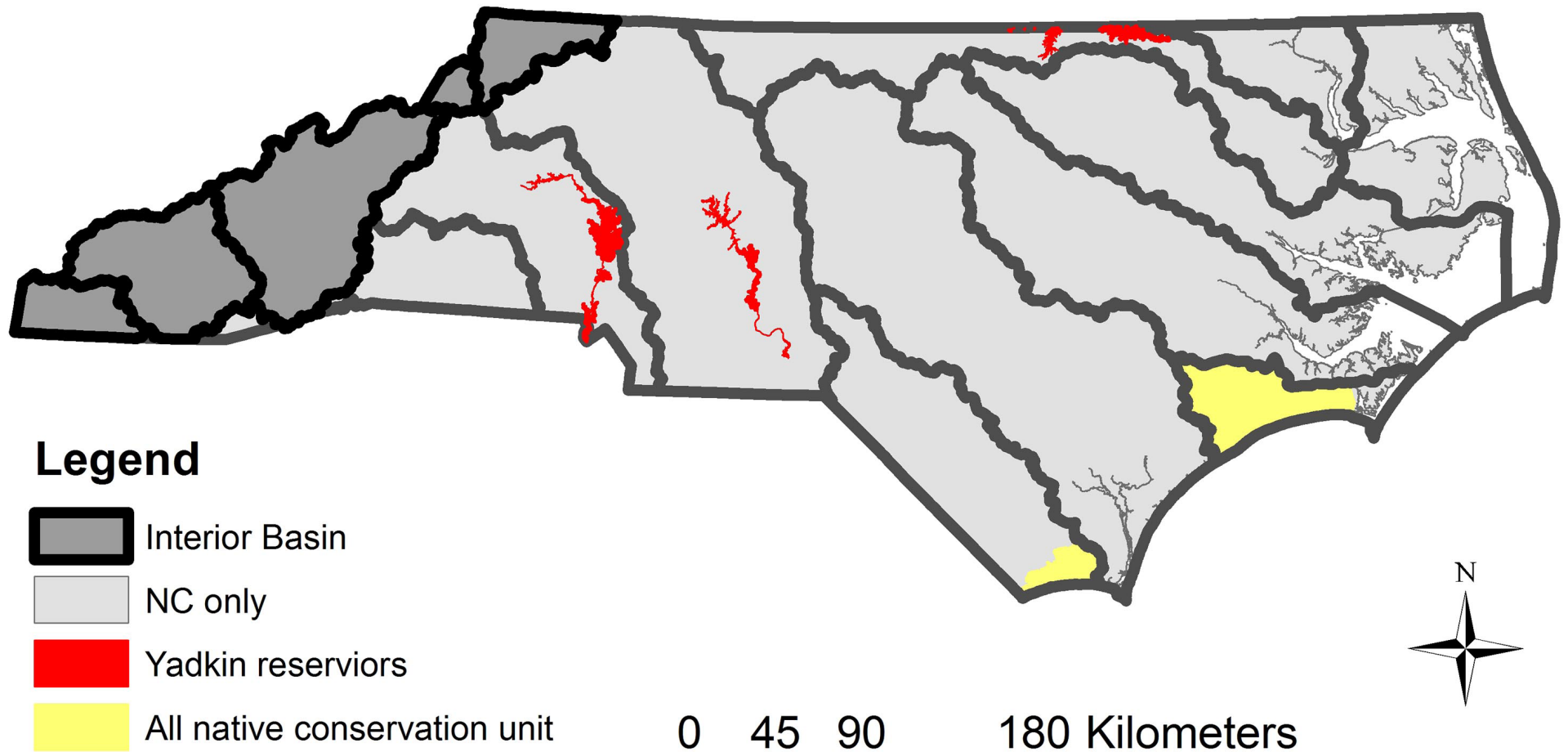


FIGURE 1.—North Carolina River Basins illustrating Population Management Zones and Units

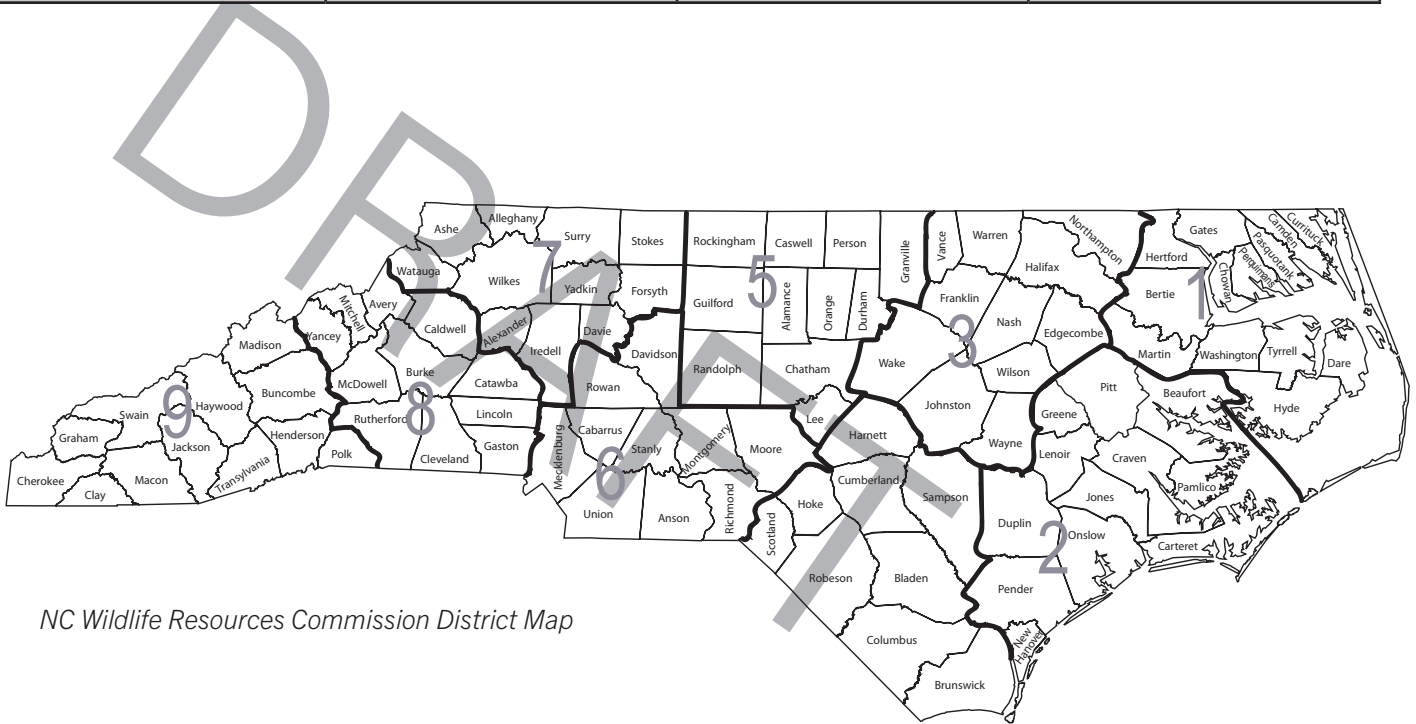
TABLE 1.—Interior and Atlantic River Basins

Interior River Basins	Atlantic River Basins	
French Broad	Broad	Pasquotank
Hiwassee	Cape Fear	Roanoke
Little Tennessee	Catawba	Savannah
New	Chowan	Tar
Watauga	Lumber	Waccamaw
	Neuse	White Oak
	New	Yadkin-Pee Dee

TABLE 2.—North Carolina Fish Consumption Advisories

Waterbodies	Contaminant	Catfish Specified?	NCWRC District(s)
South and East of I-85	Mercury	Yes	1, 2, 3, 4, 5, 6
Albemarle Sound	Dioxin	Yes	1
Badin Lake	PCBs, Mercury	Yes	6
Brier Creek	PCBs	Yes	3
Brunswick River	Arsenic, Chromium	No	4
Cape Fear River	Arsenic, Chromium	No	4
Chatuge Lake	Mercury	No	9
Crabtree Creek	PCBs	Yes	3
Dan River	Mercury	No	5
Falls Reservoir	PCBs, Mercury	Yes	6
Fontana Lake	Mercury	No	9
Glenville Reservoir	Mercury	No	9
High Rock Lake	PCBs, Mercury	Yes	6
Lake Crabtree	PCBs	Yes	3
Lake Gaston	Mercury	No	3
Lake Norman	PCBs	No	6, 7, 8
Lake Tillery	PCBs, Mercury	Yes	6
Lake Wylie	PCBs, Mercury	No	6
Little Brier Creek	PCBs	Yes	3
Mountain Island Lake	PCBs, Mercury	Yes	6
Nantahala Lake	Mercury	No	9
Neuse River	PCBs	Yes	3

Waterbodies	Contaminant	Catfish Specified?	NCWRC District(s)
Roanoke River	Dioxin	Yes	1
Rocky Branch	PCBs	Yes	3
Santeetlah Lake	Mercury	No	9
Sturgeon Creek	Arsenic, Chromium	No	4
Walnut Creek	PCBs	Yes	3
Welch Creek	Dioxin	Yes	1
Yadkin-Pee Dee	PCBs	Yes	6, 7

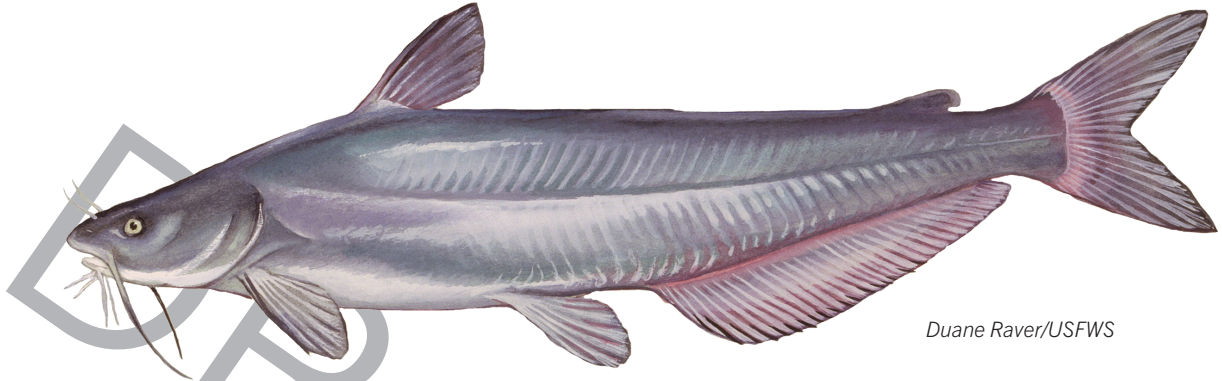


NC Wildlife Resources Commission District Map

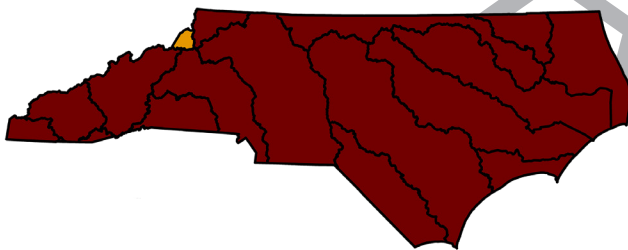
## VII. APPENDICES

### Appendix A. Species Biology and Distribution

#### Blue Catfish *Ictalurus furcatus*



Duane Raver/USFWS



- Blue Catfish - Native Range
- Blue Catfish - Introduced Range
- Major River Basins

Status: Native to Interior River Basins; Invasive to Atlantic River Basins

Length and Weight: Commonly reaches 36 inches and 20 pounds. The North Carolina state record Blue Catfish is 117 lbs 8 oz. caught from Lake Gaston in 2016. The world record Blue Catfish of 57 inches and 143 pounds was caught in 2011 from John H. Kerr Reservoir (Roanoke River Basin) on the North Carolina-Virginia border.

Distinctive Physical Characteristics: The Blue Catfish has a deeply forked tail and typically has a bluish-gray body above, fading to white on its sides and belly. The anal fin is the most prominent feature of a Blue Catfish and has a straight outer edge (sometimes referred to as a “barber’s razor”) with 30–36 fin rays. *Similar species:* Channel Catfish have a rounded anal fin with fewer (24–29) fin rays.

Habitat: Deep channels and pools in large rivers and often prefers areas with swift current. Also thrives in reservoirs and can occur in coastal rivers and estuaries with up to 11.4 ppt salinity.

Native Range: Mississippi River (Interior) basin and Gulf slope, including five western North Carolina watersheds.

Pathway of Introduction: Blue Catfish were introduced by the Commission in North Carolina Atlantic Slope river basins through stocking efforts of fingerlings in Cape Fear and Neuse rivers in 1966 (Borawa 1982) and reservoir stockings in the mid-1960s.



Management and Control: Blue Catfish are considered nongame fish by the Commission and North Carolina Division of Marine Fisheries (NCDMF). There are currently no limits on recreational and commercial harvest, except for the one-fish daily creel limit for Blue Catfish greater than 32 inches on eight Piedmont reservoirs and the six-fish daily creel limit on forked tail catfishes in Commission game lands and Community Fishing Program ponds.

Ecology: Blue Catfish are piscivorous when large (Edds et al. 2002) and consume native fishes. Problems could arise due to competition with resident and migratory fish species. Blue Catfish also displace native catfishes when habitat preferences overlap. Based on these negative interactions with native species, they are considered invasive in North Carolina.

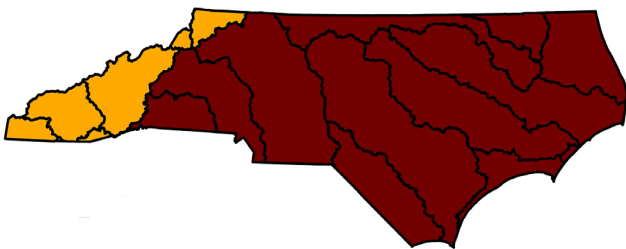
Economic Impact: Popular recreational and commercial fisheries have developed for Blue Catfish. In a 2011 survey of recreational anglers, Blue Catfish were the second most popular ictalurid species targeted by catfish anglers. There are potential negative economic impacts in the form of loss and associated conservation actions needed for rare fish species.

Human Health or Human Use: Biomagnification of methylmercury as well as other contaminants presents concerns with human consumption and consumption advisories are often necessary.

**Channel Catfish *Ictalurus punctatus***



Duane Raver/USFWS



- Channel Catfish - Native Range
- Channel Catfish - Introduced Range
- Major River Basins

Status: Native to Interior River Basins; Non-native to Atlantic River Basins

Length and Weight: Typical sizes range from 1 to 6 lbs with larger fish present in North Carolina. The state record Channel Catfish is 23 lbs 4 oz. caught from Rocky Mount City Lake in 1970.

Distinctive Physical Characteristics: The Channel Catfish has a deeply forked tail with black spots on its back and sides. Its top and sides vary from gray to slate-blue and are often olive with a yellow sheen. The anal fin of a Channel Catfish is rounded with 24–29 rays. *Similar species:* Blue Catfish have a straight anal fin outer edge with 30 to 36 fin rays.

Habitat: Spawn in cavities and can often be found in or near these cavities in rivers and reservoirs.

Native Range: Channel Catfish are native to the Mississippi Basin; however, they have been introduced throughout the United States.

NC Distribution: Channel Catfish are found in most ponds, streams, rivers, lakes, and reservoirs in every river basin of North Carolina. This species was stocked likely in the 1800s in North Carolina and exact stocking locations are not known.

Pathway of Introduction: The Channel Catfish is a highly adaptable species that have been introduced throughout the United States to provide angling opportunities.

Management and Control: An important part of the Commission's Community Fishing Program, where tens of thousands of Channel Catfish are grown in Commission fish hatcheries and stocked at various Community Fishing Program sites to provide angling opportunities in urban settings. Although Channel Catfish are considered a non-game fish, in designated Community Fishing Program sites and Commission game land ponds there is a creel limit of six fish per day. In other waters there is no size or creel limit.

Ecology: Young Channel Catfish feed mainly on plankton and aquatic insect larvae. As they grow older, they feed on aquatic invertebrates and small fish. Adults are omnivorous, eating plant material, insect larvae, crayfish, mollusks, small fish, and even dead fish. They are bottom feeders and rely on taste buds on their skin and barbels to locate food. Although Channel Catfish are established in waterbodies throughout the state, negative impacts on native species has not been observed. For this distinction, Channel Catfish are considered non-native rather than invasive.

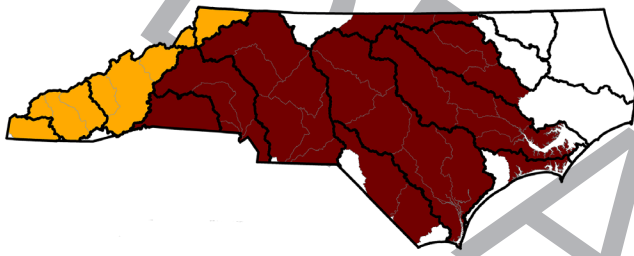
Economic Impact: Channel Catfish are a popular target for anglers, both for food and recreation. Channel Catfish are approved for aquaculture and are intensively grown at fish farms in North Carolina.

Human Health and Human Use: Biomagnification of methylmercury as well as other contaminants presents concerns with human consumption and consumption advisories are often necessary.

**Flathead Catfish *Pylodictis olivaris***



Duane Raver/USFWS



- Flathead Catfish - Native Range
- Flathead Catfish - Introduced Range
- Major River Basins

Status: Native to Interior River Basins; Invasive to Atlantic River Basins

Length and Weight: Flathead Catfish typically range from 3 to 40 pounds. The North Carolina state record Flathead Catfish is 78 pounds caught from Cape Fear River in 2005.

Distinctive Physical Characteristics: Flathead Catfish have a wide, flat head with a projecting lower jaw. Slender, compressed body. Tail slightly notched and adipose fin is relatively large. The anal fin has 14–17 anal fin rays.

Habitat: Deep pools with woody substrate and other debris in low- to moderate-gradient, small to large rivers; lakes and reservoirs. Flathead Catfish are most often found in freshwater; however, they can tolerate elevated salinity levels within coastal rivers and estuaries; laboratory studies suggest this tolerance may be up to 15.8 ppt salinity (Bringolf et al. 2005).

Native Range: Lower Great Lakes and Mississippi River (Interior) basins from western Pennsylvania to the White-Little Missouri River system in North Dakota, and south to Louisiana in the USA; Gulf Slope from Mobile Bay drainage in Georgia and Alabama, USA to Mexico.

NC Distribution: Hiwassee, Little Tennessee, French Broad, and New river basins (Interior River Basins, native range). Introduced to the Cape Fear, Tar, Neuse, Lumber, Catawba, Yadkin river basins and associated reservoirs; Roanoke River basin, currently above Roanoke Rapids Dam; Sutton Lake, Lake Waccamaw. It is considered an invasive species outside of its native range.

Pathway of Introduction: Intentional release of 11 Flathead Catfish in the Cape Fear River in 1966 by the Commission (Fayetteville State Fish Hatchery); unauthorized stockings by private individuals. Commission stockings took place in the Yadkin-Pee Dee Basin throughout the 1960s.

**Management and Control:** Flathead Catfish are regulated as a nongame fish. There are currently no limits on recreational and commercial harvest.

**Ecology:** Flathead Catfish are obligate piscivores, meaning they feed exclusively on live prey, especially fish. They are an apex predator in any aquatic ecosystem. When introduced outside their native range, Flathead Catfish are known to negatively influence sunfish and native catfish, bullhead and madtom populations as well as prey upon migratory fishes in coastal rivers. Based on these negative interactions with native species, Flathead Catfish are considered invasive species outside their native range in North Carolina.

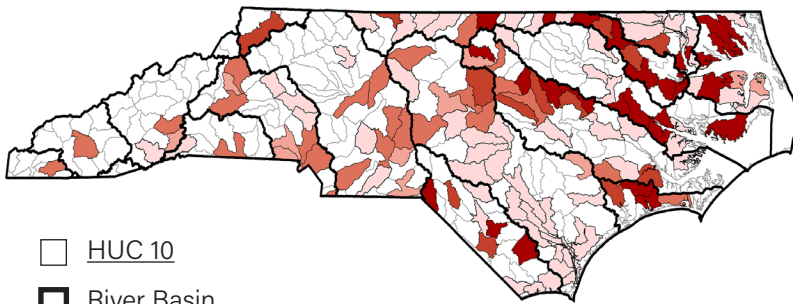
**Economic Impacts:** Flathead Catfish are popular with recreational and tournament anglers due to their strong fight, large size, and palatability. Negative economic impacts include loss of other popular fish (Pine et al. 2007). In addition, population declines of native species lead to significantly increased costs in conservation and management of these resources.

**Human Health or Human Use:** Biomagnification of methylmercury as well as other contaminants presents concerns with human consumption and consumption advisories are often necessary.

**White Catfish *Ameiurus catus***



Duane Raver/USFWS



□ HUC 10

□ River Basin

**Most Recent Record**

- 1. ≤ 5 years
- 2. 6-10 years
- 3. 11-15 years
- 4. 16-20 years
- 5. ≥16-20 years
- 6. Unknown Date

**Status:** Native to Atlantic River Basins

**Length and Weight:** White Catfish range 8–18 inches long and from 1–3 pounds. The North Carolina state record White Catfish is 13 pounds caught from Lake James in 1990.

**Distinctive Physical Characteristics:** The White Catfish is a member of the bullhead group of catfishes and has a moderately forked tail and is usually bluish-gray above, fading to gray on

the sides with a white belly. *Similar species:* Sometimes mistaken for the Channel Catfish or Blue Catfish, yet the White Catfish has a much wider head, has a shallower fork in its tail, and lacks any spots on the side.

Habitat: White Catfish occupy ponds, reservoirs, rivers, and extend into brackish waters.

Native Range: Atlantic slope drainages from the Delaware River drainage south to Florida and on the eastern Gulf slope.

NC Distribution: In addition to the Atlantic slope, White Catfish can also be found in the French Broad and Pigeon rivers where they were likely introduced to these systems.

Management and Control: White Catfish are regulated as a nongame fish and there are currently no limits on recreational and commercial harvest.

Ecology: Juvenile White Catfish predominantly eat aquatic insects, while adults are omnivores and consume a variety of aquatic invertebrates, fishes, and vegetation. White Catfish populations have declined, particularly in the Coastal Plain, due to predation and displacement by invasive Flathead Catfish and Blue Catfish.

Economic Impact: White Catfish are aggressive feeders, are more active during daylight than other catfishes, and provide excellent table fare, making them popular for anglers for both sport and food.

Human Health and Human Use: Biomagnification of methylmercury as well as other contaminants presents concerns with human consumption and consumption advisories are often necessary.



*White catfish (Photo: North American Native Fishes)*

**Bullheads *Ameiurus* spp.**



Yellow Bullhead



Brown Bullhead



Flat Bullhead (Photo: R.E. Jenkins)

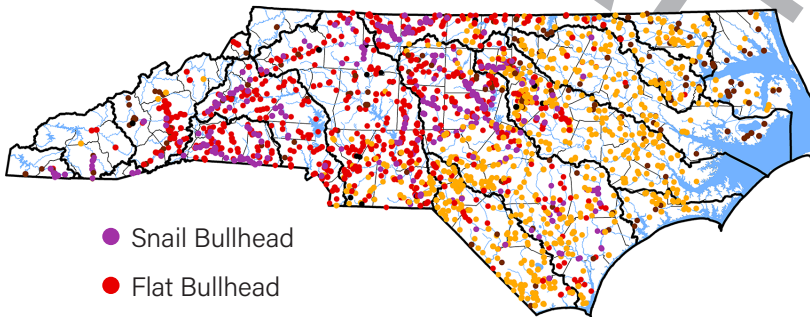


Black Bullhead



Snail Bullhead (Photo: Richard T. Bryant & Wayne Starnes)

All images by Duane Raver/USFWS, unless noted otherwise



- Snail Bullhead
- Flat Bullhead
- Black Bullhead
- Yellow Bullhead
- Brown Bullhead

Status: Native to North Carolina (except for Black Bullhead; it is considered non-native)

Multiple Species: There are four bullhead species that are native in North Carolina: Yellow Bullhead, Brown Bullhead, Flat Bullhead, and Snail Bullhead. Black Bullhead catfish are non-native and are observed occasionally in routine sampling.

Distinctive physical characteristics: Bullheads have square or rounded caudal fins and rarely exceed 3 pounds. The North Carolina state record bullhead is 4 pounds caught from Greenfield Lake in 2016.

Habitat: Bullheads are in all freshwater habitats. Primarily bottom-dwellers, often found under cover in slow to medium flow.

Native Range:

- Yellow Bullhead: Eastern US east of the Rockies and found in most basins in North Carolina.
- Brown Bullhead: Eastern US east of the Rockies and found in most basins in North Carolina.
- Flat Bullhead: Atlantic Slope and the French Broad Basin.
- Snail Bullhead: southern Atlantic drainages.
- Black Bullhead: non-native in North Carolina.

Current Management: Bullheads are regulated as a nongame fish with no harvest regulations for recreational or commercial fishermen.

Ecology: Bullheads are an important component to the ecology streams, rivers, lakes, and reservoirs of North Carolina. Young bullheads feed primarily on microcrustaceans and insect larvae, while adults are omnivorous and mainly eat various aquatic invertebrates and fish.

Economic Impact: Bullheads have been an important resource for anglers for a long time. Their widespread distribution makes them a common recreational and commercial target and they are considered excellent table fare.

Human Health and Human Use: Biomagnification of methylmercury as well as other contaminants presents concerns with human consumption and consumption advisories are often necessary. Bullheads are a baitfish used by anglers to catch Flathead Catfish (see right image); effects of this take on bullhead populations are unknown.



AP Photo/The St. Paul Pioneer Press, Brandi Jade Thomas

**Madtoms *Noturus* spp.**



Carolina Madtom (Photo: USFWS)



Margined Madtom



Orangefin Madtom



Tadpole Madtom



Stonecat Madtom

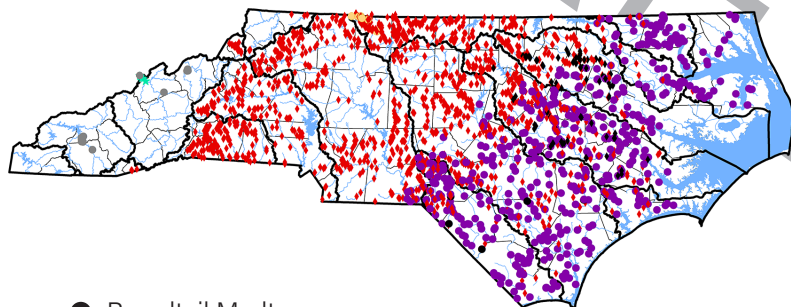


Mountain Madtom



Broadtail Madtom

All images by North American Native Fishes, unless noted otherwise



- Broadtail Madtom
- ◆ Carolina Madtom
- ◆ Margined Madtom
- ★ Mountain Madtom
- Orangefin Madtom
- Stonecat Madtom
- Tadpole Madtom

Status: Native to North Carolina

Distinctive Physical Characteristics: Madtoms have an adipose fin that is attached to the body along the entire length of the fin and rarely exceed 8 inches in total length.

Habitat: Madtoms are bottom-dwelling fish in streams, rivers, and some lakes, usually under cover.

Native Range:

- Mountain Madtom: French Broad river basin in western North Carolina.

- Stonecat: French Broad and Little Tennessee river basins in western North Carolina.
- Carolina Madtom: endemic to the Neuse and Tar-Pamlico river basins in eastern North Carolina.
- Orangefin Madtom: westernmost portion of the Roanoke river basin in North Carolina and upper Roanoke river basin in Virginia.
- Tadpole Madtom: lower Piedmont and Coastal Plain in North Carolina
- Margined Madtom: Atlantic Slope and widespread throughout the mid-Atlantic region.



- Broadtail Madtom: Coastal Plain within the Cape Fear and Lumber river basins in North Carolina and the Lumber and Yadkin-Pee Dee river basins in South Carolina.

Introduced Range: Margined Madtom: Watauga, New, and Savannah river basins.

Current Management: Margined Madtoms and Tadpole Madtoms are nongame fish and can be collected. However, five madtom species are state listed as Endangered (Orangefin and Stonecat), Threatened (Carolina), or Special Concern (Broadtail and Mountain) which prohibits possession without appropriate permits.

Ecology: Madtoms are an important component to the ecology of riverine food webs. They serve as host fish, required for several rare freshwater mussel species to complete their life cycle.

Economic Impact: Madtom populations, especially in the Coastal Plain, have been heavily impacted by invasive catfish predation and impaired water quality impairments. This incurs significant costs associated with management/conservation of these critical native species.

Human Health and Human Use: Madtoms are a baitfish used by anglers to catch gamefish; effects of this take on madtom populations are unknown.

## Appendix B. Summaries of Completed and Ongoing Research

### Blue Catfish Management Unit Research and Survey

Commission Lake Gaston Catfish Survey—Directed surveys targeting catfish at Lake Gaston began in 2016. Goals are to assess the catfish population (particularly Blue Catfish) and determine relative abundance, size structure, relative weight, growth rates, mortality, and diet composition. Sampling methods have consisted of gill nets of various mesh sizes and juglines. A total of 240 Blue Catfish have been collected. Blue Catfish growth rates appear to be relatively fast for the first few years and slow considerably by age 8, with one age-20 fish sampled that measured approximately 34 inches. Additionally, stomach contents have been composed primarily of shad, unidentified fish, and various bivalves. The majority of Blue Catfish have ranged from 18–30 inches in length, with approximately 10% greater than 32 inches. These results, however, are preliminary and based on a relatively small sample size.

Commission Lake Wylie Blue Catfish Study Using Angler Diaries—In 2010–2011, Commission biologists conducted electrofishing and trot line surveys in response to increasing angler interest in an emerging Blue Catfish fishery in Lake Wylie. Standard catfish collection techniques yielded low abundance of Blue Catfish for all gear types. As an alternate approach, in 2012–2017, Commission biologists distributed angler diaries to provide baseline Blue Catfish and Channel Catfish population information and bolster communication with stakeholders. From 1 angler diary participant, 779 Blue Catfish and 1,175 Channel Catfish were caught, measured, weighed, and released during the survey period, thus providing beneficial stock assessment information with minimal effort. To supplement angler diary information, Lake Wylie catfish tournament data (i.e., top five weigh-in entries per tournament) were analyzed from 2009–2017, representing 138 entries. Tournament data exhibited a 199% increase in mean tournament catfish weights over the eight-year time period; of which, 78.6%, 3.6%, and 17.9% of single-fish, top-weight winnings were attributed to Blue Catfish, Channel Catfish, and Flathead Catfish. Angler diaries coupled with catfish tournament data provided an effective approach to capture and evaluate an emerging Blue Catfish fishery in Lake Wylie.

Commission Badin Lake Blue Catfish Survey (Dorsey 2014)—In 2007–2010 and 2013, Commission biologists conducted electrofishing and/or gill-net surveys on Badin Lake to determine the status of the Blue Catfish population and to evaluate the one fish per day limit of fish greater than or equal to 32 inches (813 mm). While the overall population metrics varied by year, the number of Blue Catfish in our surveys greater than or equal to 32 inches was 11% in 2010 and 4% in 2013. The overall population was similar to previous findings and characterized by a diverse range of sizes indicating continued successful reproduction and recruitment with relative weight (a measure of body condition) and growth rates considered good. Additional data should be collected on this population, but at this time it does not appear that the regulation change has altered the population.

Commission Lake Tillery Blue Catfish Survey (Dorsey 2013)–Lake Tillery was surveyed by electrofishing in May 2013 and gillnetting in October 2013 to determine the status of the Blue Catfish population and to evaluate the management of the fishery. Spring electrofishing only produced Blue Catfish less than 575 mm. We used gillnetting to determine if larger fish were present and if so, to develop a more comprehensive overview of the Blue Catfish population in Lake Tillery. The population of Blue Catfish in Lake Tillery is comprised of a wide range of sizes. Growth rates were higher than in other reservoirs where Blue Catfish surveys have been conducted. Relative weight values were within the range expected for Blue Catfish. Additional surveys are needed to determine if these surveys are an accurate representation of the Blue Catfish population in Lake Tillery and to determine if one or both sampling gears is the most effective way to collect these fish in this reservoir.

Virginia Tech Kerr Reservoir Blue Catfish Study (Klopfer et al. 2013)–During 2010–2012, Virginia Tech surveyed Kerr Reservoir to evaluate the structure and characteristics of the Blue Catfish population using gillnets and jug-lines. The Blue Catfish sampled were in relatively poor condition, with low relative weights. Kerr Reservoir had the largest age-1 fish when compared to other southern bodies of water, yet growth slowed considerably after age 1, and by age 10, Kerr Reservoir Blue Catfish had the smallest lengths at age. They concluded that the poor condition and slow growth rates were likely due to high levels of competition with other fish in the reservoir.

### **Invasive Catfish Harvest Unit Research and Survey**

Commission Pee Dee River Survey–Commission fisheries biologists initiated a catfish monitoring survey in fall 2018 from Blewett Falls Dam downstream to the North Carolina/South Carolina border to gain a better understanding of Blue Catfish and Flathead Catfish abundance, relative weight, age and growth, and mortality rates. Channel Catfish, bullheads, and madtoms will be documented as encountered. Initial collections yielded 27 Blue Catfish, 81 Channel Catfish, and 75 Flathead Catfish. The survey will continue in 2019 and the data will be analyzed to assess these catfish populations and determine if modifications to current regulations are necessary.

University of North Carolina - Wilmington Invasive Catfish in the lower Cape Fear River (Scharf and Belkowski, unpublished data)–Population demography (age and size structure, growth rates, spatial distribution) of invasive catfishes in the lower Cape Fear River ecosystem is currently being investigated. A total of 1,294 invasive catfish (852 Flathead Catfish and 442 Blue Catfish) were collected in 2017. Most Flathead Catfish have been collected in the Cape Fear River and Northeast Cape Fear and represented a broad size range (5–43 inches). The second objective was to quantify the food habits of invasive catfishes in the lower Cape Fear River ecosystem. In December 2017, a total of 1,089 stomachs were removed and preserved, and 762 stomach contents were analyzed for prey selection. Stomach contents of Blue Catfish were dominated by the freshwater clam, *Corbicula* spp. (most likely *Corbicula fluminea*, the Asian clam). Blue Catfish diets have also included small amounts of crayfish, freshwater prawns, insects (dragonfly and caddisfly larvae), and small numbers of small unidentified fishes. Flathead Catfish diets consisted primarily of fishes, crayfish, and freshwater prawns. Common fishes that have been identified in Flathead Catfish stomachs have included Hogchoker, other catfish species, and several species of sunfish.

Commission Targeted Catfish Surveys in the Tar River and Neuse River (Rachels and Ricks 2014; Ricks 2018)– The most recent catfish surveys were on the Tar River in 2016 and the Neuse River in 2017. These rivers historically contained several native catfish species including White Catfish, Brown Bullhead, Flat Bullhead, and Yellow Bullhead. Channel Catfish were introduced in the early 1900s in both systems. In the Neuse River, Blue Catfish populations became established after stocking in 1966 (Borawa 1982). Blue Catfish were first observed in the Tar River during summer catfish surveys in 2010. In both rivers, Blue Catfish populations are currently expanding in terms of size and distribution. Flathead Catfish were absent from electrofishing surveys in the 1980s but became established in the Tar River in the 1990s and in the Neuse River by 1994 (NCWRC, unpublished data). Currently, invasive Flathead Catfish are flourishing in both systems and are defined as having an expanded length and age structure and low mortality rates. Trophy-sized catfish are common and provide both harvest- and trophy-oriented angling opportunities. Since invasive Flathead Catfish became established in the Tar and Neuse rivers, abundances of native catfish, such as White Catfish and bullheads, have drastically decreased. There is also concern that predation from Flathead Catfish is negatively impacting species of conservation concern such as Carolina Madtom, river herring, Striped Bass *Morone saxatilis*, and American Shad *Alosa sapidissima*.

Commission Catfish Surveys in Southeastern Coastal Rivers (Fisk et al. 2018)–During 2015–2016, Commission fisheries biologists surveyed the Cape Fear, Black, Lumber, and Waccamaw rivers with boat electrofishing to investigate the impacts of hand-crank electrofishing on catfish assemblages in those systems. The study found that recreational hand-crank electrofishing has limited impacts on populations of invasive Blue Catfish and Flathead Catfish. Habitat diversity and other factors likely play a larger role in structuring these fish communities. Native catfish were absent from collections in the Cape Fear and Black rivers, and few native catfish species were collected in the Lumber and Waccamaw rivers. Based on this and previous studies, White Catfish and several bullhead species are likely extirpated from the main-stem Cape Fear River. The introduction, expansion, and establishment of invasive catfish have been followed by concurrent declines and extirpation of native catfish in these systems.

Commission Albemarle Sound Drainage Fish Assemblage Surveys–In the Roanoke River, fish assemblage surveys were conducted in late summer 2001–2015. During these surveys, robust populations of native White Catfish were observed along with non-native Channel Catfish and invasive Blue Catfish. To date, invasive Flathead Catfish have not been observed in the Roanoke River below Roanoke Rapids Dam. Catfish species are often encountered and collected during sportfish surveys in the tributaries of the Albemarle Sound. These species include White Catfish, Blue Catfish, and Channel Catfish, along with Brown Bullheads and Yellow Bullheads.

Commission Yadkin River Survey–Commission biologists sampled the catfish and game fish community of the upper Yadkin River in summer 2012. Based largely on the observed declines in the native fish assemblage, the Flathead Catfish population appears to be expanding throughout the upper Yadkin River. While Flathead Catfish were only collected at two of the four sites sampled and overall catch per unit effort CPUE was four fish/hour, the reduced numbers of bullhead catfishes and Redbreast Sunfish collected at certain sites suggest that Flathead Catfish may be more abundant than electrofishing surveys indicated.

North Carolina State University Deep River Flathead Catfish Diet Study (Baumann and Kwak 2011)–Trophic relations of introduced Flathead Catfish in the Deep River were investigated to understand the effects on native fish communities. Crayfish occurred most frequently in the Flathead Catfish diet, while sunfish *Lepomis spp.* comprised the greatest percentage of weight. Neither of two sympatric imperiled fish species (the federally endangered Cape Fear Shiner *Notropis mekistocholas* and the Carolina Redhorse *Moxostoma sp.*, a federal species of concern) was found in any diet sample. An ontogenetic shift in diet was evident when Flathead Catfish reached about 12 inches, and length significantly explained the variation in the percent composition by weight of sunfish and darters. Flathead Catfish showed positive prey selectivity for taxa that occupied similar benthic microhabitat, highlighting the importance of opportunistic feeding and prey encounter rates. These findings increase the understanding of invasive Flathead Catfish trophic relations and the degree of vulnerability among prey taxa, especially those that occupy shared habitats.

North Carolina State University Deep River Flathead Catfish Seasonal Movements (Malindzak 2006)–North Carolina State University studied the behavior of a Flathead Catfish population that colonized a section of the Deep River (in the upper Cape Fear River basin) and currently coexists with the federally endangered Cape Fear Shiner. This coexistence raises concerns of predation risks of the Flathead Catfish on the Cape Fear Shiner. Twenty-four radio-tagged adult Flathead Catfish released in the Deep River between the Carbonton and Highfalls dams were monitored to study behavior from June 2004 to August 2005. Flathead Catfish selected microhabitats non-randomly annually and within three functional seasons (spawning, growth, and winter). Flathead Catfish were usually associated with habitats that were relatively deep (10–20 ft), slow in velocity, over bedrock substrates, and nearly always in or adjacent to coarse woody debris. Among seasons, these fish utilized different habitats, with faster bottom velocities during the spawning season, silt/clay substrates and faster mean column velocities in the growth season, and in the winter season, they occupied the deepest water available and most frequently, not associated with any cover type. Flathead Catfish mean linear home ranges were greater than 16 km annually, and mean seasonal ranges were 8.1 miles during spawning, 6.2 miles during growth, and 2.3 miles in winter. On a diel scale, Flathead Catfish were generally more active and occupied deeper water at night. These findings on habitat use of adult Flathead Catfish at multiple spatial and temporal scales suggest the predation risk to Cape Fear Shiner may be minimal, based on limited habitat overlap, as the Cape Fear Shiner generally occupies the middle of the water column, schooling with other *Notropis* species such as the Highfin Shiner (*Notropis altipinnis*) and Spottail Shiner (*Notropis hudsonius*). However, predation risk by juvenile Flathead Catfish may be greater because young fish utilize a broader range of habitat types, leading to greater chances of encounter between the two species. Furthermore, these results support other recent research describing Flathead Catfish as a highly mobile fish.

North Carolina State University Coastal Rivers Study (Pine et al. 2005; Kwak et al. 2006; Pine et al. 2007)–Flathead Catfish were investigated by North Carolina State University 2001–2003. The three main components of the study were Flathead Catfish age and growth, diet analysis, and ecosystem modeling. Overall growth rates were consistently higher than those of native riverine populations. Mortality estimates were considerably lower than those from their native range, suggesting relatively low fishing mortality for these introduced populations. Flathead Catfish diet analysis found that they were primarily piscivorous. Fish or crayfish contributed more

than 50% of the stomach contents by percent occurrence, percent by number, and percent by weight and provides evidence of the potential impact on native fish communities through their piscivorous food habits. To evaluate the potential impact of this invasive species on the native fish community, an ecosystem simulation model based on empirical data collected from a North Carolina coastal river was developed. The model results suggest that Flathead Catfish suppress native fish community biomass by 5–50% through both predatory and competitive interactions. However, the model suggests these reductions could be mitigated through sustained exploitation of Flathead Catfish by recreational or commercial fishers at rates equivalent to those for native Flathead Catfish populations (annual exploitation rates of 6–25%). These findings demonstrate the potential for using directed harvest of an invasive species to assist in restoring native communities.

### **Native Catfish Conservation Unit Research and Survey**

Commission Native Catfish Populations Surveys (Rachels and Ricks 2016; Buckley 2018)—Because invasive catfish are widespread in coastal North Carolina, it is important to document systems that still contain only native catfish. Commission surveys have documented entirely native populations in the White Oak River, New River, and Lockwood Folly River. These systems were predominantly composed of White Catfish and bullhead species. These are dwindling resources for native catfish in coastal North Carolina that are not easily restored once lost. Catfish assemblages in other systems, including the Pungo River and the Newport River, as well as systems in the Piedmont and Mountain regions need to be investigated.

### **Madtom Research and Survey**

North Carolina State University Updated Status of the Carolina Madtom (Cope 2018)—The objectives of this research were to assess the population status, microhabitat use, and genetic structure of the Carolina Madtom to inform protective listing and management decisions for this understudied species. Microhabitat data were collected at all surveyed sites and at points-of-capture for all Carolina Madtoms. A total of 59 Carolina Madtoms were collected during snorkel surveys in the Tar River basin, whereas no Carolina Madtoms were collected from the Neuse River basin. Comparison of available suitable habitat in the Tar and Neuse river basins determined that adequate suitable habitat was available in the Neuse River basin. Occupancy modeling estimated Carolina Madtom detection probability using artificial cover units at 0.92. Compared to other standardized survey methods, artificial cover units were found to be an efficient, passive sampling technique for detecting Carolina Madtoms. Observations also revealed that artificial cover units were used in reproduction by Carolina Madtoms. Using 10 microsatellite primers developed for the related Yellowfin Madtom (*Noturus flavipinnis*), we successfully identified genetic structure of the Carolina Madtom. Resulting analyses quantified low genetic diversity in the species. Genetic analysis for the Tar and Neuse river basin populations indicated that both populations have experienced demographic bottlenecks, and effective population size ( $N_e$ ) estimates for the respective populations were small, indicating low genetic diversity within populations. However, genetic analysis results revealed significant genetic variation between the Tar and Neuse river basin populations.

Commission Carolina Madtom Surveys (Wood and Nichols 2011)—The Carolina Madtom is a rare endemic fish to the Tar and Neuse River basins of North Carolina. Surveys over the past three decades indicate significant

declines in its distribution and abundance, with predation by Flathead Catfish likely playing a significant role. Commission biologists conducted 60 surveys at 30 sites with historical survey records in April–August 2007 to assess the status of the Carolina Madtom. Data were compared to historical records to detect any geographic change in occurrence. Biologists also estimated the proportion of sites occupied (occupancy) and detection probabilities for a subset of sites. Additionally, researchers examined aspects of the general biology and population structure of the Carolina Madtom (e.g., spawning period, size structure, catch per unit effort). Results indicate a significant decrease in occurrence in the Neuse River basin. Frequencies of occurrence decreased from 0.80 to 0.13 between 1960s and 2007 data. A robust population was detected at only one site surveyed in the Neuse River basin. No significant change in occurrence was seen in the Tar River basin. Spawning and nesting behaviors were observed in mid-May. Subsequent surveys between 2010–2018 suggest the Neuse River populations are further declining and the Tar River populations are showing evidence of decline.

Commission Broadtail Madtom Surveys—During 2010–2015, biologists surveyed 119 sites in the Lumber, White Oak, and lower Cape Fear drainages, targeting a suite of ten rare fish species, including the Broadtail Madtom. This diminutive species (less than 3 in. long) is currently being described and is endemic to the Coastal Plain of North and South Carolina, where it is usually found in small to medium sized rivers. The species was detected at only three sites, all in the Lumber basin. It may be extirpated from Lake Waccamaw, where it has not been observed since 2002. No Broadtail Madtoms have been collected in these basins since 2013. Additional targeted survey work is needed, but if still extant, densities are extremely low. Declines are likely due to predation by Flathead Catfish and degradation of water quality.

North Carolina State University Carolina Madtom Habitat Use (Midway et al. 2010)—Habitat investigations in six reaches (1) quantified Carolina Madtom microhabitat use, availability, and suitability; (2) compare suitable microhabitat availability between the two basins. Carolina Madtoms most frequently occupied shallow to moderate depths of swift moving water over a sand substrate and used cobble for cover. Interbasin comparisons suggested that suitable microhabitats were more prevalent in the Neuse River basin than in the Tar River basin. They suggest that physical or biotic effects may be responsible for the decline in the Neuse River basin population. Microhabitat characteristics of occupied artificial cover units closely resembled those of natural instream microhabitat used by Carolina Madtoms; these units present an option for conservation and restoration if increased management is deemed necessary.

## **Statewide Angler Surveys**

2018 Commission Statewide Angler Survey—An economic assessment of inland fishing in North Carolina is being conducted by UNC-Wilmington will be completed in 2019. This survey will provide information on the economic impact of anglers statewide, including catfish anglers.

2012 Commission Freshwater Angler Survey (Linehan 2013)—A total of 3,710 resident anglers replied to a mixed-mode survey sent to 10,000 licensed anglers in 2012 (41% adjusted response rate; adjusted for sur-

veys that were undeliverable). Seventy-one percent of resident inland fishing license holders fished in North Carolina freshwaters during the year prior to receiving the survey. Overall, 68% of anglers indicated they were satisfied or very satisfied with freshwater fishing in North Carolina. Anglers were mostly male (84%), white (89%), and 45 years or older (55%). Fishing gear that anglers used statewide included a spinning or baitcasting rod and reel (90%), fly rod and reel (25%), cane pole (18%), jug hooks (8%), trotline (4%), bows and other gear (3%). The three most sought-after groups of species included Largemouth Bass (71%), crappie *Pomoxis* spp. (64%), and catfish (63%). Thirty percent of anglers indicated they normally released their leftover live bait fish in the water they fished. Some anglers (43%) were not aware that it is illegal to release or stock any fish into public waters unless they are taken from those same waters. Approximately one-third of anglers ate at least one meal of fish per month that they caught from North Carolina freshwaters. Anglers considered providing information about fishing regulations (90%), improving habitat for fish (90%), conserving native fish (89%), and controlling invasive species (86%) the most important functions of the Commission.

2011 Commission Catfish Angler Survey (Duda 2012)—A total of 5,751 completed telephone interviews were conducted in December 2011–January 2012. Twenty-two percent (n = 1,237) of the fishing license holders fished for catfish in 2011. Angler motivations to fish for catfish were included: for the sport (36%), to catch fresh catfish for food (28%), to be with family and friends (17%), for relaxation (14%), to catch large catfish (3%), or another reason (3%). Catfish anglers fished for Channel Catfish (37%), Blue Catfish (33%), any catfish species (32%), Flathead Catfish (19%), White Catfish (4%), and bullheads (3%). Rod and reel (94%) was the primary fishing gear used by anglers followed by jug hooks (7%), trotlines (6%), and set hooks (3%). Sixty-five percent of catfish anglers fished for catfish in their home county, while 35% most often fished for catfish outside their home county. Catfish anglers often fished in lakes and reservoirs (44%) and rivers (37%), followed by ponds (12%), and streams (3%). The large majority of those who fished in ponds did so in a private pond (72%), distantly followed by public ponds (30%) and pay ponds (8%). Some catfish anglers preferred to catch fewer large or trophy catfish (46%), whereas catching many small to medium catfish was preferred by 33% of catfish anglers and 21% had no preference. Catfish anglers indicated a large or trophy-sized catfish would have minimum weight of 11–20 pounds (25%) or 21–30 pounds (19%). Satisfaction with the current catfishing regulations was high, with most catfish anglers (84%) being very or somewhat satisfied.

1990 Commission Statewide Angler Survey (Finke and Van Horn 1993)—A total of 3,251 resident anglers replied to the 1990 mail survey questionnaire (55% response rate). Catfish were among the top 5 most sought-after fish species; 36% of 2,976 angling respondents indicated fishing for catfish, coming in behind Largemouth Bass *Micropterus salmoides* (69%), crappie *Pomoxis* spp. (60%), and sunfish *Lepomis* spp. (42%) yet ahead of Striped Bass and Bodie Bass (19%), mountain trout (18%), Smallmouth Bass (16%) *Micropterus dolomieu*, and Walleye *Sander vitreus* (3%). At a regional level, catfish were most sought-after by responding anglers from the Mountain (38% of 975 respondents), Piedmont (35% of 1,421 respondents), and Coastal Plain (32% of 579 respondents).



## Appendix C. Catfish Sampling Methods

Significant advances have been made in the sampling methods for catfish. This is especially the case for Blue Catfish, Channel Catfish, and Flathead Catfish. Moreover, these advances have been evaluated and presented in multiple peer-reviewed publications (Kwak et al. 2011; Bodine et al. 2013). Although differences in sampling efficiencies exist between species, gear types, and habitats, these publications present a range of commonly used gear types and discussion of different survey methods. Below is a summary to guide gear selection for surveying and monitoring various catfish species in North Carolina.

Hoop Nets—Hoop nets have been used in many locales for sampling Channel Catfish and have been found to be efficient depending on season, soak time, bait use, and configuration (Kwak et al. 2011). In North Carolina coastal rivers, traditional single set hoop nets have been used with limited success (B. Ricks, personal communication). However, hoop nets set in tandem have shown to be more efficient than other gear types, particularly for Channel Catfish (Bodine et al. 2013). Standardized sampling methods utilizing hoop nets in various rivers should be explored and documented.

Gill Nets—Gill nets are commonly used to survey fish communities in reservoirs and can provide population level data, with standard methods that are currently employed in most North Carolina reservoirs. Because gill nets are typically used for routine monitoring of pelagic reservoir fisheries, including catfish as part of the data collection would add little additional cost. Gill nets were suggested to be less efficient and produce lower catches of Channel Catfish when compared with tandem hoop nets (Bodine et al. 2013); however, gill nets have proven effective in sampling Blue Catfish in reservoir systems (Dorsey et al. 2011) and are also effective at capturing Blue Catfish in large river environments.

Boat Electrofishing—Low-frequency pulsed-DC electrofishing methods have proven effective for sampling reservoir and riverine catfish populations. Low-frequency electrofishing is one of the more common gears used to survey Blue Catfish and Flathead Catfish (Bodine et al. 2013). Maximum catch rates are achieved during summer months when water temperatures exceed 20°C and at times when water levels are lower. However, sampling in the University of North Carolina-Wilmington study appeared to be effective at water temperatures as low as 15°C (Belkowski and Scharf, unpublished data). However, Blue Catfish were difficult to sample with low-frequency electrofishing in Lake Gaston (K. Rundle, personal communication) and Kerr Reservoir (Klopfer et al. 2013). When utilizing low-frequency electrofishing, a chase boat can increase overall catch as many catfish surface away from the electrofishing boat.

Angler Creel Surveys—Creel surveys can be informative tools to index population characteristics; however, caution should be made when comparing creel survey data with fishery independent sampling. Bodine et al. (2013) found that Channel Catfish catch rates from angler surveys were lower compared to tandem hoop net survey efforts. Overall, creel surveys are fundamental for documenting trends in catfish effort, catch, and harvest rates over time and tracking angler preferences.

Jug hooks–Jug hooks are a popular recreational fishing method for catfish in North Carolina and highly efficient sampling method for reservoir catfish populations. Jug hooks produce limited bycatch when compared to other sampling methods such as gill nets. Sampling methods should enumerate the number of jug hooks and duration of sets to allow comparisons of hook-hours per sampling event.

Sampling Standardization–Although each waterbody will have unique management issues, a repeatable, standardized sampling approach should be used to document long-term trends in catfish populations. Gear types as described above to conduct catfish sampling are highly dependent on the waterbody (i.e., reservoir vs riverine system). There is a need to identify and develop standardized sampling methods for individual waterbodies and potentially at broader geographical areas, such as within a Commission district or across a regional work area. Bonar et al. (2009) recommends minimum sample sizes based on habitat types and waterbody size and discusses ways to standardize sampling effort and locations.

DRAFT

## Appendix D. Current Laws and Rules

### Nongame Fish Designation

#### § 113-129. Definitions relating to resources.

The following definitions and their cognates apply in the description of the various marine and estuarine and wildlife resources:

...

(10) Inland Game Fish. – Those species of freshwater fish, wherever found, and migratory saltwater fish, when found in inland fishing waters, as to which there is an important element of sport in taking and which are denominated as game fish in the regulations of the Wildlife Resources Commission. No species of fish of commercial importance not classified as a game fish in commercial fishing waters as of January 1, 1965, may be classified as an inland game fish in coastal fishing waters without the concurrence of the Marine Fisheries Commission.

...

(12) Nongame Fish. – All fish found in inland fishing waters other than inland game fish.

#### 15A NCAC 10C .0301 INLAND GAME FISHES DESIGNATED

The following fishes are classified and designated as inland game fishes:

- (1) mountain trout, all species including but not limited to rainbow, brown and brook trout;
- (2) muskellunge, chain (jack) and redfin pickerel;
- (3) yellow perch, when found in inland waters, walleye and sauger;
- (4) black bass, including largemouth, smallmouth, spotted and redeye bass;
- (5) black and white crappie;
- (6) sunfish, including bluegill (bream), redbreast (robin), redear (shellcracker), pumpkinseed, warmouth, rock bass, (redeye), flier, Roanoke bass, and all other species of the sunfish family (Centrarchidae) not specifically listed in this Rule;
- (7) spotted sea trout (speckled trout), when found in inland fishing waters;
- (8) flounder, when found in inland fishing waters;
- (9) red drum (channel bass, red fish, puppy drum), when found in inland fishing waters;
- (10) striped bass, white bass, white perch and Morone hybrids (striped bass-white bass), when found in inland fishing waters;
- (11) American and hickory shad, when found in inland fishing waters;
- (12) kokanee salmon.

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

*Eff.* February 1, 1976;

*Amended Eff.* June 1, 2005; June 1, 2004; July 1, 1996; July 1, 1990; July 1, 1983; January 1, 1981; January 1, 1980.

## Nongame Fish Manner of Take, Size and Creel Limits, and Seasons

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

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

(1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.

(2) While boating on or fishing in the following inland fishing waters, no person shall take river herring (alewife and blueback) that are greater than six inches in length, or possess such herring regardless of origin in:

(A) Roanoke River downstream of Roanoke Rapids Dam;

(B) Tar River downstream of Rocky Mount Mill Dam;

(C) Neuse River downstream of Milburnie Dam;

(D) Cape Fear River downstream of Buckhorn Dam;

(E) Pee Dee River downstream of Blewett Falls Dam;

(F) Lumber River including Drowning Creek;

(G) all the tributaries to the rivers listed above; and

(H) all other inland fishing waters east of I-95.

(3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman, Mountain Island Reservoir, Lake Wylie, and John H. Kerr Reservoir, except that one fish per day may be taken with archery equipment.

(4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters.

(5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.

(6) In inland fishing waters, gray trout (weakfish) recreational seasons, size limits, and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters is the same as the trout fishing season. Trout seasons are designated in 15A NCAC 10C .0316.

(c) Nongame fishes taken by hook and line, grabbling, or by licensed special devices may be sold, with the following exceptions:

(1) alewife and blueback herring, excluding those less than six inches in length collected from Kerr Reservoir (Granville, Vance, and Warren counties);

(2) blue crab; and

(3) bowfin.

(d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may be taken only from impounded waters, except mussels shall not be taken in Lake Waccamaw in Columbus County, and in University Lake in Orange County. The daily possession limit for freshwater mussels is 200 in the aggregate, except there is no daily possession limit for the Asiatic clam (*Corbicula fluminea*).

(e) In waters that are stocked and managed for catfish and located on game lands, on Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program, it is unlawful to take channel, white, or blue catfish by means other than hook and line; the daily creel limit is six catfish in aggregate. Waters where this creel limit applies shall be posted on-site with signs indicating the creel limit.

(f) The daily creel limit for blue catfish greater than 32 inches is one fish in the following reservoirs:

- (1) Lake Norman;
- (2) Mountain Island Lake;
- (3) Lake Wylie;
- (4) Badin Lake;
- (5) Lake Tillery;
- (6) John H. Kerr Reservoir (North Carolina portion);
- (7) Lake Gaston (North Carolina portion); and
- (8) Roanoke Rapids Reservoir.

(g) The daily creel limit for American eels taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters is 25, and the minimum size limit is 9 inches.

(h) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

*History Note: Authority G.S. 113-134; 113-272; 113-292;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;  
Temporary Amendment Eff. December 1, 1994;  
Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. July 1, 2002; July 1, 2001;  
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);  
Temporary Amendment Eff. June 1, 2003;  
Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);  
Amended Eff. August 1, 2018; August 1, 2016; August 1, 2015; August 1, 2014; August 1, 2013;  
August 1, 2012; August 1, 2011; August 1, 2010; May 1, 2009; May 1, 2008; May 1, 2007;  
May 1, 2006; June 1, 2005*

#### **15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION**

(a) It is unlawful to take nongame fish for bait or personal consumption in the inland waters of North Carolina using equipment other than:

- (1) a net of dip net design not greater than six feet across;
- (2) a seine of not greater than 12 feet in length (except in Lake Waccamaw in Columbus County where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;

- (3) a cast net;
  - (4) a bow net for the seasons and waters in which the use of bow nets is authorized in 15A NCAC 10C .0407;
  - (5) a dip net when used in conjunction with a licensed hand-crank electrofisher;
  - (6) a gig (except in Public Mountain Trout Waters);
  - (7) up to three traps for the seasons and waters in which the use of traps is authorized in 15A NCAC 10C .0407;
  - (8) up to two eel pots;
  - (9) a spear gun for the seasons and waters in which the use of a spear gun is authorized in 15A NCAC 10C .0407;
  - (10) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, from which all fish and animals are removed daily, and that are labeled with the user's Wildlife Resources Commission customer number or name and address;
  - (11) a hand-held line with a single bait attached;
  - (12) a single, multiple-bait line for taking crabs not to exceed 100 feet in length, marked on each end with a solid float no less than five inches in diameter, bearing legible and indelible identification of the user's name and address, and under the immediate control and attendance of the person using the device, with a limit of one line per person and no more than one line per vessel; or
  - (13) a collapsible crab trap with the largest open dimension not greater than 18 inches and that by design is collapsed at all times when in the water, except when it is being retrieved or lowered to the bottom, with a limit of one trap per person.
- (b) The use of equipment under this Rule requires a valid license that provides basic inland fishing privileges.
- (c) It is unlawful to sell nongame fishes or aquatic animals taken under this Rule.
- (d) Game fishes taken while netting for bait shall be returned unharmed to the water, except white perch may be taken when captured in a cast net being used to collect nongame fishes for bait or personal consumption in all impounded waters west of I-95 and in the Tar River Reservoir (Nash County).
- (e) No person shall take or possess during one day more than 200 nongame fish in aggregate for bait or personal consumption subject to the following restrictions:
- (1) No more than 25 eels, none of which may be less than 9 inches in length, shall be taken from or possessed, regardless of origin, while boating on or fishing in inland fishing waters;
  - (2) While boating on or fishing in the following inland fishing waters, no river herring (alewife and blueback) that are greater than six inches in total length shall be taken, and no such river herring shall be possessed regardless of origin:
    - (A) Roanoke River downstream of Roanoke Rapids Dam;
    - (B) Tar River downstream of Rocky Mount Mill Dam;
    - (C) Neuse River downstream of Milburnie Dam;
    - (D) Cape Fear River downstream of Buckhorn Dam;
    - (E) Pee Dee River downstream of Blewett Falls Dam;
    - (F) Lumber River including Drowning Creek;
    - (G) the tributaries to the rivers listed above; and
    - (H) all other inland fishing waters east of Interstate 95.

(3) No more than 50 crabs per person per day or 100 per vessel per day with a minimum carapace width of five inches (point to point) shall be taken.

(f) Any fishes taken for bait purposes are included within the daily possession limit for that species.

(g) It is unlawful to take nongame fish for bait or any other fish bait from the following waters:

(1) Public Mountain Trout Waters (except in impounded waters of power reservoirs and municipally-owned water supply reservoirs);

(2) Bear Creek in Chatham County;

(3) Deep River in Chatham, Lee, and Moore counties and downstream of Coleridge Dam in Randolph County;

(4) Fork Creek in Randolph County; and

(5) Rocky River in Chatham County.

(h) In the waters of the Little Tennessee River, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings, it is unlawful to transport, possess, or release live river herring (alewife and blueback).

(i) No person while fishing shall remove the head or tail or otherwise change the appearance of any nongame fish having a size limit so as to render it impracticable to measure its total original length. No person while fishing shall change the appearance of any nongame fish having a daily creel limit so as to obscure its identification or render it impracticable to count the number of fish in possession.

*History Note: Authority G.S. 113-134; 113-135; 113-135.1; 113-272; 113-272.3; 113-292;*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 2000; July 1, 1998; July 1, 1993; July 1, 1992; May 1, 1992; July 1, 1989;*

*Temporary Amendment Eff. July 1, 2001;*

*Amended Eff. July 18, 2002;*

*Temporary Amendment Eff. June 1, 2003;*

*Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);*

*Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016; August 1, 2015; August 1, 2014;*

*August 1, 2013; August 1, 2010; May 1, 2008; May 1, 2007; May 1, 2006.*

### **15A NCAC 10C .0404 SPECIAL DEVICES**

(a) Archery equipment. The use of archery equipment, as defined in 15A NCAC 10B .0116, as a licensed special device is authorized for taking nongame fishes at any time from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters. Unless prohibited by Marine Fisheries Commission's rules in 15A NCAC 03, bow and arrow may be used in joint fishing waters.

(b) Nets. Where authorized, manually operated nets, including seines and bow, cast, dip, gill, drift, and fyke nets may be used under the special device license. No fixed gill net or other stationary net which may be authorized as a special device may be more than 100 yards in length, nor shall any such net be placed within 50 yards of any other fixed net. Fixed nets must be set so that they run parallel to the nearest shoreline. No fixed or drift gill nets shall be used unless such net is marked for the protection of boat operators. A net shall be deemed so marked when there is attached to it at each end two separate yellow buoys that shall be of solid foam or other solid buoyant material no less than five inches in its smallest dimensions. The owner shall be identified on a

buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include one of the following:

- (1) owner's N.C. motor boat registration number;
- (2) owner's U.S. vessel documentation name; or
- (3) owner's last name, first and middle initials. It is unlawful to attach gill nets to any wire, rope, or similar device extended across any navigable watercourse.

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

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

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

(f) Eelpots. It is unlawful to use pots with mesh sizes smaller than one-half inch by one-half inch. Each pot must be marked by attaching a floating buoy that shall be of solid foam or other solid buoyant material and no less than five inches in diameter and no less than five inches in length. Buoys may be of any color except yellow. The owner shall be identified on the attached buoy by using engraved buoys or by engraved metal or plastic tags attached to the buoy. Such identification shall include one of the following:

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

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

*History Note: Authority G.S. 113-134; 113-272.2; 113-276; 113-292;*

*Eff. February 1, 1976;*

*Amended Eff. July 1, 1999; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994; July 1, 1993;*

*Temporary Amendment Effective July 1, 2001;*

*Amended Eff. August 1, 2014; August 1, 2012; May 1, 2008; May 1, 2007; August 1, 2004; July 18, 2002.*

#### **15A NCAC 10C .0405 POSSESSION OF LICENSES**

Except as indicated in this Rule, every individual participating in the taking of fish through the use of any special device must have the special device fishing license issued to him, personally, in his possession or readily available for inspection. A bow net or a dip net may be used by an individual other than the licensee with the licensee's permission, but such user must have the license in his possession or readily available for inspection. When using drag seines authorized for taking nongame fishes at beaches on inland fishing waters where



there are migratory saltwater fishes (herring or mullet), only the principal owner and operator is required to be licensed.

*History Note: Authority G.S. 113-134;113-275; 113-276; 113-276.1; 113-292;  
Eff. February 1, 1976;  
Temporary Amendment Eff. November 1, 1998;  
Amended Eff. April 1, 1999.*

### **15A NCAC 10C .0407 PERMITTED SPECIAL DEVICES AND OPEN SEASONS**

Except in designated public mountain trout waters, and in impounded waters located on the Sandhills Game Land, there is a year-round open season for the licensed taking of nongame fishes by bow and arrow. The use of special fishing devices, including crab pots in impoundments located entirely on game lands is prohibited. Seasons and waters in which the use of other special devices is authorized are indicated by counties below:

- (1) Alamance:
  - (a) July 1 to August 31 with seines in Alamance Creek below NC 49 bridge and Haw River;
  - (b) July 1 to June 30 with gigs in all public waters;
- (2) Alexander: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
- (3) Alleghany: July 1 to June 30 with gigs in New River, except designated public mountain trout waters;
- (4) Anson:
  - (a) July 1 to June 30 with traps and gigs in all public waters;
  - (b) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
  - (c) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
- (5) Ashe: July 1 to June 30 with gigs in New River (both forks), except designated public mountain trout waters;
- (6) Beaufort:
  - (a) July 1 to June 30 with traps in the Pungo River, and in the Tar and Pamlico Rivers above Norfolk and Southern Railroad bridge; and with gigs in all inland public waters;
  - (b) March 1 to April 30 with bow nets in all inland public waters;
- (7) Bertie:
  - (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke);
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (8) Bladen:
  - (a) March 1 to April 30 with bow nets in Black River;
  - (b) July 1 to March 1 with hand-crank electrofishers (local law) in Cape Fear River between Lock and Dam 1 and 3 and in Black River, except that hand-crank electrofishing is prohibited within 400 yards of Lock and Dam 1, 2, and 3 on Cape Fear River;
- (9) Brunswick: March 1 to April 30 with bow nets in Alligator Creek, Hoods Creek, Indian Creek, Orton Creek below Orton Pond, Rices Creek, Sturgeon Creek and Town Creek;

- (10) Buncombe: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (11) Burke:
  - (a) July 1 to August 31 with seines in all running public waters, except Johns River and designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (12) Cabarrus:
  - (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (13) Caldwell: July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (14) Camden:
  - (a) July 1 to June 30 with traps in all inland public waters;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (15) Carteret: March 1 to April 30 with bow nets in all inland public waters except South River and the tributaries of the White Oak River;
- (16) Caswell:
  - (a) July 1 to June 30 with gigs in all public waters;
  - (b) July 1 to August 31 with seines in all running public waters, except Moons Creek;
  - (c) July 1 to June 30 with traps in Hyco Reservoir;
- (17) Catawba:
  - (a) July 1 to August 31 with seines in all running public waters, except Catawba River below Lookout Dam;
  - (b) July 1 to June 30 with traps, spear guns, and gigs in all public waters;
- (18) Chatham:
  - (a) December 1 to April 15 with dip and gill nets in the Cape Fear River, Deep River, Haw River and Rocky River (local law);
  - (b) July 1 to August 31 with seines in the Cape Fear River, and Haw River;
  - (c) July 1 to June 30 with traps in Deep River; and with gigs in all public waters;
- (19) Cherokee: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (20) Chowan:
  - (a) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
  - (b) July 1 to June 30 with traps in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (21) Clay: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (22) Cleveland:
  - (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;

- (23) Columbus:
- (a) December 1 to March 1 with gigs in all inland public waters, except Lake Waccamaw and its tributaries;
  - (b) March 1 to April 30 with bow nets in Livingston Creek;
  - (c) July 1 to March 1 with hand-crank electrofishers (local law) in Waccamaw and Lumber rivers;
- (24) Craven:
- (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
  - (b) March 1 to April 30 with bow nets in all inland public waters, except Pitch Kettle, Grindle, Slocum (downstream of the US 70 bridge), Spring and Hancock Creeks and their tributaries; and with seines in the Neuse River;
- (25) Currituck:
- (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (26) Dare:
- (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (27) Davidson:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with gigs in all public waters, and with traps in all public waters except Leonard's Creek, Abbott's Creek below Lake Thom-A-Lex dam, and the Abbott's Creek arm of High Rock Lake upstream from the NC 8 bridge;
- (28) Davie:
- (a) July 1 to June 30 with traps and gigs in all public waters;
  - (b) July 1 to August 31 for taking only carp and suckers with seines in Dutchmans Creek from US 601 to Yadkin River and in Hunting Creek from SR 1338 to South Yadkin River;
- (29) Duplin:
- (a) December 1 to June 5 with seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
  - (b) March 1 to April 30 with bow nets in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;
- (30) Durham:
- (a) July 1 to August 31 with seines in Neuse River;
  - (b) July 1 to June 30 with gigs in all public waters;
- (31) Edgecombe: March 1 to April 30 with bow nets in all public waters;
- (32) Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;
- (33) Franklin:
- (a) July 1 to August 31 with seines in Tar River;
  - (b) July 1 to June 30 with gigs in all public waters, except Parrish, Laurel Mill, Jackson, Clifton, Moore's and Perry's Ponds, and in the Franklinton City ponds;

- (34) Gaston:
  - (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with gigs, traps and spear guns in all public waters;
- (35) Gates: March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (36) Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (37) Granville:
  - (a) July 1 to June 30 with gigs in all public waters, except Kerr Reservoir;
  - (b) July 1 to August 31 with seines in the Tar River below US 158 bridge;
  - (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
- (38) Greene: March 1 to April 30 with bow nets and reels in Contentnea Creek;
- (39) Guilford:
  - (a) July 1 to August 31 with seines in Haw River, Deep River below Jamestown Dam, and Reedy Fork Creek below US 29 bridge;
  - (b) July 1 to June 30 with gigs in all public waters;
- (40) Halifax: March 1 to April 30 with bow nets in Beech Swamp, Clarks Canal, Conoconnara Swamp, Fishing Creek below the Fishing Creek Mill Dam, Kehukee Swamp, Looking Glass Gut, Quankey Creek, and White's Mill Pond Run;
- (41) Harnett:
  - (a) January 1 to May 31 with gigs in Cape Fear River and tributaries;
  - (b) March 1 to April 30 with bow nets in Cape Fear River;
- (42) Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;
- (43) Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (44) Hertford:
  - (a) July 1 to June 30 with traps in Wiccacon Creek;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (45) Hyde:
  - (a) July 1 to June 30 with traps in all inland waters;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (46) Iredell: July 1 to June 30 with traps and gigs in all public waters; and with spear guns in Lookout Shoals Reservoir and Lake Norman;
- (47) Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (48) Johnston: March 1 to April 30 with bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River and Swift Creek;
- (49) Jones:
  - (a) July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;

- (b) March 1 to April 30 with bow nets in all inland public waters, except the tributaries to the White Oak River;
- (50) Lee:
- (a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River;
  - (b) July 1 to August 31 with seines in Cape Fear River;
  - (c) July 1 to June 30 with traps in Deep River, and with gigs in all public waters;
- (51) Lenoir:
- (a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
  - (b) March 1 to April 30 with bow nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;
- (52) Lincoln:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters;
- (53) McDowell:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters and Lake James;
- (54) Macon: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (56) Martin: March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (57) Mecklenburg:
- (a) July 1 to August 31 with seines in all running public waters;
  - (b) July 1 to June 30 with traps, gigs and spear guns in all public waters except Freedom Park Pond and Hornet's Nest Ponds;
- (58) Montgomery:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (59) Moore:
- (a) July 1 to August 31 with seines in all running public waters except in Deep River;
  - (b) July 1 to June 30 with gigs in all public waters, except lakes located on the Sandhills Game Land; and with traps in Deep River and its tributaries;
- (60) Nash:
- (a) July 1 to June 30 with gigs in all public waters, except Tar River;
  - (b) March 1 to April 30 with bow nets in the Tar River below Harris' Landing and Fishing Creek below the Fishing Creek Mill Dam;
- (61) New Hanover: March 1 to April 30 with bow nets in all inland public waters, except Sutton (Catfish) Lake;

- (62) Northampton:
- (a) July 1 to June 30 with gigs in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
  - (b) March 1 to April 30 with bow nets in Occoneechee Creek, Old River Landing Gut and Vaughans Creek below Watsons Mill;
- (63) Onslow:
- (a) July 1 to June 30 with traps in White Oak River below US 17 bridge;
  - (b) August 1 to March 31 with eel pots in the main run of New River between US 17 bridge and the mouth of Hawkins Creek;
  - (c) March 1 to April 30 with bow nets in the main run of New River and in the main run of the White Oak River;
  - (d) March 1 to April 30 with bow nets in Grant's Creek;
- (64) Orange:
- (a) July 1 to August 31 with seines in Haw River,
  - (b) July 1 to June 30 with gigs in all public waters;
- (65) Pamlico: March 1 to April 30 with bow nets in all inland public waters, except Dawson Creek;
- (66) Pasquotank:
- (a) July 1 to June 30 with traps in all inland waters;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (67) Pender:
- (a) December 1 to June 5 with seines in the main run of Northeast Cape Fear River;
  - (b) March 1 to April 30 with bow nets in the Northeast Cape Fear River, Long Creek, Moore's Creek approximately one mile upstream to New Moon Fishing Camp, and Black River;
  - (c) July 1 to March 1 with handcrank electrofishers (local law) in Black River;
- (68) Perquimans:
- (a) July 1 to June 30 with traps in all inland waters;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;
- (69) Person:
- (a) July 1 to August 31 with seines in Hyco Creek and Mayo Creek;
  - (b) July 1 to June 30 with gigs in all public waters.
- (70) Pitt:
- (a) July 1 to June 30 with traps in Neuse River and in Tar River below the mouth of Hardee Creek east of Greenville;
  - (b) March 1 to April 30 with bow nets in all inland public waters, except Grindle Creek, and Contentnea Creek between NC 118 bridge at Grifton and the Neuse River;
  - (c) December 1 to June 5 with seines in Tar River;
- (71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (72) Randolph:
- (a) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
  - (b) July 1 to June 30 with gigs in all public waters;

- (73) Richmond:
- (a) July 1 to August 31 with seines in all running public waters, except Pee Dee River from Blewett Falls downstream to the Seaboard Coast Line Railroad trestle;
  - (b) July 1 to June 30 with traps and gigs in all public waters, except lakes located on the Sandhills Game Land;
  - (c) March 1 to April 30 with bow nets in Pee Dee River below Blewett Falls Dam;
- (74) Robeson: December 1 to March 1 with gigs in all inland public waters.
- (75) Rockingham:
- (a) July 1 to August 31 with seines in Dan River and Haw River;
  - (b) July 1 to June 30 with traps in Dan River; and with gigs in all public waters;
- (76) Rowan:
- (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (77) Rutherford:
- (a) July 1 to August 31 with seines in all running public waters, except designated public mountain trout waters;
  - (b) July 1 to June 30 with traps, gigs, and spear guns in all public waters, except designated public mountain trout waters;
- (78) Sampson:
- (a) March 1 to April 30 with bow nets in Big Coharie Creek, Black River and Six Runs Creek;
  - (b) July 1 to March 1 with handcrank electrofishers (local law) in Black River downstream of NC 1105 bridge;
- (79) Stanly:
- (a) July 1 to August 31 with seines in all running public waters, except that part of the Pee Dee River between the Lake Tillery dam at Hydro and the mouth of Rocky River;
  - (b) July 1 to June 30 with traps and gigs in all public waters;
- (80) Stokes: July 1 to June 30 with traps and gigs in all public waters, except designated public mountain trout waters, and traps may not be used in Belews Creek Reservoir;
- (81) Surry: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters; and with traps in the main stem of Yadkin River;
- (82) Swain: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (83) Transylvania: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;
- (84) Tyrrell:
- (a) July 1 to June 30 with traps in Scuppernon River and Alligator Creek;
  - (b) March 1 to April 30 with bow nets in all inland public waters, excluding Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernon River, public lakes, ponds and other impounded waters;
- (85) Union:
- (a) July 1 to August 31 with seines in all running public waters,
  - (b) July 1 to June 30 with traps and gigs in all public waters;

(86) Vance:

- (a) July 1 to August 31 with seines in the Tar River;
- (b) July 1 to June 30 with gigs in all public waters, except Rolands, Faulkners, Southerlands, and Weldon Ponds, City Lake, and Kerr Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;

(87) Wake:

- (a) July 1 to June 30 with gigs in all public waters, except Sunset, Benson, Wheeler, Raleigh, and Johnson Lakes;
- (b) March 1 to April 30 with bow nets in the Neuse River below Milburnie Dam, and Swift Creek below Lake Benson Dam;

(88) Warren:

- (a) July 1 to August 31 with seines in Fishing Creek, Shocco Creek, and Walker Creek; excluding Duck and Hammes Mill Ponds;
- (b) July 1 to June 30 with gigs in all public waters, except Duck and Hammes Mill Ponds, Kerr Reservoir, and Gaston Reservoir;
- (c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;

(89) Washington: March 1 to April 30 with bow nets in all inland public waters, excluding Lake Phelps, the drainage canals that connect Lake Phelps and Scuppernon River, public lakes, ponds and other impoundments.

(90) Wayne: March 1 to April 30 with bow nets in Little River, Mill Creek and Neuse River.

(91) Wilkes: July 1 to June 30 with traps in Yadkin River below W. Kerr Scott Reservoir; and with gigs and spearguns in all public waters, except designated public mountain trout waters;

(92) Wilson:

- (a) July 1 to June 30 with gigs in Contentnea Creek (except Buckhorn Reservoir), including unnamed tributaries between Flowers Mill and SR 1163 (Deans) bridge;
- (b) March 1 to April 30 with bow nets in Contentnea Creek below US 301 bridge and in Toisnot Swamp downstream from the Lake Toisnot Dam;

(93) Yadkin: July 1 to June 30 with gigs in all public waters, and with traps in the main stem of Yadkin River.

*History Note: Authority G.S. 113-134; 113-276; 113-292;  
Eff. February 1, 1976;  
Temporary Amendment Eff. December 29, 1988;  
Temporary Amendment Eff. December 1, 1993;  
Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; December 1, 1995; July 1, 1995; July 1, 1994;  
June 1, 1994;  
Temporary Amendment Eff. July 1, 2002; July 1, 2001;  
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);  
Temporary Amendment Eff. June 1, 2003;  
Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; August 1, 2004.*



### **15A NCAC 10C .0206 TROT LINES, JUG HOOKS AND SET HOOKS**

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

(1)"set hook" means a fishing device consisting of a single line having no more than three hooks that is attached at one end only to a stationary object.

(2)"jug hook" means a fishing device consisting of a single line having no more than three hooks that is attached to a float.

(3)"trotline" means a fishing device consisting of a horizontal common line having multiple hooks attached.

(b) Except as otherwise prohibited in this Rule, trotlines, jug hooks, and set hooks may be set in the inland waters of North Carolina, provided no live bait is used. Trotlines, jug hooks, and set hooks may not be set in any of the impounded waters on the Sandhills Game Land. Trotlines, jug hooks, and set hooks may not be set in any designated public mountain trout waters except impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing. In Lake Waccamaw, trotlines, jug hooks, or set hooks may be set only from October 1 through April 30.

(c) Each trotline, set hook, and jug hook shall bear legible and indelible identification of the user's name and address or the user's Wildlife Resources Commission customer number. Each trotline shall be conspicuously marked at each end and each set hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is readily discernible by boat operators and swimmers. Trotlines shall be set parallel to the nearest shore in all inland fishing waters unless otherwise prohibited. The number of jug hooks that may be fished is limited to 70 per boat. All trotlines, set hooks, and jug hooks shall be fished at least once daily and all fish removed at that time. Trotlines, set hooks, and jug hooks without bait or not labeled as described in this Paragraph may be removed from the water by wildlife enforcement officers. It is unlawful to use metal cans or glass jugs as floats.

*History Note: Authority G.S. 113-134; 113-272; 113-292;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982;  
Temporary Amendment Eff. July 1, 2002;  
Amended Eff. August 1, 2015; August 1, 2014; August 1, 2013; May 1, 2008; June 1, 2005; August 1, 2002*

### **SL 1985-363 AN ACT TO PERMIT ELECTROFISHING FOR CATFISH IN A PORTION OF THE CAPE FEAR RIVER IN BLADEN COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, a person who holds a current and valid special device license as defined in G.S. 113-272.2 may use a hand-operated device which generates an electric current for taking catfish.

Sec. 2. This act applies only to the portion of the Cape Fear River between Lock Number One and Lock Number Three, in Bladen County.

Sec. 3. This act shall expire on July 1, 1987.

Sec. 4. This act shall become effective July 1, 1985.

In the General Assembly read three times and ratified, this the 10th day of June, 1985.

**SL 1987-96 AN ACT TO MAKE PERMANENT A TEMPORARY ACT ALLOWING ELECTROFISHING FOR CATFISH IN A PORTION OF THE CAPE FEAR RIVER IN BLADEN COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 363, Session Laws of 1985, is repealed.

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of April, 1987.

**SL 1991-140 AN ACT TO AMEND THE LAW PERMITTING ELECTROFISHING FOR CATFISH IN PORTIONS OF SAMPSON, PENDER, AND BLADEN COUNTIES.**

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 129 of the 1989 Session Laws, as amended by Chapter 1004 of the 1989 Session Laws, reads as rewritten:

"Sec. 2. This act applies only to the inland waters of the Black River in Sampson, Pender, and Bladen Counties between ~~Clear Run Bridge at Highway 411~~ the bridge at Highway 1105 and its junction with the Cape Fear River, ~~River,~~ and to that portion of South River in Sampson and Bladen Counties from Ennis Bridge at Highway 1007 to its junction with the Black River. The Wildlife Resources Commission may exercise its discretion to apply this act to that portion of the Black River in Sampson County from Clear Run Bridge at Highway 411 and the bridge at Highway 1105 and to that portion of the South River in Sampson and Bladen Counties from Ennis Bridge at Highway 1007 to its junction with the Black River."

Sec. 2. This act becomes effective October 1, 1991.

In the General Assembly read three times and ratified this the 27th day of May, 1991.

**SL 2003-21 AN ACT TO ALLOW ELECTROFISHING FOR CATFISH IN COLUMBUS COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, a person who holds a current and valid special device license, as defined in G.S. 113-272.2, may use a hand-operated device which generates an electric current for taking catfish.

SECTION 2. This act applies only to those portions of the Waccamaw River located in Columbus County and to those portions of the Lumber River located in Columbus County.

SECTION 3. This act becomes effective July 1, 2003.

In the General Assembly read three times and ratified this the 23rd day of April, 2003.

**SL 2006-91 AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO REGULATE AND CONTROL ELECTROFISHING OF CATFISH ON THE CAPE FEAR RIVER IN BLADEN COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Chapter 363 of the 1985 Session Laws, as amended by Chapter 96 of the 1987 Session Laws, and the provisions of Chapter 129 of the 1989 Session Laws, as

amended by Chapter 140 of the 1991 Session Laws, the Wildlife Resources Commission shall regulate and control the electrofishing of catfish on the Cape Fear River in Bladen County.

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of July, 2006.

## **Fish Transportation and Stocking**

### **15A NCAC 10C .0209 TRANSPORTATION OF LIVE FISH**

(a) Fish Transport: It shall be unlawful for any person, firm, or corporation to transport live freshwater nongame fishes, or live game fishes in excess of the possession limit, or fish eggs without having in possession a permit obtained from the North Carolina Wildlife Resources Commission.

(b) Fish Stocking: It shall be unlawful for any person, firm, or corporation to stock any life stage of any species of fish in the inland fishing waters of this State without having first procured a stocking permit from the North Carolina Wildlife Resources Commission.

(c) Permits for stocking fish shall be issued as follows:

(1) Application for a stocking permit shall be made on a form provided by the Commission. The applicant shall specify the purpose for the stocking, species to be stocked, the source of the stock, the number of individual specimens to be released, and the location where release is desired.

(2) Before issuing a stocking permit, the Executive Director shall review the application and determine, based on principles of wildlife management and biological science, that the proposed stocking will not:

(A) threaten the introduction of epizootic disease or

(B) create a danger to or an imbalance in the environment inimical to the conservation of wildlife resources.

(3) Based on the determination made in Subparagraph (2):

(A) If the Executive Director determines that either or both conditions cannot be met under any circumstances, the application shall be denied.

(B) If the Executive Director determines that both conditions may be met only by the introduction of fewer than the number requested, a permit only for the number that may be safely released shall be issued.

(C) If the Executive Director determines that the number requested may be safely released, he shall issue the permit.

(4) Any stocking permit issued by the Commission may impose the following conditions or restrictions:

(A) Location where the permitted number of fish may be stocked.

(B) Certification that fish are free of certifiable diseases by the vendor or a laboratory qualified to make such determination.

(C) Documentation of the date, time and location of the release.

(D) Access by the Commission to the property where fish introductions occur to assess impacts of the introduction.

(E) All conditions required shall be included in writing on the permit.

(5) Based on the criteria in Subparagraph (2), no permit shall be issued to stock any of the following species in the areas indicated:

SPECIES	LOCATION
Salmonids except brown, brook, and rainbow trout	Statewide
Flathead catfish	Statewide

(d) For purposes of this Rule, stocking is the introduction or attempted introduction of one or more individuals of a particular species of live fish into public waters for any purpose other than:

- (1) As bait affixed to a hook and line, or
- (2) A release incidental to "catch and release" fishing in an area within the same body of water where the fish was caught, or within an adjacent body of water not separated from that body by any natural or man-made obstruction to the passage of that species.

(e) The release of more than the daily creel limit, or if there is no established creel limit for the species, more than five individuals of the species, shall constitute prima facie evidence of an intentional release.

*History Note:* Authority G.S. 113-134; 113-135; 113-274; 113-292;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2005.

## Protected Species

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

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

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

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

(c) Taking Without a Permit:

(1) An individual may take an endangered, threatened, or special concern species in defense of his own life or the lives of others.

(2) A state or federal conservation officer or employee who is designated by his agency to do so may, when acting in the course of his official duties, take, possess, and transport endangered, threatened, or special concern species if the action is necessary to:

(A) aid a sick, injured, diseased, or orphaned specimen;

(B) dispose of a dead specimen;

(C) salvage a dead specimen that may be useful for scientific study; or

(D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live-capturing and releasing the specimen unharmed, in a habitat that is suitable for the survival of that species.

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

(e) Exceptions.

(1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.

(2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.

(3) Captive-bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 C.F.R. 21.30 when marked as required under those regulations. 50 C.F.R. 21.30 is hereby incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at [http://www.ecfr.gov/cgi-bin/text-idx?SID=1bc046c08a9f0f17cb904604d98ab748&node=se50.9.21\\_130&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=1bc046c08a9f0f17cb904604d98ab748&node=se50.9.21_130&rgn=div8).

(4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c). 50 C.F.R. 17.84(c) is hereby incorporated by reference, shall include any later amendments and editions of the incorporated material, and may be accessed free of cost at <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=50:2.0111.8.1.5>.

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

(A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;

(B) they are possessed in indoor facilities;

(C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and

(D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.

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

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

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

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;  
Eff. June 11, 1977;  
Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.  
Temporary Amendment Eff. February 27, 2015;  
Amended Eff. July 1, 2016.*

## **15A NCAC 10I .0103 ENDANGERED SPECIES LISTED**

(a) The following species of resident wildlife shall be designated as federally-listed endangered species:

- (1) Amphibians: None Listed At This Time.
- (2) Birds:
  - (A) Bachman's warbler (*Vermivora bachmanii*);
  - (B) Ivory-billed woodpecker (*Campephilus principalis*);
  - (C) Kirtland's warbler (*Setophaga kirtlandii*);
  - (D) Piping plover (*Charadrius melodus circumcinctus*);
  - (E) Red-cockaded woodpecker (*Picoides borealis*); and
  - (F) Roseate tern (*Sterna dougallii dougallii*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
  - (A) Cape Fear shiner (*Notropis mekistocholas*);
  - (B) Roanoke logperch (*Percina rex*);

(C) Shortnose sturgeon (*Acipenser brevirostrum*), when found in inland fishing waters as defined in G.S. 113-291(9)a. and (9)b.; and

(D) Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), when found in inland fishing waters.

(5) Mammals:

(A) Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*);

(B) Eastern cougar (*Puma concolor*);

(C) Gray bat (*Myotis grisescens*);

(D) Indiana bat (*Myotis sodalis*);

(E) Manatee (*Trichechus manatus*), when found in inland fishing waters; and

(F) Virginia big-eared bat (*Corynorhinus townsendii virginianus*).

(6) Mollusks:

(A) Appalachian elktoe (*Alasmidonta raveneliana*);

(B) Carolina heelsplitter (*Lasmigona decorata*);

(C) Dwarf wedgemussel (*Alasmidonta heterodon*);

(D) James spynussel (*Pleurobema collina*);

(E) Littlewing pearlymussel (*Pegias fabula*);

(F) Tan riffleshell (*Epioblasma florentina walkeri*); and

(G) Tar River spynussel (*Elliptio steinstansana*).

(7) Reptiles:

(A) Kemp's ridley seaturtle (*Lepidochelys kempii*);

(B) Atlantic hawksbill seaturtle (*Eretmochelys imbricata imbricata*); and

(C) Leatherback seaturtle (*Dermochelys coriacea*).

(b) The following species of resident wildlife shall be designated as state-listed endangered species:

(1) Amphibians:

(A) Gopher frog (*Rana [=Lithobates] capito*);

(B) Ornate chorus frog (*Pseudacris ornata*); and

(C) River frog (*Rana [=Lithobates] heckscheri*).

(2) Birds:

(A) American peregrine falcon (*Falco peregrinus anatum*);

(B) Bewick's wren (*Thryomanes bewickii*);

(C) Common tern (*Sterna hirundo*);

(D) Henslow's sparrow (*Ammodramus henslowii*); and

(E) Wayne's black-throated green warbler (*Setophaga virens waynei*).

(3) Crustacea: Bennett's Mill cave water slater (*Caecidotea carolinensis*).

(4) Fish:

(A) Blotchsided logperch (*Percina burtoni*);

(B) Bridle shiner (*Notropis bifrenatus*);

(C) Dusky darter (*Percina sciera*);

(D) Orange-fin madtom (*Noturus gilberti*);

(E) Paddlefish (*Polyodon spathula*);

- (F) Robust redhorse (*Moxostoma robustum*);
- (G) Rustyside sucker (*Thoburnia hamiltoni*);
- (H) Sharpnose darter (*Percina oxyrhynchus*); and
- (I) Stonecat (*Noturus flavus*).

(5) Mammals: None Listed At This Time.

(6) Mollusks:

- (A) Atlantic pigtoe (*Fusconaia masoni*);
- (B) Barrel floater (*Anodonta couperiana*);
- (C) Brook floater (*Alasmidonta varicosa*);
- (D) Carolina creekshell (*Villosa vaughaniana*);
- (E) Fragile glyph (*Glyphyalinia clingmani*);
- (F) Green floater (*Lasmigona subviridis*);
- (G) Greenfield rams-horn (*Helisoma eucosmium*);
- (H) Knotty elimia (*Elimia christyi*);
- (I) Longsolid (*Fusconaia subrotunda*);
- (J) Magnificent rams-horn (*Planorbella magnifica*);
- (K) Purple wartyback (*Cyclonaias tuberculata*);
- (L) Savannah lilliput (*Toxolasma pullus*);
- (M) Slippershell mussel (*Alasmidonta viridis*);
- (N) Tennessee clubshell (*Pleurobema oviforme*);
- (O) Tennessee heelsplitter (*Lasmigona holstonia*);
- (P) Tennessee pigtoe (*Fusconaia barnesiana*);
- (Q) Yellow lampmussel (*Lampsilis cariosa*); and
- (R) Yellow lance (*Elliptio lanceolata*).

(7) Reptiles:

- (A) Eastern coral snake (*Micrurus fulvius fulvius*); and
- (B) Eastern diamondback rattlesnake (*Crotalus adamanteus*).

*History Note: Authority G.S. 113-134; 113-291.2; 113-292; 113-333;*  
*Eff. June 11, 1977;*  
*Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; April 1, 2001; February 1, 1994;*  
*November 1, 1991; April 1, 1991; June 1, 1990*

#### **15A NCAC 101 .0104 THREATENED SPECIES LISTED**

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

(1) Amphibians: None Listed At This Time.

(2) Birds:

- (A) Piping plover (*Charadrius melodus melodus*);
- (B) Red knot (*Calidris canutus rufa*); and
- (C) Wood stork (*Mycteria americana*).



(3) Crustacea: None Listed At This Time.

(4) Fish:

- (A) Spotfin chub (*Erimonax monachus*); and
- (B) Waccamaw silverside (*Menidia extensa*).

(5) Mammals: Northern long-eared bat (*Myotis septentrionalis*)

(6) Mollusks: Noonday globe (*Patera clarki nantahala*).

(7) Reptiles:

- (A) Bog turtle (*Glyptemys muhlenbergii*);
- (B) American alligator (*Alligator mississippiensis*);
- (C) Green sea turtle (*Chelonia mydas*); and
- (D) Loggerhead sea turtle (*Caretta caretta*).

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

(1) Amphibians:

- (A) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
- (B) Green salamander (*Aneides aeneus*);
- (C) Junaluska salamander (*Eurycea junaluska*);
- (D) Mabee's salamander (*Ambystoma mabeei*); and
- (E) Wehrle's salamander (*Plethodon wehrlei*).

(2) Birds:

- (A) Bald eagle (*Haliaeetus leucocephalus*);
- (B) Caspian tern (*Hydroprogne caspia*);
- (C) Gull-billed tern (*Gelochelidon nilotica aranea*); and
- (D) Northern saw-whet owl (*Aegolius acadicus*).

(3) Crustacea: None Listed At This Time.

(4) Fish:

- (A) Bigeye jumprock (*Moxostoma ariommum*);
- (B) Carolina madtom (*Noturus furiosus*);
- (C) Carolina pygmy sunfish (*Elassoma boehlkei*);
- (D) Carolina redhorse (*Moxostoma* sp.) (Pee Dee River and its tributaries and Cape Fear River and its tributaries);
- (E) Least brook lamprey (*Lampetra aepyptera*);
- (F) Logperch (*Percina caprodes*);
- (G) Mimic shiner (*Notropis volucellus*);
- (H) Rosyface chub (*Hybopsis rubrifrons*);
- (I) Sharphead darter (*Etheostoma acuticeps*);
- (J) Sicklefins redhorse (*Moxostoma* sp.) (Hiwassee River and its tributaries and Little Tennessee River and its tributaries);
- (K) Turquoise darter (*Etheostoma inscriptum*); and
- (L) Waccamaw darter (*Etheostoma perlongum*).

(5) Mammals:

- (A) Eastern woodrat (*Neotoma floridana floridana*);

- (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); and
- (C) Red wolf (*Canis rufus*).

(6) Mollusks:

- (A) Alewife floater (*Anodonta implicata*);
- (B) Big-tooth covert (*Fumonelix jonesiana*);
- (C) Cape Fear threetooth (*Triodopsis soelneri*);
- (D) Carolina fatmucket (*Lampsilis radiata conspicua*);
- (E) Eastern lampmussel (*Lampsilis radiata radiata*);
- (F) Eastern pondmussel (*Ligumia nasuta*);
- (G) Engraved covert (*Fumonelix orestes*);
- (H) Mountain creekshell (*Villosa vanuxemensis*);
- (I) Notched rainbow (*Villosa constricta*);
- (J) Rainbow (*Villosa iris*);
- (K) Roan supercoil (*Paravitrea varidens*);
- (L) Sculpted supercoil (*Paravitrea ternaria*);
- (M) Smoky Mountain covert (*Inflectarius ferrissi*);
- (N) Squawfoot (*Strophitus undulatus*);
- (O) Tidewater mucket (*Leptodea ochracea*);
- (P) Triangle floater (*Alasmidonta undulata*);
- (Q) Waccamaw ambersnail (*Catinella waccamawensis*);
- (R) Waccamaw fatmucket (*Lampsilis fullerkeri*); and
- (S) Waccamaw spike (*Elliptio waccamawensis*).

(7) Reptiles:

- (A) Northern pine snake (*Pituophis melanoleucus melanoleucus*); and
- (B) Southern hognose snake (*Heterodon simus*).

*History Note:* Authority G.S. 113-134; 113-291.2; 113-292; 113-333;  
Eff. March 17, 1978;  
Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1, 1990;  
September 1, 1989;  
Temporary Amendment Eff. February 27, 2015;  
Amended Eff. October 1, 2017; July 1, 2016; August 1, 2016

### 15A NCAC 101 .0105 SPECIAL CONCERN SPECIES LISTED

The following species of resident wildlife shall be designated as state-listed special concern species:

(1) Amphibians:

- (a) Crevice salamander (*Plethodon longicus*);
- (b) Dwarf salamander (*Eurycea quadridigitata*);
- (c) Dwarf black-bellied salamander (*Desmognathus folkertsi*);
- (d) Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*);
- (e) Four-toed salamander (*Hemidactylium scutatum*);

- (f) Gray treefrog (*Hyla versicolor*);
- (g) Longtail salamander (*Eurycea longicauda longicauda*);
- (h) Mole salamander (*Ambystoma talpoideum*);
- (i) Mountain chorus frog (*Pseudacris brachyphona*);
- (j) Mudpuppy (*Necturus maculosus*);
- (k) Neuse River waterdog (*Necturus lewisi*);
- (l) Southern zigzag salamander (*Plethodon ventralis*); and
- (m) Weller's salamander (*Plethodon welleri*).

(2) Birds:

- (a) American oystercatcher (*Haematopus palliatus*);
- (b) Bachman's sparrow (*Peucaea aestivalis*);
- (c) Barn owl (*Tyto alba*);
- (d) Black-capped chickadee (*Poecile atricapillus*);
- (e) Black rail (*Laterallus jamaicensis*);
- (f) Black skimmer (*Rynchops niger*);
- (g) Brown creeper (*Certhia americana nigrescens*);
- (h) Cerulean warbler (*Setophaga cerulea*);
- (i) Glossy ibis (*Plegadis falcinellus*);
- (j) Golden-winged warbler (*Vermivora chrysoptera*);
- (k) Least bittern (*Ixobrychus exilis*);
- (l) Least tern (*Sternula antillarum*);
- (m) Little blue heron (*Egretta caerulea*);
- (n) Loggerhead shrike (*Lanius ludovicianus*);
- (o) Painted bunting (*Passerina ciris*);
- (p) Red crossbill (*Loxia curvirostra*);
- (q) Snowy egret (*Egretta thula*);
- (r) Tricolored heron (*Egretta tricolor*);
- (s) Vesper sparrow (*Pooecetes gramineus*); and
- (t) Wilson's plover (*Charadrius wilsonia*).

(3) Crustacea:

- (a) Broad River spiny crayfish (*Cambarus spicatus*);
- (b) Carolina skistodiptomus (*Skistodiptomus carolinensis*);
- (c) Carolina well diacyclops (*Diacyclops jeanneli putei*);
- (d) Chowanoke crayfish (*Orconectes virginienis*);
- (e) Graceful clam shrimp (*Lynceus gracilicornis*);
- (f) Greensboro burrowing crayfish (*Cambarus catagius*);
- (g) Hiwassee headwaters crayfish (*Cambarus parrishi*);
- (h) Little Tennessee River crayfish (*Cambarus georgiae*);
- (i) North Carolina spiny crayfish (*Orconectes carolinensis*);
- (j) Oconee stream crayfish (*Cambarus chaugaensis*); and
- (k) Waccamaw crayfish (*Procambarus braswelli*).

(4) Fish:

- (a) American brook lamprey (*Lethenteron appendix*);
- (b) Banded sculpin (*Cottus carolinae*);
- (c) Blackbanded darter (*Percina nigrofasciata*);
- (d) Bluefin killifish (*Lucania goodei*);
- (e) Blue Ridge sculpin (*Cottus caeruleomentum*);
- (f) Blueside darter (*Etheostoma jessiae*);
- (g) Broadtail madtom (*Noturus sp.*) (Lumber River and its tributaries and Cape Fear River and its tributaries);
- (h) Carolina darter (*Etheostoma collis*);
- (i) Cutlip minnow (*Exoglossum maxillingua*);
- (j) Freshwater drum (*Aplodinotus grunniens*) (French Broad River);
- (k) Highfin carpsucker (*Carpodes velifer*) (Cape Fear River and its tributaries);
- (l) Kanawha minnow (*Phenacobius teretulus*);
- (m) Lake sturgeon (*Acipenser fulvescens*);
- (n) Least killifish (*Heterandria formosa*);
- (o) Longhead darter (*Percina macrocephala*);
- (p) Mooneye (*Hiodon tergisus*);
- (q) Mountain madtom (*Noturus eleutherus*);
- (r) Ohio lamprey (*Ichthyomyzon bdellium*);
- (s) Olive darter (*Percina squamata*);
- (t) Pinewoods darter (*Etheostoma mariae*);
- (u) River carpsucker (*Carpodes carpio*);
- (v) Sandhills chub (*Semotilus lumbee*);
- (w) Smoky dace (*Clinostomus sp.*) (Little Tennessee River and tributaries);
- (x) Striped shiner (*Luxilus chrysocephalus*);
- (y) Tennessee snubnose darter (*Etheostoma simoterum*);
- (z) Thinlip chub (*Cyprinella zanema*) (Lumber River and its tributaries and Cape Fear River and its tributaries);
- (aa) Waccamaw killifish (*Fundulus waccamensis*);
- (bb) Wounded darter (*Etheostoma vulneratum*); and
- (cc) Yellowfin shiner (*Notropis lutipinnis*) (Savannah River and its tributaries).

(5) Mammals:

- (a) Allegheny woodrat (*Neotoma magister*);
- (b) Buxton Woods white-footed mouse (*Peromyscus leucopus buxtoni*);
- (c) Coleman's oldfield mouse (*Peromyscus polionotus colemani*);
- (d) Eastern big-eared bat (*Corynorhinus rafinesquii macrotis*);
- (e) Eastern small-footed bat (*Myotis leibii leibii*);
- (f) Florida yellow bat (*Lasiurus intermedius floridanus*);
- (g) Pungo white-footed mouse (*Peromyscus leucopus easti*);
- (h) Southeastern bat (*Myotis austroriparius*);

- (i) Southern rock vole (*Microtus chrotorrhinus carolinensis*); and
- (j) Star-nosed mole (*Condylura cristata parva*).

(6) Mollusks:

- (a) Appalachian gloss (*Zonitoides patuloides*);
- (b) Bidentate dome (*Ventridens coelaxis*);
- (c) Black mantleslug (*Pallifera hemphilli*);
- (d) Blackwater ancyliid (*Ferrissia hendersoni*);
- (e) Blue-foot lancetooth (*Haplotrema kendeighi*);
- (f) Cape Fear spike (*Elliptio marsupiobesa*);
- (g) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
- (h) Dark glyph (*Glyphyalinia junaluskana*);
- (i) Dwarf proud globe (*Patera clarki clarki*);
- (j) Dwarf threetooth (*Triodopsis fulciden*);
- (k) Fringed coil (*Helicodiscus fimbriatus*);
- (l) Glossy supercoil (*Paravitrea placentula*);
- (m) Great Smoky slitmouth (*Stenotrema depilatum*);
- (n) High mountain supercoil (*Paravitrea andrewsae*);
- (o) Honey glyph (*Glyphyalinia vanattai*);
- (p) Lamellate supercoil (*Paravitrea lamellidens*);
- (q) Mirey Ridge supercoil (*Paravitrea clappi*);
- (r) Open supercoil (*Paravitrea umbilicaris*);
- (s) Pink glyph (*Glyphyalinia pentadelphia*);
- (t) Pod lance (*Elliptio folliculata*);
- (u) Queen crater (*Appalachina chillhoweensis*);
- (v) Ramp Cove supercoil (*Paravitrea lacteodens*);
- (w) Ridged lioplax (*Lioplax subcarinata*);
- (x) Roanoke slabshell (*Elliptio roanokensis*);
- (y) Saw-tooth disc (*Discus bryanti*);
- (z) Seep mudalia (*Leptoxis dilatata*);
- (aa) Spike (*Elliptio dilatata*);
- (bb) Spiral coil (*Helicodiscus bonamicus*);
- (cc) Velvet covert (*Inflectarius subpalliatu*);
- (dd) Waccamaw amnicola (*Amnicola* sp.);
- (ee) Waccamaw siltsnail (*Cincinnati* sp.); and
- (ff) Wavy-rayed lampmussel (*Lampsilis fasciola*).

(7) Reptiles:

- (a) Carolina pigmy rattlesnake (*Sistrurus miliarius miliarius*);
- (b) Carolina swamp snake (*Seminatrix pygaea paludis*);
- (c) Carolina watersnake (*Nerodia sipedon williamengelsi*);
- (d) Cumberland slider (*Trachemys scripta troostii*);
- (e) Diamondback terrapin (*Malaclemys terrapin*);

- (f) Eastern chicken turtle (*Deirochelys reticularia reticularia*);
- (g) Eastern smooth green snake (*Opheodrys vernalis vernalis*);
- (h) Eastern spiny softshell (*Apalone spinifera spinifera*);
- (i) Mimic glass lizard (*Ophisaurus mimicus*);
- (j) Outer Banks kingsnake (*Lampropeltis getula sticticeps*);
- (k) Stripeneck musk turtle (*Sternotherus minor peltifer*); and
- (l) Timber rattlesnake (*Crotalus horridus*).

*History Note:* Authority G.S. 113-134; 113-291.2; 113-292; 113-333;

*Eff. September 1, 1989;*

*Amended Eff. October 1, 2017; August 1, 2016; May 1, 2008; July 18, 2002; April 1, 2001;*

*November 1, 1991; April 1, 1991; June 1, 1990.*

DRAFT

Date/Time Frame	Species	River Basin	Waterbody	NCWRC Stocking Event	Number	Weight (lb)	Length (in.)	Source
7/3/1965	Flathead Catfish	Cape Fear	Lake Rim	1	200	4.4	4.5	NCWRC Hatchery Cards
11/16/1965	Flathead Catfish	Cape Fear	NE Cape Fear River	1	100	3.4	5	NCWRC Hatchery Cards
11/17/1965	Flathead Catfish	Yadkin-Pee Dee	Lake Lee	1	200	7	5	NCWRC Hatchery Cards
11/17/1965	Flathead Catfish	Yadkin-Pee Dee	Yadkin River	1	100	3.4	5	NCWRC Hatchery Cards
11/17/1965	Flathead Catfish	Catawba	Lake Norman	1	444	15.5	5	NCWRC Hatchery Cards
3/18/1966	Flathead Catfish	Catawba	Lake Norman	1	29	29	14	NCWRC Hatchery Cards
9/24/1966	Flathead Catfish	Cape Fear	Cape Fear River	1	11	230	30 to 40	Guier et al. 1981
1966	Blue Catfish	Cape Fear	Cape Fear River	1	1,472	no data	no data	Borawa 1982
1966	Blue Catfish	Neuse	Neuse River	1	1,472	no data	no data	Borawa 1982
3/17/1966	Blue Catfish	Yadkin-Pee Dee	Lake Fisher	1	1,821	635	8 to 15	NCWRC Hatchery Cards
3/18/1966	Blue Catfish	Catawba	Lake Norman	1	4,000	444	8	NCWRC Hatchery Cards
3/19/1966	Blue Catfish	Cape Fear	Lake Rim	1	1,400	155	8	NCWRC Hatchery Cards
1975 to 1994	Channel Catfish	Broad	Multiple Locations	14	92,674	1,983	4.2	NCWRC PAWS (1975-Present)
1977 to 1997	Channel Catfish	Catawba	Multiple Locations	58	183,045	7,035	7.6	NCWRC PAWS (1975-Present)
1975 to 2016	Channel Catfish	Cape Fear	Multiple Locations	200	1,243,114	39,310	6.8	NCWRC PAWS (1975-Present)
2004 to 2012	Channel Catfish	Chowan	Multiple Locations	7	141,074	4,827	5.9	NCWRC PAWS (1975-Present)
1977 to 2005	Channel Catfish	French Broad	Multiple Locations	17	130,437	3,977	6.0	NCWRC PAWS (1975-Present)
1993 to 1996	Channel Catfish	Hiwassee	Cherokee Lake	5	4,800	465	7.4	NCWRC PAWS (1975-Present)
1977 to 2018	Channel Catfish	Lumber	Multiple Locations	13	101,646	1,283	3.1	NCWRC PAWS (1975-Present)
2/28/2002	Channel Catfish	Little Tennessee	Emory Reservoir	1	9,900	227	4.0	NCWRC PAWS (1975-Present)
1978 to 2012	Channel Catfish	Neuse	Multiple Locations	90	412,082	20,328	6.9	NCWRC PAWS (1975-Present)
1978 to 2004	Channel Catfish	Roanoke	Multiple Locations	20	92,084	6,457	6.9	NCWRC PAWS (1975-Present)
1980 to 2010	Channel Catfish	Tar-Pamlico	Multiple Locations	11	18,854	750	5.1	NCWRC PAWS (1975-Present)
1975 to 2018	Channel Catfish	Yadkin-Pee Dee	Multiple Locations	102	465,219	20,218	6.5	NCWRC PAWS (1975-Present)
	No Catfish Stocked	New (Ashe County)						
	No Catfish Stocked	Pasquotank						
	No Catfish Stocked	White Oak						

# Exhibit F

July 17, 2019

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### Phase II: FINAL ACQUISITION DETAILS

---

**Tract Name:** Three Top East Tracts

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

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

N/A - Donation

**Acquisition Plan Includes Bargain Sale?**  Yes  No  N/A

If Yes, Explain Details:

**Total Cost Based on Appraisal?**  Yes  No  N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

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

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

Federal Assistance Grant – 75% federal: 25% state

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

<b>Total Stewardship Expenditures</b>	<b>\$22,523.00</b>
<b>Total Projected Revenue</b>	<b>\$0.00</b>



# Exhibit F

July 17, 2019

North Carolina Wildlife Resources Commission  
Land Acquisition Investigation Form

**Phase II: COSTS AND REVENUE WORKSHEET**

---

**Estimated Five Year Stewardship Costs and Revenue Projections:  
Three Top East Tracts**

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment	14,018	Ft.	One-time	\$1.25	\$17,523.00
Parking Area Development	1	Ea.	One-time	\$5,000.00	\$5,000.00
<b>TOTAL</b>					<b>\$22,523.00</b>

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>TOTAL</b>				

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

<b>WRC Staff Contact:</b>	Paul Thompson/Kip Hollifield
<b>Date First Presented to Commission:</b>	17-Jul-19
<b>Tract Name:</b>	Three Top East Tracts
<b>County:</b>	Ashe
<b>Acreage:</b>	262 acres, 353 acres: 615 acres total
<b>Tax Value:</b>	262 acre = \$627,000 ; 353 acre = \$773,100; Total Tax Value = \$1,400,100
<b>Property Owner/Representative:</b>	Blue Ridge Conservancy (Eric Hiegl)
<b>Phone:</b>	828-264-2511
<b>Email Address:</b>	<a href="mailto:eric@blueridgeconservancy.org">eric@blueridgeconservancy.org</a>
<b>Address:</b>	PO Box 568, Boone, NC 28607

- Primary Purpose:**
- Resource Protection
  - Resource Management
  - User Access
  - WRC Facility

- Type of Acquisition:**
- Purchase
  - Lease
  - Easement

- Grant Potential:**
- CWMTF
  - Federal Aid (PR, WB, etc.)
  - Other
  - Other

- Tax Value:**
- Year Assessed
  - PUV?

- Funding Considerations:**
- Donation
  - Bargain Sale
  - Partner Contribution

- Recommendation:**
- Pursue
  - Do Not Pursue
  - Defer

- Program Potential:**
- Game Land
  - Wildlife Conservation Area
  - Access Area
  - None

- Type of Parcel:**
- Tract
  - Riparian Corridor

- Owner Interest:**
- High
  - Moderate
  - Low
  - No

- Stewardship Considerations:**
- 75% Source: Federal Aid
  - 25% Match: State

- Reviewed Appraisal & Purchase Requirements?**
- Yes
  - No
  - N/A

**Additional Comments:**

The Three Top East tracts are currently owned by Blue Ridge Conservancy. The property is comprised of 2 sections. The 262 acre section is immediately adjacent Three Top Mountain GL, has direct access from S.R. 1194 (Saddle Gap Rd.), and would make an excellent addition to Three Top Mountain GL. The 353 acre section is disjunct from current WRC holdings and is separated from the 262 acre portion by 2 properties. The 353 acre portion has 2 ROW easements that would be suitable for administrative access, but neither of these could be used for access by the public. Blue Ridge Conservancy is currently in the process of attempting to acquire the Dollar Property which would be conveyed to WRC and would provide excellent public access to the 353 acre property. Additionally, Blue Ridge Conservancy is attempting to acquire the 2 tracts between the 262 and the 353 acre portions of the property, which would also be conveyed to WRC. Both properties could potentially serve as a trail head for the Northern Peaks Trail, if constructed. Local staff recommends accepting the donation of both sections and entering the 262 acre property into the GL Program and holding the 353 acre property as a Conservation Area until Blue Ridge Conservancy can secure direct access to DOT maintenance and/or acquire the 2 tracts between the properties.

EXHIBIT F

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

Tract Name:	Three Top East Tracts
County:	Ashe

**Resources Assessment and Biological Benefits (brief):**

The tracts consist primarily of Southern and Central Appalachian Oak Forest with the remainder in Southern and Central Appalachian Cove Forest. Almost all of the subject properties are part of the Three Top Mountain Natural Area with several significant natural communities noted by Natural Heritage (both R and C ratings are "Exceptional"). SGCN have not been documented on the tract. Those SGCN likely found on the tract include ruffed grouse, box turtle, timber rattlesnake, wood thrush, worm-eating warbler, northern pygmy salamander, northern long-eared bat, tri-colored bat, and little brown bat. Although there is not much aquatic habitat directly on the subject properties, the runoff contributes to water quality in the New River system, which does have a number of SGCN. Hellbender and mudpuppy occur 5 to 10 river miles downstream from the property and likely closer. Acquiring the property will ensure another piece of the water quality puzzle for protecting the New River drainage. Common game species found on the tract include white-tailed deer, black bear, wild turkey, and gray squirrel. Management objectives will include protecting water quality, maintaining/restoring priority wildlife habitats, and continuing to provide public access and increased opportunity for hunting and other outdoor recreational activities.

Tract Name	Three Top East Tracts
Date	February 11, 2019
Staff Completing Form	Paul Thompson, Kip Hollifield, Kendrick Weeks

<b>Species</b>	<b>0.296</b>
	Terrestrial
Overall Biodiversity	2
SGCN Species	2
Game Species	2
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	1
SGCN Species	1
Game Species	0

<b>Comments</b>
Moderate biodiversity is based on large abundance of closed canopy Appalachian oak forest. Only small, unnamed tributary streams are found on the property thus aquatic diversity is low. Neither rare species nor habitats have been documented on the tract.

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

<b>Comments</b>
The quality of the habitat on the tract is good, but it's mostly closed canopy Appalachian oak forest with little diversity. The property has been noted by Natural Heritage to have several unique habitat communities. The property does provide good connectivity and buffer for these natural communities that are also found on Three Top Mountain GL.

<b>Public Access</b>	<b>0.222</b>
Hunting/Viewing	2
Fishing	0
Boating	0

<b>Comments</b>
The 262 tracts have excellent access to Three Top GL. The 353 acre tracts will provide excellent access to Three Top GL if/when additional properties are acquired. No fishing/boating opportunity.

<b>Wildlife Uses</b>	<b>0.333</b>
Hunting	2
Viewing	2
Fishing	0
Boating	0
Education	1

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

<b>Other Values</b>	<b>0.556</b>
Timber Harvest	1
Local Economy	2
Quality of Life	2

<b>Comments</b>
Timber value can only be considered low due accessibility and likely dedication restrictions. The tract could provide a trail head location for the Northern Peaks Trail, if constructed, providing significant benefit to the local economy.

<b>Feasibility &amp; Logistics</b>	<b>0.667</b>
Existing Infrastructure	2
Compatibility of Multiple Uses on Tract	2
Compatibility with Adjoining Land	2
Inholding/Corridor	2
Proximity to Users	2

<b>Comments</b>
The 262 acre tract has a graveled road that will provide public access. The 353 acre tract has no infrastructure. The 353 acre tract contains a small cabin without a foundation that Blue Ridge Conservancy intends to demolish before conveyance.

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

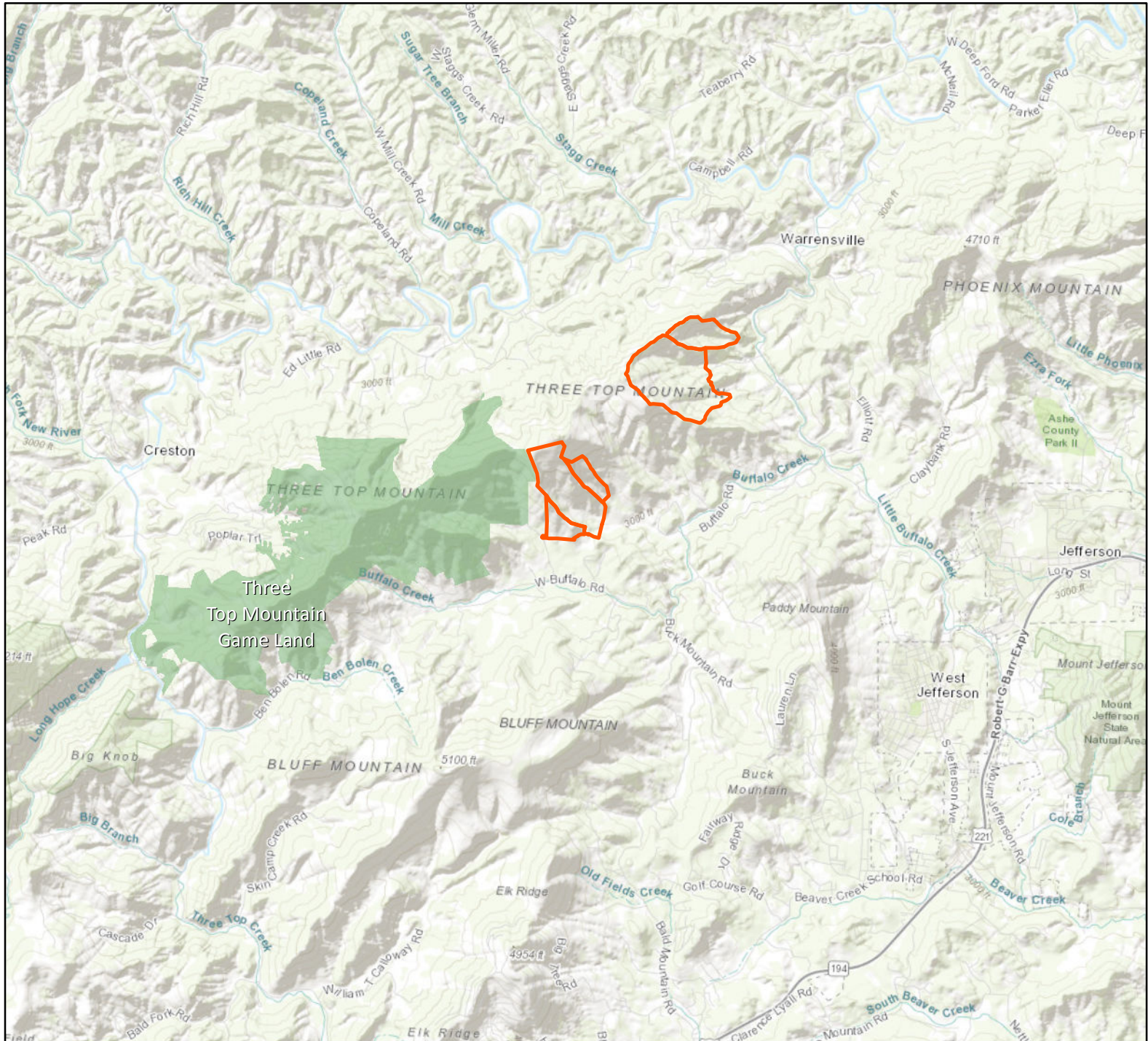
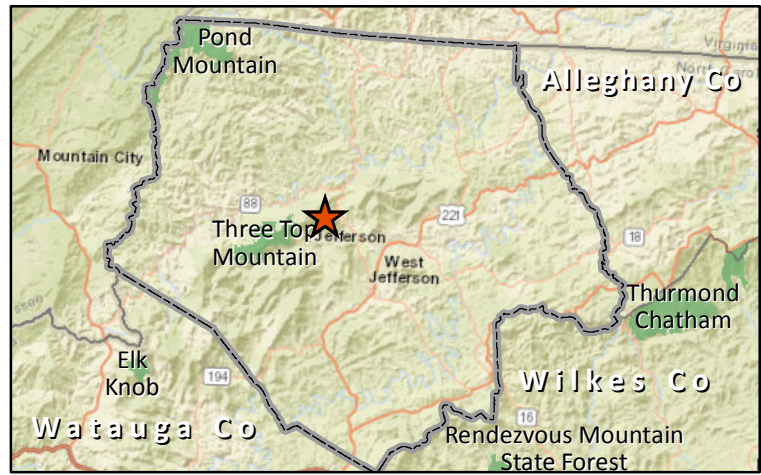
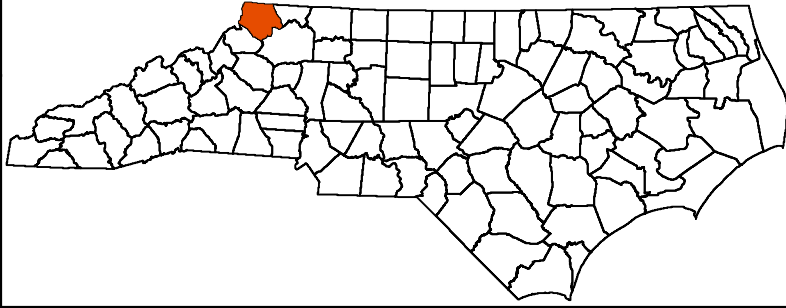
<b>Comments</b>
Restoration and maintenance of the habitats/species on the tract is good, thus the rank is moderate. Purchase will ensure continued public access across the tract, thus the rank is high.

<b>Threats</b>	<b>0.000</b>
Number	0
Severity	0
Imminence	0
Manageability	0
Management Cost	0

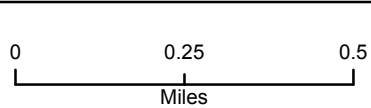
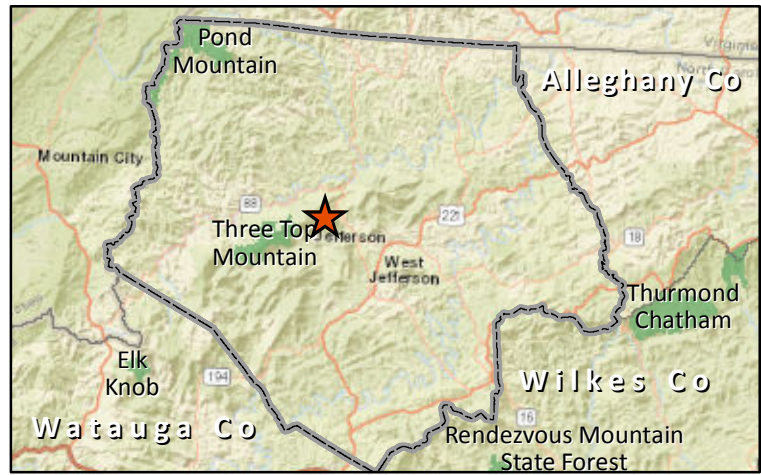
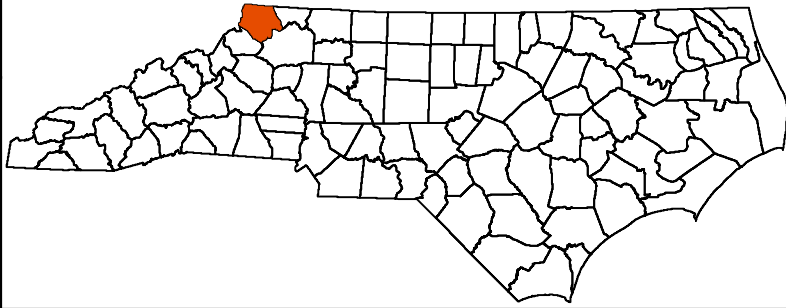
<b>Comments</b>
Blue Ridge Conservancy has acquired the subject tracts, so there are no threats.

<b>Overall Score</b>	<b>3.574</b>
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**Three Top East Tracts  
Ashe County  
615 Acres**



# Three Top East Tracts Ashe County 615 Acres



# EXHIBIT G

July 18, 2019



## **Proposed changes to 10H .0100 – Controlled Hunting Preserves for Domestically Raised Game Birds Recommended by Agency Staff for Public Notice, Hearing, and Comment**

### **Title 15A NCAC 10H .0100 – Controlled Hunting Preserves for Domestically Raised Game Birds**

These rules are part of the 2016 periodic review, with a re-adoption deadline of December 31, 2019. Technical and terminology changes are proposed for all subsections.

#### 10H .0101

Updated to clarify language and make organizational changes. Amends title to *General Requirements*, to reflect inclusion of application and operational requirements.

*15A NCAC 10H .0101 License to Operate (page 3-4)*

#### 10H .0102

Updated to clarify language, remove unnecessary language, and delete language that required applicants to present evidence of ability to raise, purchase, or release domestically raised game birds. Also deletes language requiring minimum levels of species for preserves.

*15A NCAC 10H .0102 Establishment and Operation (page 5)*

#### 10H .0103

Updated to clarify language. Amends title to read *Labeling of Harvested Birds*.

*15A NCAC 10H .0103 Labeling (page 6)*

#### 10H .0104

Updated to clarify and remove unnecessary language for conciseness.

*15A NCAC 10H .0104 Quality of Birds Released (page 7)*

10H .0105

Updated to clarify language and make organizational changes. Incorporates a reporting requirement on birds released previously found in 10H .0101. Amends title to read *Records and Reporting Requirements*.

*15A NCAC 10H .0105 Records Required (page 8)*

10H .0106

Updated to clarify language.

*15A NCAC 10H .0106 Hunting License Required (page 9)*

10H .0107

Updated to clarify language. Amends license revocation language to establish that Executive Director can revoke, suspend, or deny a preserve operator's license based on seriousness of violations and any previous violations.

*15A NCAC 10H .0107 (page 10)*

10H .0108

Updated to delete unnecessary language for conciseness and makes organizational and clarifying changes. Amends title to read *Feeding of Stocked Birds*.

*15A NCAC 10H .0108 (page 11)*

10H .0109

Updated to clarify language and delete unnecessary language for conciseness.

*15A NCAC 10H .0109 (page 12)*

10H .0110

Proposed for repeal, as rule substance has been incorporated into 10H .0108.

*15A NCAC 10H .0110 (page 13)*



1 **15A NCAC 10H .0101 LICENSE TO OPERATE GENERAL REQUIREMENTS**

2 ~~(a) A controlled hunting preserve license entitles the holder or holders thereof, and their guests of that preserve to~~  
3 ~~take or kill by shooting only, and without regard to sex or bag limits, starting October 1 and ending March 31,~~  
4 ~~domestically raised pheasants, chukar partridges, Hungarian partridges, Mallard ducks (as defined by the United~~  
5 ~~States Fish and Wildlife Service) or other domestically raised game birds, except wild turkey. A controlled hunting~~  
6 ~~preserve license also authorizes the holder or holders to purchase, possess, propagate, sell, transport and release~~  
7 ~~propagated migratory game birds and their eggs, and propagated upland game birds, except wild turkey, subject to the~~  
8 ~~limitations and conditions in Section .0900 of this Subchapter. Application for controlled hunting preserve licenses~~  
9 ~~shall be made on standard forms obtainable from the commission. Applicants must be prepared to show proof of~~  
10 ~~ownership of the land contained in the proposed hunting preserve or proof that they have this land under lease for the~~  
11 ~~duration of the license period.~~

12 ~~(b) Controlled hunting preserve operators who release birds must report for the time period of the license the numbers~~  
13 ~~of birds released by species and the counties where those birds were released using a reporting mechanism supplied~~  
14 ~~by the Commission in order to renew their licenses.~~

15 ~~(a) It shall be unlawful to operate a preserve without first obtaining a controlled hunting operator's license from the~~  
16 ~~North Carolina Wildlife Resources Commission.~~

17 ~~(b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the~~  
18 ~~following:~~

- 19 ~~(1) Mallard Ducks (as defined by the Migratory Bird Treaty Act, 16 U.S.C. §703);~~
- 20 ~~(2) Chukar Partridges;~~
- 21 ~~(3) Hungarian Partridges; and~~
- 22 ~~(4) Other domestically raised game birds, except Wild Turkey.~~

23 ~~(c) The following conditions shall apply to the take of birds on a controlled hunting preserve:~~

- 24 ~~(1) take shall be by shooting, which may include the use of dogs;~~
- 25 ~~(2) there shall be no bag limits or sex restrictions; and~~
- 26 ~~(3) take shall be authorized from October 1 to March 31.~~
- 27 ~~(4) domestically raised migratory game birds shall be marked by one of the methods provided in 50~~  
28 ~~C.F.R. 21.13, all other domestically raised game birds, except Chukar Partridges and Hungarian~~  
29 ~~Partridges, shall be individually marked on one leg with a band imprinted with the propagator's~~  
30 ~~license number.~~

31 ~~(d) Application for a controlled hunting preserve operator's license shall be made on a form available from the~~  
32 ~~Commission online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the Commission headquarters located at 1751 Varsity Drive, Raleigh,~~  
33 ~~NC 27606-2576. The application shall include the following information:~~

- 34 ~~(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;~~
- 35 ~~(2) The preserve name and address;~~
- 36 ~~(3) GPS coordinates of preserve entrance;~~
- 37 ~~(4) The total preserve acres owned or leased;~~

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(5) The name, address, and telephone number of the landowner, if applicable;

(3) The type of preserve; and

(4) The species of domestically raised birds to be offered for hunting.

(e) Applicants shall certify and demonstrate ownership or proof of lease of the land for the license period and for the operation of a controlled hunting preserve.

(f) Unless otherwise indicated, a controlled hunting preserve operator's license is valid from July 1st through June 31st of the following year.

(g) A licensed controlled hunting preserve operator shall be authorized to purchase, possess, propagate, sell, transport, and release propagated migratory game birds, their eggs, and propagated upland game birds, except for wild turkey, subject to limitations in Section .0900 of this Subchapter.

(h) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours for inspection, enforcement, or scientific purposes.

1 **15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION**

2 (a) ~~Size of Preserve.~~ Controlled hunting preserves ~~licensed under these regulations~~ shall ~~consist of not less than be~~  
3 ~~at least~~ 100 acres and shall be ~~in~~ one contiguous block of land.

4 (b) ~~Boundary of Preserve.~~ The boundary of each controlled hunting preserve shall be posted with printed signs that  
5 face both outward and inward from the preserve boundary ~~and that are supplied and posted by the preserve owner as~~  
6 ~~follows:~~ and meet the following requirements:

7 (1) ~~Size and color.~~ Signs shall be at least 12 inches wide and at least nine inches tall with white  
8 background and black lettering of uniform and legible font.

9 (2) ~~Signs shall be placed along the boundaries of the controlled hunting preserve, not more than 150~~  
10 ~~feet apart.~~

11 (2)(3) Text ~~for~~ of signs ~~that face facing~~ outward from the boundary shall ~~bear~~ contain the following  
12 ~~information:~~ information in font no less than ¼ of an inch in height:

13 (i) the words "Controlled Hunting Preserve" ~~in font size no less than ¼ of an inch in height;~~  
14 Preserve";

15 (ii) the words, "The owner or lessee of this property is operating by authority of a license issued  
16 by the N.C. Wildlife Resources Commission. ~~All hunting~~ Hunting on this preserve shall  
17 be in accordance with ~~special regulations adopted by of the Commission" Commission.;~~  
18 in font size no less than ¼ of an inch in height;

19 (iii) the words, "state hunting license is ~~required" in font size no less than ¼ inches in height;~~  
20 required"; and

21 (iv) the name of the licensed operator of the controlled hunting preserve ~~in font size no less~~  
22 ~~than ¼ of an inch in height.~~ preserve.

23 (3)(4) Text ~~for~~ of signs ~~that face facing~~ inward from the boundary shall bear the words "Controlled Hunting  
24 Preserve" in font ~~size~~ no less than ¾ of an inch in height.

25 (4) ~~Location.~~ Signs shall be placed along the boundaries of the controlled hunting preserve, spaced not  
26 ~~more than 150 feet apart.~~

27 (c) ~~Stocking Preserve with Game.~~ An applicant for a controlled hunting preserve license shall present satisfactory  
28 evidence of his ability to raise, or purchase, for release on the preserve during the year at least the minimum number  
29 herein designated of each species he plans to advertise as being available on his preserve for hunting in accordance  
30 with the following formula:

31 (1) ~~ring-necked pheasants (and other nonnative game birds except Mallard ducks) 100 birds of each~~  
32 ~~species for first 300 acres, or fraction thereof, and 100 birds for each additional 200 acres, or fraction~~  
33 ~~thereof, included in the hunting preserve;~~

34 (2) ~~bobwhite quail 1,000 quail for the first 300 acres, or fraction thereof, and 500 quail for each~~  
35 ~~additional 200 acres, or fraction thereof, included in the hunting preserve;~~

36 (3) ~~Mallard ducks (one generation removed from the wild) 100 minimum for each preserve.~~

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1 **15A NCAC 10H .0103 LABELING OF HARVESTED BIRDS**

2 ~~(a) When any person takes game birds, it~~ It shall be unlawful to remove ~~such~~ harvested birds from the hunting preserve  
3 or to possess harvested birds ~~the same thereafter~~ unless the ~~entire bag of such birds is~~ are packaged and marked with  
4 a label provided by the ~~hunting preserve operator.~~ preserve. ~~Such~~ The label shall ~~contain:~~ contain the following  
5 information:

- 6 (1) the name and address of the hunting ~~preserve,~~ preserve;
- 7 (2) the name and address of the possessor of the ~~bird carcasses,~~ harvested birds;
- 8 (3) the number of ~~bird carcasses~~ harvested birds contained ~~therein,~~ in the package;
- 9 (4) a statement that the package may be opened for inspection by an enforcement ~~officer,~~ officer; and
- 10 (5) the signature of the ~~preserve owner or operator,~~ licensed operator or his or her designee.

11 ~~(b) The package must~~ packaged and marked harvested birds shall be accompanied at all times by the hunter's ~~receipt~~  
12 receipt, which shall be completed and signed by the ~~preserve~~ operator or his or her agent designee as described in  
13 Rule .0105 of this Section.

1 **15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED**

2 All birds purchased or raised for release on controlled hunting preserves shall be ~~healthy and~~ free from disease.  
3 Possession of ~~unhealthy or~~ diseased birds is may be grounds for ~~revocation~~ the suspension, revocation, or denial of a  
4 controlled hunting preserve license.

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1 **15A NCAC 10H .0105 RECORDS ~~REQUIRED~~ AND REPORTING REQUIREMENTS**

2 (a) ~~The controlled hunting preserve operator shall maintain a daily written record of each hunter using the controlled~~  
3 ~~hunting preserve. This record shall be kept on forms provided by the preserve operator. A sample form will be~~  
4 ~~provided by the Wildlife Resources Commission to the preserve operator. This record shall bear the name, address,~~  
5 ~~and license number of the preserve; the name, address and state hunting license number of each hunter using the~~  
6 ~~preserve, the date of the hunt, and the number of each species of game bird killed by the hunter on the preserve. contain~~  
7 ~~the following information:~~

- 8 (1) name, address, and license number of the preserve;  
9 (2) the name, address, and state hunting license number of each hunter using the preserve;  
10 (3) the date(s) of the hunt;  
11 (4) the number and species of each bird harvested by the hunter on the preserve; and  
12 (5) the signature of the operator.

13 ~~The record shall bear the signature of the operator of the preserve and shall be prepared in duplicate; the original to~~  
14 ~~be given to the hunter to serve as a receipt for birds killed on the preserve, and the duplicate copy to be retained by~~  
15 ~~the licensee for 12 months and which copy shall be available for inspection by authorized Commission personnel upon~~  
16 ~~demand. This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt~~  
17 ~~for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by~~  
18 ~~the operator for 12 months after the date(s) of the hunt and shall remain open and available for inspection by the~~  
19 ~~Commission. It is shall be unlawful for a person to possess ~~native or nonnative~~ game birds killed harvested on~~  
20 ~~controlled hunting preserves, unless the said birds are accompanied by preserves without an approved a receipt as~~  
21 ~~described in this Rule.~~

22 (b) ~~The licensee operator shall maintain a daily written record of each ~~game~~ bird species liberated released on the~~  
23 ~~preserve. This record shall include the number and species of each bird released and the date of the release. This~~  
24 ~~record shall be open for inspection by authorized Commission personnel upon demand. Representatives of the~~  
25 ~~Commission shall be permitted to enter the premises at reasonable times for inspection, enforcement, or scientific~~  
26 ~~purposes.~~

27 (c) The records required by this Rule shall be available for inspection at the request of the Commission.

28 (d) Licensed operators that release birds shall report the number released, the species of the birds released, and the  
29 county where the release occurred to renew their operator's license. This reporting requirement shall be limited to  
30 those birds released during the time period of the operator's current valid license or last valid license and shall be  
31 reported on the Controlled Shooting Preserve Game Birds Report Form found online at [www.ncwildlife.org](http://www.ncwildlife.org) or at the  
32 Commission headquarters.

1 **15A NCAC 10H .0106 HUNTING LICENSE REQUIRED**

2 ~~Every person hunting on a controlled hunting preserve shall have in his possession a proper resident or nonresident~~  
3 ~~hunting license or a special controlled hunting preserve hunting license for the current year as required by law.~~ A  
4 valid North Carolina hunting license or controlled hunting preserve hunting license shall be required of all persons  
5 hunting domestically raised birds on controlled hunting preserves, unless otherwise exempted by law.

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1 **15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE**

2 ~~In accordance with provisions of~~ As authorized in G.S. 113-276.2, the ~~Wildlife Resources Commission Executive~~  
3 ~~Director of the Commission or his or her designee may revoke or suspend~~ revoke, suspend, or deny the renewal of the  
4 license of any controlled hunting preserve operator upon violation of these the rules and regulations. in this section.  
5 ~~When there is evidence of such a violation, the executive director or his designee shall give the said operator 20 days~~  
6 ~~notice in writing to show cause to the executive director or his designee why said license should not be suspended or~~  
7 ~~revoked.~~ The determination whether to revoke, suspend, or deny a controlled hunting preserve operator license shall  
8 be based upon the seriousness of the violation and any previous violations.



1 **15A NCAC 10H .0108 ~~BIRD FEEDERS~~ BIRD FEEDERS FEEDING OF STOCKED BIRDS**

2 ~~(a) Purpose of Rule. The purpose of this Rule is to prescribe criteria governing the types and locations of bird feeders~~  
3 ~~on controlled hunting preserves in the vicinity of which properly licensed hunters may take game birds as provided~~  
4 ~~by law.~~

5 ~~(b) (a) Types of Feeders. For the purposes of this Rule, bird~~ Bird feeders may used on controlled hunting preserves  
6 ~~shall be either of commercial design or of domestic manufacture, provided that in either case they are not designed to~~  
7 ~~disperse grain or other food on the ground around the feeders and are sheltered so as to protect such grain or food from~~  
8 ~~dampness and precipitation. meet the following conditions:~~

9 (1) shall not disperse grain or other food on the ground around the feeders; and

10 (2) shall be sheltered to protect the grain or other food from dampness and precipitation.

11 ~~(e) (b) Location of Feeders. For the purposes of this Rule, no~~ No bird feeder shall be placed within 100 yards of any  
12 boundary of a controlled hunting preserve; ~~otherwise the locations of such feeders shall be in the discretion of the~~  
13 ~~hunting preserve operator. preserve.~~

14 (c) Supplemental feeding. Licensed operators shall be authorized to broadcast supplemental feed on the preserve. It  
15 shall be lawful for licensed hunters to take all birds authorized in 15A NCAC 10H .0101(b) in supplemented areas.  
16 Wild birds may not be taken with the use or aid of bait, including in supplemental feeding areas.

1 **15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS**

2 (a) ~~Conditions of use. A licensed~~ Licensed controlled hunting preserve ~~operator who operators that releases~~ release  
3 pen-raised quail for hunting or dog training ~~purposes may, between September 1 and April 30, operate one or more~~  
4 quail call pen traps in accordance with the requirements of this Rule for the purpose of recovering any such quail that  
5 are not killed. shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released  
6 quail, subject to the following requirements:

7 (1) all traps shall have a weather-resistant permanent tag attached with the operator's name and address  
8 written legibly;

9 ~~(b)(2) Location of Traps. No quail call pen trap shall~~ no trap shall be located within 100 yards of any  
10 external boundary of the hunting preserve; and

11 ~~(e) Identification of Traps. All traps shall have a weather resistant permanent tag attached with the~~  
12 propagator's name and address legibly written on it.

13 (3) no trapped, unbanded quail shall be retained.

1 **~~15A NCAC 10H .0110~~ — SUPPLEMENTAL FEEDING**

2 ~~A controlled hunting preserve operator may broadcast supplemental grain feed on the preserve. Licensed hunters may~~  
3 ~~take domestically raised pheasants, chukar partridges, Hungarian partridges, or other domestically raised upland game~~  
4 ~~birds, except wild turkey, in supplemented areas.~~

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# EXHIBIT H-1

July 18, 2019



## Summary of Public Comments on Proposed Changes to Wildlife Captivity and Rehabilitation Rules

Proposal	Proposed Text	Agree	Disagree	No Position
10H.1401	Sets out terms and general requirements for all captivity licenses issued by the Wildlife Resources Commission (WRC). Rule Text.	19	3	6
10H.1402	Establishes that a captivity license for rehabilitation is required to lawfully possess injured, crippled, orphaned, or otherwise unfit native wild animals or wild birds for short term care and eventual release. Specifies requirements to receive the license, including an apprentice license for those that have never held a captivity license for rehabilitation before. Rule Text.	20	7	1
10H.1403	Provides that a captivity license for holding authorizes the possession of certain native wild animals or wild birds for education, exhibition, or scientific purposes. Specifies the various conditions and requirements of the license. Rule Text.	19	6	2
10H.1404	Establishes minimum standards for wild animals and wild birds held pursuant to a captivity license for holding, including general sanitation, food, and enclosure requirements. Rule Text.	18	2	6
10H.1405	Requires license holders to give open access to representatives of the WRC for inspection or scientific purposes. Provides for the warning, citation, or revocation of a captivity license. Rule Text.	20	0	6
10H.1406	Describes the various forms and records required for the licenses or permits covered by these Rules. Rule Text.	19	0	6

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1402	Agree	Need permit to say wildlife rehab permit no holding
10H.1402	Agree	Thank you for your hard work on this. I will do my very best to ensure all of these conditions are met. This is an exciting time for rabies vector rehabbers. Feel free to contact me.
10H.1403	Agree	Define/consider captivity bred animals vs wild pertaining to RVS in captivity holding license for education.
10H.1403	Agree	Grandfathering may need to be considered for captivity for holding
10H.1403	Agree	Add in long term to holding
10H.1403	Agree	Excellent renovation and updating of your rules
10H.1404	Agree	The word long term should be added to 15A NCAC 10H .1404.
10H.1406	Agree	Forms should be electronic
10H.1406	Agree	Electronic online forms
10H.1406	Agree	Electronic forms would be beneficial for all
10H.1401	Agree	<p>My first comment would be that the naming of these two permits is going to continue to cause confusion. It does now, it will continue to do so.</p> <p>I would like to see them named "Wildlife Rehabilitation Permit" and "Captivity Permit", this leaves no room for confusion between the two permits. As it stands now, people holding either permit can claim ignorance simply due to the name of the permit. (g) No captivity license shall be transferable either by license holder or by site of a holding facility without permission from the state.(complete email available for further review upon request)</p>
10H.1401	Disagree	<ol style="list-style-type: none"> <li>1. Please word the names as follows to limit confusion: "Wildlife Rehabilitation Permit" and "Captivity Permit"</li> <li>2. Define Habituation to include a mention of the dangers of these animals to humans, ie: attacking. Or include possibly the words Potentially Aggressive Habituation.</li> <li>3. Include a mention of "No captivity license shall be transferable either by license holder or by site of a holding facility without permission from the state."</li> </ol>

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1402	Disagree	<p>A reevaluation of the prohibition of rehabilitation of coyotes. I understand the difference between species naturally radiating into NC and those that may have been introduced. Nonetheless, coyotes will not be extirpated from its current territory in the foreseeable future even if considerable resources were applied to that task. The public does not differentiate based on the historical significance of a species. They see a puppy. If the Health Director remains concerned enough about the risk of rabies exposure posed by coyotes to include them on the rabies species list, then it is even more imperative we provide the public an option to turn them over to a qualified, immunized rehabilitator. Otherwise we are more likely to see coyotes continue to be housed as pups in private homes where family and friends may interact with them, and then likely soft released when they are fully habituated and have become a nuisance in the home. The release of a rehabilitated coyote could be limited to locations away from higher density human populations, and will certainly be a topic for thoughtful discussion. The number of facilities that may request to house non-releasable animals quite limited, but we do exist. (complete email available for further review upon request)</p>
10H.1402	Disagree	<p>4. Surrendering an animal to a veterinarian poses risks to that animal and instead should go to a licensed rehabilitator.</p> <p>5. When selecting a mentor, a letter of reference should come from a permitted rehabber.</p> <p>6. Can you allow a titer check for rabies for rehabbers?</p> <p>7. Can you include a rule to not release rehabilitated rabies species back into the county where they were found-only in not heavily human populated areas?</p> <p>8. And finally, animals held lawfully under a captivity license, should be located in the captivity permit, not the rehabilitation permit.</p>

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1402	Disagree	<p>White-tailed fawns: 15A NCAC 10H.1402, (k)(4) states "Orphaned white-tailed deer fawns shall be held for no longer than 90 days." I would propose to increase the amount of days to be the same as injured fawns, 180 days. While the majority of fawn rehabilitators will always release fawns as soon as they are deemed ready (as that is the most cost-effective and promotes sustainability), there are often many exceptions which would require an orphan to stay longer than the 90 days. It is known that fawns stay with their mothers for one to two years; limiting the learning and growth period to 3 months is simply too short. The majority of fawns that enter our facility are very young, from a few days to a couple weeks old. Given that fawn survival rates are already extremely low I feel it would be detrimental to be restricted to only a 90 day rehabilitation period for orphans. Understandably, the date of December 31st is acceptable as a final release/euthanasia date regardless of intake reason. 15A NCAC 10H.1402, (i)(4)(A &amp; B) states "The following conditions render a wild animal or wild bird non-releasable and the animals shall be humanely euthanized: deformities or imprinted." Euthanasia does not need to be the answer to every imprinted animal upon intake. At the rehabbers discretion, an attempt to wild-up the animal should be utilized first and limited to the 180 day rule. If that is not successful, and the species is of one that is agreeable, the animal should also have the opportunity to be used in an educational setting - without the need to be transferred to another licensed individual. (complete email available for review upon request)</p>
10H.1402	Disagree	<p>15A NCAC 10H .1402 (i)(4)- Recommend that the words "wild bird" be removed. Reason: Both Subsections A and B refer to "animals" and not wild birds as defined in .1401. Removal of "wild bird" from (i)(4) would remove potential confusion. As defined in 1401, wild animal and wild bird are different (as they should be). Alternately verbiage could be added that clearly states wild birds with injuries or that are imprinted or otherwise cannot be released to the wild may be transferred to an education permittee/licensee or other permittee/licensee allowed to possess such birds rather than euthanized. USFWS regulations permit such transfers. Without the transfer of certain wild birds from rehabilitators to a captivity license for holding for education, there may soon be no birds available if this proposed regulation remains as written. 15A 10H .1402 (j) (4) Transfer of Animals Recommend striking "... captivity license for rehabilitation with the appropriate category for the given species." Replacing wording with verbiage like: "...a valid license or permit for the given species." Reason: There are instances of currently allowed transfers from federally permitted rehabilitators to state/federally permitted education facilities or organizations for wild birds (particularly raptors). Additionally, it is permitted under both federal regulations and State regulations that a rehabilitator may transfer a raptor to a falconer. (complete email available for further review upon request)</p>

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

<i>Regulation Number</i>	<i>Position</i>	<i>Comment Text</i>
10H.1402	Agree	<p>1. What constitutes the 12 month supervision for apprentices? Physical presence of specific number of hours? Phone consultations? 6 months of coursework/hands-on training at location?</p> <p>2. I am so glad to finally see that wild turkeys and bear cubs will be allowed to be rehabilitated now.</p> <p>3. I am extremely pleased to see the classification of RVS Rehabilitator finally! I feel this is indeed in the best interest and for the safety of the public, getting the animals out of their hands. (complete email available for further review upon request)</p>
10H.1402	Agree	<p>I have been a permitted wildlife rehabilitator in NC for many years and have some comments about the proposed new regulations regarding wildlife rehab.</p> <p>I am pleased with the proposed changes and hope they will be put into effect as soon as possible. (complete email available for further review upon request)</p>
10H.1402	Agree	<p>(c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured, crippled, or orphaned wild animals or wild birds, provided they surrender such animals to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals. Allowing vets to take in wildlife without speaking with a rehabilitator causes a lot of problems every year. Vets don't tend to understand fledging, or many other normal wildlife processing, meaning animals are turned in, and can't be returned where they came from. In my opinion, vets should only be allowed to accept animals that are in need of immediate medical care. (1)An apprentice shall designate a mentor with a valid captivity license for rehabilitation in NC who has held a valid captivity license for rehabilitation for 2 or more years, on the application A letter from a properly permitted rehabber should be required. I strongly suggest language not allowing RVS to be released in heavily human populated areas. Like fawn, maybe we could have secondary rehabbers who turn young animals over to primary rehabbers once they are ready to go to outdoor release cages. Releasing in heavily human populated areas will cause issues with neighbors, causing issues for rehabbers in general. (C)facility; (can this be titers check for those of us that got our shots years ago?) (4) Should a rule be included that these animals not be released in heavily human populated areas (i.e. in the middle of a city)(complete email available for further review upon request)</p>



## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1403	Agree	4. Specifically, in Appendix A, page 19, lines 16/17, section on imprinted animals: "The individual with the captivity license for holding shall not be the same person who rehabilitated that animal." What happens when possibly imprinted animals are transferred to another rehabilitator to determine if it is a true imprinting vs. a severe rehabilitation, and they decide it is indeed an unbreakable imprinting condition, and apply for a permit to keep it for education? Could it be changed to read that the individual responsible for imprinting the animal shall not be the same person applying for captivity permit instead? At our facility we get imprinted animals from the public that are brought to us for treatment of other problems and require rehabilitation. Then we might wish to apply for an education permit and long term holding permit for that animal. (complete email available for further review upon request)
10H.1403	Agree	I'd like to see "long-term" added to that if possible. Also, I'd like to request a grandfather clause for those animals already held under a captivity and USDA permit that they be allowed to be kept in the manner they have always been kept. We have a fox that the state previously did not consider native (he's a white colored red fox) who lives with our dogs in the house. Moving him to an outdoor enclosure would be very stressful. I'm sure there are other cases such as this where the USDA is fine with how the animal is currently being housed. So just a grandfather clause for that would be great. (complete email available for further review upon request)
10H.1403	Disagree	This seems to be in conflict with "must be euthanized" in proposed 15A NCAC 10H .1402 (i)(4). 15A 10H. 1403 (i)(1). Recommend deleting North Carolina so this section would read "A licensed veterinarian submits a written statement..." Reason: There are occasions when a wild bird currently in another state can be transferred to a captive holding licensee in North Carolina for education and the bird is evaluated by a licensed veterinarian in that/another state. Eliminating "North Carolina" seems prudent and would not circumvent the intent. 15A 10H. 1403 (i)(2). Recommend deleting "wild bird". Reason: The USFWS already requires pre-approval / authorization for the transfer of any wild bird to be used in education prior to the bird being transferred, and authorization is granted in writing by the USFWS. As written, this is a duplication by the State and is not necessary since it provides no additional protections for the bird, the licensee or the State. Written notification to the Commission within 10 days of the acquisition may be appropriate, but not authorization by the Commission for the transfer itself. (complete email available for further review upon request)

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1403	Disagree	<p>15A NCAC 10H.1403, (i)(3) states "For imprinted animals, the individual with the captivity license for holding shall not be the same individual that rehabilitated that specific animal." While I understand that this is to deter someone from intentionally imprinting an animal, this is actually rare among rehabilitators. Our goal is always to release the animal and allow more room for other incoming wildlife. Rehabbers do not often have unlimited room or resources to care for multiple imprinted animals. The public is more likely to be guilty in this situation. However, if by some unavoidable occurrence this incidence does happens, transferring the animal to another person would cause unnecessary and undue stress upon that animal. It would be more beneficial for the animal to remain with whom it has become imprinted, unless the rehabber and a veterinarian deems it acceptable to transfer the animal. If, perhaps, this appears to become a habit of a specific rehabber then a warning/citation/revoking procedure should be directed to the individual. (complete email available for review upon request)</p>
10H.1403	Disagree	<p>My comments are specifically focused on 15A NCAC 10H .1403 Captivity License for Holding. My concern is for line 18 through 36 on page 2 and line 1 through 12 on page 3. This is section (j) Rabies Species. We currently have a skunk at our museum, and I know many facilities currently have skunks and raccoons in particular at their facilities. We acquired our skunk through an animal/pet rescue group in Florida. As our skunk was captive born (breed in a state that allows pet skunks and for that reason) and was never exposed to the outdoor elements/rabies vectors besides his litter mates, we have not implemented all of the safety procedures now listed in this proposed license. The only safe way to get these animals when the law said no one could rehab rabies vectors was to find a facility that breed them in captivity. If this license went into effect as written, we would have to rehome our skunk, and I am sure other facilities would have to do so with rabies vectors as well. Smaller facilities can't afford to pay for everyone (especially volunteers) to get rabies immunizations. We would also lose volunteers and interns if we required them to do so on their own fruition. It would also be difficult to have a separate facility for our skunk as all of our animals are on exhibit next to each other and these areas connect with a back hallway. We do have to remove the skunk in his carrier to clean the exhibit, thus he is in the hallway (in a carrier) that connects to all other animal enclosures. I am not sure then if we meet the housing requirements as is, and we do not have the resources to move him and build an area all to himself. Thus, financially we would have to rehome him. As other institutions may have to do the same thing, it could be difficult to find a good home for him. (complete email available for further review upon request)</p>

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1403	Disagree	<p>Clarification regarding the definition of "double fencing." Within 15A NCAC IOH .1403 Captivity License for Holding, G) Rabies Species (D) is a requirement for "double fencing" on the enclosures of "rabies species." In the hearing on April 9th, a clarification was made to indicate that a public tour barrier or perimeter fence designed to prevent unintentional contact by the public was sufficient to meet this criteria. I respectfully submit that modifying the phrase "double fencing" to provide clarity might help in the promulgation of these rules, especially among USDA licensees who are familiar with these concepts already. A possible substitution is "secondary barrier to unauthorized contact with the public at any location where that could be possible, as through chain link fence." This is more cumbersome, but also uses catch phrases that are familiar to USDA licensees and eliminates questions about solid walls or windows. Separation of the application of the term "rabies species" across permits for rehabilitation and for holding. An animal from an unknown background, especially an orphaned or injured animal, may pose a risk of transmitting a serious zoonotic disease to any person coming in contact with the animal. My assumption is that the list of "rabies species" was created based on data regarding the reported historic occurrence of rabies in wild animals in NC and the surrounding area. An animal being held for rehabilitation and release should already be in minimal contact with its handlers in order to better prepare the animal for eventual release by avoiding imprinting and habituation, but those handlers may bottle feed, help the young animals with elimination, and treat wounds. (complete email available)</p>
10H.1404	Disagree	<p>15A NCAC 10H .1404 (a)(2)(E) "tethers shall not be used...." Assuming this regards animals only and not wild birds, I have no comment. However, if the implication of the proposed regulation by inference includes wild birds, then there are conditions and circumstances that require tethering, specifically of raptors. Particularly regarding raptors, there are federal regulations, that under certain circumstances, require tethering. 15A NCAC 10H (d)(1) and commend deleting (1) and (2) Reason: Arent's book "Raptors in Captivity" aka University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management" is an excellent book, but it is not the only book or the only guidance. Some of the conclusions, recommendations and needs have since changed or are outdated. The publication by the NWRA "Wildlife in Education: A Guide for the Care and Use of Programs Animals" is not readily available while the NWRA publication NWRA/IWRC Minimum Standards 4th Edition is readily available. This is one example of the recommendation to preclude specific titles of specific publications. Requiring standards approved by the U.S. Fish and Wildlife Service by reference to those regulations is adequate to cover enclosures for birds without mention of specific books. If the recommendation to delete (1) and (2) is not acceptable then modification by replacing the word "shall" with the word "may" or perhaps including verbiage similar to: "also contained in other publications". Clear guidance and regulation is provided by the U.S. Fish and Wildlife Service without having to acquire a book. Sections (1) and (2) are not necessary. (complete email available for further review upon request)</p>

## Public Comments Received for Wildlife Captivity and Rehabilitation Rules

Open comment period from 3/15/2019 to 5/14/2019

Regulation Number	Position	Comment Text
10H.1401	Disagree	As with limiting rehab admissions to North Carolina, arbitrary state boundary regulations regarding the travel of captive individuals are unwise, unnecessary and will significantly impact our operation. We do education programs with our birds on a regular basis (i.e. weekly trips into South Carolina). We cannot be expected to obtain a permit for each trip, especially since some of our trips are not scheduled very far in advance. Not only would this impact our ability to educate the public but it would definitely impact a very important revenue stream for our center.
10H.1402	Agree	Parts of the proposed regulations, regarding out-of-state animals, are very worrisome. As Charlotte is within 10 miles of the South Carolina border, we receive approximately 28% of our admissions from South Carolina. This represents hundreds of animals each year. I believe it is extremely short-sighted and entirely arbitrary to limit admissions based on political boundaries. These are migratory birds, after all, and that means that they migrate. Our tracking data clearly show that these birds travel hundreds in very short periods of time, so these sorts of arbitrary limitations have no biological basis whatsoever. In addition, we are referral center with extensive capabilities that are not available anywhere else in this area. The closest facility in South Carolina is in Charleston. That is a 3.5 hour drive away. In reality, these birds either make it to us in Charlotte or many of them will not survive.
10H.1402	Disagree	I was happy to see that the proposed regulations will allow for the rehabilitation of rabies vectors species, but I am very concerned about the proposed requirements for new rehabbers. There are too few rehabbers as it is, and I believe that requiring new rehabbers to apprentice under existing rehabbers for 12 months would be extremely discouraging to newcomers. More concerning however, is that it puts far too much power in the hands of existing rehabbers who may or may not want to compete with more rehabbers for potential donations. Sadly, the animal community can be very competitive. Also, while apprenticeships may be readily available in some counties, there are areas of NC that have very few existing rehabbers and these regulations would make it difficult (or impossible) for interested parties in those areas to obtain their rehabilitation license. At the very least, those interested in rehabilitation should be able to get the required experience through WRNC (or other) classes.
10H.1402	Agree	Under (n) Rabies Species - (b) certify 12 hours of rabies, or species- specific training. Please change to: certify 12 hours of rabies or species- specific training or a combination of both.
10H.1403	Disagree	Regarding .1403 (f)(3) and (4) – We often do flight shows with our birds as part of our educational programs. They are a great way for the public to safely interact with wildlife and it is vitally important to our overall mission at CRC. These regulations seem to disallow this type of activity so I am hoping you can elaborate on this proposed change. Please note that outdoor free-flight shows are commonly performed at centers across the country so we are confused as to why this would be a problem.

# EXHIBIT H - 2

July 18, 2019



## **Proposed Changes to 10H .1400 – Wildlife Captivity and Rehabilitation Recommended by Agency Staff for Final Adoption.**

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

In 2013, the General Assembly amended G.S. 113-272.5 - Captivity license, to provide for the issuance of these licenses for exhibition purposes. Effective September 30, 2015, farmed captive cervids were transferred from the Commission to the NC Department of Agriculture and Consumer Services via G.S. 106-549.97.

Because of these changes, the agency's captivity rules required revision. It was also necessary to distinguish the regulatory differences between holding wildlife for rehabilitation purposes from holding wildlife in long-term captivity. To accomplish this, the existing captivity rules in 15A NCAC 10H, subsections .0301 - .0304 were revised and reorganized into a new Section of subchapter 10H (15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation). The Commission voted in April 2018 to repeal existing rules with a delayed effective date of January 1, 2020. The rules proposed herein will replace the rules scheduled for repeal.

These rules split rehabilitation and long-term captivity requirements, incorporate necessary definitions and provisions to be used throughout the subchapter, detail enforcement actions, and specify reporting requirements and form contents. The new Section will apply to all captivity licenses issued by the Commission as of January 1, 2020 and to those non-farmed cervid facilities issued a license prior to September 30, 2015.

### 15A NCAC 10H .1401

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

- Specific definitions for terms used throughout the captivity and rehabilitation rules;
- Named rabies species to include raccoon, skunk, fox, bat, bobcat, and coyote;
- Disclosure requirements for reportable diseases; and
- License eligibility requirements including 18 years of age and no convictions of animal cruelty in the past 10 years.

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

### 15A NCAC 10H .1402

Details the conditions and requirements for rehabilitating wildlife. Lists species that cannot be rehabilitated. Specifies reasons why a captivity license for rehabilitation can be denied. Details conditions under which an animal held for rehabilitation can be transferred or released. Details the minimum enclosure standards for wild animals and wild birds held for rehabilitation. Details the requirements to obtain an apprentice rehabilitation license. Stipulates requirements for rehabilitation of rabies species. Proposed changes from 10H .0300 Rules include the following:

- Requirements for a new applicant to be designated an apprentice and fulfill specific requirements prior to obtaining a Captivity License for Rehabilitation;
- Allowing for the rehabilitation of rabies species, except coyotes, with additional conditions and restrictions;
- Life-stage specific rehabilitation standards based on the “Minimum Standards for Wildlife Rehabilitation” from the National Wildlife Rehabilitations Association;
- Permanently tagging all white-tailed deer fawn within 48 hours of intake;
- Separating white-tailed deer fawn and elk calves being rehabilitated from any farmed or non-farmed cervids and using separate equipment;
- Wildlife may only remain in rehabilitation for 180 days unless approved by the Commission;
- Details for disposition of non-releasable wildlife;
- Pre-license facility inspections are not required for rehabilitators, except for facilities for white-tailed deer fawn and elk calves, and black bear cubs;
- Rehabilitation of wild turkey and black bear cubs is permitted; and • Rehabilitation facilities for black bear cubs and elk calves will need to be approved on an as-needed basis by the Commission.

*15A NCAC 10H .1402 Captivity License for Rehabilitation (pages 7-12)*

### 15A NCAC 10H .1403

Details the conditions and requirements for holding wildlife in long-term holding for scientific, education, or exhibition purposes. Specifies reasons why a captivity license for holding may be denied. Details the requirements for holding rabies species in long-term captivity. Proposed changes from 10H .0300 Rules include the following:

- Animals may be held for exhibition purposes;
- Restrictions on comingling and contact between captive wildlife and domestic, livestock, other captive species, and/or the public;
- Incorporates use of a captivity permit for individuals keeping animals that require a license from the USDA;
- Requires record keeping for exhibition and education activities outside of a facility;
- Restricts reproduction of all wildlife in captivity unless part of a breeding program;
- Details rules specific to holding cervids of wild origin at facilities licensed prior to September 30, 2015;
- Requires imprinted rehabilitated wildlife deemed non-releasable be transferred to a different license holder for long-term holding;
- Allows the long-term holding of black bears and wild turkeys;
- Makes requirements for black bears and cougars consistent with statute; and

- Details specific requirements for holding rabies species in long-term captivity.  
*15A NCAC 10H .1403 Captivity License for Holding (pages 13-17)*

#### 15A NCAC 10H .1404

Details the required minimum enclosure standards for wildlife held for long-term holding for scientific, educational, or exhibition. Enclosure requirements are listed out by species except for wild birds, whose enclosure requirements are referenced back to published standards and require approval from the USFWS. Requires that natural bear and cougar habitats need approval of the Commission as is detailed in statute.

*15A NCAC 10H .1404 Minimum Standards Captivity License for Holding (pages 18-20)*

#### 15A NCAC 10H .1405

Establishes Commission inspection of captivity license holder facilities and the criteria under which the Commission may issue warnings, modify, revoke, or suspend licenses. Provides a list of potential activities or actions that would be deemed violations of the captivity licenses and presents options for disposition of seized wildlife.

*15A NCAC 10H .1405 Captivity License Revocation and Enforcement (pages 21-22)*

#### 15A NCAC 10H .1406

Details the required information an applicant must provide the Commission to obtain a Captivity License for Holding, Captivity License for Rehabilitation, and transportation permit for nonfarmed cervids. Details the information required for reports related to rabies species rehabilitation, white-tailed deer fawn and elk calf rehabilitation, and educational or exhibition activities under a holding license.

*15A NCAC 10H .1406 Forms for Captivity Licenses (pages 23-24)*

*\*\*Note: Changes to the proposed rule text made as a result of public comment are highlighted in yellow.*

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

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

5 (b) The possession of any species of native wild animal or wild bird and any member of the family Cervidae is  
6 unlawful, unless the individual in possession obtains a captivity license from the Commission as provided by this  
7 Rule. This Rule shall not apply to any endangered, threatened, or special concern species as defined by 15A NCAC  
8 10I .0100 or farmed cervids as defined by G.S. 106-549.97.

9 (c) Captivity licenses may be issued by the Commission to qualified individuals meeting the requirements for  
10 rehabilitation and captivity licenses detailed in this Section for holding of wild animals or wild birds alive in captivity  
11 for scientific, educational, exhibition, or other purposes, as specified in G.S. 113-272.5.

12 (d) The following definitions shall apply to all rules in this Section:

13 (1) “Animal” means a wild animal and wild bird, as defined in this Rule.

14 (24) “Category” means a designation on a captivity license for rehabilitation that defines a species or  
15 subset of species.

16 (32) “Educational institution” or “scientific research institution” means any public or private school,  
17 facility, organization, or institution of vocational, professional, or higher education that uses live  
18 animals as part of a course of training, or for research, or other experiments, and is at least 50%  
19 funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of  
20 federal, State, or local government. These terms do not include elementary or secondary schools.

21 (43) “Education” means providing instruction or information to the public about wild animals or wild  
22 birds.

23 (54) “Enclosure” means a structure housing captive wild animals or wild birds that prevents escape,  
24 protects the animal from injury, and is equipped with structural barriers to prevent any physical  
25 contact between the animal and the public.

26 (65) “Exhibition” mean any display of wild animals or wild birds for the public, whether for-profit or  
27 not-for-profit.

28 (76) “Facility” means a designated location in North Carolina where wild animals or wild birds are held  
29 for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.

30 (87) “Farmed cervid” as defined in G.S. 106-549.97.

31 (98) “Foster” or “surrogate” means a bird held under a U.S. Fish and Wildlife Service federal migratory  
32 bird rehabilitation permit used to rear wild birds being held under a captivity license for  
33 rehabilitation.

34 (109) “Habituation” means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or  
35 objects that impacts its ability to survive in the wild unassisted.

36 (1140) “Imprinting” means causing a wild animal or wild bird to permanently lose fear of humans, pets, or  
37 objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.



1 (1244) “Migratory birds” means all birds as defined in G.S. 113-129.

2 (1342) “Native” means a wild animal or wild bird that occurs or historically occurred in the wild in North  
3 Carolina.

4 (1443) “Nest box” or “den” means a structure that provides a retreat area that is within, attached to,  
5 or adjacent to an enclosure.

6 (1544) “Non-farmed cervid” as defined in G.S. 106-549.97.

7 (1645) “Non-native” means a wild animal or wild bird that has not historically occurred in the wild in North  
8 Carolina.

9 (1746) “Pet” means any animal kept or used for amusement or companionship.

10 (1847) “Publicly operated zoo” means a park or facility where living animals are kept and exhibited to the  
11 public, and that is operated by a federal, State, or local government agency.

12 (1948) “Rabies species” are raccoon, skunk, fox, bat, bobcat, or coyote.

13 (2049) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,  
14 manufactured home, or any other place where people reside.

15 (2120) “Shelter” means a structure or feature that protects captive wild animals or wild birds from direct  
16 sunlight and precipitation.

17 (2224) “Scientific use” and “scientific purpose” means the use of wild animals or wild birds for application  
18 of the scientific method to investigate any relationships amongst natural phenomena or to solve a  
19 biological or medical problem. This definition applies only to educational or scientific research  
20 institutions unless otherwise approved by the Commission.

21 (2322) "Unfit" means wild animals or wild birds that are:

22 (A) incapacitated by injury or other means to the extent that they cannot feed or care for  
23 themselves without human assistance;

24 (B) rendered imprinted by proximity to humans, pets, or objects; or

25 (C) a non-native species.

26 (2423) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals except feral  
27 swine or marine mammals found in coastal fishing waters.

28 (2524) “Wild bird” as defined in 15A NCAC 10B .0121.

29 (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply  
30 for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

31 (f) Applicants for either license shall meet the following requirements:

32 (1) Be 18 years of age or older at the time of application;

33 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes  
34 within 10 years of the date of application; and

35 (3) Have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of  
36 application.

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

1 (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is  
2 issued.  
3 (i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held  
4 under a captivity license within the State. Any person transporting an animal that is held under a captivity license  
5 shall have the captivity license in his or her possession. An exportation or importation permit as defined in G.S. 113-  
6 274(c)(3) is required to transport wild animals or wild birds into or out of the State.  
7 (j) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer  
8 Services requirements for disclosing reportable diseases. A list of current reportable diseases may be found on the  
9 North Carolina Department of Agriculture and Consumer Services website this list is hereby incorporated by  
10 reference, including subsequent amendments and editions and may be found at [www.ncagr.gov](http://www.ncagr.gov).  
11  
12

1 15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

2  
3 (a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, orphaned, or  
4 otherwise unfit or orphaned native wild animals or wild birds for the purpose of providing short term care and eventual  
5 release into the animal's natural habitat. A captivity license for rehabilitation shall not be issued for:

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

14 (b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 15 (1) As pets;  
16 (2) For education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;  
17 (3) For dog training;  
18 (4) For hunting; or  
19 (5) Acquired unlawfully.

20 (c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,  
21 crippled, or orphaned wild animals or wild birds, provided they are surrendered to a North Carolina licensed  
22 veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

23 (d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild  
24 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians  
25 without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable.  
26 Once medically stable, the wild animal or wild bird shall be transferred to an individual possessing a captivity license  
27 for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild  
28 animals or wild birds shall have a valid captivity license for rehabilitation.

29 (e) Individuals applying for a captivity license for rehabilitation that have never held this license in North Carolina or  
30 a similar license in another state, shall be designated as an apprentice. The following requirements shall apply to an  
31 apprentice license:

- 32 (1) On the application, the apprentice shall designate a mentor with a valid captivity license for  
33 rehabilitation in NC, who has held that license for two or more years;  
34 (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a  
35 licensed rehabilitator; and  
36 (3) An apprentice license shall only authorize the possession of squirrels, rabbits, and opossums.

1 (f) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements  
2 including those in G.S. 113-272.5 and Rule .1401 of this Section. Individuals seeking to rehabilitate migratory birds  
3 shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation  
4 permit for each category of migratory birds to be rehabilitated. The Commission shall indicate on the captivity license  
5 for rehabilitation the categories of wild animals and wild birds that the individual is licensed to possess.

6 (g) Required facilities.

7 (1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities  
8 at the facility designated on their license that meets the minimum standards set forth in the "Miller,  
9 E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife  
10 Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is  
11 available online, free of charge, at [http://www.nwrawildlife.org/page/Minimum\\_Standards](http://www.nwrawildlife.org/page/Minimum_Standards) and is  
12 hereby incorporated by reference, excluding subsequent amendments and editions.

13 (2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic  
14 animals, livestock, and non-native animals.

15 (3) All wild animals shall be kept in separate enclosures by species.

16 (4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment,  
17 and rehabilitation.

18 (5) Handling of animals shall be for treatment only.

19 (h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be  
20  euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.

21 (i) Release of rehabilitated wild animals and wild birds.

22 (1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected  
23 to survive in the wild or has attained full recovery from illness or injury, as determined by the  
24 rehabilitator or a North Carolina licensed veterinarian.

25 (2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If  
26 a longer rehabilitation period is needed, the license holder shall notify the Commission in writing.  
27 The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which  
28 may include the nature of the animal's condition and recommended treatment plan.

29 (3) Wild animals and wild birds shall not be released on property owned by another unless the  
30 rehabilitator has written permission dated within the last 12 months from the landowner.

31 (4) The following conditions shall render a wild animal or wild bird non-releasable and the animals  
32 shall be humanely euthanized:

33 (A) any animal with deformities or injuries that preclude survival without human assistance in  
34 the wild after treatment; or

35 (B) any animal that has become imprinted.

36 Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized.

1 However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case  
2 basis when written authorization is requested from the Commission. The wild animal or wild bird  
3 shall only be transferred to an individual or facility with a captivity license for holding as set forth  
4 in Rule .1403 of this Section when written authorization is obtained from the Commission.

5 (j) Transfer of Animals.

- 6 (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation  
7 unless written authorization is obtained from the Commission.
- 8 (2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of  
9 rehabilitation or release after rehabilitation unless written authorization is obtained from both the  
10 Commission and the state where the wild animal will be exported to or released from.
- 11 (3) It shall be unlawful for a license holder to sell any wild animal or wild bird being held under a  
12 license for rehabilitation.
- 13 (4) It shall be lawful for a license holder to transfer a wild animal or wild bird to another individual who  
14 possesses a valid captivity license for rehabilitation with the appropriate category for the given  
15 species; or a wild bird to another individual with a valid permit for the given species.

16 (k) White-tailed Deer Fawn.

- 17 (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn  
18 category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to  
19 rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity  
20 license for rehabilitation.
- 21 (2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an  
22 enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule,  
23 and the facility has been verified by a representative of the Commission.
- 24 (3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only  
25 Commission-provided tags.
- 26 (4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer  
27 fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a  
28 longer rehabilitation period is needed, the license holder shall notify the Commission in writing.  
29 The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be  
30 considered an adult on December 31 of the birth year.
- 31 (5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as set forth in Rule  
32 .1406 of this Section, provided by the Commission at [www.ncwildlife.org](http://www.ncwildlife.org), and submitted to the  
33 Commission within 15 days of expiration of the license or prior to the request for reissuance of the  
34 license.
- 35 (6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn  
36 on properties licensed for farmed cervids.

37 (l) Elk Calves.

- 1           (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation  
2           objectives shall be authorized to rehabilitate elk calves.
- 3           (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for  
4           rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual  
5           shall meet all the requirements of the captivity license for rehabilitation.
- 6           (3) Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-  
7           provided tags.
- 8           (4) Any individual or facility with the elk calf category may not rehabilitate elk calves on properties  
9           licensed for farmed cervids.
- 10          (5) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for  
11          keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the  
12          facility has been verified by a representative of the Commission.
- 13          (6) Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this  
14          Section, provided by the Commission at [www.ncwildlife.org](http://www.ncwildlife.org), and submitted to the Commission  
15          within 15 days of expiration of the license or prior to the request for reissuance of the license

16 (m) Black Bear Cubs.

- 17          (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation  
18          objectives shall be authorized to rehabilitate black bear cubs.
- 19          (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for  
20          rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an  
21          individual shall meet all the requirements of the captivity license for rehabilitation.
- 22          (2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for  
23          keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the  
24          facility has been verified by a representative of the Commission.

25 (n) Rabies Species.

- 26          (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may  
27          possess, rehabilitate, or release rabies species. To become licensed to rehabilitate rabies species,  
28          an individual shall meet all requirements of the general captivity license for rehabilitation and  
29          shall:
- 30                  (A) have held an active rehabilitation license within or outside of the State for at least the  
31                  previous three years and have rehabilitated during that time;
- 32                  (B) certify 12 hours of rabies or rabies species-specific training or a combination thereof;
- 33                  (C) certify up-to-date rabies immunization in accordance with current Advisory Committee  
34                  on Immunization Practices of the Centers for Disease Control and Prevention at  
35                  [www.CDC.gov](http://www.CDC.gov) for any rehabilitator, staff member or volunteer, who may come in  
36                  contact with rabies species. Proof of immunization to demonstrate that the vaccine was

1 administered shall be provided upon the request of the Commission or authorized  
2 representative and shall be kept at the license holder's facility;

3 (D) provide the name and contact information of a North Carolina licensed veterinarian with  
4 whom the rehabilitator has consulted and who agrees to provide necessary medical  
5 treatment to the rabies species. Contact information for the veterinarian shall be posted at  
6 the facility where the rabies species are being rehabilitated;

7 (E) certify notification to the appropriate animal control authority and local health  
8 department prior to making application to the Commission, to inform them of their  
9 anticipated activities and location. Contact information for these agencies shall be posted  
10 at the facility where the rabies species are being rehabilitated.

11 (F) have separate facilities from non-rabies species adequate for the species to be  
12 rehabilitated. Enclosures within the facility shall prevent escape of the animal and  
13 exposure to people, pets, livestock, and other captive or free-ranging wildlife. Exterior  
14 caging shall be locked and surrounded by double fencing or a solid wall barrier; and

15 (G) coordinate with appropriate local health department regarding euthanasia and testing of  
16 rabies species. A written protocol for testing shall be posted at the facility and made  
17 available for inspection by the Commission upon request.

18 (2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the  
19 United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies  
20 Vaccination (ORV) program is conducted, as specified by the United States Department of  
21 Agriculture-Animal and Plant Health Inspection Service at [www.aphis.usda.gov](http://www.aphis.usda.gov).

22 (3) Rabies species shall not be removed from their containment except for treatment, release,  
23 maintenance of the enclosure, or euthanasia.

24 (4) Rehabilitated rabies species must be released in either the county where they were rehabilitated or  
25 the county where they were found.

26 (5) All rabies species shall be considered potentially infected with the rabies virus. If any human or  
27 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain  
28 and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall  
29 contact the local Health Department immediately to report the incident. The local Health  
30 Department may require euthanasia of the animal and submission of the brain for rabies testing.  
31 Rehabilitators shall abide by all requests made by authorized public health department personnel,  
32 animal control, or Commission personnel regarding disposition of the animal. No rabies species  
33 that has scratched or bitten a human or domestic animal or dies in captivity can be released or  
34 disposed of until the local Health Department investigates the situation to determine if testing is  
35 necessary.

36 (6) Records of all rabies species rehabilitation shall be maintained on a form, as described in Rule  
37 .1406 of this Section, provided by the Commission at [www.ncwildlife.org](http://www.ncwildlife.org), and submitted to the

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Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.



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

2  
3 (a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native  
4 wild animals or wild birds for education, exhibition, or scientific purposes. A captivity license for holding shall not  
5 be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of  
6 these species requires an endangered species permit from the Commission.

7 (b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

8 (1) As pets;

9 (2) For breeding unless approved by the Commission;

10 (3) For dog training;

11 (4) For hunting; or

12 (5) Acquired unlawfully.

13 (c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a  
14 valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

15 (d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license  
16 from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining  
17 the animal.

18 (e) No captivity license for holding shall be issued and no wild animals or wild birds shall be possessed until the  
19 applicant has constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies  
20 with the standards set forth in Rule .1404 of this Section, and the facility has been verified by a representative of the  
21 Commission or the individual has shown proof of a valid, concurrent, and applicable U.S. Department of Agriculture  
22 license or exemption from USDA licensing requirements. Any changes to an animal's enclosure after verification  
23 shall be reported to the Commission in writing within 10 business days.

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

25 (1) Wild animals and wild birds shall not comingle with pets, non-native animals, livestock, or wild  
26 animals or wild birds held under a captivity license for rehabilitation. This provision shall not apply  
27 to surrogate animals or wild animals or wild birds used to foster other wild animals and wild birds;

28 (2) Rabies species outside of their enclosure shall be kept restrained at all times so that the license holder  
29 or their designee is in control of the animal and it does not have physical contact with the public,  
30 domestic animals, non-native animals, livestock, or other wild animals or wild birds;

31 (3) Wild animals outside their enclosure shall be kept restrained at all times so that the license holder  
32 or their designee is in control of the animal and it presents no danger to the public; and

33 (4) Wild animals shall not roam free unrestrained outside of an enclosure.

34 (g) License holders with wild animals or wild birds used for education or exhibition outside of their facility, shall  
35 maintain records of all education and exhibition activities on a form, as described in Rule .1406 of this Section,  
36 provided by the Commission at [www.ncwildlife.org](http://www.ncwildlife.org), and shall retain records for a period of 12 months following  
37 expiration of the license.

1 (h) It is unlawful for a license holder to sell, transfer, or release the wild animal or wild bird held under the license,  
2 except that such wild animal or wild bird may be surrendered to an agent of the Commission, or transferred to another  
3 individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor  
4 shall create a record for the wild animal or wild bird showing the transferors name, address, tag number if available,  
5 license number, date of transfer, and transferor's signature, verifying that the information contained in the record is  
6 true and correct. A copy of the record shall be retained by the transferee for three years from the date of transfer.

7 (i) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule.1402 of this  
8 Section, except for white-tailed deer fawns and elk calves, may be transferred to a captivity license for holding under  
9 the following conditions:

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

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

16 (3) For imprinted animals, the individual with the captivity license for holding shall not be the same  
17 individual that rehabilitated that specific animal.

18 (j) Rabies Species

19 (1) License holders with rabies species shall:

20 (A) certify up-to-date rabies immunization in accordance with current Advisory Committee  
21 on Immunization Practices of the Centers for Disease Control and Prevention at  
22 www.CDC.gov for any staff member or volunteer who may come in contact with rabies  
23 species. Proof of immunization to demonstrate that the vaccine was administered shall be  
24 provided upon request of the Commission and shall be kept at the license holder's  
25 facility;

26 (B) provide the name and contact information of a North Carolina licensed veterinarian with  
27 whom the license holder has consulted and who agrees to provide necessary medical  
28 treatment to the rabies species. Contact information for the veterinarian shall be posted at  
29 the facility where the rabies species are being held;

30 (C) certify notification to the appropriate animal control authority and their local health  
31 department prior to making application to the Commission, to inform them of their  
32 anticipated activities and location. Contact information for these agencies shall be posted  
33 at the facility where the rabies species are being held;

34 (D) have separate facilitiesenclosures from non-rabies species. Enclosures within the facility  
35 shall prevent escape of the animal and exposure to people, pets, livestock and other  
36 captive or free-ranging wildlife. Exterior caging Enclosures shall be locked and

1 surrounded by ~~double fencing or a solid wall~~ a secondary barrier to prevent unauthorized  
2 contact with the public; and

3 (E) coordinate with appropriate local health department regarding euthanasia and testing of  
4 rabies species. Written protocols for testing shall be posted at the facility and made  
5 available for inspection by the Commission upon request.

6 (2) All rabies species shall be considered potentially infected with the rabies virus. If any human or  
7 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain  
8 and spinal cord, or brain and spinal cord material from any rabies species, he or she shall contact  
9 the local health department immediately to report the incident. The local health department may  
10 require euthanasia of the animal and submission of the brain for rabies testing. License holders  
11 shall abide by all requests made by authorized public health department personnel, animal control,  
12 or Commission personnel regarding disposition of the animal. No rabies species that has scratched  
13 or bitten a human or domestic animal or dies in captivity can be disposed of until the local Health  
14 Department investigates the situation to determine if testing is necessary.

15 (k) Black Bear:

16 (1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license may be issued for a black  
17 bear, except to:

18 (A) a publicly operated zoo;

19 (B) an educational institution; or

20 (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule  
21 .1404(e) of this Section.

22 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall  
23 transport black bear for any purpose without first obtaining a transportation permit from the  
24 Commission.

25 (l) Cougar:

26 (1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:

27 (A) a publicly operated zoo;

28 (B) an educational or scientific institution; or

29 (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule  
30 .1404(f) of this Section.

31 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall  
32 transport cougar for any purpose without first obtaining a transportation permit from the  
33 Commission.

34 (m) Non-Farmed Cervids:

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

- 1           (2) The following conditions shall apply to non-farmed cervid licenses issued prior to September 30,  
2           2015:
- 3           (A) no reproduction within the existing herd;
- 4           (B) no new non-farmed cervids shall be added to the existing herd from the wild or from farmed  
5           cervids held under the North Carolina Department of Agriculture and Consumer Services  
6           farmed cervid program;
- 7           (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission  
8           within one hour of discovery. The license holder shall request a permit to take the escaped  
9           non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted  
10           by the license holder to a North Carolina Department of Agriculture (NCDA) approved  
11           laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines  
12           that the risk of CWD transmission as a result of this escape is negligible;
- 13           (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the  
14           facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at  
15           www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.  
16           All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD;
- 17           (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be  
18           submitted by the license holder to a NCDA approved laboratory and tested for CWD within  
19           48 hours of knowledge of the cervid's death, or by the end of the next business day,  
20           whichever is later. The Commission-issued ear tag shall not be removed from the cervid's  
21           head prior to submitting the head for CWD testing;
- 22           (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by  
23           the Commission available for inspection by the Commission upon request, during the  
24           facility's business hours, or at any time an outbreak of CWD is suspected or confirmed  
25           within five miles of the facility or within the facility itself;
- 26           (G) the license holder shall make all licensed facilities, enclosures, and the record-book(s)  
27           documenting required monitoring of the outer fence of the enclosure(s) at each licensed  
28           facility available for inspection by the Commission upon request, during the facility's  
29           business hours, or at any time an outbreak of CWD is suspected or confirmed within five  
30           miles of the facility or within the facility itself;
- 31           (H) the fence surrounding the enclosure shall be inspected by the license holder once a week  
32           to verify its stability and to detect the existence of any conditions or activities that threaten  
33           its stability. In the event of severe weather or any other condition that presents potential for  
34           damage to the fence, inspection shall occur every three hours until cessation of the  
35           threatening condition, except that no inspection is required under circumstances that  
36           threaten the safety of the person conducting the inspection and inspections shall resume as  
37           soon as possible.

1 (i) a record-book shall be maintained to record the time and date of each inspection  
2 of the fence, the name of the person who performed the inspection of the fence,  
3 and the condition of the fence at time of inspection. The person who performs the  
4 inspection shall enter the date and time of detection and the location of any  
5 damage threatening the stability of the fence. If the fence is damaged, the license  
6 holder shall record a description of measures taken to prevent ingress or egress by  
7 non-farmed cervids. Each record-book entry shall bear the signature or initials of  
8 the license holder attesting to the veracity of the entry. The record-book shall be  
9 made available for inspection by a representative of the Commission upon  
10 request, or during the facility's business hours; and

11 (ii) any opening or passage through the enclosure fence shall, within one hour of  
12 detection, be sealed or otherwise secured to prevent a non-farmed cervid from  
13 entry or escape. Any damage to the enclosure fence that threatens its stability shall  
14 be repaired within one week of detection;

15 (I) each non-farmed cervid held under this license shall be tagged as follows:

16 (i) a single button ear tag provided by the Commission shall be permanently affixed  
17 by the license holder onto either the right or left ear of each non-farmed cervid,  
18 provided that the ear chosen to bear the button tag shall not also bear a bangle tag,  
19 so that each ear of the cervid bears only one tag;

20 (ii) a single bangle ear tag provided by the Commission shall be permanently affixed  
21 by the license holder onto the right or left ear of each non-farmed cervid, provided  
22 that the ear bearing the bangle tag does not also bear the button tag; and

23 (iii) once a tag is affixed in the manner required by this Rule, it shall not be removed;

24 (J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant  
25 for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for  
26 slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary  
27 medical facility for treatment provided that the animal for which the permit is issued does  
28 not exhibit clinical symptoms of CWD. Application for a transportation permit shall be  
29 made to the Commission by completing and submitting the non-farmed cervid  
30 transportation form detailed in Rule .1406 of this Section. Any person transporting a non-  
31 farmed cervid shall present the transportation permit to any law enforcement officer or  
32 representative of the Commission upon request, except that a person transporting a non-  
33 farmed cervid by verbal authorization for veterinary treatment shall provide the name of  
34 the person who issued the approval to any law enforcement officer or representative of the  
35 Commission upon request.

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

2  
3 (a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for  
4 holding:

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

7 (A) water: clean drinking water shall be provided. All pools, tanks, water areas, and water  
8 containers provided for swimming, wading, or drinking shall be clean. Enclosures shall  
9 provide drainage for surface water and runoff;

10 (B) sanitation: water disposal and waste disposal shall be in accordance with all applicable  
11 local, State, and federal laws;

12 (C) food: food shall be of a type and quantity that is appropriate for the particular species and  
13 shall be provided in an unspoiled and uncontaminated condition; and

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

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

18 (A) all enclosures constructed of chain link or other approved materials shall be braced and  
19 securely anchored;

20 (B) enclosures shall be ventilated;

21 (C) enclosures with a natural substrate shall have a dig barrier that prevents escape;

22 (D) the young of any animal may be kept with the parent or foster animal of the same species  
23 in a single-animal enclosure until weaning. After weaning, if the animals are kept together,  
24 the requirements for multiple-animal enclosures shall apply;

25 (E) chains or tethers shall not be used as a method of confinement for wild animals inside the  
26 enclosure;

27 (F) each enclosure shall be equipped with at least one shelter, nest box, or den large enough to  
28 accommodate all animals in the enclosure at the same time; and

29 (G) each enclosure shall have at least one elevated area large enough to accommodate all  
30 animals in the enclosure at the same time.

31 (3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or  
32 dimensional equivalents:

<u>Animal</u>	<u>Length (ft.)</u>	<u>Width (ft.)</u>	<u>Height (ft.)</u>	<u>Total Square Footage</u>
<u>Wild Turkey</u>	<u>6</u>	<u>4</u>	<u>8</u>	<u>24</u>
<u>Coyote</u>	<u>8</u>	<u>8</u>	<u>6</u>	<u>64</u>
<u>Fox (Red and Gray)</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Raccoon</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Bobcat</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>

<u>Otter</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>
<u>Squirrel</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>8</u>
<u>Groundhog</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Rabbit</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Opossum</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Skunk</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Armadillo</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>48</u>

For animals not mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least two times nose-rump length of the animal. The vertical dimensions shall be at least two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or eight square feet.

- (4) The minimum square footage for multiple animal enclosures shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

(b) Non-farmed Cervids.

- (1) the minimum size of the enclosure shall not be less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal. No more than 25 percent of the enclosure shall be covered with water;
- (2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;
- (3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and
- (4) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been approved to hold cervids by the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.

(c) Alligators.

- (1) the minimum size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions at least as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land area;
- (2) the enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall prevent contact between the observer and alligator(s);
- (3) in addition to the land area, the enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid;
- (4) steps shall be taken to provide opportunities for the alligator to regulate its body temperature;

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

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

6 (d) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is built to the  
7 standards specified below and permitted by the U.S. Fish and Wildlife Service.

8           (1) enclosures for raptors shall be built to standards detailed in the University of Minnesota’s “Raptors  
9           in Captivity: Guidelines for Care and Management.”

10          (2) enclosure for all other wild birds shall be designed using the standards established by the National  
11          Wildlife Rehabilitators Association’s “Wildlife in Education: A Guide for the Care and Use of  
12          Program Animals.”

13 (e) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions  
14 shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-  
15 11.

16 (f) Cougar. Cougars held in captivity by facilities other than publicly operated zoos, educational, or scientific research  
17 institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of  
18 G.S. 113-272.5(e)(4).

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

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

5 (b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's  
6 captivity license, if the license holder violates any provision of Article 47 of Chapter 14 of the North Carolina General  
7 Statutes, or Subchapter IV of Chapter 113 of the North Carolina General Statutes, or any Rules promulgated by the  
8 Commission of Chapter 10 of the North Carolina Administrative Code or any conditions of the license. The  
9 determination whether to warn, cite, or revoke a captivity license for rehabilitation or holding shall be based upon the  
10 seriousness of the violation, and may include:

11 (1) Failing to provide required facilities for the housing of wild animals and wild birds as specified in  
12 Rule .1402(g) and Rule .1404 of this Section;

13 (2) Providing false or inaccurate information on license applications or reports submitted to the  
14 Commission;

15 (3) Possessing wild animals or wild birds not permitted by the captivity license for rehabilitation, or the  
16 captivity license for holding;

17 (4) Using animals undergoing rehabilitation for education, exhibition, profit, or science involving  
18 contact with or proximity to the public;

19 (5) Failing to comply with monitoring or record-keeping requirements as provided by the rules of this  
20 Section;

21 (6) Taming, imprinting, or otherwise improperly handling animals held for rehabilitation;

22 (7) Failing to treat conditions that warrant medical attention;

23 (8) Failing to notify the appropriate agencies after a rabies exposure as described in this Section;

24 (9) Allowing a wild animal held under a captivity license for holding to roam free unrestrained outside  
25 of its enclosure; or

26 (10) The license holder of a facility holding captive cervid(s) failing to:

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

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

30 (c) An individual holding a captivity license for rehabilitation with the apprentice designation shall notify the  
31 Commission within 10 business days if they no longer have a mentor. The apprentice shall obtain another mentor  
32 within 30 days and notify the Commission with that individuals information. If the apprentice fails to obtain another  
33 mentor within 60 days, the Commission shall revoke his or her license and he or she shall be required to reapply for  
34 an apprentice license.

35 (d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for  
36 rehabilitation or holding, then the Commission may seize and determine future treatment of the wild animal or wild  
37 bird, to include release, relocation, or euthanasia.

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

4 (1) The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for  
5 Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next  
6 business day, whichever is later, as provided by Rule .1403(m) in this Section;

7 (2) A cervid has been transported without a permit; or

8 (3) Chronic Wasting Disease has been confirmed in a cervid at that facility.

9

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

2  
3 (a) Individuals interested in obtaining a captivity license for rehabilitation shall apply to the Commission using the  
4 Captivity License for Rehabilitation Form available at [www.ncwildlife.org](http://www.ncwildlife.org). Information required by the applicant  
5 shall include:

- 6 (1) The applicant's name, mailing address, residence address, telephone number, and date of birth;  
7 (2) The facility site address;  
8 (3) Any organizational affiliation, if applicable;  
9 (4) The categories of wild animals and wild birds to be rehabilitated;  
10 (5) A copy of a valid Federal Migratory Bird Permit, if applicable;  
11 (6) The name and signature of mentor, if applicable; and  
12 (7) Certification of at least 12 hours of rehabilitation related training, if applicable.

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

- 15 (1) The Applicant's name, mailing address, residence address, telephone number, and date of birth;  
16 (2) The facility site address;  
17 (3) Any organizational affiliation, if applicable;  
18 (4) The species information including quantity and source for all animals to be held; and  
19 (5) The purpose for holding animals in captivity.

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

- 23 (1) The applicant's name, mailing address, residence address, and telephone number;  
24 (2) The facility site address;  
25 (3) The captivity license number;  
26 (4) The species and sex of each non-farmed cervid transported;  
27 (5) The tag number(s) for each non-farmed cervid transported;  
28 (6) The date of transportation;  
29 (7) The vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to  
30 transport the non-farmed cervid;  
31 (8) The name, address, county and phone number of the destination facility to which the non-farmed  
32 cervid will be transported;  
33 (9) The symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;  
34 (10) The date of slaughter, if applicable;  
35 (11) The name and location of the North Carolina Department of Agriculture Diagnostic lab where the  
36 head of the non-farmed cervid is to be submitted for CWD testing, if applicable.

1 (d) Individuals rehabilitating white-tailed deer fawns or elk calves shall record the following information on the White-  
2 tailed Deer Fawn / Elk Calf Rehabilitation Activity Form available at [www.ncwildlife.org](http://www.ncwildlife.org):

- 3 (1) The captivity license number;
- 4 (2) The date of acceptance;
- 5 (3) The species and sex;
- 6 (4) The Tag number;
- 7 (5) The disposition; and
- 8 (6) The date and location of release, if applicable.

9 (e) Individuals rehabilitating rabies species shall record the following information on the Rabies Species Rehabilitation  
10 Activity Form available at [www.ncwildlife.org](http://www.ncwildlife.org):

- 11 (1) The captivity license number;
- 12 (2) The date of acceptance;
- 13 (3) The species and sex;
- 14 (4) The location of origin, if known; \_\_\_\_\_
- 15 (5) The disposition; and
- 16 (6) The date of transfer to other appropriately licensed captivity license holder, if applicable; or
- 17 (7) The date and location of release, if applicable.

18 (f) Individuals holding species under a Captivity License for Holding, for educational and exhibition purposes shall  
19 record the following information on the Captivity License for Holding Education and Exhibition Form available at  
20 [www.ncwildlife.org](http://www.ncwildlife.org):

- 21 (1) The captivity license number;
- 22 (2) The date of educational or exhibition activity;
- 23 (3) The species and numbers of wild animals or wild birds used in the educational or exhibition activity;
- 24 (4) The organization or group involved in the educational or exhibition activity; and
- 25 (5) The description of educational or exhibition activity, if applicable;

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

# EXHIBIT I - 1

July 18, 2019



## Summary of Public Comments on Proposed Changes to 10B .0106 – Wildlife Taken for Depredations

<i>Regulation</i>	<i>Proposed Text</i>	<i>Comment Text</i>
10B .0106	Streamlines administrative processes and aligns various business practices. Amendments will also remove barriers to becoming a wildlife damage control agent; create a testing requirement that is aligned with other Commission testing requirements; and allow animal control officers to take wild animals exhibiting signs of rabies when acting in their official capacity.	The public comment period for 15A NCAC 10B .0106 was open from 3/15/2019 to 5/14/2019. During this period, no comments were received.

# EXHIBIT I-2

July 18, 2019



## Proposed Changes to 10B .0106 – Wildlife Taken for Depredations Recommended by Agency Staff for Final Adoption

The proposed rule changes include the following:

- Allow the Executive Director to designate staff to issue depredation permits for Special Concern species and alligators.
- Allow cities to submit their application for depredation permits to agency staff, not specifically the Executive Director.
- Specify the types of violations that would prohibit an individual from applying to become a Wildlife Damage Control Agent (WDCA) and establish a time frame on which those violations would impact an individual's ability to be approved as a WDCA.
- Modify the passing test score requirement from 85% to 80%.
- Allow agency staff, in addition to the Executive Director and agents, to authorize the use of bait for trapping under a depredation permit if necessary.
- Remove the requirement for Animal Control Officers (ACO) and those acting in the official capacity as an Animal Control Officer to obtain a depredation permit when taking wild animals exhibiting obvious signs of rabies, unprovoked aggression, or that are suspected to be rabid.

### Justification:

The changes that are proposed will streamline administrative processes and align rule with current business practices; remove barriers that prohibit individuals with minor wildlife violations from becoming a WDCA; create a reasonable testing requirement that aligns with other WRC testing requirements; and remove barriers for Animal Control Officers (ACO) acting in an official capacity, to take wild animals exhibiting signs of rabies.

*15A NCAC 10B .0106 (pages 2-5)*

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

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

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

17 (1) for taking wildlife that is or has been damaging or destroying ~~property~~ property, provided there is  
18 evidence of property damage. No permit may be issued for the taking of ~~any~~ migratory birds and  
19 other federally-protected animals unless a ~~corresponding~~ corresponding, valid U.S. Fish and  
20 Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to  
21 this Rule shall name the species allowed to be taken and may ~~contain~~ include limitations as to age,  
22 sex, ~~or any other condition, such as~~ type of depredation, location of animal or damage, and local  
23 ~~laws, within the species so named.~~ laws. The permit shall be issued to a landholder or an authorized  
24 representative of a unit of local government for depredations on public ~~property; and the~~ property.  
25 The permit shall be used only by individuals named on the permit.

26 (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources  
27 present a danger to human safety. ~~Cities~~ Cities, as defined in G.S. ~~160A-1(2)~~ 160A-1(2), seeking  
28 ~~such~~ a depredation permit pursuant to these circumstance shall apply to the ~~Executive Director~~  
29 Commission using ~~a form supplied by the Commission requesting an application available from the~~  
30 Commission. The application shall include the following information:

- 31 (A) the name and location of the city;  
32 (B) the acreage of the affected property;  
33 (C) a map of the affected property;  
34 (D) the signature of an authorized city representative;  
35 (E) the nature of the overabundance or the threat to public safety; and  
36 (F) a description of previous actions taken by the city to ameliorate the problem.

1 ~~(b)~~ (c) Wildlife Damage Control ~~Agents: Agents.~~ Upon completion of a training course designed for the purpose of  
2 reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and  
3 demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual ~~with no~~  
4 ~~record of wildlife law violations~~ that, within the last five years, has not been convicted of a wildlife misdemeanor as  
5 specified in G.S. 113-294 that resulted in a license suspension or revocation may apply to the ~~Wildlife Resources~~  
6 Commission ~~(Commission)~~ to become a ~~Wildlife Damage Control Agent (WDCA).~~ WDCA. Those ~~persons~~  
7 individuals who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing  
8 score of ~~85~~ 80 percent or better on a written examination provided by a representative of the ~~Wildlife Resources~~  
9 Commission, in cooperation with the training course provider, shall be approved. Those ~~persons~~ individuals failing  
10 to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those ~~persons~~  
11 individuals approved as agents by the Commission may then issue depredation permits for depredation as defined in  
12 Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs  
13 may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game  
14 animals; bats; or any species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104,  
15 and .0105 of this Chapter. WDCAs shall annually report to the ~~Wildlife Resources~~ Commission the number and  
16 disposition of animals ~~taken, by county, annually.~~ by county. Records shall be available for inspection by a ~~Wildlife~~  
17 ~~Enforcement~~ wildlife enforcement officer at any time during ~~normal business hours.~~ ~~These business hours are the~~  
18 posted business hours of the Commission at ncwildlife.org. ~~WDCA status shall be revoked at any time by the~~ The  
19 Executive Director shall revoke WDCA status when there is evidence of violations of wildlife laws, failure to report,  
20 or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or  
21 her investigations and control services. ~~In order to maintain a knowledge of current laws, rules, and techniques, each~~  
22 Each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one  
23 training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane  
24 wildlife handling techniques within the previous 12 months or agency approved continuing education credits.

25 ~~(c)~~ (d) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer  
26 valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be  
27 retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources  
28 under the authority of a depredation permit shall comply with the conditions written on the permit and the requirements  
29 specified in this Rule.

30 ~~(d)~~ (e) Manner of Taking:

31 (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to  
32 property may, during the open season on the species, be taken by the landholder by any lawful  
33 method. During the closed season, such depredating wildlife may be taken without a permit only  
34 by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.

35 (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method  
36 or methods authorized by the permit. When trapping is authorized, in order to limit the taking to  
37 the intended purpose, the permit may specify a reasonable distance from the property sought to be



1 protected, ~~according to the particular circumstances,~~ within which the traps shall be set. The  
2 Executive ~~Director~~ Director, Commission employee, or agent may also ~~state~~ state, in a permit  
3 authorizing ~~trapping~~ trapping, whether or not bait may be used and the type of ~~bait, if any, bait~~ that  
4 is authorized based upon factors such as type of depredation, locations of animal or damage, and  
5 local laws. In addition to any trapping restrictions that may be contained in the permit, the method  
6 of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6  
7 and other local laws passed by the General Assembly. No depredation permit shall authorize the  
8 use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North  
9 Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S.  
10 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of  
11 wildlife by any method by any landholder upon the lands of another except when the individual is  
12 listed as a second party on a depredation permit.

- 13 (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, to  
14 intentionally ~~to~~ wound a wild animal in a manner so as not to cause its immediate death as suddenly  
15 and humanely as the circumstances permit.

16 ~~(e)~~ (f) Disposition of Wildlife Taken:

- 17 (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife  
18 killed without a permit while committing depredations shall be buried or otherwise disposed of in a  
19 safe and sanitary manner on the property. Wildlife killed under a depredation permit may be  
20 transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals  
21 being transported under a depredation permit shall have the depredation permit in his or her  
22 possession. Except as provided by Subparagraphs (e)(2) through (5) of this Rule, all wildlife killed  
23 under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- 24 (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder  
25 for consumption but shall not be transported from the property where the depredations took place  
26 without a valid depredation permit. The landholder may give a second party the edible portions of  
27 the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall  
28 hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head,  
29 hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or  
30 turned over to a wildlife enforcement officer for disposition.
- 31 (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph  
32 (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B  
33 .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- 34 (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for  
35 taking such furbearing animal for control of depredations to property, whether with or without a  
36 permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt

1 for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be  
2 sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

3 (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and  
4 beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely  
5 handle the euthanasia or released on the property where captured. Feral swine shall be euthanized  
6 while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the  
7 animal shall be euthanized or released on property with permission of the landowner. When the  
8 relocation site is public property, written permission shall be obtained from ~~an appropriate~~ the local,  
9 ~~state, State,~~ or federal official authorized to manage the property before any animal may be released.  
10 Animals transported or held for euthanasia shall be euthanized within 12 hours of capture. Anyone  
11 in possession of live animals being transported for relocation or euthanasia under a depredation  
12 permit shall have the depredation permit in his or her possession.

13 ~~(f)(g)~~ Reporting Requirements. Any landholder who kills an alligator; ~~a coyote~~ coyote, in the counties of Beaufort,  
14 Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit  
15 shall report ~~such~~ the kill on the form provided with the ~~permit~~ permit, including the number and species of animal(s)  
16 killed, and ~~mail~~ submit the form upon the expiration date of the depredation permit to the Wildlife Resources  
17 Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington  
18 shall report ~~such kill as directed~~ the kill, including the number of coyotes killed, on the form provided with the  
19 depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare,  
20 Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources  
21 Commission within 24 hours following the time of such killing.

22 (h) Exemption for Animal Control Officers. Animal Control Officers, as defined by G.S. 130A-184(1) and when in  
23 the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- 24 (1) Exhibit visible signs of rabies;  
25 (2) Exhibit unprovoked aggression that may be associated with rabies;  
26 (3) Are suspected to be rabid; or  
27 (4) Have exposed or potentially exposed humans, pets, or livestock to rabies.

# EXHIBIT J

July 18, 2019



## FINAL ADOPTION WATER SAFETY RULE TECHNICAL AMENDMENT - 15A NCAC 10F .0370 ROCKY MOUNT MILLPOND DAM SAFETY ZONE

When 15A NCAC 10F .0370 was adopted by the WRC in 2004, the intention of the City of Rocky Mount was to have the waters of the Tar River beginning west of the Falls Road bridge on N.C. Highway 43 N and ending at the Rocky Mount Millpond Dam designated as a *safety zone*. In 2003 three rafters had to be rescued by multiple rescue and law enforcement agencies and the U.S. Marine Corps, at an expense of more than \$10,000 after they intentionally rafted over the Rocky Mount Millpond Dam and became trapped in the hydraulics. The rule adopted in 2004 prohibits all access to the waters around the dam and mill by swimmers, vessels, and floating objects except by consent of the City of Rocky Mount, for maintenance and repair of facilities associated with the dam and mill. The City of Rocky Mount was designated as the entity responsible for placement and maintenance of all markers around the zone.

When the water safety rule for the City of Rocky Mount was amended as part of the Periodic Review of Rules, the description of the mill dam on the Tar River was clarified, coordinates were added, and the City of Rocky Mount mistakenly was removed as the entity responsible for placement and maintenance of markers. Staff has learned that the designation of the Rocky Mount rule as a *no-wake zone rule* is incorrect and that it should be a safety zone.

Notice of Text for a technical correction to 15A NCAC 10F .0370 to correct the designation of this water safety rule from a no-wake zone to a safety zone and to restore maintenance of markers for the safety zone to the City of Rocky Mount, was published in the *NC Register* with one public hearing on May 1, 2019 and an open comment period. There were no attendees at the public hearing and no comments were received.

Staff recommends final adoption of the Safety Zone. Upon adoption the Rule will be considered by the Rules Review Commission. With its approval, the earliest effective date of the Rule will be September 1, 2019.

15A NCAC 10F .0370    **CITY OF ROCKY MOUNT MOUNT – ROCKY MOUNT MILLPOND DAM**  
**SAFETY ZONE**

(a) ~~Regulated Areas. Area. This Rule shall apply to the~~ The waters of the Tar River shore to shore, beginning up at the N.C. Highway Bridge on Peachtree Street, eastward 100 yards and ending at the Rocky Mount Mill Dam, west of the Falls Road bridge on N.C. Highway 48/43 BUS at a point at 35.96016 N, 77.80447 W, extending eastward and ending at the Rocky Mount Millpond Dam and associated abutments and structures, shall be a designated safety zone. Access by swimming or entry of a person in or upon a vessel or any floating object shall be prohibited within the safety zone.

~~(b) Swimming or boating. No swimming or other entry of a person in or upon a boat, raft, or other floating object shall be permitted within the exclusionary zone established in Paragraph (a) of this Rule.~~

~~(c) Paragraph (b) (a) of this Rule shall not apply to persons who, with consent of the City of Rocky Mount, require access for maintaining or repairing facilities associated with the Rocky Mount Millpond Dam Dam, abutments and structures or the Rocky Mount Mill. Mill.~~

~~(d) (c) Placement of Markers. The City of Rocky Mount shall be the designated as the entity for placement and maintenance of buoys and other signs indicating the areas in which boating and swimming are prohibited by this Rule. implementing this Rule.~~

15A NCAC 10F .0370 Safety Zone  
Rocky Mount Millpond Dam, Rocky Mount, Nash County



35.96016 N  
77.80447 W

Safety Zone

0 25 50  
Yards

# EXHIBIT K

July 18, 2019



## FINAL ADOPTION

### AMENDMENT TO 15A NCAC 10F .0339 – MCDOWELL COUNTY, LAKE JAMES

Notice of Text was published in the *North Carolina Register* on April 1, 2019 with an open comment period per the requirements of the Administrative Procedure Act, for a proposed amendment requested by McDowell County, to place a no-wake zone within 50 yards of the shoreline of the peninsula near the end of Hunt Camp Drive and Screech Owl Drive on Lake James.

One public hearing was held during the open comment period on May 1, 2019 with no attendees. During the open comment period no comments were received.

Staff recommends final adoption of 15A NCAC 10F .0339(a)(15) McDowell County by the Commission. Upon adoption, the rule will be presented for final review by the Rules Review Commission. If RRC approves, the earliest effective date of the Rule will be September 1, 2019.

**15A NCAC 10F .0339 MCDOWELL COUNTY**

(a) Regulated Areas. This Rule ~~applies~~ shall apply to the following waters ~~located~~ on Lake James in McDowell County:

- (1) the cove east of Old Wildlife Club Road, beginning at a line from a point on the northwest shore at 35.73649 N, 81.92296 W to a point on the southeast shore at 35.73595 N, 81.92194 W;
- (2) ~~these the~~ waters including coves, shore to shore in the vicinity of the Marion Moose Club property, east of ~~the~~ a line from a point on the north shore at 35.72026 N, 81.97292 W, to a point on the south shore at 35.71908 N, 81.97257 W, and south of ~~the~~ a line from a point on the west shore at 35.72214 N, 81.96807 W to a point on the east shore at 35.72305 N, 81.96642 W;
- (3) ~~Morgan Cove;~~ Cove, west and south of a line at the mouth from a point on the north shore at 35.74220 N, 81.94189 W to a point on the south shore at 35.74142 N, 81.94155 W;
- (4) ~~that area~~ within 50 yards of the shoreline at the New Manna Baptist Youth ~~Camp;~~ Camp at 880 Marina Drive in Nebo;
- (5) ~~that area~~ within 50 yards of the shoreline at ~~Burnett's Landing;~~ Burnette's Landing at 3385 Hankins Road in Marion;
- (6) the coves adjacent to Lake James State Park swimming area southeast of a line from a point on the northeast shore at 35.73402 N, 81.90450 W to a point on the southwest shore at 35.73268 N, 81.90614 W;
- (7) ~~that area~~ within 50 yards of camping areas in the Lake James State Park;
- (8) ~~that area including~~ the cove between Waterglyn Subdivision and Lakeview Shores ~~Subdivision and extending~~ Subdivision, contiguous with the waters within 50 yards of the shoreline of Lakeview Point ~~Subdivision~~ Subdivision, and within 50 yards of the boat launching ramp at the Marion Lake ~~Club;~~ Club at the end of Lake Club Lane;
- (9) Plantation Point Cove southwest of a line from a point on the north shore at 35.71672 N, 81.98065 W to a point on the south shore at 35.71616 N, 81.98010 W;
- (10) Waterglyn Subdivision ~~Cove;~~ Cove, west of Lentz Landing Lane;
- (11) within 50 yards of the boat ramp at Lake James Landing on Lake James Landing Drive, near the mouth of the North Fork of the Catawba River;
- (12) ~~that area~~ within 50 yards of the Bear Creek ~~Marina;~~ Marina at 608 Marina Drive in Nebo;
- (13) ~~the waters~~ within 50 yards of the peninsula at Waterglyn Subdivision at the end of Waterglyn Way, from the point on land east of the cove east of Old Wildlife Club Road at 35.73600 N, 81.92185 W to a point on land west of Waterglyn Subdivision Cove at 35.73549 N, 81.91900 W; ~~and~~
- (14) ~~the waters~~ within 50 yards of the ~~boat ramp in~~ Hidden ~~Cove.~~ Cove Public Boat Access at 3657 NC-126 in Nebo; and
- (15) within 50 yards of the peninsula at Old Wildlife Club Subdivision at the end of Hunt Camp Drive and Screech Owl Drive, from a point on land at 35.75171 N, 81.92186 W, southeast to a point on land at 35.74914 N, 81.91782 W.

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

(c) Restricted Swimming Areas. No person operating or responsible for the operation of any ~~vessel, surfboard or waterski~~ vessel shall permit ~~the same~~ it to enter any marked swimming area located on the ~~regulated area.~~ waters of Lake James in McDowell County.

(d) Placement of Markers. The Board of Commissioners of McDowell County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.



15A NCAC 10F .0339 (a) (15) - Proposed No Wake Zone  
Old Wildlife Club Subdivision Peninsula, Lake James, McDowell County



# EXHIBIT L

July 18, 2019



## FINAL ADOPTION

### AMENDMENT TO 15A NCAC 10F .0320 – ONSLOW COUNTY, HAMMOCKS BEACH STATE PARK

Notice of Text was published in the *North Carolina Register* on February 1, 2019 with an open comment period per the requirements of the Administrative Procedure Act, for a proposed amendment requested by Onslow County to place a no-wake zone in a portion of the Intracoastal Waterway at Hammocks Beach State Park in Swansboro.

One public hearing was held during the open comment period on March 6, 2019 with no attendees. During the open comment period no comments were received.

Staff recommends final adoption of 15A NCAC 10F .0320(a)(4) Onslow County by the Commission. Upon adoption, the rule will be presented for final review by the Rules Review Commission. If RRC approves, the earliest effective date of the Rule will be September 1, 2019.

**15A NCAC 10F .0320    ONSLOW COUNTY**

(a) Regulated Areas. This Rule shall apply to the following waters in Onslow County:

- (1) the canals in Old Settlers Beach subdivision in the Town of Surf City, east of the Onslow-Pender County line, and the waters of the approach canal from the Intracoastal Waterway between markers 53 and 57, extending south-southwest to the Onslow-Pender County line;
- (2) New River in the City of Jacksonville shore to shore, north from a line at a point on the east shore at 34.74356 N, 77.43775 W to a point on the west shore at 34.74358 N, 77.43924 W; and south from a line at a point on the east shore at 34.74695 N, 77.43719 W, to a point on the west shore at 34.74562 N, 77.44114 W; and the waters shore to shore north of the SR 1402 bridge otherwise known as the Old Bridge Street bridge and south of the U.S. Highway 17 Business bridge otherwise known as Marine Boulevard bridge; and within 50 yards of the shoreline at the Marina Café and Marina, from the U.S. Highway 17 Business bridge otherwise known as Marine Boulevard bridge to a point on the west shore at 34.75461 N, 77.43819 W; ~~and~~
- (3) Queens Creek near the boating access area at the north end of SR 1688, otherwise known as Sussex Lane in Hubert, shore to shore west of a line from a point on the south shore at 34.69881 N, 77.18884 W to a point on the north shore at 34.69949 N, 77.18880 W and south-southeast of a line from a point on the west shore at 34.70103 N, 77.19287 W to a point on the east shore at 34.70101 N, ~~77.19216 W. 77.19216 W; and~~
- (4) Intracoastal Waterway at Hammocks Beach State Park in Swansboro, from a line at a point on the north shore west of the passenger ferry dock at 34.66967 N, 77.14454 W, south to a point on an unnamed island at 34.66823 N, 77.14459 W, eastward 520 yards to a line from a point on the north shore east of the public boat ramp and maintenance area at 34.67023 N, 77.13934 W, south to a point on an unnamed island at 34.66916 N, 77.13962 W.

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

(c) Placement of Markers. The Board of Commissioners of Onslow County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

15A NCAC 10F .0320 (a) (4) - No Wake Zone - Proposed  
Hammocks Beach State Park, Intracoastal Waterway, Onslow County



# EXHIBIT M

July 18, 2019



## **FINAL ADOPTION – TECHNICAL CORRECTION 15A NCAC 10F .0307 – LAKE NORMAN, IREDELL COUNTY**

Notice of Text was published in the *NC Register* on February 1, 2019 with one public hearing and an open comment period, to correct the coordinates of the small cove north of the inlet of Hager Creek on Lake Norman in Iredell County.

The public hearing was held on March 6, 2019 in Raleigh, NC with no attendees. During the open comment period no comments were received.

Staff recommends final adoption by the Commission of the technical correction to 15A NCAC 10F .0307(a)(3) - Iredell County. Upon adoption, the rule will be presented for final review by the Rules Review Commission. If RRC approves, the earliest effective date of the Rule will be September 1, 2019.

**15A NCAC 10F .0307 CATAWBA, IREDELL, LINCOLN, AND MECKLENBURG COUNTIES**

(a) Regulated Area. This Rule shall apply to Lake Norman in Catawba, Iredell, Lincoln, and Mecklenburg counties:

- (1) within 50 yards of the shoreline at Jetton Park in Mecklenburg County, from a point on the west side of the park at 35.47082 N, 80.90427 W, south and around the point at 35.46703 N, 80.90360 W, then northeast to a point at 35.47262 N, 80.89727 W;
- (2) Bluff Point Cove in Cornelius shore to shore, east of a line from a point 50 yards west of the south shore of the cove mouth at 35.45327 N, 80.89520 W to a point 50 yards west of the north shore of the cove mouth at 35.45487 N, 80.89440 W; and
- (3) the cove immediately north of the inlet of Hager Creek ~~cove~~ in Iredell County, ~~east of a line at the cove mouth from a point on the south shore at 35.55117 N, 80.95250 W to a point on the north shore of the cove mouth at 35.56162 N, 80.95230 W.~~ north of a line from a point on the north shore at 35.55760 N, 80.94730 W southwest to a point on the island at the inlet of Hager Creek at 35.55695 N, 80.94971 W, and east of a line from the same point on the island northwest to a point on the north shore at 35.55754 N, 80.95029 W.

(b) Speed Limit. No person shall operate a vessel at greater than no wake speed within the regulated areas described in Paragraph (a) of this Rule and as set forth in ~~G.S. 75A-14.1.~~ G.S. 75A – 14.1, which is specific to the waters of Lake Norman.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked swimming area on the waters of Lake Norman.

(d) Placement and Maintenance of Markers. The Lake Norman Marine Commission shall be the designated agency for placement and maintenance of navigational aids and regulatory markers on the waters of Lake Norman.

15A NCAC 10F .0307 (a) (3) - No Wake Zone  
Cove, Hager Creek, Lake Norman - Iredell County





**Fiscal Note Review of  
Proposed Wildlife Resources Commission No-Wake Zone Rule  
15A NCAC 10F .0336 – Northampton and Warren counties**

Contact: Betsy Haywood, No Wake Zone Coordinator  
1701 Mail Service Center  
Raleigh, N.C. 27699-1701  
(919) 707-0013  
betsy.haywood@ncwildlife.org

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

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

**Background:** The proposed permanent amendment to 15A NCAC 10F .0336 – Northampton and Warren counties (APPENDIX 1) will codify in the NCAC a no-wake zone in the waters of Jimmies Creek on Lake Gaston, in Northampton County.

Northampton County applied for rulemaking to mitigate hazards to boater safety in the portion of Jimmies Creek north of an island surrounded by shallow water, barely submerged rocks, and two prongs of Jimmies Creek. Both prongs are narrow, shallow, and heavily populated with multiple docks.

Northampton County will mark the no-wake zone at an estimated cost of \$716.00. The County will purchase two no-wake buoys and anchors at a cost of \$600.00 (\$300.00 per buoy). Two technicians will spend two hours each (\$29.00/hr x 2 technicians x 2 hours each\* = \$116.00).



**State Impact Analysis:** The WRC will assume responsibility for marker maintenance/replacement. In general, replacement is only required when a marker is missing or has been damaged, as markers typically last 5 – 10 years. Thus, the agency expects only minimal fiscal impacts due to the proposed amendment. The agency could incur a cost of \$416.00 per year if replacement of one marker is necessary: [ $\$300/\text{marker} \times 1 \text{ marker}/\text{year}$ ] =  $\$300.00/\text{year}$  + [ $\$29/\text{hr}^* \times 2 \text{ techs} = \$58.00 \times 2 \text{ hrs each}/\text{marker} = \$116.00/\text{year}$ ] =  $\$416.00/\text{year}$ ].<sup>1</sup>

**Local Impact Analysis:** Northampton County is responsible for the purchase and placement of the two markers for Jimmies Creek on Lake Gaston. No CAMA permitting is required in the non-coastal county and no permitting is required by the US Army Corps of Engineers.

**Private Impact:** The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted in the waters along this section of Jimmies Creek. However, the benefit of that restriction is increased boater safety.

**Substantial Economic Impact:** There will be no substantial economic impact to the public.

\*total compensation

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<sup>1</sup> Hourly rates for agency staff reflect total compensation for boating technician II.

# APPENDIX 1

## 15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES

(a) Regulated Area. This Rule shall apply to the waters of Lake Gaston ~~the~~ in Northampton and Warren counties.

(b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.

(c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of water:

- (1) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
- (2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.48789 N, 77.95009 W;
- (3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W;
- (4) Sixpound Creek in Warren County within 50 yards of the culvert under ~~SR 1704~~ SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W; ~~and~~
- (5) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, ~~77.91187 W~~, 77.91187 W; ~~and~~
- (6) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W.

(e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of Lake Gaston in Northampton and Warren counties.

(f) Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;  
Eff. March 29, 1981;  
Amended Eff. June 1, 1994; March 1, 1993; September 1, 1989;  
Temporary Amendment Eff. March 15, 2003;  
Temporary Amendment Expired October 12, 2003;  
Amended Eff. May 1, 2014; May 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;  
Amended Eff. October 1, 2018.*

# EXHIBIT N-2

July 18, 2019



## APPLICATION FOR RULEMAKING AMENDMENT TO 15A NCAC 10F .0336 – NORTHAMPTON COUNTY, LAKE GASTON

The Wildlife Resources Commission received a formal application and Resolution from the Northampton County Board of Commissioners on June 17, 2019, requesting consideration of rulemaking for a no-wake zone within a portion of Jimmies Creek on Lake Gaston shore to shore, north of the island in the creek and including the two prongs of the creek to their end.

Northampton County agreed to purchase and place the buoys necessary to mark the no-wake zone. A Fiscal Note (**Exhibit N-1**) detailing the expected expense incurred by a subdivision of the State (Northampton County) as the result of rulemaking was reviewed by the Office of State Budget and Management.

Agency Enforcement has investigated the area and returned the Assessment Matrix (Attachment A). Hazards to boater safety were found including shallow water, narrow prongs of the creek with less than 20 yards between docks in some areas, obstruction of views around the island, and the presence of underwater rocks.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of an amendment to 15A NCAC 10F .0336, with an open comment period of at least 60 days and one local public hearing per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the no wake zone.

**15A NCAC 10F .0336 NORTHAMPTON AND WARREN COUNTIES**

- (a) Regulated Area. This Rule shall apply to the waters of Lake Gaston ~~the~~ in Northampton and Warren counties.
- (b) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the waters of Lake Gaston within Northampton and Warren counties.
- (c) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.
- (d) Speed Limit in specific waters. No person shall operate a vessel at greater than no-wake speed within the following bodies of water:
- (1) the cove on the north shore of Lake Gaston in Northampton County east of SR 1252 otherwise known as Vincent Lane, shore to shore from a point on the north shore at 36.51660 N, 77.82226 W to a point on the south shore at 36.51578 N, 77.82269 W;
  - (2) Big Stone House Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.48789 N, 77.95009 W;
  - (3) Songbird Creek in Warren County within 50 yards of the culvert under N.C. Highway 903 at 36.53260 N, 77.97330 W;
  - (4) Sixpound Creek in Warren County within 50 yards of the culvert under ~~SR 1701~~ SR 1704 otherwise known as Nocarva Road at 36.52950 N, 78.07283 W; ~~and~~
  - (5) Lizard Creek in Warren County within 50 yards of the culvert under SR 1362 otherwise known as Lizard Creek Road at 36.52501 N, ~~77.91187 W.~~ 77.91187 W; and
  - (6) Jimmies Creek in Northampton County shore to shore, north of a line from a point on the east shore at 36.52450 N, 77.82600 W to a point on the west shore at 36.52445 N, 77.82810 W.
- (e) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of Lake Gaston in Northampton and Warren counties.
- (f) Placement of Markers. The Boards of Commissioners of Northampton County and Warren County shall be the designated agencies for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and United States Army Corps of Engineers.

15A NCAC 10F .0336 - No Wake Zone - Proposed  
Jimmies Creek, Lake Gaston, Northampton County



# Northampton County



## RESOLUTION REQUESTING THE ESTABLISHMENT OF A NO WAKE ZONE FOR A PORTION OF JIMMIE'S CREEK, AN INLET OF LAKE GASTON WITHIN NORTHAMPTON COUNTY, NORTH CAROLINA

**WHEREAS**, the County has been contacted by residents living along Jimmie's Creek requesting the County's assistance in creating a NC Wildlife Resources Commission "No Wake Zone" for a particular section of the creek; and,

**WHEREAS**, the County seeks to establish a No Wake Zone for Jimmie's Creek for the purpose of mitigating hazards to water safety; and,

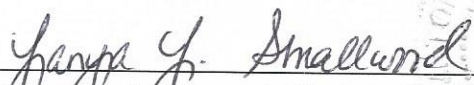
**WHEREAS**, the NC Wildlife Resources Commission is the agency responsible for establishing official No Wake Zones.

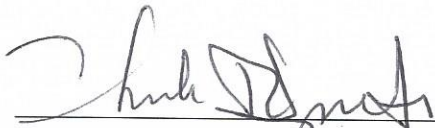
**NOW, THEREFORE**, be it resolved that the Northampton County Board of Commissioners hereby requests that a No Wake Zone be established for a portion of Jimmie's Creek beginning south of the island and including the prongs of the creek to their end.

**BE IT FURTHER RESOLVED**, that, if approved, the county will purchase signage, buoys, and/ or markings that will delineate the No Wake Zone. The county will work with the residents in the installation of the above noted items. Further, the adjacent residents will be responsible for any required maintenance of the above noted items and will also be responsible for any required environmental permitting and associated fees.

Adopted this the 17<sup>th</sup> day of June, 2019

ATTEST:

  
Tanya T. Smallwood, Clerk to the Board

  
Charles Tyner Sr., Chairman, Board of Commissioners





## NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

### SECTION 1:

Name of organization/entity: *Northampton County*

Primary contact information: *\_Nathan Pearce, Asst. County Manager 252-534-2501\_*

Exact location of requested no-wake zone:

Body of water and County: *Lake Gaston at Jimmie's Creek – Northampton County*

Location: *Henrico NC \_\_\_\_\_*

Popular name of area, if any: *prongs of Jimmie's Creek between Waterside Drive and Windward Drive, north of island \_\_\_\_\_*

Width of No-Wake Zone: Narrowest Point: \_\_\_\_\_ Widest Point: \_\_\_\_\_

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc) *narrow and shallow prongs of Jimmie's Creek with 20-40 yards between docks. Obstructed views around island and submerged rocks in narrow channel between north side of island and mainland. \_*

### **Attach map of designated no-wake zone**

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact-

*"The GPS coordinates from Google Earth are: 36° 31' 28"N 77° 49' 35"W. Ideally, a NO WAKE buoy would be most beneficial if it was placed BEFORE the small island heading into the creek. This would eliminate the danger of boats/PWCs meeting head on while traveling at high speeds."*

### **Attach detailed reason given from point of contact for the request**

*Laura Van Scoyoc and Pegi Marks, residents of Windward Shores, report that jet skis travel at high speeds within the narrow prongs of Jimmie's Creek with less than 20 yards between docks in some parts. Also jet skis and vessels race around the island that has a narrow passageway between the north shore and mainland, and submerged rocks that have reportedly been hit by vessels travelling at excessive speeds.*

ATTACHMENT A

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 is not involved with placement of NWZs on Lake Gaston. They ask to be notified after codification in the NCAC.

NO

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

**SECTION 2:**

**PUBLIC SAFETY HAZARD**

What public safety hazard exists? No obvious underwater hazards that are not marked by danger buoys. There is a small inland that could obstruct the view of the boating public.

Is this a public swimming or recreational area?

NO

YES  would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate? ROPED SWIM AREA

NO-WAKE BUOYS

**SECTION 3:**

**NAVIGATIONAL HAZARDS**

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

OBSTRUCTIONS  (Identify) An small inland that is 235 feet wide from the east shoreline to the west shoreline and 154 feet long from the north shoreline to the south shoreline, no other obvious obstructions at or around the GPS point provided.

NARROW CHANNEL  (give approximate width) At the beginning of the purposed NWZ 446 feet from dock to dock south red line on map provided. At the second red line 84 feet from dock to dock and the third red line is 52 feet from dock to dock.

SHALLOW WATER  (give average depth) At the south red line on the map provided water depth 14 feet. The second red line water depth is 8 to 7 feet. The North red line water depth is 4 to 3 feet.



ATTACHMENT A

OBSTRUCTED VISION  (for approximately how great a distance) The only vision obstruction is the small inland, the greatest distance of vision obstructing for vessels operators would be around 110 feet on the east and west side of the inland.

STRUCTURES (Check all applicable)

- |  |   |
|--|---|
| <input type="checkbox"/> DAM                     | <input type="checkbox"/> LOCK                     |
| <input type="checkbox"/> SPILLWAY                | <input type="checkbox"/> JETTY                    |
| <input type="checkbox"/> FLOOD CONTROL STRUCTURE | <input type="checkbox"/> SUBMERGED STRUCTURE      |
| <input type="checkbox"/> TRESTLE                 | <input type="checkbox"/> SANDBAR                  |
| <input type="checkbox"/> POWER LINE              | <input type="checkbox"/> SHOAL                    |
| <input type="checkbox"/> FUELING DOCK            | <input checked="" type="checkbox"/> PRIVATE DOCKS |
| <input type="checkbox"/> RESTAURANT DOCKS        | <input type="checkbox"/> BRIDGE                   |
| <input type="checkbox"/> ACCESS AREA/BOAT LAUNCH | <input type="checkbox"/> PIER                     |

OTHER (list and describe) The small inland that is 235 feet wide from the east shoreline to the west shoreline, 154 feet long from the north shoreline to the south shoreline, and is + or - 632 feet in diameter. Underwater obstructions are rocks/stumps around the inlands and one big stump at the third danger buoy. All of the obvious underwater hazards are now marked with danger buoys.

**SECTION 4:**

If approved, will the no-wake zone extend into a designated channel?

NO

YES  (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed 4.2 tenths of a mile or 731 yards.

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed unknown

**SECTION 5:**

ATTACHMENT A

List any other known incidents, safety concerns or problems that have occurred? I have never received a boating incident report in or around the proposed no-wake zone. After talking with other area 2 officers they also are unaware of any boating incidents that have occurred in the area. I have received complaints from one individual that lives beside the inland that PWC's come too close to her dock. However, area 2 officers and I have worked the proposed NWZ area multiple times this summer resulting in one observed violation (operating a PWC within 100 feet of a female on a tube or float at greater than no wake speed on the west side of the inland.) Also one boat that hit a rock around the first danger buoy on the map provided.

---

Rate traffic density in this area from light to heavy      **LIGHT** 1 2 **3** 4 5 6 7 8 9 10 **HEAVY**

Is traffic density specific to weekend/and or holidays? Yes, very little; but, some difference observed while working the area during the weekend or holidays.

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES   
NO

---

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water      **VERY UNLIKELY** 1 2 **3** 4 5 6 7 8 9 10 **MORE LIKELY**

**SECTION 6:**

**OFFICER ASSESSMENT OF WATER SAFETY HAZARDS**

YES:

NO:

Reasons: After reviewing the information provided on the No Wake Zone Matrix received, I went to the GPS point 36° 31' 28"-77° 49' 35" and the area marked in red on the map that was provided. There are now 3 danger buoys: one located at or about 400 yards south of the GPS point provided, one at or about 310 yards north of the GPS point provided and now one has been placed on the northwest corner of the inland where a large rock is submerged. From the east bank to the west bank is approximately 430 feet across that part of Jimmie's Creek. The narrowest spot in the proposed NWZ is approximately 52 feet from dock to dock. However; when you get to the North Danger Buoy, at the very back of Jimmie's Creek, the water becomes shallow and has some submerged hazards. See Map Attached.

## ATTACHMENT A

After investigation, talking to some individuals in the area and Area 2 Wildlife Officers; I have been informed that most of the people that go and come from the back of Jimmie's Creek reside in that cove. I was also informed that they might have a PWC or boat come in that portion of Jimmie's Creek at greater than no wake speed once or twice during a weekend or on holidays during the summer months. There has still been no reported property damage or incidents involving death, injury, or damage to property or vessels in the proposed No Wake Zone area in the last ten years that Area 2 officers are aware of. I still receive complaints from two homeowners and one in particular that involves PWC's coming within 100 feet of a dock at greater than no wake speed. Other Area 2 officers and I have worked the area off and on for the past five years resulting in very little activity and violations detected.

After revisiting the proposed No Wake Zone at GPS point 36° 31' 28" -77° 49' 35" in Jimmie's Creek, the distance varies from 430 feet to 52 feet from dock to dock. While working this part of Jimmie's Creek near the proposed No Wake Zone in the years passed and this year, I have not seen any congestion from boat traffic, no problems with distance from shoreline to shoreline as long as boat and PWC operators abide by State Law and NCWRC rules. However, once again the water does get shallow from the second red line on the map provided to the back of the cove. The small inland also can obstruct the boating public's view on the east and west side of the inland for a distance of 110 feet. There are also danger buoys north, south and northwest of the proposed No Wake Zone where there are underwater hazards. While working this area, I have not seen any issues with boats getting too close to one another when passing, the creek does get narrow and shallow starting at the second red line on the map provided. There is a danger buoy in place to warn the boating public of underwater hazards. One danger buoy is 310 yards north of the GPS point provided, where the water gets shallow 3 to 4 feet and the second is placed on the northwest corner of the inland where there are some underwater hazards. Danger buoys are placed or have been placed where obvious underwater hazards exist, no other obvious hazards detected, the lack of boat traffic and violations detected while working are limited.

Officer: D.A. Durham #241

Date: 8/20/2018

# EXHIBIT O

July 18, 2019



## TEMPORARY RULEMAKING REQUEST TO PROPOSE TEXT 15A NCAC 10F .0317 – STANLY COUNTY, LAKE TILLERY

The Town of Norwood in Stanly County has submitted an application for water safety rulemaking at the Boathouse and Marina located at 712 Berry Hill Drive on Lake Tillery in Stanly County. The Boathouse and Marina has fueling docks and requires a no-wake zone to mitigate hazards to boater safety for the remainder of this boating season. Permanent rulemaking will follow later. In the meantime, temporary rulemaking will provide for lawful placement of no-wake markers in September 2019.

Staff recommends approval to propose text to the Office of Administrative Hearings to start the temporary rulemaking process. One local public hearing will be held along with a public comment period of at least 15 days. This Rule will need to be adopted at the August 29, 2019 Commission meeting and should be entered into the NC Administrative Code by late September.

### 15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters ~~and portions of waters~~ described as follows:

- (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin Lake.~~
- (2) ~~Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.~~
- (2) Lake Tillery.
  - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.
  - (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood.

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

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

15A NCAC 10F .0317 (a) (2) (B) Proposed No Wake Zone  
Boathouse & Marina on Berry Hill Drive, Norwood, Stanly County



# EXHIBIT P - 1

July 18, 2019



## EMERGENCY RULEMAKING REQUESTS TO PROPOSE TEXT 15A NCAC 10F .0317 – STANLY COUNTY, LAKE TILLERY AND 15A NCAC 10F .0327 MONTGOMERY COUNTY, LAKE TILLERY

Staff recommends approval to propose text to the Office of Administrative Hearings to start the emergency rulemaking process for a no-wake zone shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge, to mitigate water safety hazards during an NC DOT bridge construction project. Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule(s) (*See G.S. 150B-21.1A*). The waters under the bridge fall within Stanly and Montgomery counties and the same text will be published in both Rules.

### 15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters described as follows:

- (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and~~ Badin Lake.
- (2) Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.

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

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

**15A NCAC 10F .0327 MONTGOMERY COUNTY**

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

(1) Badin Lake.

- (A) the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
- (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
- (C) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and
- (D) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.

(2) Lake Tillery.

- (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
- (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W;-and
- (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W.

(3) Tuckertown Reservoir.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

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

(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.

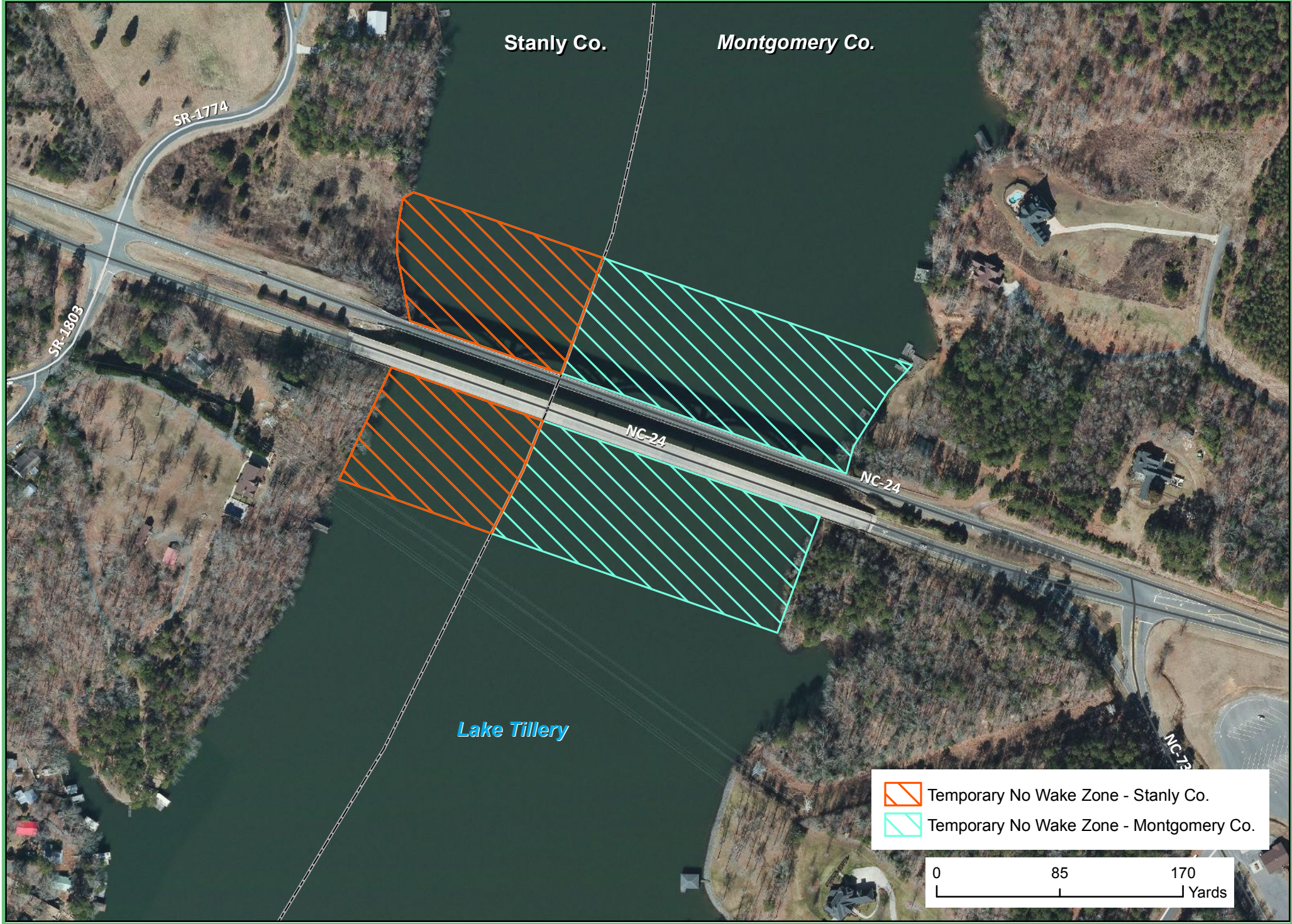
(e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (2)(A) and (B), and Subparagraph (a)(3) of this Rule.



The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.

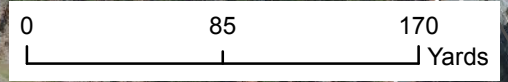
(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.



Emergency and Temporary No Wake Zone on Lake Tillery  
15A NCAC 10F .0317 - Stanly County, 15A NCAC 10F .0327 - Montgomery County



-  Temporary No Wake Zone - Stanly Co.
-  Temporary No Wake Zone - Montgomery Co.



# EXHIBIT P - 2

July 18, 2019



## TEMPORARY RULEMAKING REQUESTS TO PROPOSE TEXT 15A NCAC 10F .0317 – STANLY COUNTY, LAKE TILLERY AND 15A NCAC 10F .0327 MONTGOMERY COUNTY, LAKE TILLERY

Staff recommends approval to propose text to the Office of Administrative Hearings to start the temporary rulemaking process for a no-wake zone shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge, to mitigate water safety hazards during an NC DOT bridge construction project. Simultaneous commencement of temporary rulemaking is required when an agency adopts an emergency rule(s) (*See G.S. 150B-21.1A*). The waters under the bridge fall within Stanly and Montgomery counties and the same text will be published in both Rules.

One local public hearing will be held along with a comment period of at least 15 days. This rule will need to be adopted at the August Commission meeting and should be entered into the Code by late September.

### 15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters and portions of waters described as follows:

- (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin Lake.~~
- (2) Lake Tillery: Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.

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

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

**15A NCAC 10F .0327 MONTGOMERY COUNTY**

(a) Regulated Areas. This Rule shall apply to the waters and portions of waters described as follows:

(1) Badin Lake.

- (A) the cove west of Lakeshore Drive and east of Strand Drive, southeast of a line at the mouth of the cove from a point on the east shore at 35.49242 N, 80.09241 W to a point on the west shore at 35.49242 N, 80.09241 W;
- (B) Lake Forest Drive Cove shore to shore, west of a point 50 yards east of the fueling site at the marina at 35.48739 N, 80.10918 W;
- (C) Garr Creek shore to shore, north of a line beginning at a point on the east shore at 35.47952 N, 80.13633 W to a point on the west shore at 35.47946 N, 80.13932 W; and
- (D) the channel between Beyer's Island and the mainland, shore to shore beginning at a line from a point on Beyer's Island at 35.49102 N, 80.10221 W to a point on the mainland at 35.49230 N, 80.10241 W, ending at a line westward, from a point on Beyer's Island at 35.48988 N, 80.10573 W to a point on the mainland at 35.49077 N, 80.10702 W.

(2) Lake Tillery.

- (A) the waters within 50 yards of the boat ramp in the south end of Woodrun Cove at 35.33113 N, 80.06277 W;
- (B) Carolina Forest Cove shore to shore and the waters within 50 yards of the boat ramps and boat slips at the end of Arroyo Drive in Carolina Forest Community, from a point on the south shore at 35.36276 N, 80.05386 W, northeast to a point on the north shore at 35.36405 N, 80.05304 W;-and
- (C) Lilly's Bridge Boating Access Area shore to shore, from line 25 feet north of the SR 1110 bridge otherwise known as Lillys Bridge Road at a point on the east shore at 35.23223 N, 80.06166 W, to a point on the west shore at 35.23289 N, 80.06318 W, to a line 200 feet southwest of the Lilly's Bridge Boating Access Area, from a point on the east shore at 35.23067 N; 80.06262 W, to a point on the west shore at 35.23156 N; 80.06437 W.

(3) Tuckertown Reservoir.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

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

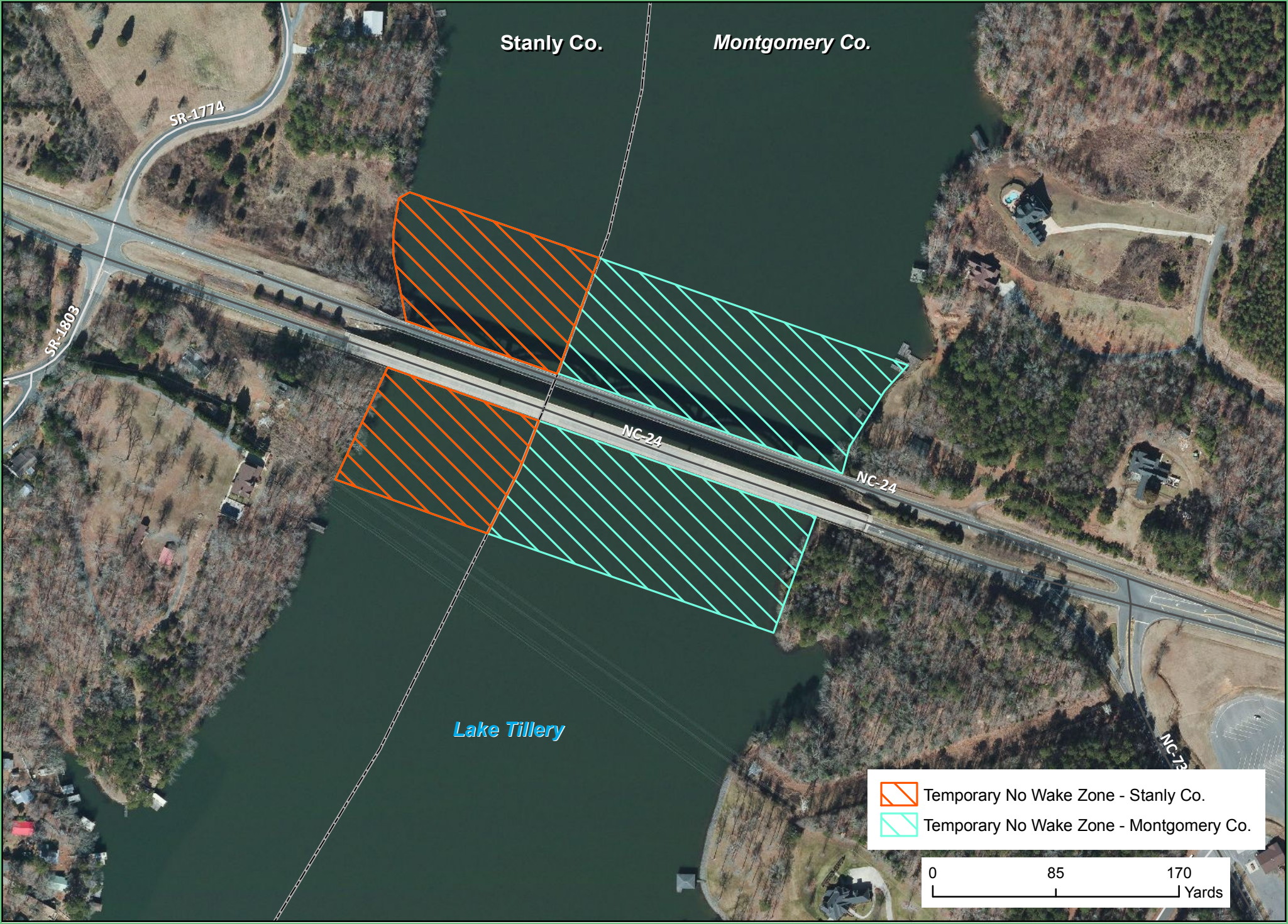
(d) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Montgomery County shall be the designated agency for placement of the markers implementing Parts (a)(1)(A), (B), (C), (2)(A) and (B), and Subparagraph (a)(3) of this Rule.

The North Carolina Wildlife Resources Commission is the designated agency for placement and maintenance of the markers implementing Part (a)(2)(C) of this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

Emergency and Temporary No Wake Zone on Lake Tillery  
15A NCAC 10F .0317 - Stanly County, 15A NCAC 10F .0327 - Montgomery County



Stanly Co.

Montgomery Co.



SR-1774

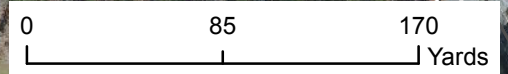
SR-1803

NC-24

NC-24

Lake Tillery

-  Temporary No Wake Zone - Stanly Co.
-  Temporary No Wake Zone - Montgomery Co.



# EXHIBIT Q - 1

July 18, 2019



## Summary of Public Comments on Proposed 15A NCAC 10A .1601 – Licenses Fees

Regulation Type	Proposed Text	Proposal	Agree	Disagree	No Position
Licenses Fees	Establishes fees in rule as required in G.S. 113-270.1B(e) and proposes a 6% increase for the hunting, fishing, trapping, and activity licenses issued and administered by the Commission.	10A.1601	19	22	4

District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	Out of State
3: Agree 1: Disagree 0: No Position	1: Agree 5: Disagree 0: No Position	3: Agree 3: Disagree 1: No Position	2: Agree 1: Disagree 1: No Position	2: Agree 1: Disagree 1: No Position	4: Agree 1: Disagree 0: No Position	0: Agree 0: Disagree 0: No Position	1: Agree 6: Disagree 1: No Position	2: Agree 2: Disagree 0: No Position	1: Agree 2: Disagree 0: No Position

**Public Comments Received for 15A NCAC 10A .1601 Licenses Fees**

Open comment period from 3/15/2019 to 5/14/2019.

<i>Residence District</i>	<i>Position</i>	<i>Comment Text</i>
District 9	Disagree	<p>I very much disagree with a license fee increase. This would be a hardship for many people.</p> <p>I would ask the Commission reject a fee increase at this time.</p>
District 2	Disagree	<p>I have a life time license so it will not affect me. However, access to private land is hard to come by and game lands in here are taken over by deer dog hunters and no one else can enjoy the public land. With all the additional stamps (bear, big game, trout, ducks) required to hunt &amp; fish the state license is already expensive and time is limited for the sports. Fix the access problems, stop deer dog hunting on our public game lands so quality hunts can be had and then ask to raise the fee.</p>
District 3	Disagree	<p>Just taking the annual sportsman's license as an example, just a few years ago it was \$40 and included the ability to hunt bears. Then in one year, it went up \$10 to \$50 and the bear hunting provision was removed (new \$10 Bear tag was added). So, in essence, the Sportsman's License went up to \$60 for residents. That was a 50% increase in one year. Now, we want to go up another 6%. I also permit hunt and this past year the fee went from \$5 to \$8. Doesn't sound like much, but that is a 60% increase and the WRC threw another \$2 fee on top of it. So, basically for one permit app, the cost went from \$5 total to \$10. WOW, a 100% increase in one year. I bet if you read this email out at a meeting, a bunch of hunters didn't even realize the costs have been going up like that.</p>
District 4	Agree	<p>I believe everyone will like the idea to either round up or down so you have an even dollar amount. This should help reduce key entry errors.</p>
Out of State	Disagree	<p>What are hunters getting for the additional 6% fee? You need to show there is a value to the hunters.</p>
District 8	Disagree	<p>We just had an increase in fees for sportsman from \$40 to \$50 I think it's too soon for another increase.</p>
District 8	Disagree	<p>Our license is expensive enough the way that it is.</p>

**Public Comments Received for 15A NCAC 10A .1601 Licenses Fees**

Open comment period from 3/15/2019 to 5/14/2019.

<i>Residence District</i>	<i>Position</i>	<i>Comment Text</i>
District 9	Agree	I agree to pay more for my hunting and fishing privilege but please keep in mind that western nc sportsman often feels that our part of the state rarely sees very little attention in most of the commissions efforts to make our hunting and fishing opportunities better. We often feel like counties that west of Buncombe County are forgotten
District 4	Disagree	I believe that the cost are fine but if you have an option to lower it I would support that without a hesitation.
District 8	Agree	If the money go to wildlife I'm all for it
District 8	Disagree	Typical North Carolina, always looking for an opportunity to get more money out of people! I wouldn't mind paying more if I knew the money was properly appropriated, but it never is, at least not from a North Carolina standpoint. Maybe NC Wildlife needs to look at budgeting and useless spending instead of asking the public for more money. Ridiculous!
Out of State	Agree	As long as funds are used for the betterment of hunting and fishing.
District 3	Agree	I agree to the 6% increase. As our lands for wildlife are getting constant pressure to being developed, I'm ok with paying a slightly higher rate.
District 3	Disagree	If the fees are to be raised the public game lands need serious improvement first.
District 2	Disagree	This is absurd! Already the state is double taxing us on game land fees. Have to buy a permit and then put in for a draw. Fees just went up. Fire somebody that ain't doing there job. Stop restricting the citizens from their right to there land. NO new fees. I want a refund!
District 5	Disagree	NC is already one of the most expensive states. Unless your objective is to slow down the amount of out of state hunters. If so, increase only out of state. NC residents already are paying enough



**Public Comments Received for 15A NCAC 10A .1601 Licenses Fees**

Open comment period from 3/15/2019 to 5/14/2019.

<i>Residence District</i>	<i>Position</i>	<i>Comment Text</i>
District 3	No Position	If this is what is absolutely necessary for the Wildlife Commission the this is what needs to be done. But please consider hunter recruitment in the state, it is hard for me to get my friends out due to the initial capital required to enter the activity is substantial. While 6% may not seem like much, it's a deterrent to those who are looking to join but may be on a budget.
District 6	Agree	I would like to specifically know what projects the extra money is going to. I understand payment of officials is the most important along with operations and facility fees. If there are any land preservation or habitat development projects I think it would be nice to have a public opinion poll such as this to allow us, the sportsmen and women, to give our suggestions and input as well. Thanks
Out of State	Disagree	I hunt from out of state and licenses are already too expensive.
District 2	Disagree	hunting/trapping license combo are by far overpriced as is. if you wan to make more on a license, let hunters by extra doe tags. i need 7-8 deer per year to feed my family. the new regs are stupid.
District 8	Disagree	I would not mind a bit if I knew what it was being used for. I travel to a lot of other states to fish. there wildlife programs are great. well above ours. I know it doesn't fall under wildlife but the state parks are well above and beyond ours. Cabins, camping areas, boat ramps. I've been to a lot of boat landings in NC and a lot do not have trash cans restrooms just a parking lot.
District 8	No Position	At first I disagreed with the increase however I understand that cost go up . My (our WRC members ) frustration is simply that no improvements seem to ever really appear yet you ask for ( or I imagine will simply inject ) an increase . Other states make us look pretty pathetic when it comes to amenities such as public boat ramps and facilities ... and deer hunting in the western end of the state to say it is bad would be a compliment yet we pander to the insurance industry and still allow a 6 deer limit . So what is the increase really for then I haven't heard you say ... ee`s pensions perhaps ? I would imagine this is a done deal ... but at least the law required you to ask our opinion that's something .
District 9	Disagree	I disagree with the increase of the sportsman license/I agree with out of state increases because I hunt s c as well /I buy bear tag yearly I don't bear hunt just so wildlife can have the extra dollars /if you want to make extra money start charging the people who ride horses /ride mnt bikes in places like dupont gamelands hunters pay fee to just get a chance too hunt there butt mite not get there hunt choice or even drawn/we need young hunters & fishermen so increase in sportsman license not the way to go

# EXHIBIT Q - 2

July 18, 2019



## **Proposed 15A NCAC 10A .1601 Licenses Fees Recommended by Agency Staff for Final Adoption.**

15A NCAC 10A .1601 moves the established hunting, fishing, trapping, and activity license fees from statute to rule and adjust fees in accordance with the Consumer Price Index for All Urban Consumers (CPI-U).

### **Justification:**

In 2013, the General Assembly passed a bill that amended G.S. 113- 270.1B(e) to provide that the Commission may adopt rules to establish fees for the hunting, fishing, trapping, and activity licenses that are issued and administered by the Commission. Also, during the 2017 session, a Special Provision was passed that authorizes WRC to increase hunting, fishing, trapping, and activity license fees by the total increase of the CPI-U over the period of time since the last fee change. Prior to this change, the increase was capped at the average increase of the CPI-U over the same period.

1 **15A NCAC 10A .1601 LICENSES FEES**

2  
3 (a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-  
4 270.1B(e).

5 (b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as  
6 set forth in G.S. 113-270.1C:

7 (1) Resident Annual Combination Hunting and Inland Fishing License - \$26.50.

8 (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$10.60.

9 (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$10.60.

10 (c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

11 (1) Annual Sportsman License - \$53.00.

12 (2) Infant Lifetime Sportsman License - \$212.00.

13 (3) Youth Lifetime Sportsman License - \$371.00.

14 (4) Adult Resident Lifetime Sportsman License - \$530.00.

15 (5) Nonresident Lifetime Sportsman License - \$1,272.00.

16 (6) Age 70 Resident Lifetime Sportsman License - \$15.90.

17 (7) Resident Disabled Veteran Lifetime Sportsman License - \$106.00.

18 (8) Resident Totally Disabled Lifetime Sportsman License - \$106.00.

19 (d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

20 (1) Resident State Hunting License - \$21.20.

21 (2) Lifetime Resident Comprehensive Hunting License - \$265.00.

22 (3) Controlled Hunting Preserve Hunting License - \$21.20.

23 (4) Resident Annual Comprehensive Hunting License - \$38.16.

24 (5) Nonresident State Hunting Licenses:

25 (A) Season License - \$84.81.

26 (B) Ten-Day License - \$63.61.

27 (e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-  
28 270.3:

29 (1) Resident Big Game Hunting License - \$13.78.

30 (2) Nonresident Bear Hunting License - \$238.52.

31 (3) Bear Management Stamp - \$10.60.

32 (4) Nonresident Big Game Hunting License:

33 (A) Season License - \$84.81.

34 (B) Ten-Day License - \$63.61.

35 (5) Bonus Antlerless Deer License - \$10.60.

36 (6) Game Land License - \$15.90.

37 (7) Falconry License - \$10.60.

- 1           (8) Migratory Waterfowl Hunting License - \$13.78.
- 2           (9) Resident American Alligator License – \$250.00.
- 3           (10) Nonresident American Alligator License – \$500.00.
- 4           (11) Resident Elk License – \$500.00.
- 5           (12) Nonresident Elk License - \$1,000.00.
- 6 (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S.
- 7 113-270.4:
- 8           (1) Resident Hunting and Fishing Guide License - \$15.90.
- 9           (2) Nonresident Hunting and Fishing Guide License - \$159.00.
- 10 (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- 11           (1) Resident State Trapping License - \$31.80.
- 12           (2) Nonresident State Trapping License - \$132.51.
- 13 (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the
- 14 Commission, as set forth in G.S. 113-271:
- 15           (1) Resident Annual Comprehensive Inland Fishing License - \$26.50.
- 16           (2) Resident State Inland Fishing License - \$21.20.
- 17           (3) Lifetime Resident Comprehensive Inland Fishing License - \$265.00.
- 18           (4) Nonresident State Inland Fishing License - \$38.16.
- 19           (5) Short-Term Inland Fishing License:
- 20                   (A) Resident 10-day Inland Fishing License - \$7.42.
- 21                   (B) Nonresident 10-day Inland Fishing License - \$19.08.
- 22           (6) Age 70 Resident Lifetime Inland Fishing License - \$15.90.
- 23           (7) Resident Disabled Veteran Lifetime Inland Fishing License - \$10.60
- 24           (8) Resident Totally Disabled Lifetime Inland Fishing License - \$10.60.
- 25           (9) Special Landholder and Guest Fishing License - \$106.00.
- 26 (i) The following fees shall apply to the Special Trout License and Mountain Heritage Trout Waters 3-day Fishing
- 27 License issued by the Commission, as set forth in G.S. 113-272:
- 28           (1) Special Trout License - \$13.78.
- 29           (2) Mountain Heritage Trout Waters 3-Day Fishing License - \$5.30.
- 30 (j) The following fees shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- 31           (1) Resident Special Device License - \$79.51.
- 32           (2) Nonresident Special Device License - \$530.00.
- 33 (k) The fee for a collection license issued by the Commission as set forth in G.S. 113-272.4 shall be \$5.30.
- 34 (l) The fee for a captivity license issued by the Commission as set forth in G.S. 113-272.5 shall be \$5.30.
- 35 (m) The following fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:
- 36           (1) Resident Fur-dealer License - \$63.61.
- 37           (2) Nonresident Fur-dealer License - \$318.00.

- 1           (3) Fur-dealer Station License - \$127.21.
- 2           (4) Controlled Hunting Preserve Operator License - \$53.01.
- 3           (5) Game Bird Propagation License - \$5.30.
- 4           (6) Furbearer Propagation License - \$26.50.
- 5           (7) Taxidermy License - \$10.60.

6 (n) The following fees shall apply to unified hunting and fishing licenses issued by the Commission, as set forth in  
7 G.S. 113-351:

- 8           (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$68.90.
- 9           (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$42.40.
- 10          (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
  - 11           (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$291.50.
  - 12           (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$477.00.
  - 13           (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
14                 \$715.50.
  - 15           (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
16                 \$1,643.00.
  - 17           (E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
18                 \$31.80.
  - 19           (F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing  
20                 License - \$116.60.
  - 21           (G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing  
22                 License - \$116.60.
- 23          (4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00.

24 (o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in  
25 G.S. 113-174.2:

- 26          (1) Annual Resident Coastal Recreational Fishing License - \$15.90.
- 27          (2) Annual Nonresident Coastal Recreational Fishing License - \$31.80.
- 28          (3) Ten-Day Resident Coastal Recreational Fishing License - \$5.30.
- 29          (4) Ten-Day Nonresident Coastal Recreational Fishing License - \$10.60.
- 30          (5) Infant Lifetime Coastal Recreational Fishing License - \$106.00.
- 31          (6) Youth Lifetime Coastal Recreational Fishing License - \$159.00.
- 32          (7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00.
- 33          (8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00.
- 34          (9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$15.90.
- 35          (10) Resident Disabled Veteran Coastal Recreational Fishing License - \$10.60.
- 36          (11) Resident Totally Disabled Coastal Recreational Fishing License - \$10.60.

37

# EXHIBIT R

July 18, 2019



## Temporary Rulemaking Request to Proposed Text 15A NCAC 10A .1601 Licenses Fees

15A NCAC 10A .1601 moves all licenses, permits, stamps, and certifications issued and administered by the Commission (except for the RCGL), and associated fees, from statute to rule and adjusts existing fees by the CPI-U in accordance with the changes in House Bill 597.

### **Justification:**

The Commission is currently awaiting the outcome of House Bill 597 (Session 2019-2020). Changes in this bill simplify license structure, increase fees of historically undervalued licenses, combine license privileges, create new licenses, establish fees for certain permits, and give the Commission the ability to round-up CPI-U increases in rule to the next whole dollar.

This temporary rule is being proposed because the status of House Bill 597 is uncertain, and staff feel that multiple iterations of fee increases would be unfair and confusing to constituents. Additionally, changes proposed in this temporary rule will help the agency maximize potential revenue.

1 15A NCAC 10A .1601 is proposed for adoption under temporary procedures as follows:

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3 **15A NCAC 10A .1601 LICENSES FEES**

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5 (a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-  
6 270.1B(e).

7 (b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as  
8 set forth in G.S. 113-270.1C:

9 (1) Resident Annual Combination Hunting and Inland Fishing License - \$35.00.

10 (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$11.00.

11 (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$11.00.

12 (c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

13 (1) Annual Sportsman License - \$53.00.

14 (2) Infant Lifetime Sportsman License - \$212.00.

15 (3) Youth Lifetime Sportsman License - \$371.00.

16 (4) Adult Resident Lifetime Sportsman License - \$530.00.

17 (5) Nonresident Lifetime Sportsman License - \$1,272.00.

18 (6) Age 70 Resident Lifetime Sportsman License - \$16.00.

19 (7) Resident Disabled Veteran Lifetime Sportsman License - \$106.00.

20 (8) Resident Totally Disabled Lifetime Sportsman License - \$106.00.

21 (d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

22 (1) Resident State Hunting License - \$25.00.

23 (2) Lifetime Resident Comprehensive Hunting License - \$265.00.

24 (3) Controlled Hunting Preserve Hunting License - \$22.00.

25 (4) Resident Annual Comprehensive Hunting License - \$39.00.

26 (5) Nonresident State Hunting Licenses:

27 (A) Season License - \$100.00.

28 (B) Ten-Day License - \$80.00.

29 (6) Falconry Hunting License - \$25.00.

30 (e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-  
31 270.3:

32 (1) Resident Big Game Hunting License - \$14.00.

33 (2) Nonresident Bear Hunting License - \$239.00.

34 (3) Bear Management Stamp - \$11.00.

35 (4) Nonresident Big Game Hunting License:

36 (A) Season License - \$100.00.

37 (B) Ten-Day License - \$80.00.

- 1           (5) Bonus Antlerless Deer License - \$11.00.
- 2           (6) Game Land License - \$16.00.
- 3           (7) Falconry License - \$11.00.
- 4           (8) Migratory Waterfowl Hunting License - \$14.00.
- 5           (9) Resident American Alligator License - \$250.00.
- 6           (10) Nonresident American Alligator License - \$500.00.
- 7           (11) Resident Elk License - \$500.00.
- 8           (12) Nonresident Elk License - \$1,000.00.
- 9 (f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S.
- 10 113-270.4:
- 11           (1) Resident Hunting and Fishing Guide License - \$16.00.
- 12           (2) Nonresident Hunting and Fishing Guide License - \$159.00.
- 13 (g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:
- 14           (1) Resident State Trapping License - \$32.00.
- 15           (2) Resident Lifetime Trapping License - \$300.00.
- 16           (3) Nonresident State Trapping License - \$133.00.
- 17 (h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the
- 18 Commission, as set forth in G.S. 113-271:
- 19           (1) Resident State Inland Fishing License - \$25.00.
- 20           (2) Lifetime Resident Comprehensive Inland Fishing License - \$265.00.
- 21           (3) Nonresident State Inland Fishing License - \$45.00.
- 22           (4) Short-Term Inland Fishing License:
- 23               (A) Resident 10-day Inland Fishing License - \$9.00.
- 24               (B) Nonresident 10-day Inland Fishing License - \$23.00.
- 25           (5) Age 70 Resident Lifetime Inland Fishing License - \$16.00.
- 26           (6) Resident Disabled Veteran Lifetime Inland Fishing License - \$11.00.
- 27           (7) Resident Totally Disabled Lifetime Inland Fishing License - \$11.00.
- 28           (8) Special Landholder and Guest Fishing License - \$106.00.
- 29           (9) Mountain Heritage Trout Waters 3-Day Fishing License - \$8.00.
- 30 (j) The following fees shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:
- 31           (1) Resident Special Device License - \$80.00.
- 32           (2) Nonresident Special Device License - \$530.00.
- 33 (k) The fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be \$10.00.
- 34 (l) The following fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:
- 35           (1) Captivity License for Holding - \$50.00.
- 36           (2) Captivity License for Rehabilitation - \$10.00.
- 37 (m) The following fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:



- 1           (1) Resident Fur-dealer License - \$64.00.
- 2           (2) Nonresident Fur-dealer License - \$318.00.
- 3           (3) Fur-dealer Station License - \$128.00.
- 4           (4) Controlled Hunting Preserve Operator License - \$100.00.
- 5           (5) Game Bird Propagation License - \$10.00.
- 6           (6) Furbearer Propagation License - \$27.00.
- 7           (7) Taxidermy License - \$50.00.
- 8           (8) Taxidermy Cervid Certification - \$5.00.
- 9           (9) Wildlife Control Agent License - \$50.00.
- 10          (10) Alligator Control Agent Certification - \$25.00.

11 (n) The following fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:

- 12           (1) Possession Permit - \$10.00.
- 13           (2) Exportation or Importation Permit - \$10.00.
- 14           (3) Trophy Wildlife Sale Permit - \$10.00.
- 15           (4) Endangered Species Permit - \$10.00.
- 16           (5) Field Trial Permit - \$10.00.

17 unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:

- 18           (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$69.00.
- 19           (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$43.00.
- 20           (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
  - 21               (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$292.00.
  - 22               (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$477.00.
  - 23               (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
24                       \$716.00.
  - 25               (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
26                       \$1,643.00.
  - 27               (E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License -  
28                       \$32.00.
  - 29               (F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing  
30                       License - \$117.00.
  - 31               (G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing  
32                       License - \$117.00.
- 33           (4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$477.00.

34 (o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in  
35 G.S. 113-174.2:

- 36           (1) Annual Resident Coastal Recreational Fishing License - \$16.00.
- 37           (2) Annual Nonresident Coastal Recreational Fishing License - \$32.00.

- 1        (3) Ten-Day Resident Coastal Recreational Fishing License - \$6.00.
- 2        (4) Ten-Day Nonresident Coastal Recreational Fishing License - \$11.00.
- 3        (5) Infant Lifetime Coastal Recreational Fishing License - \$106.00.
- 4        (6) Youth Lifetime Coastal Recreational Fishing License - \$159.00.
- 5        (7) Resident Adult Lifetime Coastal Recreational Fishing License - \$265.00.
- 6        (8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$530.00.
- 7        (9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$16.00.
- 8        (10) Resident Disabled Veteran Coastal Recreational Fishing License - \$11.00.
- 9        (11) Resident Totally Disabled Coastal Recreational Fishing License - \$11.00.