

1 15A NCAC 10H .1801 is proposed for adoption as follows:
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3 **SECTION .1800 – COMMERCIAL ACTIVITY PERMITTING**
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5 **15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES**

6 (a) The rules in this Section apply to commercial permits issued by the Wildlife Resources Commission.

7 (b) The use of Wildlife Resources Commission property, as defined by G.S. 113-129, by an individual or business for
8 profit or benefit is unlawful, unless the individual or business using the property for an unlicensed activity first obtains
9 a commercial permit as provided by this Rule.

10 (c) The following definitions shall apply to all rules in this Section:

11 (1) “Benefit” means the exchange of money, goods, services, or the growth or promotion of a business
12 or organization.

13 (2) “Commercial activity” means an unlicensed activity for which individuals pay to participate or use
14 equipment and that takes individuals or groups to Commission property for participation in the
15 unlicensed activity, the purpose of which is financial gain or benefit of the commercial business.

16 (3) “Commercial business” means any individual or business using Commission property for financial
17 gain or benefit.

18 (4) “Commercial permit” means either a commercial use permit or event permit for otherwise
19 unlicensed activities.

20 (5) “Commission property” means Wildlife Resources Commission Property as defined in G.S. 113-
21 129(18).

22 (6) “Commercial use” means the use of Commission property for financial gain or benefit.

23 (7) “Commercial use permit” means a permit that allows for the commercial use of Wildlife Resources
24 Commission property.

25 (8) “Event” means an organized gathering of more than 10 people on Commission property where
26 money is exchanged for participation in an unlicensed activity.

27 (9) “Event permit” means a permit that allows for the use of Commission property for a one-time event.

28 (10) “Unlicensed activity” means any outdoor activity that the Commission does not regulate through a
29 Commission-issued license or permit.

30 (d) Application for a commercial permit shall be made online at www.ncwildlife.org or at Commission headquarters
31 located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

32 (1) the applicant's name, address, telephone number;

33 (2) name of business, company, or organization;

34 (3) type of commercial activity or event;

35 (4) dates of activity or event;

36 (5) locations of commercial activity or event; and

37 (6) for event permits, the number of individuals anticipated to partake in the event.

1 (e) The fee for a commercial use permit shall be \$100.00. The fee for an event permit shall be based on the number
2 individuals participating in the event, including event participants, volunteers, staff, and spectators. The event permit
3 fee schedule is as follows:

- 4 (1) ten to 100 individuals - \$50;
- 5 (2) one hundred and one to 250 individuals - \$100;
- 6 (3) two hundred and fifty-one to 500 individuals - \$150;
- 7 (4) five hundred and one to 1000 individuals - \$200; and
- 8 (5) over 1000 individuals - \$250.

9 (f) In addition to the commercial permit fee, a fee of \$3.00 per individual participating in the permitted activity on
10 Commission property shall be required and remitted to the Commission no more than 30 days after the event for which
11 the permit was acquired or every other month during the year for which the commercial use permit is valid.

12 (g) Unless authorized by the Commission, commercial permit holders and their patrons shall not block access or
13 prevent others from entering or exiting any Commission property.

14 (h) Commercial permits are non-transferable between individuals, businesses, or companies and a separate permit is
15 required for each commercial activity or event.

16 (i) The Commission may deny permits or issue permit requirements for use of its property based on the time of year,
17 holidays, safety concerns, biological impacts, compatibility of requested activity with intended use of an area or
18 property, failure to adhere to the conditions set forth in these Rules and Commission planned or sponsored events.

19 (j) Unless a more limited duration is designated on the permit, a Commercial Use Permit shall be valid from January
20 1 through December 31 of the same year. An Event Permit shall be valid for the duration of the event and expires at
21 its conclusion.

22 (k) Records of commercial activities shall be available for inspection by representatives of the Commission upon
23 request and during normal operating hours.

24 (l) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a permit holder's
25 commercial permit, if the permit holder violates any rules set forth by the Commission in this Subchapter or any
26 conditions of the permit.

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28 History Note: Authority G.S. 113-134; 113-264;
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