



Fiscal Note for Proposed Wildlife Management Rules and Rule Amendments

Rule Amendments: 15A NCAC 10B .0110 Attendance of Traps
15A NCAC 10B .0127 Possession of Wildlife Killed Accidentally or Found Dead
15A NCAC 10B .0203 Deer (White-Tailed)
15A NCAC 10B .0227 Wild Quail Management Areas
15A NCAC 10B .0301 Definitions
15A NCAC 10B .0303 Open Seasons
15A NCAC 10B .0306 Attendance and Tagging of Traps
15A NCAC 10H .1506 Alligator Control Agent Certification Eligibility and Requirements
15A NCAC 10J .0101 Designation of Wildlife Conservation Areas
15A NCAC 10J .0102 General Regulations Regarding Use of Conservation Areas

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Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113-134; 113-270; 113-272; 113-273; 113-274; 113-276; 113-291; 113-292; 113-333

BACKGROUND

The wildlife resources of the State belong to the people of the State, including the enjoyment of these resources (G.S. 113-131(a)). The Wildlife Resources Commission (hereinafter WRC or Commission) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing as equitably as possible the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134). In accordance with the supply of wildlife and other factors it determines to be of public importance, the WRC may fix seasons and bag limits upon the wild animals and

wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources (G.S. 113.291.2(a)).

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

PROPOSED RULE CHANGES

15A NCAC 10B .0110 ATTENDANCE OF TRAPS

15A NCAC 10B .0301 DEFINITIONS

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

10B .0110 is proposed for repeal and 10B .0306 is a proposed new rule to include what was formally in .0110. The reason for doing this is to keep all trapping related regulations in Section 10B .0300.

The new 10B .0306 is proposed to clarify that a weather-resistant permanent tag must be attached on Collarum™-type traps, snares, box traps, and cage traps, as it is already required for foothold and body-gripping traps per GS 113-291.6.

This proposed rule amendment to 10B .0301 adds definitions for conibear® and conibear®-type trap, box trap, and cage trap.

Trap-tags: Tagging of traps to identify the person that set the trap has been required for several trap-types in North Carolina. Since the 1970's, GS 113-291.6 requires that any "steel-jaw, leghold, or conibear traps" must have a weather-resistant permanent tag attached to the trap identifying the trapper. NCAC 10B .0303 (Open Seasons) requires that box and corral traps for feral swine must have a permit number displayed on the trap to identify the permitted person authorized to set the traps. Approved changes to 10B .0119 (Wildlife Collectors) regarding trapping of snapping turtles now require that traps have a water-proof trap tag with the licensee's name, WRC customer number, or wildlife collection license number. Requiring a trap to have an identifying tag attached aids in enforcement investigations, such as determining if a trap found on a property was set legally (e.g., trapper had written permission), as well as identify the owner of stolen traps. However, due to the authority of trapping for game, fur-bearing animals, and non-game species being set both state law and NCAC, it is unclear if trap tags are needed for Collarum™-type traps, snares, box traps, and cage traps. This proposed rule will clarify that these trap-types need to have a tag identifying the trapper, reduces regulatory complexity, and creates consistency among what is required in state law as well as NCAC regarding the tagging of traps.

Defining additional trap-types: With the proposed rule change in trap attendance, as well as the need to clarify the requirement for trap tags, there is a need to define additional trap-types and trapping systems. This would also be consistent with the Commission's efforts to reduce complexity and confusion by defining trap-types in rule (NCAC 10B .0301).

The NC Trappers Association supports these changes.

Impacts & Benefits

State Impact

Benefits

Requiring individuals to provide trap tags on all traps will assist the Commission in knowing whose trap belongs to who if a member of the public or Commission happens to come across it on their property or in public and wants to know who it belongs to. This streamlines the process of identifying who the trap belongs to and could save law enforcement time. However, the Commission does not receive many of these requests and are unable to quantify that time savings.

Local Impact

This amendment is anticipated to have no local government impact.

Private Impact

Requiring trap tags on all traps will have little, if any, fiscal impacts on trappers, as most are already applying trap tags to all their traps. This rule is clarifying what is already common practice. Trap tags are sold in bulk quantities of 50 tags up to 1000 tags, with the average cost per tag being \$0.30 to \$0.36). Most users have a supply of unused trap tags they would use to comply with this rule. The Commission has no way of knowing how many people would need to purchase new tags for this rule change, but it is likely to be a very small number of people.

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

The proposed amendment would include elk under wildlife that cannot be possessed when accidentally killed or found dead.

The Commission estimates there are between 150 and 200 elk residing in North Carolina. With so few elk in North Carolina, it is especially important that the Commission be able to utilize dead elk for disease surveillance and population monitoring, in addition to allowing possession by the public when appropriate. Given the size of elk, the proximity to traffic, and the possibility of elk having anesthesia drugs in their system from previous scientific data collection, it is generally inappropriate and potentially unsafe for the public to retrieve dead elk and possibly consume them.

Impacts & Benefits

State Impact

Benefits

With the outbreak of Chronic Wasting Disease (CWD), it is important that the Commission be

able to test and monitor any elk killed accidentally or found dead to track the spread of CWD. Allowing the Commission to decide when members of the public can take an elk killed accidentally or found dead provides flexibility to Commission staff if necessary. It is unknown how many elk are killed accidentally or found dead and thus the Commission cannot predict how many people or elk this change may affect.

Local Impact

This amendment is anticipated to have no local government impact.

Private Impact

This amendment is anticipated to have little to no private impact as the Commission is unaware of instances where members of the public were taking elk killed accidentally or found dead.

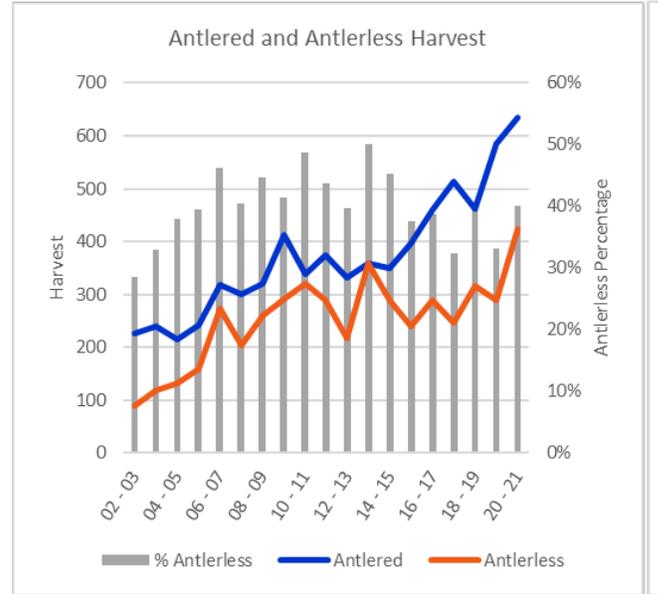
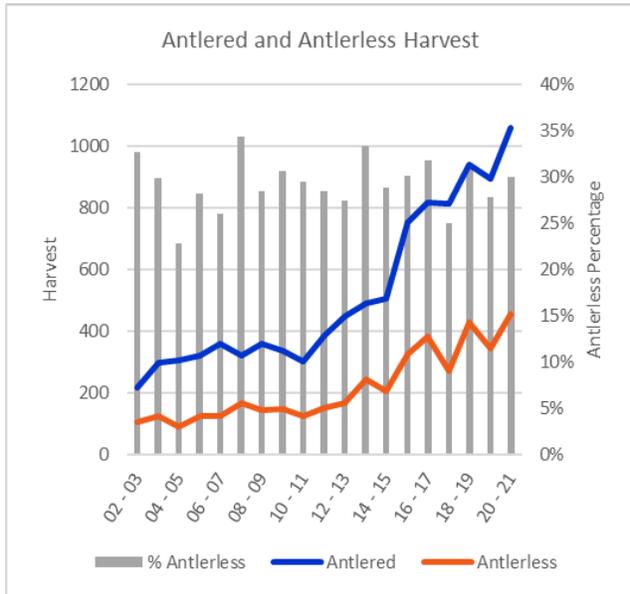
15A NCAC 10B .0203 DEER (WHITE-TAILED)

The proposed amendment would increase either-sex seasons in the following counties in the Western and Northwestern Zones:

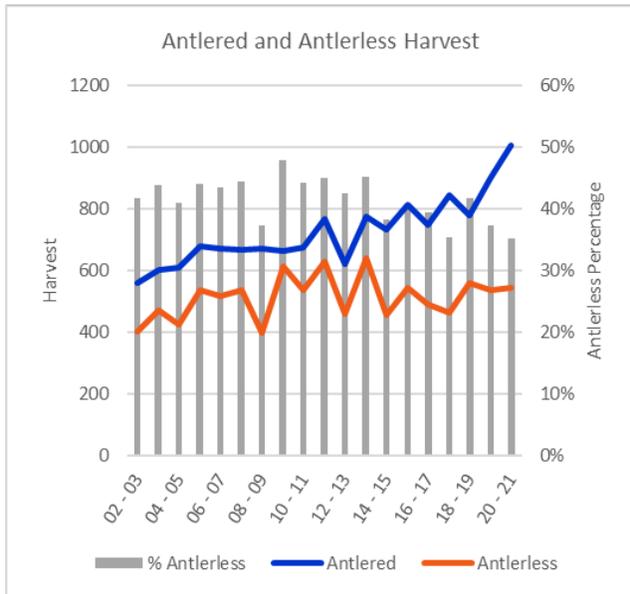
- Madison county will increase from a 1-day “introductory” to a 6-day “conservative” season (opening day through 1st Sat.)
- Burke, Yancey, Mitchell, Avery, and Caldwell counties will increase from a 6-day “conservative” to a 13-day “moderate” season (opening day through 2nd Sat.)
- Polk, Rutherford,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

The biological harvest objective of at least one antlered buck/square mile is being met on private lands in these counties and harvest trends indicate continued growth of deer herds in these areas as seen in the graphs below. Additional antlerless harvest is sustainable and will provide hunters with additional opportunity as well as help balance the buck to doe ratio.

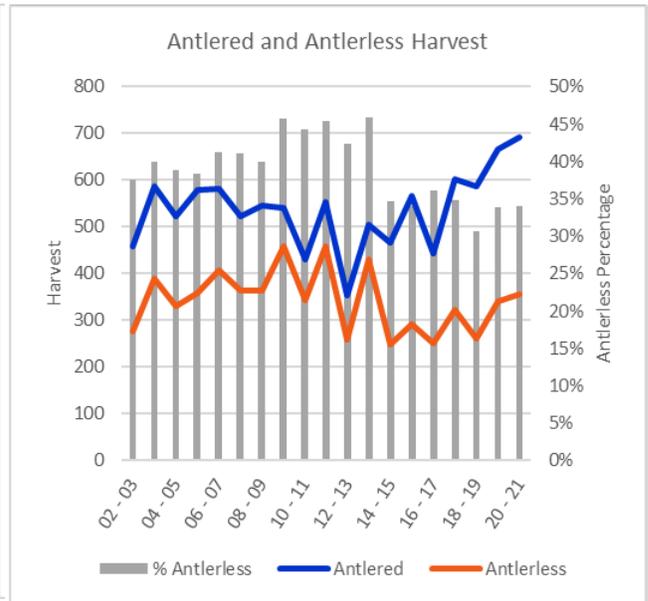
Reported antlerless and antlered harvest from 2002-2021.



Madison County (1-day to 1-week)

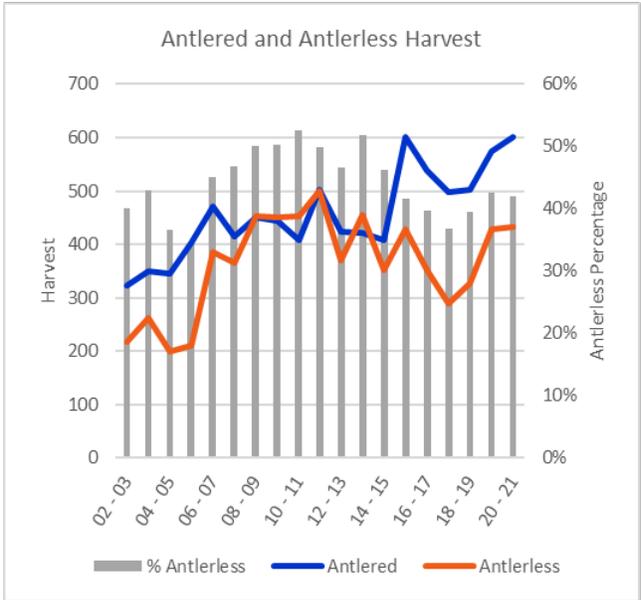


Avery County (1-week to 2-week)

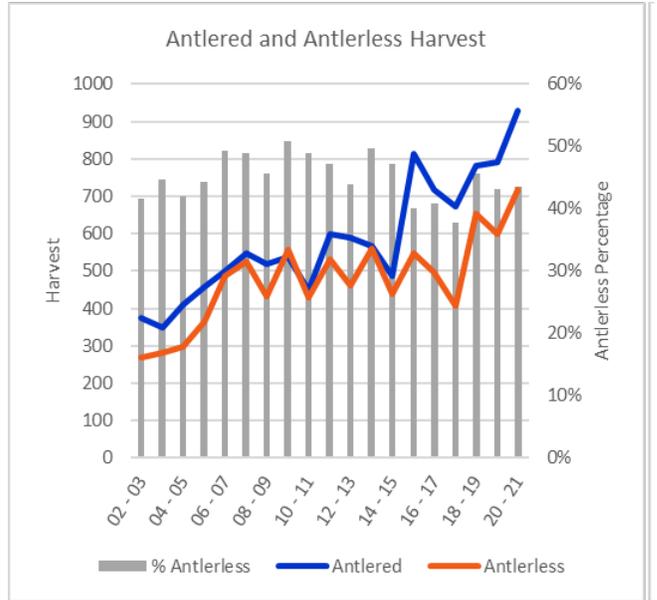


Burke County (1-week to 2-week):

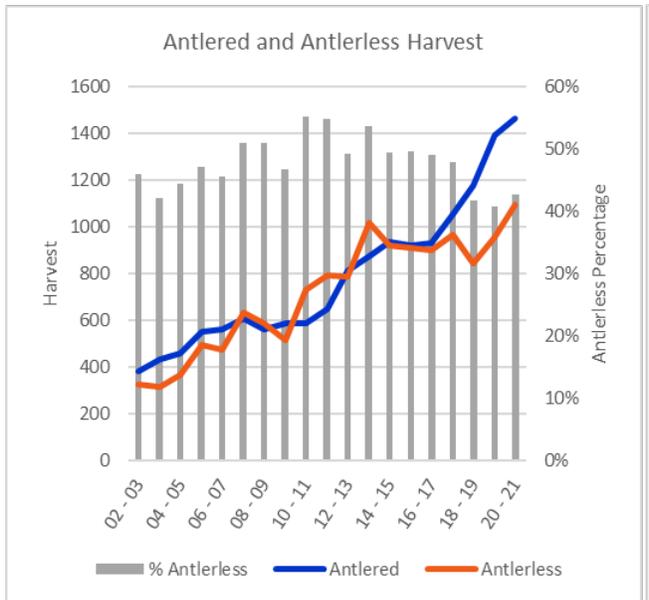
Caldwell County (1-week to 2-week):



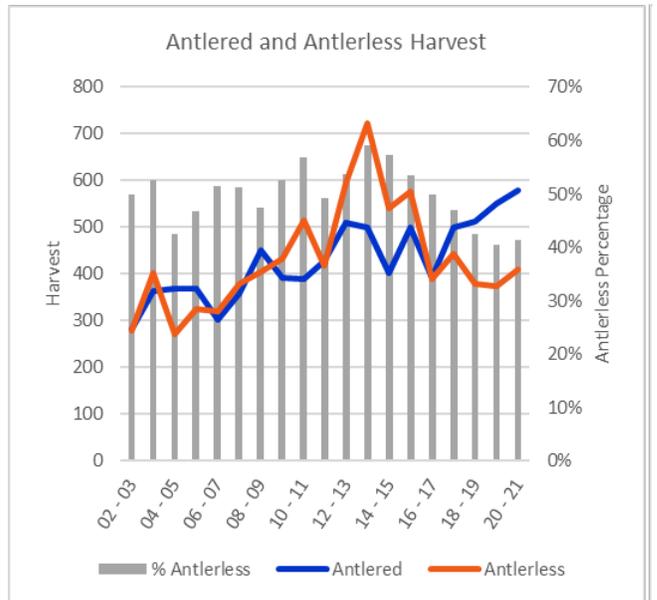
Mitchell County (1-week to 2-week)



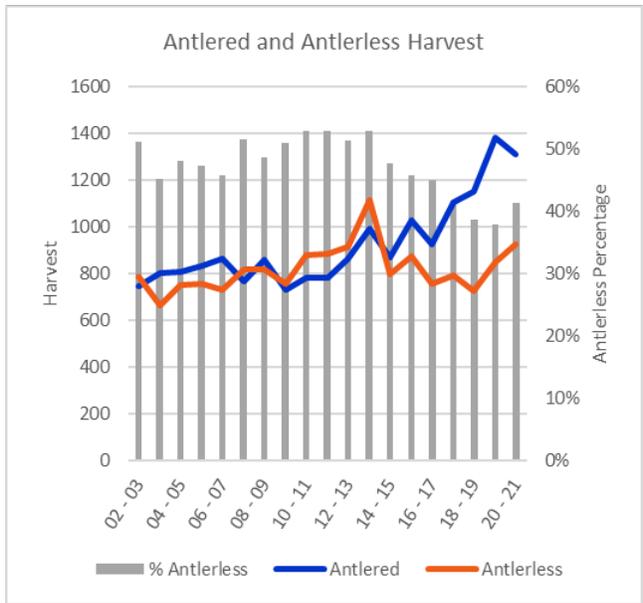
Yancey County (1-week to 2-week)



Cleveland County (2-week to 4-week)



Polk County (2-week to 4-week)



Rutherford County (2-week to 4-week)

Impacts & Benefits

State Impact

Additional antlerless harvest supports a sustainable population of deer in these counties and maintains harvest objectives set out by the Commission.

Local Impact

This amendment is anticipated to have no local government impact.

Private Impact

Benefits

Additional antlerless harvest would provide hunters with additional opportunity to take deer of either sex. This may lead to additional harvest, which may in turn positively affect taxidermists and deer processors. However, the Commission has no way to estimate how many hunters will take advantage of this opportunity now or in the future, or what the harvest outcomes will be. Thus, the agency has no means to quantify this benefit.

15A NCAC 10B .0227 WILD QUAIL MANAGEMENT AREAS

Proposed changes to the wild quail management areas would allow landowners to remove racoons, striped skunks, opossums, and armadillos throughout the entire nesting season on Wildlife Quail Management Areas.

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

Landowners currently pursuing enrollment as a Wildlife Qual Management Area are requesting this change.

Impacts & Benefits

State Impact

Benefits

Proposed amendments to this rule allowing landowners to remove these species will protect nests of wild quail on Quail Management Areas. These actions have been scientifically proven to increase nest success and thus quail populations on lands that have exemplary habitat as outlined in the requirements for Wild Quail Management Areas. The Commission has no way to know how many nests will be protected by this change.

Local Impact

The amendments are not anticipated to have local government impacts.

Private Impact

Allowing landowners to remove these species will protect nests of wild quail on these Quail Management Areas and lead to higher populations of birds on their land.

Costs

If individuals choose to remove these species through trapping, they may incur a small cost of trapping and removal fees but the cost varies greatly and many areas enrolled in the WQMA already pay full time employees to conduct these and other management activities. The Commission has no way to quantify this cost.

15A NCAC 10B .0303 OPEN SEASONS

The proposed amendment would change the start date of the statewide regulated trapping season from November 1 to October 1.

Adding an additional month to the regulated trapping season would allow more opportunities to trap furbearers and non-game (armadillo, coyote, groundhog) species on both private and game lands. These populations are abundant and, based on discussions with licensed fur dealers, fur can be prime in October (e.g., canids), allowing the pelt to be utilized. Conversely, in March, pelts often cannot be utilized, as they are heavily rubbed and damaged from territorial and

breeding behavior that occur from late January through March.

The NC Trappers Association (NCTA) supports this proposed rule as do trappers and hunters that requested this change.

Impacts & Benefits

State Impact

Benefits

Extending the trapping season gives our licensed trappers a longer time frame to trap. This was requested by the NCTA, and both licensed trappers and hunters. Extending the season may increase trapping participation and possibly recruit new trappers as this not only extends the length of time available to legally trap but it also creates an opportunity to trap in a month that is not currently open. The Commission has no way to predict how many more people might buy trapping licenses because of this extension.

Local Impact

This rule is anticipated to have no local government impact.

Private Impact

Benefit

Extending the trapping season allows for more opportunity to trap furbearers and non-game, specifically coyotes for those licensed trappers. There are 2,758 licensed trappers in North Carolina and this extension would benefit them all. The Commission has no way to know how many of these 2,758 licensed trappers will take advantage of an extended trapping season.

Licensed fox preserve operators will benefit from this change, as it allows an additional month for live coyotes and foxes to be sold to licensed preserves. There are currently, 115 licensed fox and coyote preserve operators in the state. Trappers typically sell live coyotes and foxes to preserves at \$50/fox and \$75/coyote. The Commission has no way of knowing how many additional coyotes or foxes trappers would sell to these preserves but, they have the opportunity to make an addition \$50-75/year.

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

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

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

Impacts & Benefits

State Impact

Benefits

Prohibiting ACAs from the use of equipment used in captive facilities or on captive alligators in ACA operations will help maintain alligator populations to maintain their current level and avoid disease.

Local Impact

This rule has no local government impact.

Private Impact

Benefits

This amendment would help anyone interested in alligator farming ensure that their stock is well protected and free of disease from cross contamination by handling. There are currently no alligator farming operations in North Carolina.

Cost

This rule does not have any costs associated.

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

This proposed amendment adds the definitions of Wildlife Conservation Area, other materials, safety zone, and restricted zone.

Currently, the NCAC only defines these terms for rules in Section 10D, however these terms are also required for reference in Wildlife Conservation Areas.

Impacts & Benefits

State Impact

This rule amendment clarifies definitions that the agency uses in reference to Wildlife Conservation Areas that were not properly referenced in the NCAC before. There are no fiscal impacts associated with this change.

Local Impact

This rule is anticipated to have no local government impact.

Private Impact

This rule is anticipated to have no private impact.

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

This amendment changes the dates and areas of restricted access on portions of Wildlife Conservation Areas (WCA) that are posted as Waterbird Nesting Areas from April 1 through August 31, to March 1 through September 15. There is also a proposal to prohibit open fires on WCAs.

Data from the NCWRC and partners show that disturbance to waterbirds during territory establishment, nesting, incubating, and chick-rearing occurs earlier and later than the current restricted access period. These breeding activities have been documented from late February through mid-September. Several waterbirds and herpetofauna using WCAs for nesting are state listed endangered, threatened, or special concern species; therefore, it is imperative that their populations are protected during this critical time. In addition, restricting open fires was extended to all Wildlife Conservation Areas for resource protection and safety. Changing “firearms” to “any weapons” is proposed to maintain consistency among rules and has no anticipated effects.

Impacts & Benefits

State Impact

Benefits

Extending the time individuals and dogs are prohibited from entering the Waterbird Nesting Areas above high tide will protect the bird species on the WCA from future harm.

Prohibiting fires provides protection from inadvertent fire escapes and resource damage on these highly sensitive areas. However, the Commission does not know how many people were having campfires on these areas and cannot provide a fiscal impact for this time savings.

Costs

The Commission may have to post additional boundaries of some Wildlife Conservation Areas to show where the Waterbird Nesting Areas are. The change in signage will not require more than one day, at an estimated cost to the agency of approximately \$310.51 ($\$1.95/\text{sign} \times 25 \text{ signs} = \48.75) ($\$32.72/\text{hr staff time cost}^1 \times 8 \text{ hrs} = \261.76) ($\$261.76 + \$48.75 = 310.51$).

Local Impact

This rule is anticipated to have no local government impact.

Private Impact

Costs

Individuals who previously entered waterbird nesting areas during the time that is now

¹ Hourly staff time cost includes salary and benefits per NC OSHR Total Compensation Calculator.

prohibited will be required to view wildlife from watercraft. The Commission has no way to determine the number of wildlife viewers this will affect, but the impact is expected to be minimal.

Ecotourism operators primarily work during summer (May – August) when Waterbird Islands are already closed; therefore, fiscal impacts to these businesses will be minimal.

Individuals who previously make campfires will no longer be able to do so. The Commission is unaware of the public doing these activities in these areas currently, but a prohibition on it was never formally in place.

SUMMARY

Quantifiable Impacts

State

The following quantifiable costs are anticipated:

- Waterbird Nesting Areas
 - One-time materials and WRC staff time cost to adjust signs = \$310.51

Quantifiable Impacts

Private

The following quantifiable costs are anticipated:

- Expanding trapping season
 - Sale of coyote to preserves = \$75/coyote
 - Sale of fox to preserves = \$50/fox

The following quantifiable benefits are anticipated:

- Trap Tags
 - Cost in tags = \$0-0.036/tag

Unquantifiable Impacts

State

The following unquantifiable state benefits were identified for the proposed rule changes:

- Requiring trap tags will streamline the process of identifying who traps belong to and save law enforcement time.

- Prohibited the take of accidentally killed or found dead elk can help keep the public safe and inform the Commission about CWD.
- Allowing additional antlerless harvest helps support a sustainable population and meet harvest objectives.
- Prohibiting Alligator Control Agents from the use of equipment used in captive facilities or on captive alligators in ACA operations prevent disease from spreading across captive and wild alligators.
- Allowing landowners to trap more species in Wildlife Quail Management Areas will protect nests of wild quail.
- Increasing the trapping season may promote more people to go into trapping.
- Extending the time individuals are prohibited from entering the Waterbird Nesting Areas above high tide will protect the bird species on the WCA from future harm. Prohibiting fires and the use of alcohol may save staff time in resource management and clean up.

Private

The following unquantifiable private benefits were identified for the proposed rule changes:

- Allowing additional antlerless harvest provides hunters with additional opportunity to take deer of either sex. This may positively impact deer processors and taxidermists in the area.
- Allowing landowners to trap more species in Wildlife Quail Management Areas will lead to a higher population of birds in the areas.
- Increasing the trapping season allows for more trapping opportunity for furbearers and non-game.

The following unquantifiable private costs were identified for the proposed rule changes:

- Extending the time individuals are prohibited from entering the Waterbird Nesting Areas above high tide will prevent individuals from entering the area for a longer period of time than they are used to. It will also prevent them from engaging in creating fires or drinking alcohol if they used to before.

While most of the impacts are unquantifiable, the Commission believes that benefits to both the state and private entities outweigh the costs.

APPENDIX A

1 ~~15A NCAC 10B .0110~~ — ATTENDANCE OF TRAPS

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

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

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

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

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

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

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

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

19

20 *History Note: Authority G.S. 113-134; 113-291.6;*

21 *Eff. February 1, 1976;*

22 *Amended Eff. August 1, 2002; July 1, 1988;*

23 *Readopted Eff. August 1, 2021.*

24 *Repealed Eff. August 1, 2023.*

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26

27

APPENDIX A

1 **15A NCAC 10B .0127 POSSESSION OF WILDLIFE KILLED ACCIDENTALLY OR FOUND DEAD**

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

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

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

9 (1) black bears; and

10 (2) elk.

11 ~~(c) Black bears killed accidentally or found dead shall not be possessed or transported unless a possession permit is~~
12 ~~obtained from the Commission.~~

13 (d) Species listed as endangered, threatened, or of special concern under 15A NCAC 10I .0103, .0104, and .0105
14 killed accidentally or found dead may be possessed or transported if an endangered species permit is obtained from
15 the Commission.

16 (e) Raptors and migratory birds killed accidentally or found dead may be possessed and transported under federal
17 permits obtained from the U.S. Fish and Wildlife Service.

18 (f) All other wildlife resources may be possessed and transported legally if killed accidentally or found dead.

19 (g) The sale of any wildlife resources or wildlife parts from any animal killed accidentally or found dead is prohibited,
20 except that licensed trappers and hunters may sell the carcasses, parts, or pelt of any armadillo, beaver, coyote,
21 groundhog, mink, muskrat, nutria, opossum, otter, raccoon, skunk, weasel or bobcat to a licensed fur dealer if the dead
22 furbearing animal was found during the open season for that species. Licensed trappers and hunters may also sell the
23 carcasses, parts, or pelt of any fox to a licensed fur dealer if the dead fox was found during an open fox season and
24 the county where the fox was found allows for the sale of fox carcasses, parts, and pelts. All tagging requirements set
25 forth in 15A NCAC 10B .0400 apply.

26

27 *History Note: Authority G.S. 113-134; 113-274; 113-291.3; 113-291.4; 113-331; 113-333; 113-337;*

28 *Eff. January 1, 2013;*

29 *Readopted Eff. September 1, 2022.*

30 *Amended Eff. August 1, 2023.*

31

APPENDIX A

1 **15A NCAC 10B .0203 DEER (WHITE-TAILED)**

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

3 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
4 from knobs or buttons covered by skin or velvet, may be taken on all game lands except Buffalo
5 Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to
6 15A NCAC 10D .0103 for Deer With Visible Antlers seasons on these Game Lands), during the
7 following seasons:

8 (A) Saturday on or nearest October 15 through January 1 in all of Beaufort, Bladen, Brunswick,
9 Carteret, Columbus*, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones,
10 Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson,
11 Scotland, Tyrrell, and Washington counties.

12 *Unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline.

13 (B) Saturday on or nearest October 15 through January 1 in all of Bertie, Camden, Chowan,
14 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
15 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
16 Wilson counties.

17 (C) Saturday before Thanksgiving Day through January 1 in all of Alexander, Alleghany, Ashe,
18 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
19 Surry, Watauga, Wilkes, and Yadkin counties.

20 (D) Monday of Thanksgiving week through the third Saturday after Thanksgiving Day in all
21 of Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
22 Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey
23 counties.

24 (E) Two Saturdays before Thanksgiving Day through January 1 in all of Alamance, Anson,
25 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
26 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
27 counties.

28 (F) Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates,
29 and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in those
30 parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National
31 Wildlife Refuge; in that part of Hyde county known as Lake Mattamuskeet National
32 Wildlife Refuge; in those parts of Dare and Hyde counties known as Alligator River
33 National Wildlife Refuge; in those parts of Anson and Richmond counties known as the
34 Pee Dee National Wildlife Refuge; and in that part of Currituck County known as the
35 Mackay Island National Wildlife Refuge.

36 (2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons
37 and in the counties and portions of counties listed in Parts (A), (B), (C), (D), (E), (F), and (G) of this

APPENDIX A

1 Subparagraph (Refer to 15A NCAC 10D .0103 for either-sex deer seasons on Game Lands). Deer
2 of either sex may be taken during the open season identified in Part (H) of this Subparagraph.

3 (A) The open either-sex deer hunting dates established by the U.S. Fish and Wildlife Service
4 during the period from the Saturday on or nearest September 10 through January 1 in those
5 parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National
6 Wildlife Refuge; in those parts of Hyde, Tyrrell, and Washington counties known as the
7 Pocosin Lakes National Wildlife Refuge; in those parts of Anson and Richmond counties
8 known as the Pee Dee National Wildlife Refuge; and in those parts of Currituck County
9 known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife
10 Refuge.

11 (B) The open either-sex deer hunting dates established by the appropriate military commands
12 at each of the military installations listed in this Paragraph, during the period from Saturday
13 on or nearest October 15 through January 1 in that part of Brunswick County known as the
14 Sunny Point Military Ocean Terminal, in that part of Craven County known and marked
15 as Cherry Point Marine Base, in that part of Onslow County known and marked as the
16 Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall
17 Military Reservation.

18 (C) Youth either-sex deer hunts. First Saturday in October for youth either-sex deer hunting by
19 permit only on a portion of Belews Creek Steam Station in Stokes County designated by
20 agents of the Commission; the third Saturday in October for youth either-sex deer hunting
21 by permit only on Mountain Island State Forest in Lincoln and Gaston counties; and the
22 second Saturday in November for youth either-sex deer hunting by permit only on
23 apportion of Warrior Creek located on W. Kerr Scott Reservoir, Wilkes County designated
24 by agents of the Commission. A youth is defined as a person under 18 years of age.

25 (D) The first open Saturday of the Deer with Visible Antlers season described in Subparagraph
26 (a)(1) of this Rule in all of Buncombe*, Haywood, Henderson, Madison, and Transylvania
27 counties.

28 *Except for that part east of NC 191, south of the French Broad and Swannanoa Rivers,
29 west of US 25, and north of NC 280

30 (E) The first open day of the Deer With Visible Antlers season described in Subparagraph
31 (a)(1) of this Rule through the first Saturday thereafter in all of ~~Avery, Burke, Caldwell,~~
32 Madison and McDowell ~~McDowell, Mitchell, and Yancey~~ counties.

33 (F) The first open day of the Deer ~~with~~ With Visible Antlers season described in Subparagraph
34 (a)(1) of this Rule through the second ~~Friday~~ Saturday thereafter in all of ~~Cleveland, Polk,~~
35 ~~and Rutherford~~ Avery, Burke, Caldwell, Madison, Mitchell, and Yancy counties.

36 (G) The first open day of the Deer With Visible Antlers season described in Subparagraph (a)(1)
37 of this Rule through the fourth Friday thereafter in all of Cleveland, Polk, and Rutherford
38 counties.

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1 ~~(G)~~(H) All the open days of the Deer With Visible Antlers season described in Subparagraph (a)(1)
2 of this Rule in and east of Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and
3 Gaston counties and in the following parts of counties: Buncombe: That part east of NC
4 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC
5 280; and Henderson: That part east of NC 191 and north and west of NC 280.

6 ~~(H)~~(I) The fourth Saturday in September in all counties, subject to the following restriction: only
7 persons under the age of 18 years may hunt.

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

9 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag
10 limits set out in Paragraph (e) of this Rule, deer may be taken with archery equipment during the
11 following seasons:

12 (A) Saturday on or nearest September 10 through the day immediately preceding the first open
13 day of the Blackpowder Firearms and Archery Seasons described in Subparagraph (c)(1)
14 of this Rule; and the Sunday immediately following the closing of blackpowder firearms
15 and archery season identified in Part (c)(1)(B) of this Rule to the Sunday before
16 Thanksgiving in the counties and parts of counties having the open seasons for Deer With
17 Visible Antlers specified by Part (a)(1)(D) of this Rule except on Buffalo Cove, Nicholson
18 Creek, Rockfish Creek, Sandhills, and South Mountains Game Lands (Refer to 15A NCAC
19 10D .0103 for Archery seasons on these Game Lands).

20 (B) Sunday immediately following the closing of the open season for Deer With Visible
21 Antlers through January 1 in the counties and parts of counties having the open season for
22 Deer With Visible Antlers specified by Part (a)(1)(D) of this Rule.

23 (2) Restrictions

24 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
25 provided in G.S. 113-291.5, dogs may not be used for hunting deer during the archery
26 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
27 accordance with G.S. 113-291.1(k).

28 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
29 may be used during the archery deer hunting season.

30 (C) Deer of either sex may be taken during archery seasons specified by Part (b)(1)(A) of this
31 Rule.

32 (D) Only deer with antlers or spikes protruding through the skin, as distinguished from knobs
33 or buttons covered by skin or velvet, shall be taken during the archery season specified by
34 Part (b)(1)(B) of this Rule.

35 (c) Open Seasons (Blackpowder Firearms and Archery) for hunting deer:

36 (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be
37 taken only with blackpowder firearms and archery equipment during the following seasons:

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- 1 (A) Two Saturdays preceding the first day of the Deer with Visible Antlers seasons described
2 in Parts (a)(1)(A), (B), (C), (E), and (F) of this Rule through the second Friday thereafter
3 except on Buffalo Cove, Nicholson Creek, Rockfish Creek, Sandhills, and South
4 Mountains Game Lands (Refer to 15A NCAC 10D .0103 for Blackpowder Firearms and
5 Archery seasons on these Game Lands):
- 6 (B) Monday on or nearest October 1 through the second Saturday thereafter in the counties and
7 parts of counties having the open seasons for Deer With Visible Antlers specified by Part
8 (a)(1)(D) of this Rule.
- 9 (2) Restrictions
- 10 (A) Deer of either sex may be taken during blackpowder firearms and archery season in any
11 county or county part set forth in Part (a)(2)(G) of this Rule that has either-sex days for all
12 lawful weapons and in the following counties: Polk, Rutherford, McDowell, Burke,
13 Caldwell, and Cleveland. Deer of either sex may be taken on the first Saturday day of this
14 season only in all other counties.
- 15 (B) In the areas of the State where the Commission is authorized to regulate the use of dogs as
16 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the blackpowder
17 firearms and archery seasons, except a single dog on a leash may be used to retrieve a dead
18 or wounded deer in accordance with G.S. 113-291.1(k).
- 19 (3) As used in this Rule, "blackpowder firearms" means Any firearm - including any firearm with a
20 matchlock, flintlock, percussion cap, or similar type of ignition system - manufactured in or before
21 1898, that cannot use fixed ammunition; any replica of this type of firearm if such replica is not
22 designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any
23 muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that
24 is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the
25 muzzle, cylinder, or breech and that cannot use fixed ammunition.
- 26 (d) Open Season (Urban Season) for hunting deer:
- 27 (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag
28 limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow in
29 participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following
30 January 1 through the sixth Sunday thereafter. Deer shall not be taken on any game land or part
31 thereof that occurs within a city boundary.
- 32 (2) Participation. Cities that intend to participate in the urban season shall send a letter to that effect no
33 later than April 1 of the year prior to the start of the urban season to the Executive Director or his
34 designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of
35 the city's boundaries within which the urban season shall apply.
- 36 (3) Restrictions:
- 37 (A) In the areas of the State where the Commission is authorized to regulate the use of dogs as
38 provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the urban

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1 season, except a single dog on a leash may be used to retrieve a dead or wounded deer in
2 accordance with G.S. 113-291.1(k).

3 (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer
4 shall be used during the urban season.

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

21

22 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*
23 *Eff. February 1, 1976;*
24 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
25 *1994; July 1, 1993;*
26 *Temporary Amendment Eff. July 1, 1999;*
27 *Amended Eff. July 1, 2000;*
28 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
29 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
30 *Temporary Amendment Eff. June 1, 2003;*
31 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
32 *2003);*
33 *Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;*
34 *August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;*
35 *June 1, 2008; May 1, 2007; May 1, 2006; June 1, 200; August 1, 2023.*

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APPENDIX A

1 **15A NCAC 10B .0227 WILD QUAIL MANGEMENT AREAS**

2 (a) A "Wild Quail Management Area" shall be land maintained to enhance enjoyment of sportsmen and support wild
3 bobwhite quail conservation under signed agreement between the landowner(s) and the Wildlife Resources
4 Commission.

5 (b) The following qualifications shall apply to all Wild Quail Management Areas:

- 6 (1) At least 500 acres of contiguous land; and
- 7 (2) A minimum of 225 acres or 15 percent of the land, whichever is greater, shall be maintained in year-
8 round bobwhite quail habitat.

9 (c) Wild bobwhite quail habitat shall be any early successional habitat by herbaceous vegetation or shrub cover
10 consisting of a mixture of young saplings, shrubs, forbs, and woody plants typically less than ten feet tall with scattered
11 open patches of grasses, wildflowers, and vines. Forest stands shall have a basal area no greater than 60 square feet
12 per acre. Land managed and maintained primarily for human uses such as large lawns, golf courses, sod-forming
13 pastures, production agriculture fields, monoculture hayfields, solar energy, or production timber stands shall not
14 qualify as early successional habitat.

15 (d) Landowners interested in establishing a Wild Quail Management Area shall contact the Commission as described
16 on the Commission's website at www.ncwildlife.org.

17 (e) The signed agreement between the landowner(s) and the Commission shall include:

- 18 (1) a list of all owners of land included in the Wild Quail Management Area;
- 19 (2) county parcel identification information for each parcel to be included in the Wild Quail
20 Management Area;
- 21 (3) a scaled map of the Wild Quail Management Area with the areas to be maintained in year-round
22 bobwhite quail habitat identified;
- 23 (4) management practices to be used to maintain bobwhite quail habitat and populations; and
- 24 (5) any reporting requirements in addition to the minimum requirements in Subparagraph (g)(6) of this
25 Rule that are specific to the individual Wild Quail Management Area.

26 (f) Property inspection:

- 27 (1) All potential properties shall be inspected by a representative of the Commission prior to acceptance
28 into the program to determine that the proposed land and habitat will qualify to become a Wild Quail
29 Management Area; and
- 30 (2) Wild Quail Management Areas shall be inspected by a representative of the Commission at least
31 once every five years to determine that the requirements of the signed agreement and this rule are
32 being met.

33 (g) The following shall apply to all Wild Quail Management Areas:

- 34 (1) No domestically raised upland game birds shall be released on Wild Quail Management Areas.
- 35 (2) The hunting of wild bobwhite quail shall only be permitted during the established seasons in 15A
36 NCAC 10B .0208.

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- 1 (3) Supplemental feeding, if conducted, shall be for the primary purpose of ensuring that wild bobwhite
2 quail populations remain stable during droughts or other periods of stressful environmental
3 conditions. Supplemental feed shall:
- 4 (A) be broadcast into quail habitat along a minimum linear distance of at least one mile per 100
5 acres of habitat at a rate of three bushels per mile;
- 6 (B) be broadcast on a bi-weekly schedule during at least five months each year
- 7 (C) be broadcast using a non-stationary spreader;
- 8 (D) be only natural grains or seed; and
- 9 (E) not be placed to attract birds for the purpose of hunting.
- 10 (4) Except for wild bobwhite quail on Wild Quail Management Areas, no wild birds shall be taken near
11 or with the aid of supplemental feed.
- 12 (5) ~~Outside of the trapping season established in 15A NCAC 10B .0303, trapping~~ ~~Trapping~~ for raccoon,
13 striped skunk, armadillo, and opossum on Wild Quail Management Areas for the purpose of nest
14 predator control shall only be allowed ~~from the end of the established trapping season in 15A NCAC~~
15 ~~10B .0303 through May 31. Enclosed~~ using enclosed foot-hold traps with a one-way trigger or cage
16 ~~traps may be used, and trapped traps. Trapped~~ raccoons, striped skunks, armadillos, and opossums
17 may be euthanized or released at the trap site.
- 18 (6) An annual report for the period of June 1 through May 31 shall be submitted to the Commission
19 within 30 days of the end of the reporting period, and shall include the following:
- 20 (A) number of days and hours wild bobwhite quail were hunted;
- 21 (B) total annual harvest of wild bobwhite quail;
- 22 (C) total number of coveys flushed;
- 23 (D) supplemental feeding activities;
- 24 (E) number of trap nights, number of animals trapped and their disposition or release, by
25 species, for trapping activity conducted during trapping seasons established by 15A NCAC
26 10B .0303; and
- 27 (F) number of trap nights, number of animals trapped and their disposition or release, by
28 species, for trapping activity conducted outside of trapping seasons established by 15A
29 NCAC 10B .0303.

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31 *History Note: Authority G.S. 113-134; 113- 291.1;*

32 *Eff. August 1, 2021.*

33 *Amended Eff. August 1, 2023.*

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APPENDIX A

1 15A NCAC 10B .0301 DEFINITIONS

2 As used in this Section, the following definitions apply:

3 (1) “Box trap” and “cage trap” are any device designed in such a manner that the animal enters the trap
4 through a door that closes and is meant to prevent the animal from exiting.

5 ~~(1)(2)~~ "Breakaway device" means any device incorporated into a snare or snare component that allows the
6 loop to break open, and an animal to escape completely free of the snare, when a specified amount
7 of force is applied.

8 ~~(2)(3)~~ "Collarum™-type trap" means any power-activated snare that is activated when the trigger is pulled
9 and that is designed to capture and restrain the animal by a cable around the neck.

10 (4) “Conibear®”, “conibear®-type”, and “bodygrip” traps are designed to catch an animal in a body
11 hold resulting in a quick kill.

12 ~~(3)(5)~~ "Leghold" and "foothold" mean any trap designed to hold an animal by the foot.

13 ~~(4)(6)~~ "Loop stop" means a device that is attached to the snare cable to prevent the loop from closing
14 beyond a specified point.

15 ~~(5)(7)~~ "Power-activated" means a snare on which the speed or direction of the loop closure is initiated or
16 augmented by some type of powering device like a spring.

17 ~~(6)(8)~~ "Relaxing lock" means a snare lock that allows the snare loop to release constriction pressure on the
18 captured animal when the cable is not taut.

19 ~~(7)(9)~~ "Snare" means any cable restraining device.

20 ~~(8)(10)~~ "Steel-jaw" means any leghold or foothold trap in which the jaw(s) are made of metal.

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23 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.6;*

24 *Eff. January 1, 2011;*

25 *Readopted Eff. February 1, 2022.*

26 *Amended Eff. August 1, 2023.*

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1 **15A NCAC 10B .0303 OPEN SEASONS**

2 (a) ~~General~~—The open season for the taking by trapping of fur-bearing animals as those animals are defined in G.S.
3 113-129(7a), as well as the taking by trapping of coyotes, armadillos, and groundhogs, shall be ~~November~~October 1
4 through the last day of February, subject to the following:

5 (1) trapping coyotes shall also be allowed during local fox trapping seasons and in accordance with
6 methods described by local law in counties that have established fox trapping seasons by law outside
7 the regular trapping season described in Paragraph (a); and

8 (2) nutria may be trapped east of I-77 at any time.

9 (b) Feral Swine. There is no closed season for trapping feral swine, subject to the following restrictions:

10 (1) in addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission
11 is required to trap feral swine. Individuals exempted from license requirements under the provisions
12 specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must
13 acquire the permit;

14 (2) feral swine may be live-trapped using only corral or box traps. Corral and box traps must be
15 constructed in a manner such that a non-target animal can be released or can escape without harm.
16 The permit number must be displayed on all traps; and

17 (3) feral swine must be euthanized while in the trap and may not be removed alive from any trap.

18

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

20

21 *History Note: Authority G.S. 113-134; 113-291.1; 113-291.2; 113-291.12;*

22 *Eff. February 1, 1976;*

23 *Amended Eff. July 1, 1996; July 1, 1984; July 1, 1983; August 1, 1982; August 1, 1981;*

24 *Temporary Amendment Eff. July 1, 1999;*

25 *Amended Eff. July 1, 2000;*

26 *Temporary Amendment Eff. June 1, 2003;*

27 *Amended Eff. August 1, 2010; May 1, 2009; November 1, 2008; May 1, 2008; May 1, 2007; May 1,*
28 *2006; June 1, 2005; August 1, 2004;*

29 *Recodified from Rule 10B .0302 Eff. January 1, 2011;*

30 *Temporary Amendment Eff. December 29, 2011;*

31 *Amended Eff. November 1, 2012;*

32 *Readopted Eff. August 1, 2019.*

33 *Amended Eff. August 1, 2023.*

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APPENDIX A

1 15A NCAC 10B .0306 ATTENDANCE AND TAGGING OF TRAPS

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

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

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

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

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

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

19 (d) If the remote trap checking system control unit reports a trap closure, the trap shall be physically visited within
20 24 hours of the time the trap was reported closed.

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

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

25

26 *History Note: Authority G.S. 113-134; 113-291.6;*

27 *Eff. August 1, 2023.*

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1 **15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND** 2 **REQUIREMENTS**

3 (a) The following definitions shall apply in this Section:

4 (1) "Alligator control agent" or "ACA" means a licensed Wildlife Control Agent that holds a current
5 and valid alligator control agent certification issued by the Commission.

6 (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the
7 Commission that authorizes a Wildlife Control Agent to engage in alligator damage control or
8 alligator removal activities by means of a Commission-issued depredation permit.

9 (b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without
10 first obtaining an alligator control agent (ACA) certification from the Commission.

11 (c) Only individuals with a valid WCA license shall be eligible for ACA certification.

12 (d) WCAs meeting the following requirements shall qualify for ACA certification:

13 (1) completion of a Commission-approved ACA training course that reviews the following:

14 (A) alligator rules;

15 (B) procedures for alligator data collection activities; and

16 (C) safe, humane alligator capture, handling, and transporting techniques.

17 (2) a passing score on the ACA written examination as specified in Paragraph (d) of this Rule.

18 (3) demonstration to the Commission of necessary equipment to safely and humanely capture and
19 relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag
20 reader, and an alligator transport device.

21 (e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca

22 (f) WCAs scoring at least an 80 percent on the ACA examination provided by the Commission shall be deemed to
23 have received a passing score. WCAs failing to obtain a passing score on the examination shall receive one opportunity
24 to re-take the examination and receive a passing score without being required to retake the ACA training course.

25 (g) An ACA certification shall not be transferable between individuals.

26 (h) All equipment used in captive facilitates or on captive alligators shall not be used for ACA operations.

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29 *History Note: Authority G.S. 113-134; 113-273; 113-274;*

30 *Eff. May 1, 2021.*

31 *Amended Eff. August 1, 2023.*

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1 15A NCAC 10J .0101 DESIGNATION OF WILDLIFE CONSERVATION AREAS

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

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

7 (1) “Wildlife Conservation Area” means any lands owned, leased, controlled, or cooperatively managed
8 by the Wildlife Resources Commission primarily for the conservation of nongame wildlife resources
9 including those areas designated and posted as Wildlife Conservation Areas and those designated
10 and posted as Waterbird Nesting Areas.

11 (2) "Other materials" means: all metals, minerals, rocks, soil, organic debris, buildings, fences,
12 archeological resources as defined in G.S. 70-12, and water.

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

15 (1) On portions of Wildlife Conservation Areas posted as "Safety Zones" hunting is prohibited. No
16 person shall hunt or discharge a firearm or archery equipment as defined in 15A NCAC 10B .0116
17 within, into, or across a posted safety zone on any Wildlife Conservation Area. Falconry is exempt
18 from this provision.

19 (2) Portions of Wildlife Conservation Areas posted as "Restricted Zones" are closed to all use by the
20 public, and entry upon such an area for any purpose is prohibited without first having obtained
21 written approval of such entry or use from the Wildlife Resources Commission. Entry shall be
22 authorized only when such entry will not compromise the primary purpose for establishing the
23 Restricted Zone and the person or persons requesting entry are able to demonstrate a valid need or
24 such person is a contractor or agent of the Commission conducting official business. Valid needs
25 may include access to private property, scientific investigations, surveys, or other activities in the
26 public interest.

27
28 *History Note: Authority G.S. 113-134; 113-264; 113-291.2; 113-305; 113-306;*
29 *Eff. February 1, 1990.*
30 *Amended Eff. August 1, 2023.*

31

APPENDIX A

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

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

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

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

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

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

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

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

(1) ~~Hunting and Trapping:~~

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

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

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

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- 1 ~~(e)(f) Training Dogs. Dogs shall not be trained on designated wildlife conservation areas during open hunting seasons~~
2 ~~for game animals or game birds thereon. Dogs are shall not allowed to enter any wildlife conservation area~~ Wildlife
3 Conservation Area designated and posted as a ~~colonial waterbird nesting area~~ Waterbird Nesting Area during the
4 ~~period of April from March 1 through August 31. September 15 above the high tide waterline.~~
- 5 ~~(f)(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0110, .0302, and .0303, and .0306~~ trapping
6 of fur-bearing animals is permitted on any area designated and posted as a ~~wildlife conservation area~~ Wildlife
7 Conservation Area during the applicable open seasons, except that trapping is prohibited:
- 8 (1) on the Nona Pitt Hinson Cohen Wildlife Conservation Area in Richmond County; and
 - 9 (2) in posted "safety zones" located on any Wildlife Conservation Area.
- 10 (h) The following is prohibited on areas designated as Wildlife Conservation Areas or on their waters:
- 11 (1) driving a motorized vehicle on any area posted against vehicular traffic;
 - 12 (2) camping, unless designated by the landowner. On the coastal islands designated Wildlife
13 Conservation Areas, camping is allowed except on those areas designated and posted as Waterbird
14 Nesting Areas;
 - 15 (3) swimming, except for the waters adjacent to coastal island Wildlife Conservation Areas;
 - 16 (4) operating a vessel powered by internal combustion engine; and
 - 17 (5) operating motorized land vehicles not licensed for highway use. Persons who have obtained a permit
18 issued pursuant to G.S. 113-297 are exempt from this Rule but shall comply with permit conditions;
 - 19 (6) open fires.
- 20 ~~(g) Vehicular Traffic. No person shall drive a motorized vehicle on a road, trail or area posted against vehicular~~
21 ~~traffic or other than on roads maintained for vehicular use on any designated wildlife conservation area.~~
- 22 ~~(h) Camping. No person shall camp on any designated wildlife conservation area except on an area designated by~~
23 ~~the landowner for camping. On the coastal islands designated wildlife conservation areas, camping is allowed except~~
24 ~~on those areas designated and posted as Colonial Waterbird Nesting Areas.~~
- 25 ~~(i) Swimming. No person shall swim in the waters located on designated wildlife conservation areas, except that a~~
26 ~~person may swim in waters adjacent to coastal island wildlife conservation areas.~~
- 27 ~~(j) Motorboats. No person shall operate any vessel powered by an internal combustion engine on the waters located~~
28 ~~on designated wildlife conservation areas.~~
- 29 ~~(k) Non Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use~~
30 ~~on Wildlife Conservation Areas. Persons who have obtained a permit issued pursuant to G.S. 113-297 are exempt~~
31 ~~from this Rule but shall comply with permit conditions.~~
- 32 ~~(l) It is unlawful to possess or consume any type of alcoholic beverage on public use areas of the Nona Pitt Hinson~~
33 ~~Cohen Wildlife Conservation Area.~~
- 34 ~~(m)(i) It is unlawful to release animals or birds; domesticated animals, except hunting dogs and raptors where~~
35 ~~otherwise permitted for hunting or training purposes; and feral animals on conservation areas without prior written~~
36 ~~authorization of the Wildlife Resources Commission. Releasing animals or birds, domesticated animals, and feral~~
37 ~~animals on Wildlife Conservation Areas is prohibited except for:~~
- 38 (1) hunting dogs and raptors when permitted for hunting and training purposes; or

APPENDIX A

1 (2) with prior written authorization of the Wildlife Resources Commission.

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

13
14 *History Note:* *Authority G.S. 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 113-296;*
15 *113-297;*
16 *Eff. February 1, 1990;*
17 *Amended Eff. January 1, 2013; January 1, 2012; August 1, 2010; May 1, 2007; May 1, 2006; June*
18 *1, 2005; August 1, 2023.*
19
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