

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days. For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.1 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10L .0101.*

**Codifier of Rules received for publication the following notice and proposed temporary rule(s) on:** August 29, 2019

### Public Hearing:

**Date:** September 18, 2019

**Time:** 11:00 a.m.

**Location:** WRC Headquarters, 1751 Varsity Drive, Raleigh, NC 27606

**Reason for Proposed Temporary Action:** The effective date of a recent act of the General Assembly or of the US Congress. Cite: S.L. 2018-95, Effective date: 07/01/19.

*The Commission is required to adopt rules needed to administer the activities mandated for creating and maintaining land as a wildlife reserve for hunting, fishing, shooting, wildlife observation or wildlife activities.*

**Comment Procedures:** Comments from the public shall be directed to: Rule-making Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org. The comment period begins September 9, 2019 and ends October 1, 2019.

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10L – WILDLIFE CONSERVATION LAND PROGRAM

#### **15A NCAC 10L .0101    WILDLIFE RESERVE**

(a) A wildlife reserve is a type of wildlife conservation land that meets the size and ownership requirements in G.S. 105-277.15 and where the conditions in Paragraphs (b) and (c) of this Rule are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife Resources Commission that is submitted by the landowner to the county where an application for reduced property tax assessment is requested.

(b) Qualifying habitat shall be planned for or exist as, and be maintained as one or more of the following natural community types:

- (1) aquatic and wetland communities
  - (A) coldwater systems less than 20°C;
  - (B) coolwater systems greater than 20°C, less than 25°C;
  - (C) warmwater systems greater than 25°C;
  - (D) headwaters and small creek communities less than 40 square mile drainage area;
  - (E) large creeks and small river communities 40 to 200 square mile drainage area;
  - (F) medium river communities 200 to 3,800 square mile drainage area;
  - (G) large river communities greater than 3,800 square mile drainage area;
  - (H) stream swamp systems;
  - (I) natural lakes;
  - (J) reservoirs and impoundments;
  - (K) groundwater, springs, and subterranean water;
  - (L) estuarine aquatic communities;
  - (M) bogs and fens;
  - (N) estuarine wetland communities;
  - (O) floodplains - blackwater, brownwater, or inland systems;
  - (P) freshwater tidal wetlands;
  - (Q) nonalluvial mineral wetlands;
  - (R) pocosins;
  - (S) upland pools and depressions;
  - (T) upland seepages and spray cliffs; or
  - (U) wet pine savannas.
- (2) upland communities
  - (A) caves and mines;
  - (B) cove forests;
  - (C) dry coniferous woodlands including loblolly and slash pine timberlands;
  - (D) dry longleaf pine communities;
  - (E) grass and heath balds;
  - (F) high-elevation cliffs and rock outcrops;

- (G) low elevation flatrocks, cliffs, and rock outcrops;
- (H) mafic glades and barrens;
- (I) maritime forests;
- (J) maritime grasslands;
- (K) mesic forests;
- (L) oak and mixed hardwood and pine forests;
- (M) montane oak forests;
- (N) northern hardwood forests;
- (O) sand, shell, and wrack shorelines;
- (P) spruce - fir forests; or
- (Q) herbaceous, shrub, and woody successional communities.

(c) At least three of the following activities shall be maintained on the land as agreed upon in the written Wildlife Habitat Conservation Agreement:

- (1) "supplemental food" is annual or perennial noninvasive plantings that provide a direct or indirect source of food or nutrition for wildlife resources.
- (2) "supplemental water" includes natural and artificial water features or sources that are created or installed for the benefit of wildlife resources.
- (3) "supplemental shelter" is natural or artificial structures that are created or installed to provide shelter from the weather, nesting sites, or escape cover from predators. Supplemental shelter may include the addition of natural or artificial structures into aquatic habitats.
- (4) "habitat control" is managing upland, wetland, riparian, or aquatic vegetation or physical aquatic habitat using practices to establish, restore, enhance, or maintain the natural community type(s) listed in Paragraph (b) of this Rule.
- (5) "erosion control" is the implementation of practices to prevent, reduce, or minimize soil erosion. Practices may include streambank and in-stream channel stabilization. Practices established for erosion control shall not be known to harm wildlife or include invasive plant species.
- (6) "predator control" is a practice implemented to reduce the abundance of a species or suite of species that preys on any life stage of wildlife species for which the land is managed. Predator control includes removal of invasive animal species to manage or protect wildlife or wildlife habitats.
- (7) "census of animal population on the land" is conducting or participating in periodic surveys and inventories to determine the presence, number, composition, biological condition, or human use of wildlife.

Authority G.S. 105-277.15.