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The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

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Note: Title 21 contains the chapters of the various occupational licensing boards.
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

FILE DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING:

The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule submitted to it on or before the twentieth of a month by the last day of the next month.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:

The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:

This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.
EXECUTIVE ORDER NO. 5
EQUAL EMPLOYMENT OPPORTUNITY

WHEREAS, the State of North Carolina is committed to providing equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, creed, national origin, sex, age or disability; and

WHEREAS, the State recognizes that effective and efficient government requires the talents, skills, and abilities of all available human resources; and

WHEREAS, the State acknowledges the need to strive for diversity in all occupational categories; and

WHEREAS, this administration endorses taking positive approaches to ensure equal employment opportunity; and

WHEREAS, this administration believes that the personnel practices of state government should be nondiscriminatory and promote public confidence in the fairness and integrity of government; and

WHEREAS, fair and impartial treatment of all employees in all terms and conditions of employment is in the best interest of the State; and

WHEREAS, positive and aggressive steps by management are necessary in preventing discrimination, promoting fairness, and supporting a work environment where employees are valued for their strengths and encouraged to achieve their fullest potential; and

WHEREAS, citizens of North Carolina should contribute to the equal employment opportunity efforts of our State; and

WHEREAS, the State Personnel Commission has established policies and programs for state government to achieve these goals.

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of North Carolina, IT IS ORDERED:

Section 1. Equal Employment Policies and Programs.
The policies and programs that have been adopted by the State Personnel Commission and approved by the Governor represent the commitment of this State and must be strictly followed and fully complied with by every state agency, department and university.

Section 2. Administration.
Each agency, department head and university chancellor is responsible for the successful implementation of these policies, programs and this Order, and shall:
(1) Designate an official at the deputy secretary or assistant secretary level to assume responsibility for the operation and implementation of their equal opportunity plan and program;
(2) Designate the appropriate number of full-time equal employment opportunity (EEO) officers to perform the full range of EEO responsibilities for every 500-1500 employees to ensure the development and implementation of an effective EEO plan and program which achieve the EEO objectives. The Office of State Personnel is authorized to review and approve the appropriateness of the number of designated EEO Officers considering organizational size, structure and geographical dispersion. Agencies, departments or universities with 1-499 employees shall designate a part-time EEO Officer who shall have direct access to the agency, department or university head or their designee as indicated in subsection (1) above;
(3) Ensure that the EEO Officers report directly to the agency, department head, university chancellor, designated deputy or assistant secretary on EEO matters;
(4) Ensure that the agency’s, department’s or university’s commitment to equal employment opportunity is clearly transmitted to all employees;
(5) Provide adequate resources and support to the EEO Officers in the development and implementation of the EEO plan and program designed to achieve the equal opportunity goals;
(6) Ensure that personnel policies are administered fairly and personnel practices are nondiscriminatory;
(7) Ensure that each supervisory and management employee has, as a part of their performance management work plan, responsibility to comply with EEO laws and policies; and,
(8) Provide reasonable accommodations for otherwise qualified individuals with disabilities who can perform the essential functions of the job in question if such accommodations are made. These accommodations shall be in accordance with the Americans with Disabilities Act (ADA) Title I rules and regulations.

Section 3. Office of State Personnel
The State Personnel Director shall:
(1) Provide technical assistance, resource/support programs, monitoring and evaluation to assist agencies, departments, and universities in achieving their equal employment opportunity goals;
(2) Review and approve all EEO plans;
(3) Develop systems to review, analyze, and evaluate trends and make recommendations to the Governor regarding all personnel policies and practices which affect all terms, conditions, and benefits of employment;
(4) Design and implement monitoring and reporting systems to measure the effectiveness of agency, department and university EEO programs and personnel practices;
(5) Provide EEO training to managers, supervisors and employees;
(6) Develop, with the approval of the Governor and the State Personnel Commission, state government-wide EEO policies, programs and procedures;
(7) Develop and promote programs and practices to encourage fair treatment of all state employees;
(8) Compile, analyze, and submit reports to the Governor which demonstrate the State’s EEO progress;
(9) Establish procedures for determining reasonable accommodations which result in an uniform and fair process for applicants and employees with disabilities; and, develop an EEO plan for state government.

Section 4. Reports and Records.
The State Personnel Director shall submit quarterly reports to the Governor on each agency’s, department’s and university’s progress to ensure that its workforce is representative of the citizens of North Carolina and that all terms and conditions of employment are fair and non-discriminatory.

Section 5. Citizen Contribution.
The North Carolina Human Relations Commission shall provide oversight and review of state government’s implementation of the EEO program and goals, thereby assuring citizen contributions to the program. The Commission shall advise the Governor and the State Personnel Director on the progress and make recommendations for their consideration.

Section 6. Veterans’ Preference.
Nothing in this order shall be construed to repeal or modify any federal, state or local laws, rules or regulations creating special rights or preferences for veterans.

Section 7. Effect of other Executive Orders.
Executive Order 22 of the Hunt Administration, issued on August 13, 1993, is hereby rescinded.

This Executive Order shall be effective immediately and shall remain in effect until rescinded.

Done in the Capital City of Raleigh, North Carolina, this the 8th day of March 2001.

______________________________
Michael F. Easley
Governor

ATTEST:

______________________________
Elaine F. Marshall
Secretary of State
A Notice of Rule-making Proceedings is a statement of subject matter of the agency’s proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 03 – FACILITY SERVICES

Notice of Rule-making Proceedings is hereby given by the Division of Facility Services, DHHS in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rule Affected by this Rule-making: 10 NCAC 03R .6300 - Other rules may be proposed in the course of the rule-making process.

Authority for the Rule-making: G.S. 131E-176(25); 131E-177(1); 131E-183(b)

Statement of the Subject Matter: The agency plans to adopt new temporary rules which will include policies and need determinations for the 2002 State Medical Facilities Plan. SMFP rules for previous years may also be appealed under temporary rule-making.

Reason for Proposed Action: The need determinations and policies contained therein are incorporated into administrative rules. Because permanent rules cannot be adopted in time to become effective by January 1, 2002, it will be necessary to adopt temporary rules.

Comment Procedures: Written comments concerning the rule-making action must be submitted to Jackie Sheppard, Rule-Making Coordinator or Mark Benton, Policy Development Coordinator, Division of Facility Services, 2701 Mail Service Center, Raleigh, NC 27699-2701.

TITLE 12 – DEPARTMENT OF JUSTICE

CHAPTER 10 – NC SHERIFFS’ EDUCATION AND TRAINING STANDARDS COMMISSION

Notice of Rule-making Proceedings is hereby given by the NC Sheriffs’ Education and Training Standards Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rule Affected by this Rule-making: 12 NCAC 10B .0301, .0304-.0305, .0307, .0505, .0601, .0603, .0606, .0708, .0713; and Sections .0400; .0900; .1000; .1200; .1400; .1600; .2100 - Other rules may be proposed in the course of the rule-making process.

Authority for the Rule-making: G.S. 17-E

Statement of the Subject Matter: 12 NCAC 10B .0301 - Minimum Standards for Justice Officers - Rule sets out the minimum standards required in order for an individual to be employed or certified as a detention officer, deputy sheriff or telecommunicator.
12 NCAC 10B .0304 - Medical Examination - Rule sets out that applicants for justice officer certification and enrollees in the Commission-mandated courses must have a Medical History Statement and Medical Examination Report; it further specifies the time-frame in which such medical forms are required to be done.
12 NCAC 10B .0305 - Background Investigation - Rule sets out the requirements for background investigation conducted by the employing agency on justice officers.
12 NCAC 10B .0307 - Criminal History Record - Rule sets out the types of criminal history records that may prevent an individual from being able to obtain certification as a justice officer.
12 NCAC 10B .0400 - Certification of Justice Officer Personnel - Rules within this Section set out the requirements and processes for obtaining probationary and general certification as a justice officer.
12 NCAC 10B .0406 - Lateral Transfer/Reinstatements - Rule sets out the required documentation and process for laterally transferring a sworn-law enforcement officer’s certification from one agency to another and for obtaining a reinstatement of certification.
12 NCAC 10B .0408 - Verification of Records to Division - Rule sets out documents required to be submitted to the Division in order for an individual to obtain probationary certification.
12 NCAC 10B .0409 - Employing Agency Retention of Certification Records - Rule sets out the certification documents required to be maintained by the employing/appointing agency in accordance with 12 NCAC 10B .0408.
12 NCAC 10B .0505 - Evaluation for Training Waiver - Rule sets out specific training requirements/waivers for individuals who have prior experience and training as a sworn law enforcement officer.
12 NCAC 10B .0601 - Detention Officer Certification Course - Rule sets out the course hours and identifies other publications which govern course deliveries.
12 NCAC 10B .0603 - Evaluation for Training Waiver - Rule sets out specific training requirements/waivers for individuals who have prior experience and training as a detention or correctional officer.
12 NCAC 10B .0606 - Comp Written Exam - Detention Officer Certification Course - Rule sets out the format for the state examination.
12 NCAC 10B .0708 - Administration of Telecommunicator Certification Course - Rule sets out administrative requirements placed upon institutions or agencies which offer this course.
12 NCAC 10B .0713 Admission of Trainees - Rule sets out what shall be required of institutions/agencies which offer the Commission-mandated courses to require of potential enrollees in the course for admittance.
12 NCAC 10B .0900 - Minimum Standards for Justice Office Instructors - Rules in this Section set out requirements for individuals instructing in the Commission-mandated courses.
12 NCAC 10B .1000 - Professional Certification Program for Sheriffs and Deputy Sheriffs - Voluntary program to recognize deputy sheriffs for achieving education and training beyond the minimum state mandate.
12 NCAC 10B .1200 - Professional Certification Program for Detention Officers - Voluntary program to recognize detention officers for achieving education and training beyond the minimum state mandate.
12 NCAC 10B .1400 - Professional Certification Program for Reserve Deputy Sheriffs - Voluntary program to recognize reserve deputy sheriffs for achieving education and training beyond the minimum state mandate.
12 NCAC 10B .1600 - Professional Certification Program for Telecommunicators - Voluntary program to recognize telecommunicators for achieving education and training beyond the minimum state mandate.
12 NCAC 10B .2100 - Deputy Sheriff and Detention Officers = Firearms In-Service Training Requalification Program - Rules within this Section set out the in-service requirements for deputy sheriffs and detention officers who are authorized to carry firearms.

Reason for Proposed Action:
12 NCAC 10B .0301 - Minimum Standards for Justice Officers - This Paragraph is to be amended to require justice officers who are the subject of Domestic Violence Orders to notify their agency head and the Division. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.
12 NCAC 10B .0304 - Medical Examination - Amendment to this Rule may be made in order to adopt a different set of medical forms to be required for telecommunicators in response to the concern that the current requirement is too stringent for persons in those positions. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.
12 NCAC 10B .0305 - Background Investigation - Amendments to this Rule will be made to increase the requirements for background investigations.
12 NCAC 10B .0307 - Criminal History Record - Amendments to this Rule will be made to make this Section parallel the requirements set out in 12 NCAC 10B .0204.
12 NCAC 10B .0400 - Certification of Justice Officer Personnel - Language needs to be added in various rules within this Section to make it clear that this section is to be read in conjunction with the applicable training requirements set out in Section .0500 for Deputy Sheriffs, .0600 for Detention Officers, and .1300 for Telecommunicators.
12 NCAC 10B .0406 - Lateral Transfer/Reinstatements - Amendment will result in same documentation and process being required for lateral transferees as is currently required for probationary officers. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms. In addition, the N.C. General Assembly recently passed legislation which allows forms that are required to be conducted and signed by licensed physicians to be conducted and signed instead by physician's assistants and/or nurse practitioner and that a physician need not be present. Since this Rule specifies that the medical examination bear a licensed physician's signature, it needs to be modified to be consistent with the new state law.
12 NCAC 10B .0408 - Verification of Records to Division - Amendments to language of required documentation for obtaining probationary certification or general or grandfather certification as a lateral transferree. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.
12 NCAC 10B .0409 - Employing Agency Retention of Certification Records - Amendment to delete redundant language and instead include a cross-reference to 12 NCAC 10B .0408. Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.
12 NCAC 10B .0505 - Evaluation for Training Waiver - Amendments to rule to clean-up some language for clarification which may involve adding additional paragraphs within the rule.
12 NCAC 10B .0601 - Detention Officer Certification Course - Proposed amendment to reallocate the 162 hours of instruction to: reduce the Fire Emergencies block of instruction from 12 hours to 4 hours, add a new 3 hour block of instruction on Ethics, add a new 5 hour block of instruction on Communication Skills, and rename the Special Populations block of instruction to Aspects of Mental Illness.
12 NCAC 10B .0603 - Evaluation for Training Waiver - The Criminal Justice Commission temporary rule changes regarding the training requirements for correctional officers which will no longer set out the blocks of instruction that correctional officers are required to complete which went into effect January 1, 2001. Permanent rules are expected to be effective in August of 2002: amendment to Paragraph (7) of this Rule which will set a cut-off date based on the effective date of the CJ rule changes for individual's who will be eligible for a partial training waiver, amendment to Subparagraph (7)(vii) of this Rule - Fire Emergencies in the Jail 12 hours should be changed to Fire Emergencies 4 hours; and the total hours changed to 46 hours; a new Paragraph (8) will be added which will allow individuals who cannot qualify for a partial training waiver under12 NCAC 10B .0603(7), to submit documentation showing the specific curriculum they completed as a correctional officer, which will be compared to the existing Detention Officer Certification Course and a case-by-case determination made by the Division.
staff as to whether any of the Detention Officer Certification Course can be waived, and deletion of Paragraph (b) of this Rule and corresponding renumbering of entire rule.

12 NCAC 10B .0606 - Comp Written Exam - Detention Officer Certification Course - Due to the revisions to the course as explained under 12 NCAC 10B .0603 above, the state examination will need to be re-written. That re-write may result in changes to the examination format.

12 NCAC 10B .0708- Administration of Telecommunicator Certification Course - Proposed change to amend Paragraph (b), lines 9 and 10 to read: "The school director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored Telecommunicator Certification Course."

12 NCAC 10B .0713 Admission of Trainees - Changes may also be required to this Rule if a determination is made that telecommunicators will have a specialized set of medical forms.

12 NCAC 10B .0900 - Minimum Standards for Justice Office Instructors - Various amendments will be made to the rules within this Section to make the instructor certification simpler to administer and less burdensome on the instructors to track and maintain certification.

12 NCAC 10B .1000 - Professional Certification Program for Sheriffs and Deputy Sheriffs - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

12 NCAC 10B .1200 - Professional Certification Program for Detention Officers - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

12 NCAC 10B .1400 - Professional Certification Program for Reserve Deputy Sheriffs - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

12 NCAC 10B .1600 - Professional Certification Program for Telecommunicators - Amendments to the rules within this Section to change the formulas used so as not to credit the individuals with training points for completion of mandated basic training.

12 NCAC 10B .2100 - Deputy Sheriff and Detention Officers’ Firearms In-Service Training Requalification Program - The task analysis for law enforcement in North Carolina was recently updated. As a result, the Basic Law Enforcement Training Course was revised, including an upgrading of the instruction given to and qualifications required of new recruits. Since new officers are now being required to qualify at night with a shotgun and the handgun and shotgun courses of fire now include a combat course, the in-service standard is being studied to determine whether similar requirements should be placed upon veteran officers. If so, the rules within this Section may need to be amended.

**Comment Procedures:** Comments may be submitted to Julia A. Lohman, Rule-making Coordinator, PO Drawer 629, Raleigh, NC 27602.

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**CHAPTER 07 - COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0209 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Development exceptions in the 30 foot Buffer Zone.

**Reason for Proposed Action:** The proposed amendment would establish criteria for exceptions to the regulatory requirement, effective on August 1, 2000, of a 30 foot development setback along public trust and estuarine waters to allow construction of residences on previously platted undeveloped lots that are located in intensively developed areas and that would otherwise be prohibited under rules adopted by the Commission pursuant to G.S. 113A, Article 7.

**Comment Procedures:** Comments may be submitted to Bill Crowell, 1638 Mail Service Center, Raleigh, NC 27699-1638, phone 919-733-2293.

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**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07H .0209 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Buffer use exceptions

**Reason for Proposed Action:** The purpose of this rule amendment is to exempt a specified list of the most common existing non-water dependent uses typically found in the 30 foot buffer area which staff believed could be authorized with very little impact to water quality.

**Comment Procedures:** Comments may be submitted to Mike Lopazanski, 1638 Mail Service Center, Raleigh, NC 27699-1638, phone 919-733-2293.

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CHAPTER 07 – COASTAL MANAGEMENT

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Citation to Existing Rule Affected by this Rule-making: 15A NCAC 07H .0309, .0311; 07K .0212 - Other rules may be proposed in the course of the rule-making process.

Authority for the Rule-making: G.S. 113-119.1

Statement of the Subject Matter:
15A NCAC 07H .0309 – Oceanfront setback exceptions
15A NCAC 07H .0311; 07K .0212 – Installation and maintenance of sand fencing

Reason for Proposed Action:
15A NCAC 07H .0309 – The purpose of this proposed rule amendment is to prohibit the siting of substantial and potentially debris-generating accessory structures such as swimming pools, tennis courts and hard-surfaced parking areas within the mandatory (small structure) oceanfront setback, as defined in 15A NCAC 07H .0306(a).
15A NCAC 07H .0311; 07K .0212 – These proposed new rules would regulate sand fencing, which is the most commonly used method of promoting dune accretion along the State's coast. These rules are designed to ensure that sand fences are installed and maintained in a manner that does not impede nesting sea turtles, emergency vehicles, or public access rights.

Comment Procedures: Comments may be submitted to James Rosich, NC Division of Coastal Management, 1638 Mail Service Center, Raleigh, NC 27699-1638.
This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars ($5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 16 – DEPARTMENT OF PUBLIC EDUCATION

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to amend the rules cited as 16 NCAC 06D .0305, .0502; 06G .0305. Notice of Rule-making Proceedings was not applicable under G.S. 115C-17.

Proposed Effective Date: August 1, 2002

Public Hearing:
Date: May 9, 2001
Time: 1:00 p.m.
Location: Room 224 North, Education Building, 301 N. Wilmington St., Raleigh, NC

Reason for Proposed Action:
16 NCAC 06D .0305 – The State Board has determined that the inclusion of all high school courses in which an end-of-course test is administered will provide greater reliability in the ABCs program.

16 NCAC 06D .0502 – The State Board has determined that the requirement for passing the exit exam must be modified so that the exit exam may be properly developed and validated prior to administration.

16 NCAC 06G .0305 – The State Board has determined that because of the requirement to test students who had previously been excluded from testing because of disability or limited English proficiency, writing test results should not be included in a school’s growth/gain composite until the State Board has three years of comparable data available. Without this data, test results will not be statistically reliable.

Comment Procedures: Comments may be presented orally or in writing at the hearing or in writing directed to the Rule-making Coordinator by mail, e-mail, or fax at (919)807-3407. Comments will be received through May 16, 2001.

Fiscal Impact
☐  State
☐  Local
☒  Substantive (>$5,000,000)
☐  None

SECTION .0500 – DEFINITIONS

16 NCAC 06D .0502 STUDENT ACCOUNTABILITY STANDARDS

(a) Gateway 1—Grade 3. In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students who score at Level III or above and who meet all local promotion requirements shall be promoted to grade 4 unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2001-02 school year.

(b) Gateway 2—Grade 5. In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, LEAs shall use the grade 4 writing assessment as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The

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principal and teacher(s) shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6. Students who score at Level III or above on reading and mathematics, who meet all local promotion standards, and who make adequate progress in writing shall be promoted to grade 6, unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2000-01 school year.

(c) Gateway 3—Grade 8. In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on an end-of-grade test in both reading and mathematics. Additionally, the LEA shall use the grade 7 writing assessment as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher(s) shall use locally developed and scored writing samples during grade 8 to determine if students have made adequate progress to be promoted to grade 9. Students who score at Level III or above on reading and mathematics, who meet all local promotion standards, and who make adequate progress in writing shall be promoted to grade 9 unless the school principal shall determine otherwise in consultation with teacher(s). These requirements shall become effective with the 2001-02 school year.

(d) Gateway 4—Grade 12. Students shall meet the following requirements to receive a North Carolina high school diploma:

1. meet existing local and state graduation requirements;
2. score at proficiency level III or above on the exit exam of essential skills. Students shall take this exam in the spring of the students' 11th grade year. This requirement shall apply to students who enter the ninth grade for the 1999-2000 first time in the 2001-2002 school year.
3. achieve a passing score on the computer skills test as set forth in Rule .0503(c) of this Subchapter.

"b_0" means the state average rate of growth used in the regression formula for the respective grades and content areas (reading and mathematics) in grades 3 through 8 and grade 10; or the state average performance used in the prediction formula for respective high school end-of-course tests. The values for b_0 shall be as follows:

(A) for reading:
   (i) 6.2 for grade 3;
   (ii) 5.2 for grade 4;
   (iii) 4.6 for grade 5;
   (iv) 3.0 for grade 6;
   (v) 3.3 for grade 7;
   (vi) 2.7 for grade 8; and
   (vii) 2.3 for grade 10.

(B) for mathematics:
   (i) 12.8 for grade 3;
   (ii) 7.3 for grade 4;
   (iii) 7.4 for grade 5;
   (iv) 7.1 for grade 6;
   (v) 6.5 for grade 7;
   (vi) 4.9 for grade 8; and
   (vii) 2.3 for grade 10.

(C) for EOC courses:
   (i) 60.4 for Algebra I;
   (ii) 55.2 for Biology;
   (iii) 54.0 for ELPS (Economic, Legal, and Political Systems);
   (iv) 53.3 for English I;
   (v) 56.0 for U.S. History;
   (vi) 59.3 for Algebra II;
   (vii) 56.9 for Chemistry;
   (viii) 58.5 for Geometry;
   (ix) 53.8 for Physical Science; and
   (x) 56.1 for Physics.

"b_1" means the value used to estimate true proficiency in the regression formulas for grades 3 through 8 and grade 10. The values for b_1 shall be as follows:

(A) for reading:
   (i) 0.46 for grade 3;
   (ii) 0.22 for grades 4 through 8; and
   (iii) 0.24 for grade 8 to 10.

(B) for mathematics:
   (i) 0.30 for grade 3;
   (ii) 0.26 for grades 4 through 8; and
   (iii) 0.28 for grade 8 to 10.

"b_2" means the value used to estimate regression to the mean in the regression formula for grades 3 through 8 and 10. The values for b_2 shall as follows:

(A) for reading:
   (i) -0.91 for grade 3;
   (ii) -0.60 for grades 4 through 8; and
   (iii) -0.52 for grades 8 to 10.
"Composite score" means a summary of student performance in a school. A composite score may include reading, writing, and mathematics in grades 3 through 8 and in Algebra I & II, Biology, ELPS, English I, English II (Writing), Geometry, Chemistry, Physics, Physical Science, and U.S. History in a school where one or more of these EOC tests are administered, as well as student performance on the NC High School Comprehensive Test, the NC Computer Skills Test, competency passing rate, dropout rates, and percent diploma recipients who satisfy the requirements for College Prep/College Tech Prep courses of study in grades 9 through 12.

"Eligible students" means the total number of students in membership minus the number of students excluded from participation in a statewide assessment.

"Expected growth" means the amount of growth in student performance that is projected through use of the regression formula in grades 3 through 8 and grade 10 in reading and mathematics.

"Exemplary growth" means the amount of growth in student performance in grades 3 through 8 and grade 10 in mathematics that is projected through use of the regression formula that includes the state average rate of growth adjusted by an additional 10 percent.

"Growth standards" are the benchmarks set annually by the SBE to measure a school's progress.

"IRM" is the index for regression to the mean used in the regression formula. The SBE shall compute the IRM for reading by subtracting the North Carolina average reading scale score from the local school average reading scale score. The SBE shall compute the IRM for mathematics by subtracting the North Carolina average reading scale score from the local school average mathematics scale score. The SBE shall base the state average on data from the 1994-95 school year.

"ITP" is the index for true proficiency used in the regression formula. The SBE shall compute the ITP by adding the North Carolina average scale scores in reading and mathematics and subtracting that sum from the average scale scores in reading and mathematics. The SBE shall annually by the SBE to measure a school's progress.

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schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.

(20) "IAP" is the index of Algebra I proficiency used in the prediction formula. The SBE shall compute the "IAP" by calculating the average Algebra I scale score for students in the school and subtracting the average Algebra I scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.

(21) "IBP" is the index of Biology proficiency used in the prediction formula. The SBE shall compute the "IBP" by calculating the average Biology scale score for students in the school and subtracting the average Biology scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.

(22) "IEP" is the index of English I proficiency used in the prediction formula. The SBE shall compute the "IEP" by calculating the average English I scale score for students in the school and subtracting the average English I scale score for North Carolina schools. The SBE shall base the state average for North Carolina schools on data from the 1998-99 school year.

(23) "Performance Composite" is the percent of scores of students in a school who are at or above Level III or III, are at a passing level on the Computer Skills Test (students in eighth grade only) as specified by 16 NCAC 06D 0503(c), and at proficiency level or above on the Alternate Assessment Portfolio to the extent that any apply in a given school. In determining the number of scores of students who are performing at or above Level III at a school, the SBE shall:

(A) determine the number of scores that are at Level III or IV in reading, mathematics, or writing across grades 3 through 10, or on all EOC tests administered as part of the statewide testing program; add the number of scores that are at a passing level on the NC Computer Skills Test (students in eighth grade only); add the number of student scores on the Alternate Assessment Portfolio to the extent that any apply in a given school; and use this number—the total of these numbers—as the denominator; and

(B) determine the number of student scores in reading, mathematics, or writing, or Computer Skills in across grades 3 through 8 and 10; or determine the number of student scores on all EOC tests administered as part of the statewide testing program; add the number of student scores on the N.C. Computer Skills Test (students in eighth grade only); add the number of student scores on the Alternate Assessment Portfolio; and use this number—the total of these numbers—as the denominator; and

(C) total the numerators for each content area and subject, total the denominators for each content area and subject, and divide the denominator into the numerator to compute the performance composite.

(24) "Predicted EOC mean" is the average student performance in a school on an EOC test that is projected through the use of the prediction formula.

(25) "Predicted EOC exemplary mean" is the average student performance in a school on an EOC test that is projected through the use of the prediction formula that includes the state average adjusted by an additional five percent.

(26) "Prediction formula" means a regression formula used in predicting a school's EOC test mean for one school year.

(27) "Regression formula" means a formula that defines one variable in terms of one or more other variables for the purpose of making a prediction or constructing a model.

(28) "Standard deviation" is a statistic that indicates how much a set of scores vary. Standard deviation values used for the growth standards are as follows:

(A) for reading in grades K-8:
   (i) 1.7 for grade 3;
   (ii) 1.3 for grade 4;
   (iii) 1.2 for grade 5;
   (iv) 1.3 for grade 6;
   (v) 1.1 for grade 7;
   (vi) 1.2 for grade 8; and
   (vii) 1.6 for grade 10.

(B) for mathematics in grades K-8:
   (i) 2.6 for grade 3;
   (ii) 2.1 for grade 4;
   (iii) 2.0 for grade 5;
   (iv) 2.1 for grade 6;
   (v) 2.0 for grade 7;
   (vi) 1.7 for grade 8; and
   (vii) 2.0 for grade 10.

(C) for courses with an EOC test:
   (i) 3.3 for Algebra I;
   (ii) 2.6 for Biology;
   (iii) 3.1 for ELPS;
   (iv) 1.8 for English I;
   (v) 7.6 for English II (expected gain);
   (vi) 7.5 for English II (exemplary gain);
   (vii) 2.2 for U.S. History;
   (viii) 2.9 for Algebra II;
   (ix) 2.5 for Chemistry;
   (x) 2.5 for Geometry;
   (xi) 2.5 for Physical Science;
(29) "Weight" means the number of students used in the calculation of the amount of growth/gain for a subject or content area.

(b) In carrying out its duty under G.S. 115C-105.35 to establish annual performance goals for each school, the SBE shall use both growth standards and performance standards.

(1) The SBE shall calculate the expected growth rate for grades 3 through 8 and grade 10 in an individual school by using the regression formula "Expected Growth = b0 + (b1 x ITP) + (b2 x IRM)."

(2) The SBE shall calculate the predicted EOC expected mean for courses in which end-of-course tests are administered by using the prediction formulas that follow.

(A) "Predicted Algebra I Mean Score = b0 + (b_{IMP} x IMP)," where b0 is the North Carolina average of school means and b_{IMP} is the impact of Mathematics Proficiency.

(B) "Predicted Biology Mean Score = b0 + (b_{IRP} x IRP) + (b_{IMP} x IMP) + (b_{IMP}^2 x IMP^2) + (b_{IMP}^3 x IMP^3)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency, and (b_{IMP} x IMP) is the impact of Mathematics Proficiency.

(C) "Predicted ELPS Mean Score = b0 + (b_{IRP} x IRP)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency.

(D) "Predicted English I Mean Score = b0 + (b_{IRP} x IRP)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency.

(E) "Predicted U.S. History Mean Score = b0 + (b_{IRP} x IRP) + (b_{IMP} x IMP) + (b_{IMP}^2 x IMP^2)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency, (b_{IMP} x IMP) is the impact of Mathematics Proficiency.

(F) "Predicted Algebra II Mean Score = b0 + (b_{IRP} x IRP) + (b_{DIAP} x IA)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency, and (b_{DIAP} x IA) is the impact of Algebra Proficiency.

(G) "Predicted Chemistry Mean Score = b0 + (b_{DIAP} x IA) + (b_{IBP} x IBP) + (b_{IRP} x IEP)," where b0 is the North Carolina average of school means and (b_{DIAP} x IA) is the impact of Algebra Proficiency, (b_{IBP} x IBP) is the impact of Biology Proficiency, and (b_{IRP} x IEP) is the impact of English I Proficiency.

(H) "Predicted Geometry Mean Score = b0 + (b_{IRP} x IRP) + (b_{IMP} x IMP) + (b_{DIAP} x IA)," where b0 is the North Carolina average of school means and (b_{IRP} x IRP) is the impact of Reading Proficiency, (b_{IMP} x IMP) is the impact of Mathematics Proficiency, and (b_{DIAP} x IA) is the impact of Algebra Proficiency.

(I) "Predicted Physical Science Mean Score = b0 + (b_{IBP} x IBP) + (b_{IMP} x IMP)," where b0 is the North Carolina average of school means and (b_{IBP} x IBP) is the impact of Biology Proficiency, and (b_{IMP} x IMP) is the impact of Mathematics Proficiency.

(J) "Predicted Physics Mean Score = b0 + (b_{DIAP} x IA) + (b_{IBP} x IBP) + (b_{IEP} x IEP)," where b0 is the North Carolina average of school means and (b_{DIAP} x IA) is the impact of Algebra Proficiency, (b_{IBP} x IBP) is the impact of Biology Proficiency, and (b_{IEP} x IEP) is the impact of English I Proficiency.

(c) Schools shall be accountable for student performance and achievement.

(1) To be included in accountability measures for the growth standard, a student in grade three through grade eight must:

(A) have a pre-test score and a post-test score in reading and mathematics, Students in grades four or seven with writing scores shall also be included; and

(B) have been in membership more than one-half of the instructional period (91 of 180 days).

(2) Students in grades 9-12 shall be included in the performance composite:

(A) if they have reading, mathematics, writing, Computer Skills, or EOC scores without reference to pretest scores or length of membership;

(B) if they have been in membership 160 of 180 days; and

(C) if they have scores for all tests used in the prediction formula.

(d) The SBE shall include in the accountability system on the same basis as all other public schools each alternative school with an identification number assigned by the Department. Test scores for students who attend programs or classes in a facility
that does not have a separate school number shall be reported to and included in the students' home schools.

(e) Each K-8 school shall test at least 98 percent of its eligible students. If a school fails to test at least 98 percent of its eligible students for two consecutive school years, the SBE may designate the school as low-performing and may target the school for assistance and intervention. Each school shall make public the percent of eligible students that the school tests.

(f) High schools shall test at least 95 percent of enrolled students who are subject to EOC tests and the NC Comprehensive Test, regardless of exclusions. High schools that test fewer than 95 percent of enrolled students for two consecutive years may be designated as low-performing by the SBE.

(g) All students who are following the standard course of study and who are not eligible for exclusion as set out in Paragraph (g) of this Rule shall take the SBE-adopted tests. Every student, including those students who are excluded from testing, shall complete or have completed an answer document (except in writing). Both the school and the LEA shall maintain records on the exclusions of students from testing. The Department may audit these records.

(h) Individual students may be excluded from SBE-adopted tests as follows:

1. Limited English proficient students may be excluded for up to two years one year beginning with the time of enrollment in the LEA if the student's English language proficiency has been assessed as novice/low to intermediate/low in listening, reading, and writing. A student whose English language proficiency has been assessed as intermediate/high or advanced may be excluded from tests in which the student writes responses for up to two years. 12 months after a limited English proficient student has enrolled in the LEA, the student must be reassessed on the same language proficiency test that was used as a part of the identification of the student for inclusion in the limited English proficiency program in that LEA. A student assessed as novice/low to intermediate/low after 12 months may be excluded for an additional 12 months. A student assessed as intermediate/high or advanced may be excluded from tests in which the student writes responses for up to two years.

2. Students with disabilities may be excluded on an individual basis if the exclusion is stated in the student's IEP and if the student is following a functional curriculum as defined by 16 NCAC 6D .0501(3). If a student with disabilities is excluded from participation in a statewide assessment in one subject but is included in testing for the remaining subjects, that student shall be included in the school's percent tested requirement. The parent or guardian of the student if over age 18, shall sign a written consent for test exclusion that certifies that the parent, guardian, or student understands that the exclusion for the eighth-grade tests may cause the student not to be eligible to receive a high school diploma. All students with disabilities including those identified under Section 504 shall be included in the statewide testing program through the use of state tests with appropriate accommodations or through the use of other state assessments designed for these students. The student's IEP team shall determine whether a testing accommodation is appropriate for that student's disability or whether the student should be assessed using another state assessment designed for that student's disability.

(i) LEAs shall administer alternative assessments to students who are excluded from participation in a regular statewide assessment to demonstrate mastery of course or specific curriculum content. Students in grades 3-8 and 10 with IEPs and serious cognitive deficits and whose program of study focuses on functional/life skills shall participate in the North Carolina Alternate Assessment Portfolio as an alternative.

(j) The SBE shall calculate a school's expected growth/gain composite in student performance using the following process:

1. Calculate the indices for growth in grades 4 and 7 (separately) for the three most current years for achievement levels as defined by 16 NCAC 6C .0103(1) as follows:

   (A) Multiply the percent of students at level IV by 3.
   (B) Multiply the percent of students at level III by 2.
   (C) Determine the percent of students at level II.
   (D) Add the three numbers together and divide by three.
   (E) Determine the difference in scores that is greatest by subtracting the index two years ago from the most recent index and then by subtracting the index for the prior school year from the most recent index. Multiply the resulting difference by one half.
   (F) Subtract 0.1 from the difference.
   (G) Divide by the associated standard deviation. The result is the standard gain for writing.
standard gain and the exemplary standard gain for EOC courses.

(2) Determine the actual growth in reading and mathematics at each grade level included in the state testing program, using data on groups of students, and determine the actual EOC mean for EOC tests using data on the same groups of students from one point in time to another point in time.

(3) Subtract the expected growth from the actual growth in reading and mathematics at grades 3 through 8 and grade 10; then subtract the predicted EOC mean from the actual EOC mean for EOC tests.

(4) Divide the differences for reading, writing, reading, and mathematics by the standard deviations of the respective differences in growth/gain at each grade level and for each EOC to determine the standard growth score.

(5) The SBE shall calculate a school's gain composite in college prep/college tech prep using the following process:

(A) Compute the percent of graduates who receive diplomas who completed either course of study in the current accountability year. Students shall be counted only once if they complete more than one course of study.

(B) Find the baseline, which is the average of the two prior school years' percent of graduates who received diplomas and who completed a course of study.

(C) Subtract the baseline from the current year's percentage.

(D) Subtract 0.1, unless the percentages are both 100. If both percentages are 100, the gain is zero.

(E) Divide by the associated standard deviation. The result is the standard gain for college prep/college tech prep.

(6) The SBE shall calculate a school's expected gain composite in the competency passing rate by comparing the grade 10 competency passing rate on a matched set of students to the grade 8 passing rate for the same group of students.

(A) Subtract the grade 8 rate from the grade 10 rate.

(B) Subtract 0.1.

(C) Divide by the standard deviation. The result is the standard gain in competency passing rate.

(7) Determine the composite expected gain in English II for a high school as follows:

(A) Compute the English II index for the current year and for the two previous years by multiplying the percentage of students at level IV by 3, the percentage of students at level III by 2, and the percentage of students at level II by 1. Add the products and divide by 3 to obtain the EOC index.

(B) Compute the EOC indices for the same three years.

(C) Determine the baseline by adding Year One and Year Two and dividing by 2.

(D) Subtract the baseline from the current year’s index.

(E) Subtract 0.1 from the difference.

(F) Divide the result by the associated standard deviation of change. This is the standard expected gain for English II.

(8) The SBE shall calculate a school's expected growth/gain composite by adding-multiplying the expected standard growth scores for reading and mathematics at each grade level from grade 3 to 8 and 10, EOC gain, writing at grades 4 and 7, gain in competency passing rate, gain in college prep/college tech prep, change in dropout rate, and English II gain, gain by the respective weight for each, as they may apply in a given school. These values shall be summed and divided by the sum of all the weights. If the resulting number is zero or above, the school has made the expected growth standard.

(9) The SBE shall compute exemplary growth using the exemplary growth standard (b_v x 1.10) in the accountability formula for grades 3 through 8 and 8 to 10 in reading and mathematics, and (b_v x 1.051.03) for predicted EOC means. There is no exemplary standard for writing, competency passing rate, rate, rate or college prep/college tech prep gain.

(10) To determine the composite score for exemplary standards:

(A) Subtract the exemplary growth/gain from the actual growth/gain standard in reading and mathematics at grades 3 through 8 and 10; subtract the predicted exemplary EOC mean for each EOC test. In writing, one tenth (.1) must be subtracted from the greater of the two writing differences.

(B) Divide the difference in growth/gain by the standard deviations of the respective differences in growth/gain to determine the standard growth/gain score.

(C) Add Multiply the exemplary standard growth/gain scores for reading and mathematics at each grade level from grade 3 to 8 and 10, EOC gain, expected standard gain in writing at grades 4 and 7, Competency Passing Rate, Dropout Rate, and for College Prep/College Tech Prep, and exemplary standard gain in English II by the
respective weight for each, as they may apply in a given school. These values shall be summed and divided by the sum of all the weights. If the resulting number is zero or above, the school has met the exemplary growth standard.

(k) If school officials believe that the school’s growth standards were unreasonable due to specific, compelling reasons, the school may appeal its growth standards to the SBE. The SBE shall appoint an appeals committee composed of a panel selected from the compliance commission to review written appeals from schools. The school officials must clearly document the circumstances that made the goals unrealistic and must submit its appeal to the SBE within 30 days of receipt of notice from the Department of the school’s performance. The appeals committee shall review all appeals and shall make recommendations to the SBE. The SBE shall make the final decision on the reasonableness of the growth goals.

Authority G.S. 115C-12(9)c4.
TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency:  DHHS – Division of Medical Assistance

Rule Citation:  10 NCAC 50B .0311

Effective Date:  April 16, 2001

Findings Reviewed and Approved by:  Julian Mann, III


Reason for Proposed Action:  Section 11.11 of House Bill required the Department of Health and Human Services to conduct a study of the feasibility and costs of increasing the resource limits for Medicaid for the Aged, Blind and Disabled.  Out of the resource study the General Assembly implemented two suggestions from the study in House Bill 1840 Section 11.12(x).  Exclude all burial plots and exclude the cash value of life insurance when the total face value of cash value bearing life insurance policies does not exceed $10,000.

Comment Procedures:  Written comments concerning this rule-making action must be submitted to Portia W. Rochelle, Rule-making Coordinator, Division Medical Assistance, 1985 Umstead Dr., 2504 Mail Service Center, Raleigh, NC 27699-2504.

CHAPTER 50 – MEDICAL ASSISTANCE

SUBCHAPTER 50B – ELIGIBILITY DETERMINATION

SECTION .0300 – CONDITIONS FOR ELIGIBILITY

10 NCAC 50B .0311  RESERVE
North Carolina has contracted with the Social Security Administration under Section 1634 of the Social Security Act to provide Medicaid to all SSI recipients.  Resource eligibility for individuals under any Aged, Blind, and Disabled coverage group is determined based on standards and methodologies in Title XVI of the Social Security Act except as specified in Items (4) and (5) of this Rule.  Applicants for and recipients of Medicaid shall use their own resources to meet their needs for living costs and medical care to the extent that such resources can be made available.  Certain resources shall be protected to meet specific needs such as burial and transportation and a limited amount of resources shall be protected for emergencies.

(1) The value of resources currently available to any budget unit member shall be considered in determining financial eligibility.  A resource shall be considered available when it is actually available and when the budget unit member has a legal interest in the resource and he, or someone acting in his behalf, can take any necessary action to make it available.

(a) Resources shall be excluded in determining financial eligibility when the budget unit member having a legal interest in the resources is incompetent unless:

(i) A guardian of the estate, a general guardian or an interim guardian has been lawfully appointed and is able to act on behalf of his ward in North Carolina and in any state in which such resources are located; or

(ii) A durable power of attorney, valid in North Carolina and in any state in which such resource is located, has been granted to a person who is authorized and able to exercise such power.

(b) When there is a guardian, an interim guardian, or a person holding a valid, durable power of attorney for a budget unit member, but such person is unable, fails, or refuses to act promptly to make the resources actually available to meet the needs of the budget unit member, a referral shall be made to the county department of social services for a determination of whether the guardian or attorney in fact is acting in the best interests of the member and if not, the county department of social services shall contact the clerk of court for intervention.  The resources shall be excluded in determining financial eligibility pending action by the clerk of court.

(c) When a Medicaid application is filed on behalf of an individual who:

(i) is alleged to be mentally incompetent,
(ii) has or may have a legal interest in a resource that affects the individual's eligibility, and

(iii) does not have a representative with legal authority to use or dispose of the individual's resources, the individual's representative or family member shall be instructed to file within 30 calendar days a judicial proceeding under G.S. 35A to declare the individual incompetent and appoint a guardian. If the representative or family member either fails to file such a proceeding within 30 calendar days or fails to timely conclude the proceeding, a referral shall be made to the services unit of the county department of social services for guardianship services. If the allegation of incompetence which has lasted, or is expected to last, 30 consecutive days or more, or until the individual’s death, is supported by competent evidence, as specified in Sub-item (1)(f) of this Rule, the resources shall be excluded beginning with the date that such evidence indicates that he became incompetent, except as provided in Sub-items (1)(d) or (1)(e) of this Rule.

The budget unit member’s resources shall be counted in determining his eligibility for Medicaid beginning the first day of the month following the month a guardian of the estate, general guardian or interim guardian is appointed, provided that after the appointment, property which cannot be disposed of or used except by order of the court shall continue to be excluded until completion of the applicable procedures for disposition specified in G.S. 1 or G.S. 35A.

When the court rules that the budget unit member is competent or no ruling is made because of the death or recovery of the member, his resources shall be counted except for periods of time for which it can be established by competent evidence specified in Sub-item (1)(f) of this Rule, that the member was in fact incompetent for at least 30 consecutive days, or until his death. Any such showing of incompetence is subject to rebuttal by competent evidence as specified in Sub-item (1)(f) of this Rule.

For purposes of this Rule, competent evidence is limited to the written statement or testimony at a competency hearing of a physician, psychologist, nurse, or social worker with knowledge of the condition of the individual, the basis of that knowledge, the beginning date of incompetence, the reason the individual is incompetent, and if no longer incompetent, when the individual recovered competence.

(2) The limitation of resources held for reserve for the budget unit shall be as follows:

(a) for Family and Children's related categorically and medically needy cases, three thousand dollars ($3,000) per budget unit;

(b) for aged, blind, and disabled cases, two thousand dollars ($2,000) for a budget unit of one and three thousand dollars ($3,000) for a budget unit of two.

(3) If the value of countable resources of the budget unit exceeds the reserve allowance for the unit, the case shall be ineligible:

(a) For Family and Children's related cases and aged, blind or disabled cases protected by grandfathered provisions, and medically needy cases not protected by grandfathered provision, eligibility shall begin on the day countable resources are reduced to allowable limits or excess income is spent down, whichever occurs later;

(b) For categorically needy aged, blind or disabled cases not protected by grandfathered provisions, eligibility shall begin no earlier than the month countable resources are reduced to allowable limits as of the first moment of the first day of the month.

(4) Resources counted in the determination of financial eligibility for categorically needy aged, blind and disabled cases, and Qualified Medicare Beneficiaries, Specified Low Income Medicare Beneficiaries, Qualifying Individual and Qualified Disabled Working Individual cases is based on resource standards and methodologies in Title XVI of the Social Security Act except for the following methodologies:

(a) The value of personal effects and household goods are not counted.
(b) Value of tenancy in common interest in real property is not counted.

(c) Value of life estate interest in real property is not counted.

(d) Value of burial plots are not counted.

(e) The cash value of life insurance when the total face value of all cash value bearing life insurance policies does not exceed ten thousand dollars ($10,000) is not counted.

(5) Resources counted in the determination of financial eligibility for medically needy aged, blind and disabled cases is based on resource standards and methodologies in Title XVI of the Social Security Act except for the following methodologies:

(a) The value of personal effects and household goods are not counted.

(b) Personal property is not a countable resource if it:
   (i) is used in a trade or a business; or
   (ii) is used to produce goods and services for personal use; or
   (iii) produces a net annual income.

(c) Real property not exempted under homesite rules is not a countable resource if it:
   (i) is used in a trade or business; or
   (ii) is used to produce goods and services for personal use; or
   (iii) is non-business income producing property that produces net annual income after operational expenses of at least six percent of equity value per methodologies under Title XVI of the Social Security Act. For purposes of this Sub-item equity of agricultural land, horticultural land, and forestland is the present use value of the land, as defined by G.S. 105-277.1A. et seq., less the amount of debts, liens or other encumbrances.

(d) Value of tenancy in common interest in real property is not counted.

(e) Value of life estate interest in real property is not counted.

(f) Individuals with resources in excess of the resource limit at the first moment of the month may become eligible at the point that resources are reduced to the allowable limit.

(g) Value of burial plots are not counted.

(h) The cash value of life insurance when the total face value of all cash value bearing life insurance policies does not exceed ten thousand dollars ($10,000) is not counted.

(6) Resources counted in the determination of financial eligibility for categorically needy Family and Children's related cases are:

(a) Cash on hand;

(b) The balance of savings accounts, including savings of a student saving his earnings for school expenses;

(c) The balance of checking accounts less the current monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified;

(d) The portion of lump sum payments remaining after the month of receipt;

(e) Cash value of life insurance policies owned by the budget unit;

(f) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;

(g) Patient accounts in long term care facilities;

(h) Equity in non-essential personal property limited to:
   (i) Mobile homes not used as home,
   (ii) Boats, boat trailers and boat motors,
   (iii) Campers,
   (iv) Farm and business equipment;
   (v) Equity in vehicles in excess of one motor vehicle per adult.

(7) Resources counted in the determination of financial eligibility for medically needy Family and Children's related cases are:

(a) Cash on hand;

(b) The balance of savings accounts, including savings of a student saving his earnings for school expenses;

(c) The balance of checking accounts less the current monthly income which had been deposited to meet the budget unit's monthly needs when reserve was verified or lump sum income from self-employment deposited to pay annual expenses;

(d) Cash value of life insurance policies when the total face value of all policies that accrue cash value exceeds one thousand five hundred dollars ($1,500);

(e) Stocks, bonds, mutual fund shares, certificates of deposit and other liquid assets;

(f) Patient accounts in long term care facilities;

(g) Equity in non-essential, non-income producing personal property limited to:
TEMPORARY RULES

(i) Mobile home not used as home,
(ii) Boats, boat trailers and boat motors,
(iii) Campers,
(iv) Farm and business equipment,
(v) Equity in motor vehicles in excess of one vehicle per adult if not income-producing,

Comment Procedures: Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register. Copies of the rules and information package may be obtained by contacting the Division of Soil And Water Conservation at (919) 715-6109. Written comments may be submitted to Vernon Cox, Division of Soil and Water Conservation, 1614 Mail Service Center, Raleigh, NC 27699-1614. Comments may also be submitted by electronic mail to Vernon.Cox@ncmail.net.

CHAPTER 06 – SOIL AND WATER CONSERVATION COMMISSION

SUBCHAPTER 06E – AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL

SECTION .0100 – AGRICULTURE COST SHARE PROGRAM

15A NCAC 06E .0103 ALLOCATION GUIDELINES AND PROCEDURES

(a) The commission will allocate the cost share funds to the districts in the designated program areas. To receive fund allocations, each district designated eligible by the commission is required to submit an annual strategy plan to the commission at the beginning of each fiscal year. Funds may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.

(b) Funds will be allocated to the districts at the beginning of the fiscal year. Districts will be allocated monies based on the identified level of agricultural related nonpoint source pollution problems and the respective district's BMP installation goals and available technical services as demonstrated in the district annual strategy plan. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters established by the Division and approved by the commission. These parameters are designed to reflect the agricultural nonpoint source problems, the conservation needs, and the technical assistance available in the area of the state included in the current program year funding. Each district is assigned points for its relative position for each parameter and also for technical assistance hired under the 50:50 cost share (Rule .0106 of this Subchapter) and the points are totaled and proportioned to the total dollars available under the current program year funding.

(1) \[ \text{Sum of Parameter Points} = \text{District Technical Points} + \text{District Technical Assistance Points} \]

(2) \[ \text{Percentage Total Points Each} \times \text{Dollars Available to District} = \text{Dollars Available Each District} \]

(3) Because of other program restraints or increased demands for funds a district may request fewer (Group A) or more (Group B) dollars than are available.

Thus,
### TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

**Rule-making Agency:** North Carolina Wildlife Resources Commission

**Reason for Proposed Action:** The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates hunting, holding or management of the bearded wild turkey. A permanent rule will be filed for this temporary rule.

**Authority for the rulemaking:** G.S. 106-549.94; 113-134; 113-135; 113-264; 113-270.3; 113-272; 113-272.2; 113-272.3; 113-272.5; 113-273; 113-274; 113-276; 113-276.1; 113-291.1; 113-291.2; 113-291.5; 113-292; 113-304; 113-305; 150B-21.1(a1); 50 C.F.R., Part 21

**Effective Date:** July 1, 2001

**Findings Reviewed and Approved by:** Julian Mann, III

### Temporary Rules

<table>
<thead>
<tr>
<th>Group A Districts</th>
<th>Group B Districts</th>
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<tbody>
<tr>
<td>$A$</td>
<td>$B$</td>
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<tr>
<td>Requested by</td>
<td>Percentage of Total</td>
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<tr>
<td>$x$</td>
<td>each Group B</td>
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<tr>
<td>Funds in Excess</td>
<td>Total of Those</td>
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<td>(4)</td>
<td>The dollars in excess of Group A District requests are apportioned to Group B Districts in the following manner:</td>
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<td>$c$</td>
<td>95 percent of the total program funding will be allotted to the district accounts in the initial allocation. The Division will retain five percent of the total funding in a contingency fund to be allocated at a later date as determined by the commission.</td>
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<tr>
<td>(d)</td>
<td>Cost share funds allocated to a district during a fiscal year that have not been encumbered to an agreement by the third Wednesday of February of that fiscal year will be subject to recall by the commission.</td>
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<td>(e)</td>
<td>Districts with unencumbered funds as of the third Wednesday of February of the current fiscal year may request, in writing to the commission, to retain those funds. Requests must be received by the Division no later than 9:30 a.m. on the first Wednesday of March of the current fiscal year.</td>
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<tr>
<td>(f)</td>
<td>Districts may apply for additional funds to the commission by written application to be received by the Division no later than 9:30 a.m. on the first Wednesday in March.</td>
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<tr>
<td>(g)</td>
<td>The amount of recalled funds shall be divided among the eligible districts applying for reallocation based on projected needs as outlined in the written applications received by the commission as stated in Rule .0103(e) of this Subchapter. The Division will notify the commission by the third Wednesday in March of the current balance of funding and the district's requests to retain present allocation and to obtain new funds. The commission shall decide the amount of funds reallocated to each district and the districts will be notified of their final allocation by the fourth Wednesday of March.</td>
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<tr>
<td>(h)</td>
<td>CPO's that encumber funds under the current year must be submitted to the Division by 9:30 a.m. on the first Wednesday in June.</td>
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**Rule Citation:** 15A NCAC 10B .0203, .0208-.0209; 10C .0205, .0211; 0305, .0401-.0402, .0404, .0407; 10D .0103-.0104; 10H .0301, .0901

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**History Note:** Authority G.S. 139-4; 139-8; 143-215.74; 143B-294; Eff. May 1, 1987; Recodified from 15A NCAC 6E .0003 Eff. December 20, 1996; Amended Eff. April 1, 1997; Temporary Amendment Eff. May 1, 2001.
TEMPORARY RULES

bag limits and manner of taking. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0402 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including rules that address taking of nonnative fishes for bait. A permanent rule will be filed for this temporary rule.

15A NCAC 10C .0404, .0407 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates inland fishing, including rules that address permitted special devices and open seasons for fishing. A permanent rule will be filed for this temporary rule.

15A NCAC 10D .0103 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that addresses management of game lands. A permanent rule will be filed for this temporary rule.

15A NCAC 10D .0104 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that regulates fishing on game lands. A permanent rule will be filed for this temporary rule.

15A NCAC 10H .0301 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the Rule that addresses management of deer and wild turkey. A permanent rule will be filed for this temporary rule.

15A NCAC 10H .0901 – The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by the management of game bird propagation. A permanent rule will be filed for this temporary rule.

Comment Procedures: The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). These temporary rules are adopted following the public hearing and public comment period established for permanent rule adoption.

CHAPTER 10 – WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B – HUNTING AND TRAPPING

SECTION .0200 – HUNTING

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

(a) Closed Season. All counties and parts of counties not listed under the open seasons in Paragraph (b) in this Rule shall be closed to deer hunting.

(b) Open Seasons (All Lawful Weapons)

(1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin or velvet, may be taken during the following seasons:

(A) Monday–Saturday on or nearest October 15 through January 1 in all of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus*, Craven, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Richmond**, Robeson, Sampson, Scotland**, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson counties, and the following parts of counties:

Cumberland: All of the county except that part east of US 401, north of NC 24, and west of I-95;

Harnett: That part west of NC 87;

Moore**: All of the county except that part north of NC 211 and west of US 1;

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

**Refer to 15A NCAC 10D .0103(f) (54)(B) for seasons on Sandhills Game Land.

(B) Monday—of Saturday before Thanksgiving week—through the third Saturday after Thanksgiving Day in all Alexander, Alleghany, Ashe, Catawba, Davie, Forsyth, Forsyth, Iredell, Stokes, Surry, Watauga, Wilkes, and Yadkin counties.

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

(D) Monday before Two Saturdays before Thanksgiving week—through January 1 in all of Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties, and in the following parts of counties:

Cumberland: That part east of US 401, north of NC 24 and west of I-95;

Harnett: That part east of NC 87;

Moore: That part north of NC 211 and west of US 1;

(E) Monday—Saturday on or nearest September 10 through January 1 in those parts of Camden, Gates and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge, in those parts of Hyde,
Tyrrell and Washington counties known as the Pocosin Lakes National Wildlife Refuge, in those parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge, and in that part of Currituck County known as the Mackay Island National Wildlife Refuge;

(F) **Monday** of **Saturday** before Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of **Cleveland, Gaston, Lincoln, and Rutherford** **Gaston and Lincoln** counties.

(G) **Monday** of **Thanksgiving week** through the fifth Saturday after Thanksgiving Day in all of **Cleveland and Rutherford** counties.

(2) Deer of Either Sex. Except on Game Lands, deer of either sex may be taken during the open seasons and in the counties and portions of counties listed in this Subparagraph (Refer to 15A NCAC 10D .0103 for either sex seasons on Game Lands):

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

(B) The open either-sex deer hunting dates established by the appropriate military commands during the period from **Monday—Saturday** on or nearest October 15 through January 1 in that part of Brunswick County known as the Sunny Point Military Ocean Terminal, in that part of Craven County known and marked as Cherry Point Marine Base, in that part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) Youth either sex deer hunts. First **Saturday** in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated

by agents of the Commission and the third **Saturday** in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties.

(D) The last open day of the Deer with Visible Antlers season described in Subparagraph **b**(1) of this Rule in all of Avery, Buncombe, Haywood, Henderson, Madison, Mitchell, Polk, Transylvania, and Yancey counties and the following parts of counties:

Robeson: That part **south of NC 211 and west of I-95**.

Scotland: That part south of US 74.

(E) The last six open days of the Deer With Visible Antlers season described in Subparagraph **b**(1) of this Rule in all of Burke, Caldwell, Catawba, Gaston, Lincoln, McDowell, and Watauga and the following parts of counties:

Camden: That part south of US 158.

Dare: Except the Outer Banks north of Whalebone.

(F) The first six open days and the last six open days of the Deer with Visible Antlers season described in Subparagraph **b**(1) of this Rule in all of Carteret, Cleveland, Harnett, Hoke, Richmond, Rutherford, counties and in the following parts of counties:

Columbus: That part west of US 74, SR 1005, and SR 1125.

Cumberland: That part west of I-95.

Harnett: That part west of NC 87.

Moore: All of the county except that part north of NC 211 and west of US 1.

Robeson: That—All of the county except that part **south of NC 211 and east west of I-95**.

Scotland: That part north of US 74.
With Visible Antlers season in the counties listed in this Part.

(Hx(G) All the open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Alamance, Alexander, Alleghany, Anson, Ashe, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Caswell, Chatham, Chowan, Craven, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Hertford, Hyde, Iredell, Johnston, Jones, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Rockingham, Rowan, Sampson, Stanly, Stokes, Surry, Tyrrell, Union, Vance, Wake, Warren, Washington, Wilkes-Wilkes, Wayne, Wilson, and Yadkin counties, and in the following parts of counties:

Buncombe: That part east of NC 191, south of the French Broad and Swannanoa Rivers, west of US 25, and north of NC 280.

Camden: That part north of US 158.

Chowan: That part south of US 17 or east of NC 32.

Columbus: That part east of a line formed by US 74, SR 1005, and SR 1125.

Cumberland: That part east of I-95.

Currituck: All of the county except the Outer Banks.

Dare: That part of the Outer Banks north of Whalebone.

Harnett: That part east of NC 87.

Henderson: That part east of NC 191 and north and west of NC 280.

Johnston: That part south of US 70 and east of I-95.

Moore: That part north of NC 211 and west of US 1.

Nash: That part north of NC 97.

Open Seasons (Bow and Arrow)

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (e) of this Rule, deer of either sex may be taken with bow and arrow during the following seasons:

(A) Monday—Saturday on or nearest September 10 to the second Saturday thereafter in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (B) of Subparagraph (b)(1) of this Rule, except on the Sandhills Game Land and the area known as the Outer Banks in Currituck County.

(B) Monday—Saturday on or nearest September 10 to the second Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (C) of Subparagraph (b)(1) of this Rule and in Gaston and Lincoln Counties.

(C) Monday on or nearest September 10 to the fourth Saturday thereafter, and Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

(A) Dogs may not be used for hunting deer during the bow and arrow season.

(B) It is unlawful to carry any type of firearm while hunting with a bow during the bow and arrow deer hunting season.

(C) Only bows and arrows of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the bow and arrow deer hunting season.

Open Seasons (Muzzle-Loading Rifles and Shotguns)

(1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with muzzle-loading firearms (except that bow and arrow may be used on designated and posted game land Archery Zones) during the following seasons:

(A) Monday—The Saturday on or nearest October 8 to the following Saturday in Cleveland and Rutherford counties and in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Parts (A) and (C) of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land and the area known as the Outer Banks in Currituck County.

(B) Monday to Saturday of the week The second Saturday preceding Thanksgiving week until the...
15A NCAC 10B .0208 QUAIL

(a) The open season for quail shall be the Saturday next preceding Thanksgiving to the last day of February.

(b) The daily bag limit shall be 8 per day and the possession limit shall be 16 per day. There shall be no season limit.


15A NCAC 10B .0209 WILD TURKEY (BEARDED TURKEYS ONLY)

(a) Open Season for wild turkey shall be from the: Second Saturday in April to Saturday of the fourth week thereafter on bearded turkeys in the following counties: Alamance, Alexander, Alleghany, Anson, Ashe, Avery, **Bladen, Brunswick, Buncombe, Burke, Caldwell, Wilkes, and Ashe. Deer of either sex may be taken during muzzle-loading firearms seasons in and east of the following counties: Rutherford, McDowell, Burke, Caldwell, Wilkes, and Ashe. Deer of either sex may be taken on the last day of muzzle-loading firearms season in all other counties.

(b) Dogs shall not be used for hunting deer during the muzzle-loading firearms seasons.

(C) Pistols shall not be carried while hunting deer during the muzzle-loading firearms seasons.

(e) In those counties or parts of counties listed in Part (b)(1)(A) of Subparagraph (b)(1) of this Rule and those counties or parts of counties listed in Part (b)(1)(D) of this Rule in which hunting deer with dogs is allowed, the daily bag limit shall be two and the possession limit six, two of which shall be antlerless. The season limit shall be six, two of which shall be antlerless. In all other counties or parts of counties, the daily bag limit shall be two and the possession limit six, four of which shall be antlerless. The season limit shall be six, four of which shall be antlerless. Antlerless deer include males with knobs or buttons covered by skin or velvet as distinguished from spikes protruding through the skin. The antlerless bag limits described above do not apply to antlerless deer harvested in areas covered in the Deer Management Assistance Program as described in G.S. 113-291.2(e). Individual daily antlerless bag limits on these areas shall be determined by the number of special tags, issued by the Division of Wildlife Management as authorized by the Executive Director, that shall be in the possession of the hunter. Season antlerless bag limits shall be set by the number of tags available. All antlerless deer harvested on these areas, regardless of the date of harvest, shall be tagged with these special tags but the hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license.

(f) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

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**Bertie:** All of the county except that part bounded on the west by NC 11, on the south by NC 308, on the east by NC 45, and on the north by NC 42 and the Hertford County line.

**Brunswick:** That part west of NC 211 and that part east of NC 87.

**Cabarrus:** That part south of I-85, east of US 601 Business, and north of NC 49.

**Cambden:** That part west of US 17.

**Carteret:** That part west of US 70 and north of NC 24.

**Columbus:** That part north of NC 87 and that part east of NC 905 and south of NC 130. All of the county except that part east of NC 701 and west of SR 1005.

**Cumberland:** That part west of NC 53 or I-95.

**Currituck:** That part north of US 158 and west of the Intracoastal Waterway. Davidson: That part south of I-85.

**Guilford:** That part north of I-40.

**Hoke:** That part south and west of NC 211 and that part known as Fort Bragg.
Hyde: Starting at the Tyrrell County line, that part west of a line formed by NC 94, US 264 West, SR1124 to Judges Quarter then Quarter Canal to Juniper Bay.
Johnston: That part east of I-95.
**Martin: All of the county except that part west of US 17 and south of US 64.
Nash: All of the county except that part east of US 581 and south of US 64.
New Hanover: Starting at the Brunswick County line, that part north and west of a line formed by NC-133 and SR 1002.
Pamlico: That part west of NC 306.
**Pender: All of the county except that part west of I-40, north of NC 53, and east of US 421.
Perquimans: All of the county except that part south of US 17 and east of the Perquimans River.
Randolph: That part west of US 220.
Robeson: That part east of I-95 and north of US 74.
Rowan: That part southeast of I-85.
Sampson: All of the county except that part east of NC 242, south of NC 411, and west of US 701.
Stanly: That part east of a line formed by US 52 from the Cabarrus County line to NC 138 in Albemarle, NC 138 from Albemarle to NC 742 in Oakboro, and NC 742 from Oakboro to the Union County line.
Union: That part south of US 74.
Wayne: That part south of US 70.
**The Sandhills Game Land in Richmond, Scotland, and Moore counties, the Bladen Lakes State Forest Game Lands in Bladen County, the Northeast Cape Fear Wetlands Game Lands in Pender County, the Jordan Game Land in Chatham, Durham, Orange, and Wake counties, the Butner-Falls of the Neuse Game Land in Durham, Granville, and Wake counties, the Roanoke River Wetlands in Bertie, Halifax, and Martin counties, and the Shearon-Harris Game Land in Chatham and Wake counties are closed to turkey hunting except by holders of special permits authorizing turkey hunting as provided in G.S. 113-264(d).

(b) Bag Limits shall be:
(1) daily, one;
(2) possession, two; and
(3) season, two.

(c) Dogs Prohibited. It is unlawful to use dogs for hunting turkeys.

(d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

**SUBCHAPTER 10C – INLAND FISHING REGULATIONS**

SECTION .0200 – GENERAL REGULATIONS

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

(a) Designation of Public Mountain Trout Waters. The waters listed herein or in 15A NCAC 10D 0104 are designated as Public Mountain Trout Waters and further classified as Wild Trout Waters or Hatchery Supported Waters. For specific classifications, see Subparagraphs (1) through (6) of this Paragraph. These waters are posted and lists thereof are filed with the clerks of superior court of the counties in which they are located:

(1) Hatchery Supported Trout Waters. The listed waters in the counties in Subparagraphs (1)(A)-(Y) are classified as Hatchery Supported Public Mountain Trout Waters. Where specific watercourses or impoundments are listed, indentation indicates that the watercourse or impoundment listed is tributary to the next preceding watercourse or impoundment listed and not so indented. This classification applies to the entire watercourse or impoundment listed except as otherwise indicated in parentheses following the listing. Other clarifying information may also be included parenthetically. The tributaries of listed watercourses or impoundments are not included in the classification unless specifically set out therein. Otherwise, Wild Trout regulations apply to the tributaries.

(A) Alleghany County:

New River (not trout water)
Little River (Whitehead to McCann Dam)
Crab Creek
Brush Creek (except where posted against trespass)
Big Pine Creek
Laurel Branch
Big Glade Creek
Bledsoe Creek
Pine Swamp Creek
South Fork New River (not trout water)
Prather Creek
Cranberry Creek
Piney Fork
Meadow Fork
Yadkin River (not trout water)
Roaring River (not trout water)
East Prong Roaring River (that portion on Stone Mountain State Park)
Delayed Harvest Waters regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

(B) Ashe County:

New River (not trout waters)
TEMPORARY RULES

North Fork New River (Watauga Co. line to Sharp Dam)
- Helton Creek (Virginia State line to New River) [Delayed Harvest rules apply. See Subparagraph (5) of Paragraph (a) of this Rule.]
- Big Horse Creek (SR 1361 bridge to Mud Creek at SR 1363 to Tuckerdale)
- Buffalo Creek (headwaters to junction of NC 194-88 and SR 1131)
- Big Laurel Creek
- Three Top Creek (portion not on game lands)
- Hoskins Fork (Watauga County line to North Fork New River)

South Fork New River (not trout waters)
- Cranberry Creek (Alleghany County line to South Fork New River)
- Nathans Creek
- Peak Creek (headwaters to Trout Lake, except Blue Ridge Parkway waters)
- Trout Lake (Delayed harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.)
- Roan Creek
- North Beaver Creek
- Pine Swamp Creek (all forks)
- Old Fields Creek
- Mill Creek (except where posted against trespass)

(C) Avery County:
- Nolichucky River (not trout waters)
- North Toe River (headwaters to Mitchell County line, except where posted against trespass)
- Squirrel Creek
- Elk River (SR 1306 crossing to Tennessee State line, including portions of tributaries on game lands)

(C)  Avery County:
- Nolichucky River (not trout waters)
- North Toe River (headwaters to Mitchell County line, except where posted against trespass)
- Squirrel Creek
- Elk River (SR 1306 crossing to Tennessee State line, including portions of tributaries on game lands)

(D) Buncombe County:
- French Broad River (not trout water)
- Big Ivy Creek (Ivy River) (Dillingham Creek to US 19-23 bridge)
- Dillingham Creek (Corner Rock Creek to Big Ivy Creek)
- Stony Creek
- Mineral Creek (including portions of tributaries on game lands)
- Corner Rock Creek (including tributaries, except Walker Branch)
- Reems Creek (Sugar Camp Fork to US 19-23 bridge, except where posted against trespass)
- Swannanoa River (SR 2702 bridge near Ridgecrest to Sayles Bleachery in Asheville, except where posted against trespass)

Catawba River (not trout water)
- Johns River (not trout water)
- Wilson Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
- Lost Cove Creek [not Hatchery Supported trout water, see Subparagraph (4) of Paragraph (a) of this Rule]
- Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
- Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
- Boyde Coffey Lake
- Archie Coffey Lake
- Linville River [Land Harbor line (below dam) to Blue Ridge Parkway boundary line, except where posted against trespass]
Bent Creek (headwaters to N.C. Arboretum boundary line, including portions of tributaries on game lands)
Lake Powhatan
Cane Creek (headwaters to SR 3138 bridge)

(E) Burke County:
- Catawba River (not trout water)
- South Fork Catawba River (not trout water)
  - Henry Fork (lower South Mountains State Park line downstream to SR 1919 at Ivy Creek)
  - Jacob Fork (Shinny Creek to lower South Mountain State Park boundary) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
- Johns River (not trout water)
  - Parks Creek (portion not on game lands not trout water)
  - Carroll Creek (game lands portion above SR 1405 including tributaries)
- Linville River (game lands portion below the Blue Ridge Parkway including portions of tributaries on game lands and from first bridge on SR 1223 below Lake James powerhouse to Muddy Creek)

(F) Caldwell County:
- Catawba River (not trout water)
- Johns River (not trout water)
  - Wilson Creek (Phillips Branch to Browns Mountain Beach dam, except where posted against trespass)
  - Estes Mill Creek (not trout water)
  - Thorps Creek (falls to NC 90 bridge)
  - Mulberry Creek (portion not on game lands not trout water)
  - Boone Fork (not Hatchery Supported trout water. See Subparagraph (2) of Paragraph (a) of this Rule)
- Boone Fork Pond

(G) Cherokee County:
- Hiwassee River (not trout water)
  - Shuler Creek (headwaters to Tennessee line, except where posted against trespass including portions of tributaries on game lands)
  - North Shoal Creek (Crane Creek) (headwaters to SR 1325, including portions of tributaries on game lands)
  - Persimmon Creek
  - Davis Creek (including portions of tributaries on game lands) (confluence of Bald and Dockery creeks to Hanging Dog Creek)
  - Bald Creek (including portions of tributaries on game lands)
  - Beaver Dam Creek (headwaters to SR 1326 bridge, including portions of tributaries on game lands)
  - Valley River
    - Hyatt Creek (including portions of tributaries on game lands)
    - Webb Creek (including portions of tributaries on game lands)
    - Junaluska Creek (Ashturn Creek to Valley River, including portions of tributaries on game lands)

(H) Clay County:
- Hiwassee River (not trout water)
  - Fires Creek (first bridge above the lower game land line on US Forest Service road 442 to SR 1300)
  - Tusquitee Creek (headwaters to lower SR 1300 bridge, including portions of Bluff Branch on game lands)
  - Tuni Creek (including portions of tributaries on game lands)
  - Chatuge Lake (not trout water)
  - Shooting Creek (SR 1349 bridge to US 64 bridge at SR 1338)
  - Hothouse Branch (including portions of tributaries on game lands)
  - Vineyard Creek (including portions of tributaries on game lands)

(I) Graham County:
Little Tennessee River (not trout water)
Calderwood Reservoir (Cheoah Dam to Tennessee State line)
Cheoah River (not trout water)

Yellow Creek
Santeelah Reservoir (not trout water)
West Buffalo Creek
Huffman Creek (Little Buffalo Creek)
Santeelah Creek (Johns Branch to mouth including portions of tributaries within this section located on game lands, excluding Johns Branch)

Big) Snowbird Creek (old railroad junction to mouth, including portions of tributaries on game lands
Mountain Creek (game lands boundary to SR 1138 bridge)

Long Creek (portion not on game lands)
Tulula Creek (headwaters to lower bridge on SR 1275)

Franks Creek
Cheoah Reservoir
Fontana Reservoir (not trout water)
Stecoah Creek
Sawyer Creek

Panther Creek (including portions of tributaries on game lands)

Haywood County:
Pigeon River (not trout water)
Hurricane Creek (including portions of tributaries on game lands)
Cold Springs Creek (including portions of tributaries on game lands)
Jonathans Creek - lower (concrete bridge in Dellwood to Pigeon River)
Jonathans Creek - upper [SR 1302 bridge (west) to SR 1307 bridge]

Hemphill Creek
West Fork Pigeon River (triple arch bridge on highway NC 215 to Champion International property line, Queens Creek, including portions of tributaries within this section located on game lands, except Middle Prong)

Richland Creek (Russ Avenue bridge to US 19A-23 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

K) Henderson County:
(Rocky) Broad River (one-half mile north of Bat Cave to Rutherford County line)
Green River - upper (mouth of Bobs Creek to mouth of Rock Creek)
Green River - lower (Lake Summit Dam to I-26 bridge)
Camp Creek (SR 1919 to Polk County line)

(Big) Hungry River

Little Hungry River
French Broad River (not trout water)
Mills River (not trout water)
North Fork Mills River (game lands portion below the Hendersonville watershed dam). Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.

(L) Jackson County:
Tuckasegee River (confluence with West Fork Tuckasegee River to SR 1392 bridge at Wilmot) Delayed Harvest Regulations apply to that portion between NC 107 bridge at Love Field and the Dillsboro dam. See Subparagraph (a)(5) of this Rule.

Scott Creek (entire stream, except where posted against trespass)

Dark Ridge Creek (Jones Creek to Scotts Creek)

Buff Creek (SR 1457 bridge below Bill Johnson's place to Scott Creek)

Savannah Creek (Headwaters to Bradley's Packing House on NC 116)

Greens Creek (Greens Creek Baptist Church on SR 1730 to Savannah Creek)
Cullowhee Creek (Tilley Creek to Tuckasegee River)
Bear Creek Lake
Wolf Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
Wolf Creek Lake
Balsam Lake
Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (2) of Paragraph (a) of this Rule]
Tanasee Creek Lake
West Fork Tuckasegee River (Shoal Creek to existing water level of Little Glenville Lake)
Shoal Creek (Glenville Reservoir pipeline to mouth)

(M) Maco County:
Little Tennessee River (not trout water)
Nantahala River (Nantahala Dam to Swain County line)
Delayed Harvest Regulations apply to the portion from Whiteoak Creek to the Nantahala Power and Light powerhouse discharge canal. See Subparagraph (a)(5) of this Rule.
Queens Creek Lake
Burningtown Creek (including portions of tributaries on game lands)
Cullasaja River (Sequoah Dam to US 64 bridge near junction of SR 1672, including portions of tributaries on game lands, excluding those portions of Big Buck Creek and Turtle Pond Creek on game lands. Wild trout regulations apply. See Subparagraphs (2) and (6) of Paragraph (a) of this Rule.)
Ellijay Creek (except where posted against trespassing, including portions of tributaries on game lands)
Skitty Creek
Cliffside Lake
Cartoogechaye Creek (US 64 bridge to Little Tennessee River)
Tessentee Creek (Nichols Branch to Little Tennessee River, except where posted against trespassing)
Savannah River (not trout water)
Big Creek (base of falls to Georgia State line, including portions of tributaries within this Section located on game lands)

(N) Madison County:
French Broad River (not trout water)
Shut-In Creek (including portions of tributaries on game lands)
Spring Creek (junction of NC 209 and NC 63 to lower US Forest Service boundary line, including portions of tributaries on game lands)
Meadow Fork Creek
Roaring Fork (including portions of tributaries on game lands)
Little Creek
Max Patch Pond
Mill Ridge Pond
Big Laurel Creek (Mars Hill Watershed boundary to Rice's Mill Dam)
Big Laurel Creek (NC 208 bridge to US 25-70 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
Shelton Laurel Creek (headwaters to NC 208 bridge) bridge at Belva
Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
Big Creek (headwaters to lower game land boundary, including tributaries)
Mill Creek (upper game lands boundary to confluence with Big Creek)
Big Pine Creek
Puncheon Fork (Hampton Creek to Big Laurel Creek)
TEMPORARY RULES

(O) McDowell County:
Big Pine Creek (SR 1151 bridge to French Broad River)
Catawba River (portion not on game lands, not trout water)
Buck Creek (portion not on game lands, not trout water)
Little Buck Creek (game land portion including portions of tributaries on game lands)
Curtis Creek game lands portion downstream of US Forest Service boundary at Deep Branch) Delayed Harvest regulations apply. See Subparagraph (a)(5) of this Rule.
North Fork Catawba River (headwaters to SR 1569 bridge)
Armstrong Creek (Cato Holler line downstream to upper Greenlee line)
Mill Creek (upper railroad bridge to U.S. 70 Bridge, except where posted against trespass)

(P) Mitchell County:
Nolichucky River (not trout water)
Big Rock Creek (headwaters to NC 226 bridge at SR 1307 intersection)
Little Rock Creek (Green Creek Bridge to Big Rock Creek, except where posted against trespass)
Cane Creek (SR 1219 to NC 226 bridge)
Cane Creek (NC 226 bridge to NC 80 bridge) Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.
Grassy Creek (East Fork Grassy Creek to mouth)
East Fork Grassy Creek North Toe River (Avery County line to SR 1121 bridge)

(Q) Polk County:
Broad River (not trout water)
North Pacolet River (Pacolet Falls to NC 108 bridge)
Fork Creek (Fork Creek Church on SR 1100 to North Pacolet River)

(R) Rutherford County:
(Rocky) Broad River (Henderson County line to US 64/74 bridge, except where posted against trespass)

(S) Stokes County:
Dan River (SR 1416 bridge downstream to a point 200 yards below the end of SR 1421)

(T) Surry County:
Yadkin River (not trout water)
Ararat River (SR 1727 bridge downstream to the NC 103 bridge, Business US 52 bridge). Delayed Harvest regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.
Stewarts Creek (not trout water)
Pauls Creek (Virginia State line to 0.3 mile below SR 1625 bridge - lower Caudle property line)
Fisher River (Cooper Creek) (Virginia State line to NC 89 bridge)
Little Fisher River (Virginia State line to NC 89 bridge)
Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam)
Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.

(U) Swain County:
Little Tennessee River (not trout water)
Calderwood Reservoir (Cheoah Dam to Tennessee State line)
Cheoah Reservoir
Fontana Reservoir (not trout water)
  Alarka Creek (game lands boundary to Fontana Reservoir)
  Nantahala River (Macon County line to existing Fontana Reservoir water level)
Tuckasegee River (not trout water)
  Deep Creek (Great Smoky Mountains National Park boundary line to Tuckasegee River)
  Connelly Creek (including portions of tributaries on game lands)

(V) Transylvania County:
  French Broad River (junction of west and north forks to US 276 bridge)
  Davidson River (Avery Creek to Ecusta intake)
  East Fork French Broad River (Glady Fork to French Broad River)
  Middle Fork French Broad River
  West Fork French Broad River (SR 1312 and SR 1309 intersection to junction of west and north forks, including portions of tributaries within this section located on game lands)

(W) Watauga County:
  New River (not trout waters)
    North Fork New River (from confluence with Maine and Mine branches to Ashe County line)
    Maine Branch (headwaters to North Fork New River)
    South New Fork River (not trout water)
    Meat Camp Creek
    Norris Fork Creek
    Howards Creek (downstream from lower falls)
  Middle Fork New River (Lake Chetola Dam to South Fork New River)

Yadkin River (not trout water)
  Stony Fork (headwaters to Wilkes County line)
  Elk Creek (headwaters to gravel pit on SR 1508, except where posted against trespass)
Watauga River (Confuence of Boone Fork and Watauga River (SR 1557 bridge to NC 105 bridge). Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.
Beech Creek
  Buckeye Creek Reservoir
  Coffee Lake
  Beaverdam Creek (SR 1209 bridge at Bethel to an unnamed tributary adjacent to the intersection of SR 1201 and SR 1203)
Laurel Creek
  Cove Creek (SR 1233 bridge at Zionville to SR 1233 bridge at Amantha)
  Dutch Creek (second bridge on SR 1134 to mouth)
  Boone Fork (headwaters to SR 1562)

(X) Wilkes County:
  Yadkin River (not trout water)
    Roaring River (not trout water)
      East Prong Roaring River (Bullhead Creek to Brewer's Mill on SR 1943) (Delayed harvest regulations apply to portion on Stone Mountain State Park)
      See Subparagraph (5) of Paragraph (a) of this Rule.
      Stone Mountain Creek (Delayed Harvest Regulations apply. See Subparagraph (5) of Paragraph (a) of this Rule.)
  Middle Prong Roaring River (headwaters to second bridge on SR 1736)
      Bell Branch Pond
      Boundary Line Pond
    West Prong Roaring River (not trout waters)
      Pike Creek
      Pike Creek Pond
      Reddies River (not trout water)
TEMPORARY RULES

Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR 1580)

South Fork Reddies River (headwaters to confluence with Middle Fork Reddies River)

North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on SR 1559)

Darnell Creek (North Prong Reddies River) (downstream ford on SR 1569 to confluence with North Fork Reddies River)

Lewis Fork Creek (not trout water)

South Prong Lewis Fork (headwaters to Lewis Fork Baptist Church)

Fall Creek (except portions posted against trespass)

(Y) Yancey County:

Nolichucky River (not trout water)

Cane River [Bee Branch (SR 1110) to Bowlens Creek]

Bald Mountain Creek (except portions posted against trespass)

Indian Creek (not trout water)

Price Creek (junction of SR 1120 and SR 1121 to Indian Creek)

North Toe River (not trout water)

South Toe River (Clear Creek to lower boundary line of Yancey County recreation park except where posted against trespass)

(2) Wild Trout Waters. All waters designated as Public Mountain Trout Waters on the game lands listed in Subparagraph (b)(2) of 15A NCAC 10D .0104, are classified as Wild Trout Waters unless specifically classified otherwise in (A)(1) of this Rule. The trout waters listed in this Subparagraph are also classified as Wild Trout Waters.

(A) Alleghany County:

Big Sandy Creek (portion on Stone Mountain State Park)

Ramey Creek (entire stream)

Stone Mountain Creek (that portion on Stone Mountain State Park)

(B) Ashe County:

Big Horse Creek (Virginia State Line to SR 1361 bridge bridge Mud Creek at SR 1363) Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.

Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game.Land) Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.

(C) Avery County:

Birchfield Creek (entire stream)

Cow Camp Creek (entire stream)

Cranberry Creek (entire stream)

Gragg Prong (entire stream)

Horse Creek (entire stream)

Jones Creek (entire stream)

Kentucky Creek (entire stream)

North Harper Creek (entire stream)

Plumtree Creek (entire stream)

Rockhouse Creek (entire stream)

South Harper Creek (entire stream)

Webb Prong (entire stream)

Wilson Creek (Catch and Release/Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.)

(D) Buncombe County:

Carter Creek (game land portion) (Catch and Release/Artificial Lures only regulations apply. See Subparagraph (3) of Paragraph (a) of this Rule.)

(E) Burke County:

All waters located on South Mountain State Park, except the main stream of Jacob Fork Between the mouth of Shinny Creek and the lower park boundary where delayed harvest regulations, and Henry Fork and tributaries where catch and release/artificial lures only regulations apply. See Subparagraphs (3) and (5) of Paragraph (a) of this Rule.

(F) Caldwell County:

Buffalo Creek (Watauga County line to Long Ridge Branch)
Joes Creek (Watauga County line to first falls upstream of the end of SR 1574) Rockhouse Creek (entire stream)

**Cherokee County:**
- Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]
- Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]

**Cleveland County:** Brier Creek and tributaries (game lands portions)

**Graham County:**
- South Fork Squally Creek (entire stream)
- Squally Creek (entire stream)

**Henderson County:**
- Green River (I-26 bridge to Henderson/Polk County line)

**Jackson County:**
- Gage Creek (entire stream)
- North Fork Scott Creek (entire stream)
- Tanasee Creek (entire stream)
- Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- Wolf Creek (entire stream, except Balsam Lake and Wolf Creek Lake)

**Madison County:**
- Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters regulations apply. See Subparagraph (6) of Paragraph (a) of this Rule.]

**Mitchell County:**
- Green Creek (headwaters to Green Creek Bridge, except where posted against trespass)
- Little Rock Creek (headwaters to Green Creek Bridge, including all tributaries, except where posted against trespass)
- Wiles Creek (game land boundary to mouth)

**Polk County**
- Green River (Henderson County line to Fishtop Falls Access Area)
- Pulliam (Fulloms) Creek and tributaries (game lands portions)

**Rutherford County:**
- North Fork (First Broad River) and tributaries (game lands portion)
- Brier Creek and tributaries (game lands portion)

**Transylvania County:**

**TEMPORARY RULES**

**Watauga County:**
- Dutch Creek (headwaters to second bridge on SR 1134)
- Howard's Creek (headwaters to lower falls)
- Watauga River (Avery County line to SR 1580 steel bridge at Riverside Farm Road)

**Wilkes County:**
- Big Sandy Creek (portion on Stone Mountain State Park)

**Garden Creek (portion on Stone Mountain State Park)**

**Henderson County:**
- Harris Creek and tributaries (portions on Stone Mountain State Park)
- [Catch and Release Artificial Lures Only regulations apply. See Subparagraph (4) of Paragraph (a) of this Rule.]
- Widow Creek (portion on Stone Mountain State Park)

**Yancey County:**
- Lickskillet Creek (entire stream)
- Middle Creek (game land boundary to mouth)
- Rock Creek (game land boundary to mouth)
- South Toe River (game land boundary downstream to Clear Creek)

(3) Catch and Release/Artificial Lures Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Artificial Lures Only waters. Only artificial lures having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:

- (A) Ashe County:
  - Big Horse Creek (Virginia State line to SR 1361 bridge Mud Creek at SR 1363 excluding tributaries)
  - Unnamed tributary of Three Top Creek (portion located on Three Top Mountain Game Lands)
- (B) Avery County:
  - Wilson Creek (game land portion)
- (C) Buncombe County:
  - Carter Creek (game land portion)
- (D) Burke County:
  - Henry Fork (portion on South Mountains State Park)
- (E) Jackson County:
  - Flat Creek
  - Tuckasegee River (upstream of Clarke property)
- (F) McDowell County:
TEMPORARY RULES

Newberry Creek (game land portion)  (G) Wilkes County: Harris Creek (portion on Stone Mountain State Park)

Yancey County: Lower Creek  (H) Upper Creek

(4) Catch and Release/Artificial Flies Only Trout Waters. Those portions of designated wild trout waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Catch and Release/Fly Fishing Only waters. Only artificial flies having one single hook may be used. No fish may be harvested or be in possession while fishing these streams:

- Avery County: Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)
- Transylvania County: Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)
- Yancey County: South Toe River (portion from the concrete bridge above Black Mountain Campgroup downstream to game land boundary, excluding Camp Creek and Big Lost Cove Creek)

(5) Delayed Harvest Trout Waters. Those portions of designated Hatchery Supported Trout Waters as listed in this Subparagraph, excluding tributaries except as noted, are further classified as Delayed Harvest Waters. Between 1 October and one-half hour after sunset on the Friday before the first Saturday of the following June, inclusive, it is unlawful to possess natural bait and only artificial lures with one single hook may be used. No fish may be harvested or be in possession while fishing these streams during this time. These waters are closed to fishing between one-half hour after sunset on the Friday before the first Saturday in June and 6:00 a.m. on the first Saturday in June. At 6:00 a.m. on the first Saturday in June these streams open for fishing under Hatchery Supported Waters rules:

- Ashe County: Trout Lake Helton Creek (Virginia state line to New River)
- Burke County: Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)
- Haywood County: Richland Creek (Russ Avenue bridge to US 19A -23 bridge)
- Henderson County: North Fork Mills River (game land portion below the Hendersonville watershed dam)
- Jackson County: Tuckasegee River (NC 107 bridge at Love Field Downstream to the Dillsboro dam)
- Macon County: Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)
- Madison County: Big Laurel Creek (NC 208 bridge to the US 25-70 bridge) Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)
- McDowell County: Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep Branch)
- Mitchell County: Cane Creek (NC 226 bridge to NC 80 bridge)
- Polk County: Green River (Fishtop Falls Access Area to confluence with Cove Creek)
- Surry County: Ararat River (SR 1727 downstream to Business US 52 bridge)
- Watauga County: Watauga River (Confluence of Boone Fork and Watauga River (SR 1557 bridge to NC 05 bridge)
- Wilkes County: East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State Park lower boundary) Stone Mountain Creek (from falls at Allegheny County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park)

(6) Wild Trout/Natural Bait Waters. Those portions of designated Wild Trout Waters as listed in this Subparagraph, including tributaries except as noted, are further classified as Wild Trout/Natural Bait Waters. All artificial lures and natural baits, except live fish, are allowed provided they are fished using only one single hook. The creel limit, size limit, and open season are the same as other Wild Trout Waters [see 15A NCAC 10C .0305(a)].

- Cherokee County: Bald Creek (game land portions)
Dockery Creek (game land portions)
Tellico River (Fain Ford to Tennessee state line excluding tributaries)

(B) Clay County:
Buck Creek (game land portion downstream of US 64 bridge)

(C) Graham County:
Deep Creek
Long Creek (game land portion)

(D) Jackson County:
Chattahoochee River (SR 1100 bridge to South Carolina state line)
(lower) Fowler Creek (game land portion)
Scotsman Creek (game land portion)

(E) Macon County:
Chattahoochee River (SR 1100 bridge to South Carolina state line)
Jarrett Creek (game land portion)
Kimsey Creek
Overflow Creek (game land portion)
Park Creek
Tellico Creek (game land portion)
Turtle Pond Creek (game land portion)

(F) Madison County:
Spillcorn Creek (entire stream, excluding tributaries)

(G) Transylvania County:
North Fork French Broad River (game land portions downstream of SR 1326)
Thompson River (SR 1152 to South Carolina state line, except where posted against trespass, including portions of tributaries within this section located on game lands

(b) Fishing in Trout Waters

(1) Hatchery Supported Trout Waters. It is unlawful to take fish of any kind by any manner whatsoever from designated public mountain trout waters during the closed seasons for trout fishing. The seasons, size limits, creel limits and possession limits apply in all waters, whether designated or not, as public mountain trout waters. Except in power reservoirs and city water supply reservoirs so designated, it is unlawful to fish in designated public mountain trout waters with more than one line. Night fishing is not allowed in most hatchery supported trout waters on game lands [see 15A NCAC 10D .0104(b)(1)].

(2) Wild Trout Waters. Except as otherwise provided in Subparagraphs (3), (4), and (6) of Paragraph (a) of this Rule, the following rules apply to fishing in wild trout waters.

(a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

<table>
<thead>
<tr>
<th>GAME FISHES</th>
<th>DAILY CREEL LIMITS</th>
<th>MINIMUM SIZE LIMITS</th>
<th>OPEN SEASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain Trout: Wild Trout Waters</td>
<td>4</td>
<td>7 in.</td>
<td>ALL YEAR (exc. 2)</td>
</tr>
<tr>
<td>Fish Type</td>
<td>Allowed</td>
<td>Minimum</td>
<td>Season</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Hatchery Supported Trout Waters and undesignated waters</td>
<td>7</td>
<td>None</td>
<td>All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)</td>
</tr>
<tr>
<td>Muskelunge and Tiger Musky</td>
<td>2</td>
<td>30 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Chain Pickerel (Jack)</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Walleye</td>
<td>8</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Sauger</td>
<td>8</td>
<td>15 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Black Bass:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Largemouth</td>
<td>5</td>
<td>14 in.</td>
<td>ALL YEAR (exc. 3, 7 &amp; 9)</td>
</tr>
<tr>
<td>Smallmouth and Spotted</td>
<td>5</td>
<td>12 in.</td>
<td>ALL YEAR (exc. 3, 7 &amp; 9)</td>
</tr>
<tr>
<td>White Bass</td>
<td>25</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Sea Trout (Spotted or Speckled)</td>
<td>10</td>
<td>12 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Flounder</td>
<td>None</td>
<td>13 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Red drum (channel bass, red fish, puppy drum)</td>
<td>2</td>
<td>18 in.</td>
<td>ALL YEAR (exc. 19)</td>
</tr>
<tr>
<td>Striped Bass and their hybrids</td>
<td>8 aggregate</td>
<td>16 in.</td>
<td>ALL YEAR (exc. 5, 12, &amp; 14)</td>
</tr>
<tr>
<td>(Morone Hybrids)</td>
<td>(exc. 1, 5 &amp; 12)</td>
<td>(exc. 1, 6, 5 &amp; 10)</td>
<td></td>
</tr>
<tr>
<td>Shad: (American and hickory)</td>
<td>10 aggregate</td>
<td>None</td>
<td>ALL YEAR (exc. 17 &amp; 18)</td>
</tr>
<tr>
<td>Kokanee Salmon</td>
<td>7</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Panfishes</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR (exc. 4)</td>
</tr>
<tr>
<td>NONGAME FISHES</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR (exc. 6)</td>
</tr>
</tbody>
</table>

(b) Exceptions

1. In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant Dam, and in John H. Kerr, Gaston, and Roanoke Rapids Reservoirs, and Lake Norman, the creel limit on striped bass and Morone hybrids is four in the aggregate and the minimum size limit is 20 inches.

2. In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Nantahala River and all tributaries (excluding impoundments) upstream from Nantahala Lake, and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing. In Lake Lure the daily creel limit for trout is five fish and minimum size limit for trout is 15 inches.

3. Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.
(4) On Mattamuskeet Lake, special federal regulations apply.

(5) In the inland fishing waters of Cape Fear, Neuse, Pee Dee, Pungo and Tar Pamlico rivers and their tributaries and the Roanoke River and its tributaries, including the Cashie Middle and Eastmost rivers, extending upstream to the first impoundment, and Lake Mattamuskeet, the daily creel limit for striped bass and their hybrids is three fish in aggregate and the minimum length limit is 18 inches. In the Roanoke River and its tributaries, including the Cashie, Middle, and Eastmost rivers, in the Tar Pamlico River and its tributaries upstream of the Grimesland bridge and in the Neuse River and its tributaries upstream of the NC 55 bridge in Lenoir County, no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches shall be retained during the period April 1 through May 31.

The open season for taking and possessing striped bass and their hybrids in the Roanoke River Striped Bass Management Area is March 1 through April 15 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to the US 258 bridge and is March 15 through April 30 from the US 258 bridge upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for striped bass and their hybrids is two fish and no fish between 22 inches and 27 inches in length shall be retained.

(6)(7) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.

(7)(8) The maximum combined number of black bass of all species that may be retained per day is five fish, no more than two of which may be smaller than the applicable minimum size limit. The minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke Marion in Moore County, in Reedy Creek Park lakes in Mecklenburg County, in Lake Rim in Cumberland County, in Currintruck Sound and tributaries north of Wright Memorial Bridge, in North River and tributaries in Currintruck and Camden Counties north of a line between Camden Point and the end of SR 1124, in High Rock Lake downstream of I85, in Badin Lake, in Falls Lake, in Lake Tillery, in Blewett Falls Lake, in Tuckertown Lake and in the New River and its tributaries in Onslow County. In and west of Madison, Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the minimum size limit is 12 inches. In B. Everett Jordan Reservoir and Reservoir in Falls of the Neuse Reservoir, east of SR 1004, and in Lake Lure a minimum size limit of 16 inches, with no exception, applies to largemouth bass. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass, In Lake Lure a minimum size limit of 14 inches, with no exception, applies to smallmouth bass.

(8)(9) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge above Lake James.

(9)(10) The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:
(A) Cane Creek Lake in Union County;
(B) Lake Thom-A-Lex in Davidson County; and
(C) Sutton Lake in New Hanover County.

(10)(11) In all impounded inland waters and their tributaries, except those waters described in Exceptions (1) and (5), the daily creel limit of striped bass and their hybrids may include not more than two fish of smaller size than the minimum size limit.

(11)(12) In Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hyco, Lake Ramseur, Cane Creek Lake and the Roanoke River downstream of the US 17 bridge in Williamson and its tributaries (including the Cashie, Middle and Eastmost rivers and their tributaries) a daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie. In Lake James, Lake Lure and Hiwassee Reservoir, a daily creel limit of 20 fish applies to crappie.

(12)(13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

(13)(14) The daily creel and length limits for channel, white, and blue catfish in designated urban lakes are provided for in 15A NCAC 10C .0401(d).

(14)(15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

(15)(16) In the entire Lumber River from the Camp Mackall bridge (SR 1225, at the point where Richmond, Moore, Scotland, and Hoke counties join) to the South Carolina state line and in all public fishing waters east of I95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.
\((16)(17)\) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.

\((17)(18)\) In the Pee Dee River downstream from the Blewett Falls dam, shad may be taken with special fishing devices without restriction to creel limits as provided for in 15A NCAC 10C .0404(b) during the permitted special fishing device seasons specified in 15A NCAC 10C .0407. American and hickory shad taken under this Subparagraph may be sold as authorized under subsection 10C .0401 of this Rule.

\((18)(19)\) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30, except in Pee Dee River downstream from Blewett Falls dam where the season prescribed in 15A NCAC 10C .0407(4) and 15A NCAC 20C .0407(75) is in effect.

\((19)(20)\) No red drum greater than 27 inches in length may be retained.

**History Note:** Filed as a Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Filed as a Temporary Amendment Eff. May 1, 1994, for a period of 180 days to expire on November 1, 1991;

Filed as a Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1, 1990;

Filed as a Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;

Authority G.S. 113-134; 113-292; 113-304; 113-305; Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992;

Temporary Amendment Eff. November 1, 1998;

Amended Eff. April 1, 1999;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;


**SECTION .0400 – NONGAME FISH**

**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 grilling. Nongame fishes may be taken by hook and line or grilling at any time without restriction as to size limits or creel limits, except that no trotlines or set-hooks may be used in the impounded waters located on the Sandhills Game Land or in designated public mountain trout waters. In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30. The season for taking nongame fishes by other hook and line methods in designated public mountain trout waters shall be the same as the trout fishing season.

(b) Nongame fishes, except alewife and blueback herring (greater than six inches in length) and bowfin, alewife and blueback herring—taken by hook and line, grilling or by licensed special devices may be sold. Alewife and blueback herring less than six inches in length may be sold except in those waters specified in 15A NCAC 10C .0402(d), where their possession is prohibited. Eels less than six inches in length may not be taken from inland waters for any purpose, may not be possessed and possession of eels 6 inches or larger in length is limited to 200 per day for bait.

(c) Freshwater mussels may only be taken from impounded waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. It is unlawful to use boats powered by gasoline engines on impoundments located on the Barnhill Public Fishing Area.

(d) It is unlawful to use boats powered by gasoline engines on impoundments located on the Barnhill Public Fishing Area.

\((18)(e)\) In the posted Community Fishing Program waters listed below it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line; the daily creel limit for forked tail catfish is six fish in aggregate:

- Cedarock Pond, Alamance County
- Lake Tomahawk, Buncombe County
- Frank Liske Park Pond, Cabarrus County
- Lake Rim, Cumberland County
- C.G. Hill Memorial Park Pond, Forsyth County
- Kernersville Lake, Forsyth County
- Winston Pond, Forsyth County
- Bur-Mil Park Ponds, Guilford County
- Oka T. Hester Pond, Guilford County
- San-Lee Park Ponds, Lee County
- Kinston Neuseway Park Pond, Lenoir County
- Freedom Park Pond, Mecklenburg County
- Hornet's Nest Pond, Mecklenburg County
- McAlpine Lake, Mecklenburg County
- Lake Luke Marion, Moore County
- Lake Michael, Orange County
- River Park North Pond, Pitt County
- Big Elkin Creek, Surry County
- Apex Community Lake, Wake County
- Lake Crabtree, Wake County
- Shelley Lake, Wake County
- Simpkins Pond, Wake County
- Lake Toisnot, Wilson County
- Ellerbe Community Lake, Richmond County
- Indian Lake, Edgecombe County
- Harris Lake County Park Ponds, Wake County
- Park Road Pond, Mecklenburg County
- Etheridge Pond on the Barnhill Public Fishing Area, Edgecombe County
- Newbold Pond on the Barnhill Public Fishing Area, Edgecombe County

**History Note:** Temporary Amendment Eff. December 1, 1994;

Authority G.S. 113-134; 113-272; 113-292;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; October 1, 1992;

Temporary Amendment Eff. November 1, 1998;

Amended Eff. April 1, 1999;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2000;


**15A NCAC 10C .0402  TAKING NONGAME FISHES FOR BAIT**

(a) It is unlawful to take nongame fish for bait 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 where there is no length limitation) and with a bar mesh measure of not more than one-fourth inch;
(3) a cast net;
(4) minnow traps not exceeding 12 inches in diameter and 24 inches in length, with funnel openings not exceeding one inch in diameter, and which are under the immediate control and attendance of the individual operating them.

(b) It is unlawful to sell nongame fishes or aquatic animals taken under this Subchapter.

(c) Game fishes and their young taken while netting for bait shall be immediately returned unharmed to the water. No person shall take or possess more than 50 eels or 200 nongame fish of other species for bait pursuant to this Subchapter from inland fishing waters during one day. It is unlawful to take nongame fish for bait or any other fish bait from designated public mountain trout waters and:

(1) Chatham County
Deep River
Rocky River
Bear Creek
(2) Lee County
Deep River
(3) Moore County
Deep River
(4) Randolph County
Deep River below the Coleridge Dam
Fork Creek

(d) In the waters of the Little Tennessee River, the Catawba River upstream of Lookout Shoals Dam, 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 alewife or live blueback herring.

History Note: Authority G.S. 113-134; 113-35; 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.

15A NCAC 10C .0404 SPECIAL DEVICE FISHING

(a) Bow and Arrow. The use of bow [as defined in 15A NCAC 10B .0116(a)] and arrow 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 specifically prohibited, bow and arrow may be used in joint fishing waters. It is unlawful to take fish with crossbow and arrow in any inland 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 fishing license.

(1) No fixed gill net or other stationary net which may be authorized as a special fishing 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, except in the Neuse, Northeast Cape Fear, Cape Fear, and Black Rivers and their tributaries. No anchored or fixed gill net or drift net shall be placed within 50 yards of all sets of nets at all times.

(c) Traps. Baskets and traps, including automobile tires, may be used under the special device fishing 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 fishing 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) Eel pots. It is unlawful to use pots with mesh sizes smaller than one inch by one-half inch unless such pots contain an escape panel that is at least four inches square with a mesh size of one inch by one-half inch located in the outside panel of the upper chamber of rectangular pots and in the rear portion of cylindrical pots, except that not more than two eel pots per fishing license with a mesh of any size may be used to take eels for bait. Each pot must be marked by attaching a floating buoy which 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 always 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; or
2. owner's U.S. vessel documentation name; or
3. owner's last name and initials.

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.

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 in impoundments located entirely on game lands is prohibited. All fixed and drift gill nets must be attended when fished in the designated inland waters of the counties listed in 15A NCAC 10C .0404(b)(3). Attended as used in this Rule and in 15A NCAC 10C .0404(b)(3) requires that fisherman be within 100 yards of all sets of nets at all times. 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 gills in all public waters;
2. Alexander: July 1 to June 30 with traps and gills in all public waters; and with spear guns in Lake Hickory and Lookout Shoals Reservoir;
3. Alleghany: July 1 to June 30 with gills in New River, except designated public mountain trout waters;
4. Anson: (a) July 1 to June 30 with traps and gills in all public waters; (b) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the lower end of Goat Island;
5. Ashe: July 1 to June 30 with gills in New River (both forks), except designated public mountain trout waters;
6. Beaufort: 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 gills in all inland public waters;
7. Bertie: (a) July 1 to June 30 with traps in the Broad Creek (tributary of Roanoke); (b) December 1 to June 5 with dip and bow nets in all inland public waters;
8. Bladen: December 1 to June 5 with dip and bow nets in Black River;
9. Brunswick: December 1 to May 1 with attended gill nets in all inland public waters except Waccamaw River and its tributaries;
10. Buncombe: July 1 to June 30 with gills 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, gill nets, 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, except Johns River and designated public mountain trout waters; (b) July 1 to June 30 with traps and gills in all public waters;
13. Caldwell: July 1 to June 30 with traps, gills, and spear guns in all public waters, except designated public mountain trout waters; (a) July 1 to June 30 with traps in all inland public waters;
(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(15) Carteret: December 1 to June 5 with dip and 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) December 1 to June 5 with dip and 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 attended gill nets in all inland public waters, except Lake Waccamaw and its tributaries:
   (b) December 1 to March 1 with gill nets in all inland public waters, except Lake Waccamaw and its tributaries;

   (e)(b) December 1 to June 5 with dip, bow, and attended gill nets in Livingston Creek;

(24) Craven:
   (a) July 1 to June 30 with traps in the main run of the Trent and Neuse Rivers;
   (b) December 1 to June 5 with dip and 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) Cumberland: December 1 to March 1 with attended gill nets in all inland public waters;

(26) Currituck:
   (a) July 1 to June 30 with traps in Tulls Creek and Northwest River;
   (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(27) Dare:
   (a) July 1 to June 30 with traps in Mashoes Creek, Milltail Creek, East Lake and South Lake;
   (b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(28) 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;

(29) 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;

(30) Duplin:
   December 1 to June 5 with dip and bow nets and seines in the main run of the Northeast Cape Fear River downstream from a point one mile above Serecta Bridge;

(31) Edgecombe:
   December 1 to June 5 with dip and bow nets in all public waters;
(a) December 1 to March 15 with gill nets in Noble Mill Pond and Wiggins Lake;
(b) December 1 to June 5 with dip and bow nets in all public waters; and with drift gill nets in Tar River below the bridge at Old Sparta to the Pitt County line;

Forsyth: July 1 to June 30 with traps and gigs in all public waters, except traps may not be used in Belews Creek Reservoir;

Franklin:
(a) December 1 to March 1 with gill nets in Clifton Pond, Parrish Pond, Jackson Pond and Lake Royale;
(b) July 1 to August 31 with seines in Tar River;
(c) 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;

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;

Gates: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

Graham: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

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 Neuse River and the Tar River below US 158 bridge;
(c) July 1 to June 30 with dip and cast nets in Kerr Reservoir;
(d) July 1 to June 30 with cast nets in all public waters;

Greene: December 1 to June 5 with dip and bow nets and reels in Contentnea Creek;

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;

Halifax:
(a) December 1 to March 1 with gill nets in White's Mill Pond;
(b) December 1 to June 5 with dip and 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;

Harnett:
(a) December 1 to March 1 with attended gill nets in all inland public waters;
(b) January 1 to May 31 with gigs in Cape Fear River and tributaries;
(c) December 1 to June 5 with dip and bow nets in Cape Fear River;

Haywood: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;

Henderson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

Hertford:
(a) July 1 to June 30 with traps in Wiccacon Creek;
(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

Hoke: December 1 to March 1 with attended gill nets in all inland public waters;

Hyde: July 1 to June 30 with traps in all inland waters;

Iredell: July 1 to June 30 with gigs in all public waters, except Lake Junaluska and designated public mountain trout waters;

Jackson: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

Johnston: December 1 to June 5 with dip and bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River and Swift Creek:
(a) December 1 to March 1 with gill nets in Cattails Lake, Holts Lake, Holts Pond, and Wendell Lake;
(b) December 1 to June 5 with dip and bow nets in Black Creek, Little River, Middle Creek, Mill Creek, Neuse River, and Swift Creek;

Jones: July 1 to June 30 with traps in the Trent River below US 17 bridge and White Oak River below US 17 bridge;

Lee:
(a) December 1 to April 15 with dip and gill nets (local law) in Cape Fear River and Deep River; and with gill nets in Morris Pond;
(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 gill nets in all public waters;

(53)(51) Lenoir:
(a) July 1 to June 30 with traps in Neuse River below US 70 bridge at Kinston;
(b) December 1 to June 5 with dip and bow nets in Neuse River and Contentnea Creek upstream from NC 118 bridge at Grifton; and with seines in Neuse River;

(54)(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;

(55)(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;

(56)(54) Macon: July 1 to June 30 with gill nets in all public waters, except designated public mountain trout waters;

(57)(55) Madison: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

(58)(56) Martin: December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(59)(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;

(60)(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 gills in all public waters;

(61)(59) Moore:
(a) December 1 to April 15 with gill nets in Deep River and all tributaries;
(b) July 1 to August 31 with seines in all running public waters except in Deep River;
(c) 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;

(62)(60) Nash:
(a) December 1 to March 1 with gill nets in Boddies Pond and Camp Charles Lake;
(b) July 1 to June 30 with gill nets in all public waters, except Tar River;
(c) December 1 to June 5 with dip and bow nets in the Tar River below Harris’ Landing and Fishing Creek below the Fishing Creek Mill Dam;

(63)(61) New Hanover: December 1 to June 5 with dip and bow nets in all inland public waters, except Sutton (Catfish) Lake;

(64)(62) Northampton:
(a) July 1 to June 30 with gill nets in all public waters, except Gaston and Roanoke Rapids Reservoirs and the Roanoke River above the US 301 bridge;
(b) December 1 to June 5 with dip and bow nets in Ococoneehsee Creek, Old River Landing, Gut and with dip, bow and gill nets in Gut and Vaughts Creek below Watsons Mill;
(c) July 1 to June 30 with dip and cast nets in Gaston Reservoir and Roanoke Rapids Reservoir;

(65)(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) December 1 to June 5 with dip and 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 dip and bow nets in Grant’s Creek;

(66)(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;

(67)(65) Pamlico: December 1 to June 5 with dip and bow nets in all inland public waters, except Dawson Creek;

(68)(66) Pasquotank:
(a) July 1 to June 30 with traps in all inland waters;
(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(69)(67) Pender:
(a) December 1 to June 5 with dip and bow nets in the Northeast Cape Fear
River, Long Creek and Black River; and with seines in the main run of Northeast Cape Fear River;
(b) December 1 to May 1 with dip and bow nets in Moore's Creek approximately one mile upstream to New Moon Fishing Camp;

(70)(68) Perquimans:
(a) July 1 to June 30 with traps in all inland waters;
(b) December 1 to June 5 with dip and bow nets in all inland public waters, excluding public lakes, ponds, and other impounded waters;

(71)(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.

(72)(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) December 1 to June 5 with dip and 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;

(73)(71) Polk: July 1 to June 30 with gigs in all public waters, except designated public mountain trout waters;

(74)(72) Randolph:
(a) December 1 to March 1 with gill nets in Deep River and Uwharrie River;
(b) July 1 to August 31 with seines in Deep River above the Coleridge Dam and Uwharrie River;
(c) July 1 to June 30 with gigs in all public waters;

(75)(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) December 1 to June 5 with dip and bow nets in Pee Dee River below Blewett Falls Dam, and with gill nets in Pee Dee River below the mouth of Cartledge Creek;

(76)(74) Robeson: December 1 to March 1 with attended gill nets and gigs in all inland public waters.

(77)(75) Rockingham:
(a) July 1 to August 31 with seines in Dan River and Haw River;
TEMPORARY RULES

15A NCAC 10D.0103  HUNTING ON GAME LANDS
(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with special restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic, gates or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts or wire to a tree on any game land designated herein. This prohibition shall not apply to lag-screw steps or portable stands that are removed after use with no metal left remaining in or attached to the tree.

(d) Time and Manner of Taking. Except where closed to hunting or limited to specific dates by this Chapter, hunting on game lands is permitted during the open season for the game or furbearing species being hunted. On managed waterfowl impoundments, hunters shall not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates, and hunting is prohibited after 1:00 p.m. on such hunting dates;
(e) Definitions:

For purposes of this Section "Eastern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(A); "Central" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(D); "Northwestern" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(C).

(f) Game Lands Seasons and Other Restrictions:

(1) Alcoa Game Land in Davidson, Davie, Montgomery, Rowan and Stanly counties
   (A) Six Days per Week Area
   (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season in those portions in Davie, Davidson, Rowan and Stanly counties.

(2) Angola Bay Game Land in Duplin and Pender counties
   (A) Six Days per Week Area
   (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(3) Anson Game Land in Anson County
   (A) Six Days per Week Area
   (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(4) Bachelor Bay Game Land in Bertie and Washington counties
   (A) Six Days per Week Area
   (B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(5) Bladen Lakes State Forest Game Land in Bladen County
   (A) Six Days per Week Area
   (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
(A) Three Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Saturday preceding Eastern bow season with bow and arrow and the Friday preceding the Eastern muzzle-loading season with any legal weapon (with weapons exceptions described in this Paragraph) by participants in the Disabled Sportsman Program.
(C) Handguns shall not be carried and, except for muzzle-loaders, rifles larger than .22 caliber rimfire shall not be used or possessed.
(D) On the Breece Tract and the Singletary Tract deer and bear may be taken only by still hunting.
(E) Wild turkey hunting is by permit only.

(6) Brunswick County Game Land in Brunswick County: Permit Only Area

(7) Brushy Mountains Game Land in Caldwell County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(8) Bullard and Branch Hunting Preserve Game Lands in Robeson County
(A) Three Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(9) Butner - Falls of Neuse Game Land in Durham, Granville and Wake counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
(C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 p.m. On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.
(D) Horseback riding, including all equine species, is prohibited.
(E) Target shooting is prohibited
(F) Wild turkey hunting is by permit only.

(10) Cape Fear Game Land in Pender County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(11) Caswell Game Land in Caswell County
(A) Three Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
(C) Horseback riding is allowed only during June, July, and August and on Sundays during the remainder of the year except during open turkey and deer seasons. Horseback riding is allowed only on roads opened to vehicular traffic. Participants must obtain a game lands license prior to engaging in such activity.

(12) Caswell Farm Game Land in Lenoir County - Dove-Only Area
(A) Dove hunting is by permit only during the first two open days of the first segment of dove season.

(13) Catawba Game Land in Catawba and Iredell counties
(A) Three Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
(C) Deer may be taken by bow and arrow only from the tract known as Molly's Backbone.

(14) Chatham Game Land in Chatham and Harnett counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(15) Cherokee Game Land in Ashe County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(16) Cherry Farm Game Land in Wayne County
(A) Three Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
(C) The use of centerfire rifles and handguns is prohibited.

(17) Chowan Game Land in Chowan County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season.
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addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.

**Chowan Swamp Game Land in Gates County**

(A) Six Days per Week Area

(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

**Cold Mountain Game Land in Haywood County**

(A) Six Days per Week Area

(B) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

**Columbus County Game Land in Columbus County.**

(A) Three Days per Week Area

(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

**Croatan Game Land in Carteret, Craven and Jones counties**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.

**Currituck Banks Game Land in Currituck County**

(A) Six Days per Week Area

(B) Permanent waterfowl blinds in Currituck Sound adjacent to these game lands shall be hunted by permit only after November 1.

(C) Licensed hunting guides may accompany the permitted individual or party provided the guides do not possess or use a firearm.

(D) The boundary of the Game Land shall extend 5 yards from the edge of the marsh or shoreline.

(E) Dogs shall be allowed only for waterfowl hunting by permitted waterfowl hunters on the day of their hunt.

(F) No screws, nails, or other objects penetrating the bark will be used to attach a tree stand or blind to a tree.

**Dare Game Land in Dare County**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(C) No hunting on posted parts of bombing range.

(D) The use and training of dogs is prohibited from March 1 through June 30.

**Dupont State Forest Game Lands in Henderson and Transylvania counties**

(A) Hunting is by Permit only.

(B) The training and use of dogs for hunting except during scheduled small game permit hunts for squirrel, grouse, rabbit, or quail is prohibited.

(C) Participants of the Disabled Sportsman Program may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.

**Dysartsville Game Land in McDowell and Rutherford counties**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

**Elk Knob Game Land in Ashe and Watauga counties**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

**Gardner-Webb Game Land in Cleveland County**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

**Goose Creek Game Land in Beaufort and Pamlico counties**

(A) Six Days per Week Area

(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

(C) On posted waterfowl impoundments waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl duck hunting seasons.

After November 1, on the Pamlico Point, Campbell Creek, Hunting Creek and Spring Creek impoundments, a special permit is required for hunting on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.

**Green River Game Land in Henderson, and Polk and Rutherford counties**

(A) Six Days per Week Area

(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
Deer With Visible Antlers Season in that portion in Rutherford County; and deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season in that portion in Polk and Henderson counties.

Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This rule includes all equine species.

Green Swamp Game Land in Brunswick County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.

Gull Rock Game Land in Hyde County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
(C) On the posted waterfowl impoundments of Gull Rock Game Land hunting of any species of wildlife is limited to Mondays, Wednesdays, Saturdays; Thanksgiving, Christmas, and New Year’s Days; and the opening and closing days of the applicable waterfowl seasons.

Hickorynut Mountain Game Land in McDowell County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

Hofmann Forest Game Land in Jones and Onslow counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
(C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year’s Days; and on the opening and closing days of the applicable waterfowl seasons.
(D) Horseback riding, including all equine species, is prohibited.
(E) Target shooting is prohibited.
(F) Wild turkey hunting is by permit only.

Lantern Acres Game Land in Tyrrell and Washington counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.

Lee Game Land in Lee County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

Linwood Game Land in Davidson County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six on all of the open days of the applicable Deer With Visible Antlers Season.

Little Alligator River Game Land in Tyrrell County, Permit Only Area

Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania counties
TEMPORARY RULES

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season except on that portion in Avery and Yancey counties and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers Season. (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and opossum dogs is prohibited from March 1 to the Monday on or nearest October 15 in that part of Madison County north of the French Broad River, south of US 25-70 and west of SR 1319.

(D) On that part of Pee Dee River Game Lands between Blewett Falls Dam and the South Carolina state line, waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons. Waterfowl shall not be taken after 1:00 PM in this area.

(42)(40) Neuse River Game Land in Craven County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(43)(41) New Lake Game Land in Hyde County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(44)(42) North River Game Land in Currituck County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
(C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.

(45)(43) Northwest River Marsh Game Land in Currituck County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season.
(C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.

(46)(44) Pee Dee River Game Land in Anson, Montgomery, Richmond and Stanly counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.

(47)(45) Perkins Game Land in Davie County
(A) Three Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(48)(46) Person Game Land in Person County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
(C) Waterfowl may be taken only on Tuesdays, Thursdays and Saturdays, Christmas and New Year's Days, and on the opening and closing days of the applicable waterfowl seasons.

(49)(47) Pisgah Game Land in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga and Yancey counties
(A) Six Days per Week Area
(B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season except on that portion in Avery and Yancey counties and that portion in Haywood County encompassed by US 276 on the north, US 74 on the west, and the Blue Ridge Parkway on the south and east.

(50)(48) Pungo River Game Land in Hyde County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.
### Temporary Rules

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<td>Roanoke River Wetlands in Bertie, Halifax and Martin counties</td>
<td>Hunting is by permit only. Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.</td>
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<tr>
<td>(50)</td>
<td>Roanoke Sound Marshes Game Land in Dare County</td>
<td>Hunting is by permit only.</td>
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</table>
| (52) | Robeson Game Land in Robeson County | (A) Three Days per Week Area  
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. |
| (53) | Sampson Game Land in Sampson County | (A) Three Days per Week Area  
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season. |
| (54) | Sandhills Game Land in Moore, Richmond and Scotland counties | (A) Three Days per Week Area  
(B) The Deer With Visible Antlers season for deer consists of the open hunting dates from the second Monday before Thanksgiving through the third Saturday after Thanksgiving except on the field trial grounds where the gun season is open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving. Deer may be taken with bow and arrow on all open hunting dates during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on Monday, Wednesday and Saturday of the second week before Thanksgiving—week open days beginning the third Saturday before Thanksgiving through the following Wednesday, and during the Deer With Visible Antlers season. |
| (55) | Sauratown Plantation Game Land in Stokes County | (A) Three Days per Week Area  
(B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. |
| (56) | Scuppernong Game Land in Tyrrell and Washington counties | (A) Six Days per Week Area  
(B) Deer of either sex may be taken all the first six open days, open days the week of Thanksgiving, and the last six open days of the applicable Deer With Visible Antlers Season. In addition, one antlerless deer may be taken anytime during the Deer With Visible Antlers season. |
| (57) | Shearon Harris Game Land in Chatham and Wake counties | (A) Six Days per Week Area  
(B) Deer of either sex may be taken the first six open days and the last six open days of the applicable Deer With Visible Antlers Season.  
(C) Waterfowl may be taken only on Tuesdays, Fridays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the applicable waterfowl seasons.  
(D) The use or construction of permanent hunting blinds is prohibited.  
(E) Wild turkey hunting is by permit only. |
| (58) | South Mountains Game Land in Burke, Cleveland, McDowell and Rutherford counties | (A) Six Days per Week Area  
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.  
(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species. |
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(59)(58) Suggs Mill Pond Game Land in Bladen County; Hunting is by Permit only.

(60)(59) Sutton Lake Game Land in New Hanover County

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

(61)(60) Three Top Mountain Game Land in Ashe County

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.
(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

(62)(61) Thurmond Chatham Game Land in Wilkes County

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take either-sex deer with bow and arrow on the Saturday prior to Northwestern bow and arrow season.
(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species. Participants must obtain a game lands license prior to horseback riding on this area.

(63)(62) Toxaway Game Land in Transylvania County

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last open day of the applicable Deer With Visible Antlers Season. Participants of the Disabled Sportsman Program may also take deer of either sex with any legal weapon on the Saturday prior to the first segment of the Western bow and arrow season.
(C) Horseback riding is prohibited except on designated trails May 16 through August 31 and all horseback riding is prohibited from September 1 through May 15. This Rule includes all equine species.

(64)(63) Uwharrie Game Land in Davidson, Montgomery and Randolph counties

(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last open six days of the applicable Deer With Visible Antlers Season.

(65)(64) Vance Game Land in Vance County

(A) Six Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
(C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.

(66) White Oak River Impoundment Game Land in Onslow County

(A) Three Days per Week Area
(B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
(C) Waterfowl may be taken only on Mondays, Wednesdays, Saturdays; on Thanksgiving, Christmas and New Year's Days; and on the opening and closing days of the statewide waterfowl hunting seasons. After October 1, a special permit is required for hunting waterfowl on opening and closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day. Waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons regardless of the day of the week on which they occur.

(67) Yadkin Game Land in Caldwell County

(A) Six Days per Week Area
(B) Deer of either sex may be taken the last six open days of the applicable Deer With Visible Antlers Season.

(g) On permitted type hunts deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications must be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and shall be nontransferable. A hunter making a kill must validate the kill and report the kill to a wildlife cooperator agent or by phone.

(h) The following game lands and refuges shall be closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission: Bertie, Halifax and Martin counties--Roanoke River Wetlands
Bertie County—Roanoke River National Wildlife Refuge
Bladen County—Suggs Mill Pond Game Lands
Burke County—John's River Waterfowl Refuge
Dare County—Dare Game Lands (Those parts of bombing range posted against hunting)
Davie—Roanoke Sound Marshes Game Lands
Davie—Hunting Creek Swamp Waterfowl Refuge
Gaston, Lincoln and Mecklenburg counties—Cowan's Ford Waterfowl Refuge
Henderson and Transylvania counties—Dupont State Forest Game Lands

History Note: Temporary Amendment Eff. October 3, 1991; Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; September 1, 1995; July 1, 1995; September 1, 1994; July 1, 1994;
Temporary Amendment Eff. October 1, 1999; July 1, 1999;
Amended Eff. July 1, 2000;

15A NCAC 10D .0104 FISHING ON GAME LANDS
(a) Generally. Except as otherwise indicated herein, fishing on game lands which are open to fishing shall be in accordance with the statewide rules. All game lands are open to public fishing except restocked ponds when posted against fishing. Hunting Creek Swamp Waterfowl Refuge, Grogan Creek in Transylvania County, and in the case of private ponds where fishing may be prohibited by the owners thereof. No trotline or set-hook or any net, trap, gig, bow and arrow or other special fishing device of a type mentioned in 15A NCAC 10C .0403 may be used in any of the impounded waters located entirely on the Sandhills Game Land, on game lands.
(b) Designated Public Mountain Trout Waters
(1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land from one-half hour after sunset to one-half hour before sunrise, except in Hatchery Supported Trout waters as stated in 15A NCAC 10C .0305(a), Delayed Harvest waters as stated in 15A NCAC 10C .0205(a)(5), game lands sections of the Nantahala River located downstream from the Swain County line, and in the sections of Green River in Polk County located on Green River Game Lands from Cove Creek downstream to Brights Creek.
(2) Location. All waters located on the game lands listed in this Subparagraph are designated public mountain trout waters except Cherokee Lake, Grogan Creek, and Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to Tennessee line, Nolichucky River, and Mill Ridge Pond and Cheoah River downstream of Santeetlah Reservoir.

Dupont State Forest Game Lands in Henderson and Transylvania counties

15A NCAC 10H .0301 GENERAL REQUIREMENTS
(a) Captivity Permit
(1) Requirement. The possession of any species of wild animal which is or once was native to this State or any species of wild bird which naturally occurs or historically occurred in this State, being native or migratory, is unlawful unless the institution or individual in possession thereof has first obtained from the Wildlife Resources Commission a captivity permit or a captivity license as required by this Rule.
(2) Injured, Crippled or Orphaned Wildlife. Notwithstanding the preceding Subparagraph (1) of this Rule, a crippled, injured or orphaned wild animal or wild bird, except wild turkey, deer or black bear may be taken and kept in possession for no longer than five days, provided that during such five-day period the individual in possession thereof shall apply to the Wildlife Resources Commission, or a wildlife law enforcement officer, for a captivity permit.

15A NCAC 10D .0205(a)(1)]
Captivity License

(3) Application and Term. A captivity permit will be issued without charge and may be issued upon informal request by mail, telephone, or other means of communication; but such permit shall authorize possession of the animal or bird only for such period of time as may be required for the rehabilitation and release to the wild; or to obtain a captivity license as provided by Paragraph (b) of this Rule, if such a license is authorized, or to make a proper disposition of the animal or bird, as determined by the Executive Director, if the application for such license is denied, or when an existing captivity license is not renewed or is terminated.

(b) Captivity License Requirement. Except as provided in Paragraph (a) of this Rule, no person shall keep any species of wild animal which is or once was native to this State or any deer, elk, or other member of the family Cervidae; or any coyote, wolf, or other nonindigenous member of the family Canidae; or any species of wild bird which naturally occurs or historically occurred in this State, either resident or migratory, without first having obtained from the Wildlife Resources Commission a license to hold the particular species of animal or bird in captivity. No wildlife captivity license will be issued for exotic wild animals, non-indigenous wild animals, or native big game species when the reason for holding such wild animals is release for hunting. No captivity license will be issued for holding wild turkeys.

Acquisition of Wildlife. Notwithstanding the provisions of Subparagraph (a)(2) of this Rule, captivity licenses may not be issued if the wild animal or wild bird was acquired unlawfully or merely as a pet.

(2) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity which shall comply with the minimum standards set forth in Rule .0302 of this Section, and the adequacy of such facility has been verified on inspection by a representative of the Commission.

(3) Term of License

(A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.

(B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license which is issued shall be for a period less than one year as rehabilitation may require. Captivity licenses will not be issued for rehabilitation of deer, deer, turkey, and black bear.

(C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird shall be operative to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for its retention.

(c) Nontransferability. No license or permit issued pursuant to this Rule shall be transferable, either as to the holder or the site of a holding facility.

(d) Sale or Transfer of Captive Wildlife. It is unlawful for any person to transfer or receive any wild animal or wild bird which is being held under a captivity permit issued under Paragraph (a) of this Rule, except that any such animal or bird may be surrendered to an agent of the Wildlife Resources Commission. It is unlawful for any person holding a captivity license issued under Paragraph (b) of this Rule to sell or transfer the animal or bird held under such license, except that such animal or bird may be surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal or bird to another person who has obtained a license to hold it in captivity. Upon such a sale or transfer, the seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and license number of the buyer or transferee, a copy of which shall be transmitted to the Wildlife Resources Commission. It is unlawful for any person to release into the wild for any purpose or allow to range free any species of deer, elk or other members of the family Cervidae or any wolf, coyote, or other nonindigenous member of the family Canidae.

(e) Applicability of Section. The following licenses include authority for incidental transportation and possession of wildlife covered under the license:

(1) Wildlife and fish collection licenses (G.S. 113-272.4; 15A NCAC 10B .0119; 15A NCAC 10C .0214);

(2) Controlled hunting preserve license [G.S. 113-273(g); 15A NCAC 10H .0100];

(3) Commercial trout pond license [G.S. 113-273(c); 15A NCAC 10H .0400];

(4) Fish propagation license [G.S. 113-273(e); 15A NCAC 10H .0700];

(5) Falconry permit and license [G.S. 113-270.3(b)(5); 15A NCAC 10H .0800];

(6) Game bird propagation license [G.S. 113-273(h); 15A NCAC 10H .0900];

(7) Furbearer propagation license [G.S. 113-273(i); 15A NCAC 10H .1100].

History Note: Authority G.S. 113-134; 113-272.5; 113-274; 113-292.

Eff. February 1, 1976;
TEMPORARY RULES

Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;

SECTION .0900 – GAME BIRD PROPAGATORS

15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE

The game bird propagation license authorizes the purchase, possession, propagation, sale, and transportation of propagated upland game birds, except wild turkey, and migratory game birds, and their eggs in accordance with the other rules of this Section, subject to the following limitations and conditions:

(1) The sale of dead pen-raised quail for food is governed by the regulations of the North Carolina Department of Agriculture;

(2) The possession, sale, and transfer of migratory game birds is subject to additional requirements contained in Title 50 of the Code of Federal Regulations.

(3) No propagation license will be issued for wild turkeys.

History Note: Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21;
Eff. January 1, 1981;
Amended Eff. July 1, 1988; July 1, 1987;

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Rule-making Agency: North Carolina Wildlife Resources Commission

Rule Citation: 15A NCAC 10F .0339

Effective Date: May 1, 2001

Findings Reviewed and Approved by: Julian Mann, III

Authority for the rulemaking: G.S. 75A-3; 75A-15

Reason for Proposed Action: The McDowell County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15, to protect public safety in the areas by restricting vessel speed.

Comment Procedures: The North Carolina Wildlife Resources Commission has the authority to adopt temporary rules pursuant to G.S. 150B-21.1(a1). This temporary rule is adopted following the public hearing and public comment period established for permanent rule adoption.

CHAPTER 10 – WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F – MOTORBOATS AND WATER SAFETY

SECTION .0300 – LOCAL WATER SAFETY REGULATIONS

15A NCAC 10F .0339 MCDOWELL COUNTY

(a) Regulated Areas. This Rule applies to the following waters located on Lake James in McDowell County:

(1) that area adjacent to the shoreline of the McDowell Wildlife Club property;

(2) that area adjacent to the shoreline of the Marion Moose Club property;

(3) that area known as Morgan Cove;

(4) that area within 50 yards of the shoreline at the New Manna Baptist Youth Camp;

(5) that area within 50 yards of the shoreline at Burnett's Landing;

(6) the cove area adjacent to the State Park swimming area;

(7) the cove area adjacent to the State Park picnic area and dock;

(8) that area within 50 yards of camping areas in the Lake James State Park as designated by the appropriate markers;

(9) that area within 50 yards of the boat launching ramp at the Marion Lake Club;

(10) that area within 50 yards in either direction from the marina docks in Plantation Point Cove;

(11) that designated area of Goodman's Landing Cove within 50 yards of the swimming area and boat docks of Goodman's Campground;

(12) that area beginning at the rock shoals located at Deerfield Campground downstream for a distance of approximately 200 yards as delineated by appropriate markers;

(13) that area as delineated by appropriate markers along the shoreline of the development known as Lakeview Pointe;

(14) that area as delineated by appropriate markers at the Waterglyn Subdivision Cove;

(15) that area as delineated by appropriate markers along the shoreline of the Lakeview Shoes Subdivision;

(16) that area as delineated by appropriate markers at the North Fork of the Catawba River where it enters Lake James.

(b) Speed Limit. No person shall operate any motorboat or 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 waterskis shall permit the same to enter any marked swimming area located on the regulated area.

(d) Placement and Maintenance of Markers. The Board of Commissioners of McDowell County is designated a suitable agency for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. August 23, 1981;
Amended Eff. February 1, 1996; December 1, 1993; March 1, 1992; April 1, 1991;
Temporary Amendment Eff. February 1, 1998;
Amended Eff. July 1, 1998;
Temporary Amendment Eff. February 4, 2000; April 1, 1999;
Amended Eff. July 1, 2000;

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Rule-making Agency: Commission for Health Services

Rule Citation: 15A NCAC 18A .1210

Effective Date: April 1, 2001

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rulemaking: G.S. 130A-275

Reason for Proposed Action: This Rule is needed to address the Listeriosis outbreak that began in Forsyth County which resulted in five fetal deaths, two premature births, two near term infants were born affected and all nine mothers were affected. The outbreak was traced to homemade raw milk cheeses.

Comment Procedures: Please send all comments to Susan C. Grayson, Environmental Health Services Section, 1632 Mail Service Center, Raleigh, NC 27699-1632.

CHAPTER 18 – ENVIRONMENTAL HEALTH
SUBCHAPTER 18A - SANITATION
SECTION .1200 – GRADE A MILK SANITATION

15A NCAC 18A .1210 RESTRICTIONS ON DISPENSING RAW MILK

Dairy farms shall dispense raw milk or raw milk products only to a permitted milk hauler or to a processing facility for which the processing of milk is permitted, graded or regulated by a state or federal agency. However, this Rule does not prohibit the farmer or the owner of the raw milk or raw milk products from destroying the milk or from dispensing it for animal feed in accordance with any applicable state and federal regulations.

History Note: Authority G.S. 130A-275; Temporary Adoption Eff. April 1, 2001.
This Section contains the agenda for the next meeting of the Rules Review Commission on Wednesday, April 19, 2001, 10:00 a.m. at 1307 Glenwood Avenue, Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Tuesday, April 13, 2001 at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Paul Powell - Chairman
Robert Saunders
Laura Devan
Jim Funderburke
David Twiddy

Appointed by House
John Arrowood - 1st Vice Chairman
Jennie J. Hayman 2nd Vice Chairman
Walter Futch
Jeffrey P. Gray
George Robinson

RULES REVIEW COMMISSION MEETING DATES
April 19, 2001
May 17, 2001
June 14, 2001
July 19, 20001
August 16, 2001

Log of Filings (Log #174)
February 20, 2001 through March 20, 2001

DHHS/DIVISION OF MEDICAL ASSISTANCE

Personal Care Services
10 NCAC 26H .0506 Amend

DHHS/SOCIAL SERVICES COMMISSION

Licensing Process
10 NCAC 41S .0102 Amend
Definitions
10 NCAC 41S .0201 Amend
Responsibility to Division of Social Services
10 NCAC 41S .0202 Amend
Licensure Procedures
10 NCAC 41S .0204 Amend
Recordkeeping and Reporting
10 NCAC 41S .0305 Amend
Client Rights
10 NCAC 41S .0306 Amend
Personnel Deployment
10 NCAC 41S .0402 Amend
Personnel Positions
10 NCAC 41S .0405 Amend
Admission Agreement
10 NCAC 41S .0503 Amend
Client Records
10 NCAC 41S .0506 Amend
Work
10 NCAC 41S .0612 Amend
Incident Reports
10 NCAC 41S .0614 Amend
Fire and Building Safety
10 NCAC 41S .0704 Amend
General Sanitation
10 NCAC 41S .0705 Amend
Sleeping Areas
10 NCAC 41S .0707 Amend
Vehicles Used for Transportation
10 NCAC 41S .0713 Amend
Buildings and Ground Equipment
10 NCAC 41T .0106 Amend
Applicability
10 NCAC 41T .0201 Amend

JUSTICE/N C SHERIFFS' EDUCATION AND TRAINING STANDARDS

Purpose
12 NCAC 10B .1601 Adopt

DENR

Definitions
15 NCAC 18A .3301 Adopt
Approval of Construction and Renovation Plans
15 NCAC 18A .3302 Adopt
Inspections and Reports
15 NCAC 18A .3303 Adopt
Food Supplies
15 NCAC 18A .3304 Adopt
Food Protection
15 NCAC 18A .3305 Adopt
Food Storage
15 NCAC 18A .3306 Adopt
Food Preparation
15 NCAC 18A .3307 Adopt
Food Service
15 NCAC 18A .3308 Adopt
Food Service Equipment and Utensils
15 NCAC 18A .3309 Adopt
Specifications for Kitchens 15 NCAC 18A .3310 Adopt
Cleaning and Sanitizing of Equipment and Utensils 15 NCAC 18A .3311 Adopt
Manual Cleaning and Sanitizing 15 NCAC 18A .3312 Adopt
Mechanical Cleaning and Sanitizing 15 NCAC 18A .3313 Adopt
Food Service Equipment and Utensil Storage 15 NCAC 18A .3314 Adopt
Water Supply 15 NCAC 18A .3315 Adopt
Drinking Water Facilities 15 NCAC 18A .3316 Adopt
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Lavatories and Bathing Facilities 15 NCAC 18A .3318 Adopt
Clothing and Clothing Changing 15 NCAC 18A .3319 Adopt
Storage 15 NCAC 18A .3320 Adopt
Beds and Linens 15 NCAC 18A .3321 Adopt
Furniture, Equipment and Activities Supplies 15 NCAC 18A .3322 Adopt
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Floors 15 NCAC 18A .3324 Adopt
Walls and ceilings 15 NCAC 18A .3325 Adopt
Lighting and Thermal Environment 15 NCAC 18A .3326 Adopt
Communicable Diseases and Conditions 15 NCAC 18A .3327 Adopt
Handwashing 15 NCAC 18A .3328 Adopt
Wastewater 15 NCAC 18A .3329 Adopt
Solid Wastes 15 NCAC 18A .3330 Adopt
Animal and Vermin Control: Premises 15 NCAC 18A .3331 Adopt
Outdoor Areas 15 NCAC 18A .3332 Adopt
Swimming and Wading Pools 15 NCAC 18A .3333 Adopt
Compliance 15 NCAC 18A .3334 Adopt
Appeals Procedures 15 NCAC 18A .3335 Adopt

EDUCATION, STATE BOARD OF
Test Administration 16 NCAC 06D .0302 Amend
Driver Training 16 NCAC 06E .0301 Amend

NC STATE BOARD OF COMMUNITY COLLEGES
Drivers' Eligibility Certificate 23 NCAC 02C .0308 Adopt
Tuition and Fees for Curriculum Programs 23 NCAC 02D .0202 Amend
Fees for Extension Programs 23 NCAC 02D .0203 Amend

DEPARTMENT OF ADMINISTRATION/STATE PERSONNEL COMMISSION
Designation of Terms of Teleworking Arrangements 25 NCAC 01C .0807 Adopt
Termination of Teleworking Arrangement 25 NCAC 01C .0808 Adopt
Appeals 25 NCAC 01I .2310 Amend

OFFICE OF ADMINISTRATIVE HEARINGS
Cost for Copies 26 NCAC 01 .0103 Amend

AGENDA
RULES REVIEW COMMISSION
April 19, 2001

1. Call to Order and Opening Remarks
2. Review of minutes of last meeting
3. Follow Up Matters
   A. Department of Agriculture Structural Pest Control Committee – 2 NCAC 34 .0502: Objection on 12/21/00 (DeLuca)
   B. Department of Cultural Resources – 7 NCAC 4S .0104 Objection on 12/21/00 (DeLuca)
   C. Home Inspector Licensure Board - 11 NCAC 08 .1337: Objection on 02/28/01 (Bryan)
   D. NC Private Protective Services Board – 12 NCAC 11 .0502: Objection on 02/28/01 (DeLuca)
   E. DENR/Environmental Management Commission – 15A NCAC 2E .0502: Objection on 02/28/01 (Bryan)
   F. Marine Fisheries Commission – 15A NCAC 3J .0107: Objection on 02/28/01 (Bryan)
   G. Marine Fisheries Commission – 15A NCAC 3O .0501: Objection on 02/28/01 (Bryan)
   H. Coastal Resources Commission – 15A NCAC 7J .0404: Objection on 02/28/01 (DeLuca)
   I. Department of Revenue – 17 NCAC 7B .1303: Extend Period of Review on 12/21/00 (DeLuca)
   J. Department of Transportation – 19A NCAC 2D .0601: .0607: Objection on 02/28/01 (Bryan)
4. Review of rules (Log Report #174)
5. Commission Business
6. Next meeting: Thursday, May 17, 2001
This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: http://www.ncoah.com/hearings.

### OFFICE OF ADMINISTRATIVE HEARINGS

**Chief Administrative Law Judge**  
JULIAN MANN, III

**Senior Administrative Law Judge**  
FRED G. MORRISON JR.

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