

NORTH CAROLINA



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NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

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.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

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7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
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10	Health and Human Services	Cosmetic Art Examiners	14
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13	Labor	Electrical Contractors	18
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NORTH CAROLINA REGISTER
 Publication Schedule for January 2002 – December 2002

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volume & issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	non-substantial economic impact			substantial economic impact			270 th day from issue date
					end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	
16:13	01/02/02	12/06/01	03/15/02	01/17/02	02/01/02	02/20/02	05/28/02	03/04/02	03/20/02	05/28/02	09/29/02
16:14	01/15/02	12/19/01	04/01/02	01/30/02	02/14/02	02/20/02	05/28/02	03/18/02	03/20/02	05/28/02	10/12/02
16:15	02/01/02	01/10/02	04/15/02	02/16/02	03/04/02	03/20/02	05/28/02	04/02/02	04/22/02	01/29/03	10/29/02
16:16	02/15/02	01/25/02	05/01/02	03/02/02	03/18/02	03/20/02	05/28/02	04/16/02	04/22/02	01/29/03	11/12/02
16:17	03/01/02	02/08/02	05/01/02	03/16/02	04/01/02	04/22/02	01/29/03	04/30/02	05/20/02	01/29/03	11/26/02
16:18	03/15/02	02/22/02	05/15/02	03/30/02	04/15/02	04/22/02	01/29/03	05/14/02	05/20/02	01/29/03	12/10/02
16:19	04/01/02	03/08/02	06/03/02	04/16/02	05/01/02	05/20/02	01/29/03	05/31/02	06/20/02	01/29/03	12/27/02
16:20	04/15/02	03/22/02	06/17/02	04/30/02	05/15/02	05/20/02	01/29/03	06/14/02	06/20/02	01/29/03	01/10/03
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17:02	07/15/02	06/21/02	09/16/02	07/30/02	08/14/02	08/20/02	01/29/03	09/13/02	09/20/02	01/29/03	04/11/03
17:03	08/01/02	07/11/02	10/01/02	08/16/02	09/03/02	09/20/02	01/29/03	09/30/02	10/21/02	01/29/03	04/28/03
17:04	08/15/02	07/25/02	10/15/02	08/30/02	09/16/02	09/20/02	01/29/03	10/14/02	10/21/02	01/29/03	05/12/03
17:05	09/03/02	08/12/02	11/15/02	09/18/02	10/03/02	10/21/02	01/29/03	11/04/02	11/20/02	01/29/03	05/31/03
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17:07	10/01/02	09/10/02	12/02/02	10/16/02	10/31/02	11/20/02	01/29/03	12/02/02	12/20/02	05/00/04	06/28/03
17:08	10/15/02	09/24/02	12/16/02	10/30/02	11/14/02	11/20/02	01/29/03	12/16/02	12/20/02	05/00/04	07/12/03
17:09	11/01/02	10/11/02	01/02/03	11/16/02	12/02/02	12/20/02	05/00/04	12/31/02	01/21/03	05/00/04	07/29/03
17:10	11/15/02	10/25/02	01/15/03	11/30/02	12/16/02	12/20/02	05/00/04	01/14/03	01/21/03	05/00/04	08/12/03
17:11	12/02/02	11/06/02	02/03/03	12/17/02	01/02/03	01/21/03	05/00/04	01/31/03	02/20/03	05/00/04	08/29/03
17:12	12/16/02	11/21/02	02/17/03	12/31/02	01/15/03	01/21/03	05/00/04	02/14/03	02/20/03	05/00/04	09/12/03

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.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING 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 for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) **RULE WITH 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.

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.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

STATE OF NORTH CAROLINA

BEFORE THE
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed Assessment of Additional Sales)
and Use Tax for the period August 1, 1995 through)
December 31, 1997 by the Secretary of Revenue)
)
)
vs.)
)
Thomasville Upholstery, Incorporated Taxpayer)

ADMINISTRATIVE DECISION
Number: 378

This matter was heard before the Regular Tax Review Board (hereinafter "Board") in the City of Raleigh, Wake County, North Carolina, on Tuesday, October 23, 2001, upon a petition filed by Thomasville Upholstery, Incorporated (hereinafter "Taxpayer") for administrative review of the Final Decision of the Secretary of Revenue entered on 14 September 2000 sustaining the proposed assessment of additional sales and use tax for the period of August 1, 1995 through December 31, 1997.

Chairman Richard H. Moore, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, attorney at law participating.

David Holley, Assistant Manager for Tax Audits and Research and Paul Walmsley, CPA appeared at the hearing on behalf of the Taxpayer. George W. Boylan, Special Deputy Attorney General, appeared at the hearing on behalf of the Secretary of Revenue.

Pursuant to G.S. 105-241.1, the Department mailed Taxpayer a Notice of Sales and Use Tax Assessment dated December 31, 1998, assessing additional tax, penalty and interest for the period of August 1, 1995 through December 31, 1997. The audit was amended effective January 15, 1999, and a Notice of Amended Sales and Use-Audit Tax Assessment was mailed to the Taxpayer. The Taxpayer objected to the assessment and filed a timely request for hearing. After conducting a hearing, the Secretary of Revenue entered a Final Decision on 14 September 2000 sustaining the proposed assessment of additional sales and use tax for the period of August 1, 1995 through December 31, 1997. Pursuant to G.S. 105-241.2, the Taxpayer timely filed a notice of intent and petition for administrative review of the Secretary's Final Decision with the Tax Review Board.

FACTS

Taxpayer is a corporation engaged in the business of manufacturing upholstered furniture. On December 31, 1998, an auditor for the Department completed an examination of Taxpayer's records and proposed to assess additional tax, penalty and interest for the period of August 1, 1995, through December 31, 1997. The assessment was based upon Taxpayer's alleged failure to remit tax on materials consumed to produce swatch books, which it thereafter distributed without charge to furniture wholesalers and retailers. The swatch books are composed of three principal materials: UPC scannable printed labels and a ring binder, that Taxpayer had purchased from its suppliers, and samples of cloth and leather which Taxpayer had withdrawn from inventory. Although some of the swatch books were sold to Taxpayer's customers, who are furniture retailers and wholesalers, the majority of the swatch books were provided free of charge to Taxpayer's customers. Taxpayer's customers are located inside and outside of North Carolina.

The Secretary of Revenue levied use tax on the cost price to Taxpayer of the various components of the swatch books. At the hearing, the Taxpayer contended that the swatch books qualify under G.S. 105-164.3(19) for the storage and use exclusion. In addition, Taxpayer argued that the labels are exempt under G.S. 105-164.13(14a) as "printed matter" sold by a "printer."

ISSUE

The issues considered by the Board on review of this matter are stated as follows:

IN ADDITION

1. Whether the "storage" and "use" exclusion provided for in G.S. 105-164.3(19) applies to the swatch books given by Taxpayer to its out-of-state customers.
2. Whether the labels are exempt under G.S. 105-164.13(14a) as "printed matter" sold by a printer.

EVIDENCE

The evidence presented at the hearing before the Secretary of Revenue and included in the record for the Board's review is stated as follows:

- (1) Memorandum dated August 20, 1999, from the Secretary of Revenue to the Assistant Secretary of Revenue, designated Exhibit E-1.
- (2) Face sheet of audit report and auditor's comments dated December 31, 1998, designated Exhibit E-2.
- (3) Notice of Sales and Use Tax Assessment dated December 31, 1998, designated Exhibit E-3.
- (4) Face sheet and amended audit report and auditor's comments dated January 15, 1999, designated Exhibit E-4.
- (5) Notice of Amended Sales and Use Tax Audit Assessment dated January 24, 1999, designated Exhibit E-5.
- (6) Letter dated January 29, 1999, from the Taxpayer to the Sales and Use Tax Division (Division) designated Exhibit E-6.
- (7) Letter dated March 2, 1999, from the Sales and Use Tax Division to the Taxpayer, designated Exhibit E-7.
- (8) Letter dated July 1, 1999, from the Taxpayer to Sales and Use Tax Division, designated Exhibit E-8.
- (9) Letter dated August 2, 1999, from the Sales and Use Tax Division to the Taxpayer, designated Exhibit E-9.
- (10) Internal Memorandum dated March 13, 1998, designated Exhibit E-10.
- (11) Typical UPC coded leather swatch, designated Exhibit E-11.
- (12) Typical UPC coded fabric swatch, designated Exhibit E-12.
- (13) Document regarding Sales and Use Tax – Definition of "Storage" and the "Storage" and "Use" Exclusion. Document is referred to in the final decision as Explanation of technical amendments for G.S. 105-164.3(19) given by Second Session, Finance Committee, North Carolina General Assembly (1973), designated Exhibit E-13.
- (14) Memorandum date April 9, 1974, from the Division to the Secretary of Revenue, designated Exhibit E-14.
- (15) Letter dated September 29, 1999, from Assistant Secretary of Revenue to the Taxpayer, designated Exhibit E-15.
- (16) Memorandum dated April 25, 2000, from the Sales and Use Tax Division to the Assistant Secretary, designated Exhibit E-16.
- (17) Undated letter presented at the hearing by the Taxpayer, designated Exhibit T-1.
- (18) Letter dated April 13, 2000, from the Taxpayer to the Assistant Secretary of Revenue (Assistant Secretary), designated Exhibit T-2.
- (19) Letter dated June 16, 2000, from the Taxpayer to the Assistant Secretary, designated Exhibit T-3.

FINDINGS OF FACTS

The Board reviewed the following findings of fact made by the Assistant Secretary in his decision regarding this matter:

- (1) The Taxpayer produced swatch books comprised of three components: UPC scannable printed labels, a ring binder, and samples of cloth and leather, which were all withdrawn from its inventory.
- (2) The Taxpayer provided most of its swatch books to retailers without charge located both inside and outside of North Carolina.
- (3) The Taxpayer also sold some swatch books to retailers located both inside and outside of North Carolina.
- (4) The Taxpayer did not pay sales tax to its vendors on the labels and ring binders at the time of their purchase, nor did it pay use tax on the samples of material taken from inventory.
- (5) The Department assessed use tax on the Taxpayer's purchases of labels, ring binders, and the amounts of cloth and leather withdrawn from inventory used in making the swatch books.
- (6) Effective July 1, 1974, G.S. 105-164.3(19) limits the storage and use tax exclusion to firms, which retain title to the property destined for their use outside of North Carolina.
- (7) For accounting purposes, the Taxpayer treated the swatch books, provided to the in and out of state retailers, as an expense rather than a capital asset.
- (8) The Taxpayer retains no ownership of the swatch books shipped to retailers located both inside and outside of North Carolina.
- (9) The Notice of Proposed Assessment was mailed to Taxpayer on December 31, 1998.

CONCLUSIONS OF LAW

The Board reviewed the following conclusions of law made by the Assistant Secretary in his decision regarding this matter:

- (1) Effective July 1, 1994, G.S. 105-164.3(19) was amended to provide a "storage" and "use" [sic] exclusion for property owned by Taxpayers in North Carolina but destined for use outside of this State. Since G.S. 105-164.3(19) uses the phrase "outside

IN ADDITION

- the State for use by said purchaser" no exemption exists for property when the particular Taxpayer does not retain ownership of the property. The swatch books produced by the Taxpayer do not qualify for the exclusion.
- (2) The labels, although printed material, were used to produce and became an integral part of the swatch books thereby losing their identity as printed matter and are not exempt under G.S. 105-164.13(14c).
 - (3) Notice of assessment was for the period of August 1, 1995 through December 31, 1997, was properly issued pursuant to G.S. 105-241.1.
 - (4) Taxpayer timely protested the Notice of Proposed Amended Assessment dated January 24, 1999.

DECISION

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

The Board having conducted an administrative hearing, and having considered the Petition, the brief, the arguments and the record in this matter, concluded that the findings of fact contained in the Assistant Secretary's decision were not fully supported by competent evidence in the record; that the conclusions of law made by the Assistant Secretary were not fully supported by the findings of fact; and the Assistant Secretary's final decision sustaining the proposed assessment of additional sales and use tax was not fully supported by the conclusions of law.

WHEREFORE, the Board Orders that the Assistant Secretary's final decision sustaining the proposed assessment of additional sales and use tax, for the period of August 1, 1995 through December 31, 1997, be and is hereby reversed.

Made and entered into the _____ day of _____ 2002.

Signature _____
Richard H. Moore, Chairman
State Treasurer

Signature _____
Jo Anne Sanford, Member
Chair, Utilities Commission

Signature _____
Noel L. Allen, Appointed Member

U.S. Department of Justice

Civil Rights Division

JDR:JBG:SLL;jdh:nj
DJ 166-012-3
2001-3532

*Voting Section – GSt.
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530*

December 12, 2001

David A. Holec, Esq.
City Attorney
P.O. Box 7207
Greenville, NC 27835-7207

Dear Mr. Holec:

This refers to 13 annexations (Ordinance Nos. 01-63, 01-68, 01-69, 01-81, 01-97 through 01-100, and 01-116 through 01-120) and their designation to districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1873c. We received your submission on October 18, 2001.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Joseph D. Rich
Chief, Voting Section

Enclosure

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 23 – DEPARTMENT OF COMMUNITY COLLEGES

CHAPTER 02 – COMMUNITY COLLEGES

Notice of Rule-making Proceedings is hereby given by NC State Board of Community Colleges 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: 23 NCAC 02E .0201. Other rules may be proposed in the course of the rule-making process.

Authority for the Rule-making: G.S. 115D-5, 115D-20(6); S.L. 1995, c. 625

Statement of the Subject Matter: *To Regulate Approvals and Terminations for Curriculum Programs.*

Reason for Proposed Action: *This rule-making proceeding was initiated to amend 23 NCAC 02E .0201 to regulate approvals and terminations for curriculum programs.*

Comment Procedures: *Written comments may be sent to Clay T. Hines; NC Community College System; 5004 Mail Service Center; Raleigh, NC 27699-5004.*

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 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02H .0103, .0106. Notice of Rule-making Proceedings was published in the Register on June 1, 2001.

Proposed Effective Date: April 1, 2003

Public Hearing:

Date: April 23, 2002

Time: 7:00 p.m.

Location: Archdale Building, Ground Floor Hearing Room, 512 N. Salisbury St., Raleigh, NC

Reason for Proposed Action: Existing rules were amended temporarily in response to the potential for an outbreak of Foot and Mouth Disease and the realism that such an outbreak would create decontamination in wastewater. Under the temporary rules, decontaminated wastewater was deemed permitted under such emergency situations when certain conditions were met. The proposed permanent amendments have been broadened to deem permitted those discharges associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management and that are conducted by or under the direct supervision of the federal or state on-scene coordinator, as well as requiring certain conditions to have been met including that the discharge is not radiologically contaminated. The specific requirements of the conditions are outlined in the proposed rule amendments.

Comment Procedures: Written and/or oral comments may be submitted at the public hearing on April 23, 2002 and written comments submitted to Mr. Steve Lewis, DWQ Non-discharge Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617 will be accepted through May 1, 2002.

Fiscal Impact

- State
- Local
- Substantive (>\$5,000,000)
- None

CHAPTER 02 – ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0100 - POINT SOURCE DISCHARGES TO THE SURFACE WATERS

15A NCAC 02H .0103 DEFINITION OF TERMS

The terms used in this Section shall be as defined in G.S. 143-213 and as follows:

- (1) "Authorization to Construct" means a permit required for the construction of water pollution control facilities necessary to comply with the terms and conditions of an NPDES permit.
- (2) "Certificate of Coverage" means the approval given dischargers that meet the requirements of coverage under a general permit.
- (3) "Commission" means the Environmental Management Commission.
- (4) "Committee" means the NPDES committee of the Environmental Management Commission.
- (5) "Decontamination" means the physical and/or chemical process of reducing contamination and preventing the spread of contamination from persons and equipment at biological or chemical agent incidents.
- (6) "Department" means the Department of Environment and Natural Resources.
- (7) "Director" means the Director of the Division of Water Quality, Department of Environment and Natural Resources or his designee.
- (8) "Discharges associated with biological or chemical decontamination" means the wastewater that is produced during activities intended to reduce potential biological or chemical contaminants and that are performed under the specific conditions listed in 15A NCAC 02H .0106(f)(11).
- (9) "Division" means the Division of Water Quality, Department of Environment and Natural Resources.
- (10) "EPA" means the United States Environmental Protection Agency.
- (11) "Existing", with respect to implementing the NPDES permitting program, means:
 - (a) Facilities which physically exist and have been legally constructed, i.e., health department or other agency approval or constructed prior to any regulatory requirements.
 - (b) Facilities which have received an NPDES Permit and have received an Authorization to Construct and have constructed or begun significant construction of any wastewater treatment facilities within the term of the current permit.
 - (c) Facilities which have received a phased NPDES Permit and have

- received an Authorization to Construct for a phase of the permitted flow and have constructed or begun significant construction of the phased wastewater treatment facilities.
- (d) For the purpose of this definition, significant construction will be considered as more than a token or nominal investment of money or other resources in the actual construction of the wastewater treatment facility, based on the facility size, complexity, cost and the required construction time for completion.
- (12) "General Permit" means a "permit" issued under G.S. 143-215.1(b)(3) and (4) and 40 CFR 122.28 authorizing a category of similar discharges to surface waters.
- (13) "Mine dewatering" means discharges of uncontaminated infiltrate and stormwater from mine excavation and the water that is removed to lower the water table to allow mining in an area.
- (14) "Municipality" means a city, town, borough, county, parish, district, or other public body created by or under State law.
- (15) "NPDES" means a National Pollutant Discharge Elimination System permit required for the operation of point source discharges in accordance with the requirements of Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq.
- (16) "New", with respect to implementing the NPDES permitting program, means:
- (a) Proposed facilities that do not have a NPDES Permit nor have any facilities constructed.
- (b) Facilities which physically exist, however are illegally constructed, i.e., no required agency approvals.
- (c) Facilities which have received an NPDES Permit and have received an Authorization to Construct but have not begun significant construction of any wastewater treatment facilities within the term of the current permit.
- (d) Any increases in treatment plant hydraulic capacity, which has not received an Authorization to Construct will be considered new and new effluent limitations and other requirements, if applicable, would be imposed for the entire facility.
- (e) For the purpose of this definition, significant construction will be considered as more than a token or nominal investment of money or other resources in the actual construction of the wastewater treatment facility, based on the facility size, complexity, cost and the required construction time for completion.
- (17) "New Source" means any industrial installation, from which there may be a discharge, the construction or modification of which is commenced on or after the date of publication of new source performance standards or pretreatment standards for new sources by the Environmental Protection Agency.
- (18) "New Source Performance Standards" means those standards of performance applied to industrial discharges defined as new sources.
- (19) "Notice of Intent" means formal written notification to the Division that a discharge, facility or activity is intended to be covered by a general permit and takes the place of "application" used with individual permits.
- (20) "Oil terminal storage facilities" means petroleum bulk storage, product transfer, loading, unloading, and related areas but does not include marinas or facilities primarily engaged in the retail sale of petroleum products. Oil/water separators such as those at maintenance garages, gas stations, and National Guard and military reserve facilities are included in this definition.
- (21) "Once-through non-contact cooling water" means water taken from wells, surface waters, or water supply systems and used in a non-contact cooling system without the addition of biocides or other chemical additives. Boiler blowdown waters are included in this definition. Nuclear and fossil fuel electric generating plants are not included in this definition.
- (22) "Point Source Discharge" means any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the surface waters of the State.
- (23) "POTW" means Publicly Owned Treatment Works.
- (24) "Pretreatment standard" means any regulation containing pollutant discharge limits for indirect dischargers for ensuring compliance with Section 307(b) and (c) of the Clean Water Act, 33 U.S.C. Section 1251 et seq. This term includes prohibited discharge limits and local sewer use ordinance limits.
- (25) "Primary industry" means an industry listed in 40 CFR 122, Appendix A which is hereby incorporated by reference including any subsequent amendments. Copies of this publication are available from the Government Institutes, Inc., 4 Research Place, Suite 200, Rockville, MD 20850-1714 for a cost of

thirty-six dollars (\$36.00) each plus four dollars (\$4.00) shipping and handling. Copies are also available at the Division of Water Quality, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27604.

- (26) "Professional Engineer" means a person who is presently registered and licensed as a professional engineer by the North Carolina State Board of Registration For Professional Engineers and Land Surveyors.
- (27) "Sand dredge" means a facility to remove sand from river bottoms. No other mining activities are included in this definition.
- (28) "Seafood packing facility" means a business which is primarily engaged in the sorting and packing of fresh seafood and which has a discharge consisting entirely of washdown and rinse water. Trout packing facilities are included in this definition. Wastewaters from seafood processing plants are not included in this definition.
- (29) "Seafood processing facility" means a business which is primarily engaged in the removal of heads, entrails, fins or scales, filleting, cooking, canning, or preparation of fresh seafood.
- (30) "Staff" means the staff of the Division of Water Quality, Department of Environment and Natural Resources.
- (31) "Stormwater" is defined in G.S. 143, Article 21.
- (32) "Swimming pool filter backwash" means normal filter backwash water from both public and private swimming pools as well as spas with backwash filter facilities.
- (33) "Tourist Gem Mine" means a business which is primarily engaged in the recreational practice of removing gems and semi-precious stones from mined material.
- (34) "Trout farm" means a facility for the commercial production of trout.
- (35) "Water filtration facility" means backwash filters and sludge disposal systems associated with water treatment plants and backwash filters associated with wells.

(d) All NPDES stormwater construction permit applications shall be filed in advance of the proposed commencement date of land disturbing activity which results in a stormwater discharge.

(e) Permit applications filed with the Director shall be signed as follows:

- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit application form originates;
- (2) in the case of a partnership or a limited partnership, by a general partner;
- (3) in the case of a sole proprietorship, by the proprietor;
- (4) in the case of a municipal, state, or other public entity by either a principal executive officer, ranking elected official or other duly authorized employee.

(f) The following discharges are deemed to be permitted pursuant to G.S. 143-215.1(c) provided that no water quality standards are contravened and it shall not be necessary for the Division to issue separate permits for these activities:

- (1) filter backwash and draining associated with swimming pools;
- (2) filter backwash from raw water intake screening devices;
- (3) condensate from residential or commercial air conditioning units;
- (4) individual non-commercial vehicle washing operations;
- (5) flushing and hydrostatic testing water associated with utility distribution systems;
- (6) discharges associated with emergency removal and treatment activities for spilled oil authorized by the federal or state on-scene coordinator when such removals are undertaken to minimize overall environmental damage due to an oil spill;
- (7) groundwaters generated by well construction or other construction activities;
- (8) landscape irrigation, foundation or footing drains, or water from crawl space pumps;
- (9) street wash water;
- (10) flows from fire fighting; and
- (11) excluding the provision in Subparagraph (f)(6) of this Rule, discharges associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management and that are conducted by or under the direct supervision of the federal or state on-scene coordinator and that meet the following specific conditions:
 - (A) the volume of discharge produced by the decontamination activity is too large to be contained on-site;
 - (B) the Division of Water Quality is informed prior to commencement of

Authority G.S. 106-399.4; 143-215.1(a); 143-215.3(a)(1).

15A NCAC 02H .0106 FILING APPLICATIONS

- (a) Permit applications shall be filed with the Director, Division of Water Quality, 1617 Mail Service Center, Raleigh, North Carolina, 27699-1617.
- (b) All NPDES permit applications, except those addressed in Paragraph (d) of this Rule, shall be filed at least 180 days in advance of the date on which an existing permit expires or in sufficient time prior to the proposed commencement of a waste discharge to ensure compliance with all legal procedures.
- (c) All Authorization to Construct applications shall be filed at least 90 days in advance of the proposed commencement date of construction of water pollution control facilities but no earlier than the establishment of effluent limitations.

- (C) the discharge from the decontamination activity; overland flow or other non-discharge options are deemed to be impractical by the authorities conducting the decontamination activity; and
- (D) the discharge is not radiologically contaminated. The Director may

determine that a facility or a class of facilities should not be deemed to be permitted in accordance with this Rule and the facility or class of facilities shall be required to obtain individual permits or coverage under a general NPDES permit. This determination may be made based upon existing or projected environmental impacts or contravention of water quality standards associated with the particular discharge or discharges.

Authority G.S. 106-399.4; 143-215.3(a)(1); 143-215.1(c).

Notice is hereby given in accordance with G.S. 150B-21.2 that the DENR Commission for Health Services intends to amend the rule cited as 15A NCAC 13A .0111. Notice of Rule-making Proceedings was published in the Register on October 15, 2001.

Proposed Effective Date: April 1, 2003

Public Hearing:

Date: April 17, 2002

Time: 1:30 p.m.

Location: GIA Conference Room, 1330 St. Mary's St., Raleigh, NC

Reason for Proposed Action: STDS for the Management of Specific HW/Types HWM Facilities – Part 266 – The proposed amendment redesignates Paragraph (f) "The Appendices" as Paragraph (g) and adds 40 CFR 266.210 through 266.360 (Subpart N), "Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal" to this Rule.

Comment Procedures: Comments will be accepted through May 1, 2002. Written comments may be submitted to Jill Pafford, Chief, Hazardous Waste Section, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646.

Fiscal Impact

- State
- Local
- Substantive (>\$5,000,000)
- None

CHAPTER 13 – SOLID WASTE MANAGEMENT

SUBCHAPTER 13A – HAZARDOUS WASTE MANAGEMENT

SECTION .0100 – HAZARDOUS WASTE

15A NCAC 13A .0111 STDS FOR THE MGMT OF

SPECIFIC HW/TYPES HWM FACILITIES - PART 266

- (a) 40 CFR 266.20 through 266.23 (Subpart C), "Recyclable Materials Used in a Manner Constituting Disposal", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 266.70 (Subpart F), "Recyclable Materials Utilized for Precious Metal Recovery", is incorporated by reference including subsequent amendments and editions.
- (c) 40 CFR 266.80 (Subpart G), "Spent Lead-Acid Batteries Being Reclaimed", is incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 266.100 through 266.112 (Subpart H), "Hazardous Waste Burned in Boilers and Industrial Furnaces", are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 266.200 through 266.206 (Subpart M), "Military Munitions", are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 266.210 through 266.360 (Subpart N), "Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal", are incorporated by reference including subsequent amendments and editions.
- (g) Appendices to 40 CFR Part 266 are incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

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 06C .0304, .0311; 06D .0503; 06E .0203; 06G .0502. Notice of Rule-making Proceedings was published in the Register on December 17, 2001 and January 15, 2002.

Proposed Effective Date: August 1, 2002 for 16 NCAC 06D .0503

Proposed Effective Date: April 1, 2003 for 16 NCAC 06C .0304, .0311; 06E .0203; 06G .0502

Public Hearing:

Date: April 16, 2002

Time: 2:00 p.m.

Location: Room 224, Education Bldg., 301 N. Wilmington, St., Raleigh, NC

Reason for Proposed Action:

- 16 NCAC 06C .0304 – To establish academic and experience requirements to serve as school superintendent without being licensed
- 16 NCAC 06C .0311 – To allow extension of temporary permit for persons who have taken standard examinations
- 16 NCAC 06D .0503 – To clarify graduation requirement regarding a second language. The Board is acting under the authority granted by G.S. 115C-17(d).
- 16 NCAC 06E .0203 – To conform this rule to requirements of G.S. 90, Article 30
- 16 NCAC 06G .0502 – To provide greater latitude for designation of members of the Charter School Advisory Committee

Comment Procedures: *Written comments should be submitted to Harry E. Wilson, Rule-making Coordinator, State Board of Education, 301 N. Wilmington St., Raleigh, NC 27601-2825 by May 1, 2002.*

Fiscal Impact

- State
- Local
- Substantive (>\$5,000,000)
- None

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C – PERSONNEL

SECTION .0300 - CERTIFICATION

16 NCAC 06C .0304 LICENSE PATTERNS

(a) Licenses shall indicate grade levels, content areas and specializations for which the professional shall be eligible for employment, as well as preparation and experience levels.

(b) Licenses shall be of the following types:

(1) Teacher. The license shall entitle the holder to teach in some designated area of specialization at the elementary, middle, or secondary level. There shall be four levels of preparation:

- (A) bachelor's degree (A level);
- (B) master's degree (G level);
- (C) sixth-year (AG level); and
- (D) doctorate (DG level).

The teacher license shall further be categorized as prekindergarten B-K, elementary K-6, middle grades 6-9, secondary 9-12, special subjects K-12, or work force development.

(2) Administrator/supervisor. The holder may serve in generalist and program administrator roles such as superintendent, assistant or associate superintendent, principal, assistant principal or curriculum-instructional specialist. There shall be three levels of preparation:

- (A) master's degree;
- (B) sixth-year; and
- (C) doctorate.

A person shall be eligible to serve as a superintendent without qualifying for or holding a license as long as the person has earned at least a bachelor's degree from a regionally accredited college or university and has a minimum of five years leadership or managerial experience that the employing local board of education considers relevant to the position of superintendent.

(3) Student services area. The holder may provide specialized assistance to the learner, the teacher, the administrator and the education program in general. This category shall include school counseling, school social work, school psychology, audiology, speech language pathology, and media. There shall be

three levels of preparation as in the case of the administrator/supervisor, except that school psychology shall be restricted to the sixth-year or doctorate levels and school social work may be earned at the bachelor's level.

(c) The department shall base license classification on the level and degree of career development and competence. There shall be two classifications of licenses:

- (1) The initial license, which shall be valid for three years, shall allow the holder to begin practicing the profession on an independent basis.
- (2) The continuing license shall authorize professional school service on an ongoing basis, subject to renewal every five years.

Authority G.S. 115C-12(9)a; 115C-271(a); N.C. Constitution, Article IX, Sec. 5.

16 NCAC 06C .0311 TEMPORARY PERMIT

(a) A candidate for a license who has not met the standard examinations requirement shall receive a temporary permit if:

- (1) the candidate did not know that a minimum standard examination score was required for a license; and
- (2) the candidate has not had the opportunity to satisfy this requirement after becoming aware of it.

(b) A temporary permit shall be valid for the remainder of the fiscal year during which the permit is established. The department shall extend a temporary permit for the following fiscal year provided that the candidate took the examinations required pursuant to G.S. 115C-296(a) during the candidate's first year of teaching. Graduates of in-state programs approved under Rule .0202 of this Subchapter shall not be eligible for a temporary permit.

Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, Sec. 5.

SUBCHAPTER 06D – INSTRUCTION

SECTION .0500 – DEFINITIONS

16 NCAC 06D .0503 STATE GRADUATION REQUIREMENTS

(a) In order to graduate and receive a high school diploma, public school students shall meet the requirements of Paragraph (b) of this Rule and shall attain passing scores on competency tests adopted by the SBE and administered by the LEA. Students who satisfy all state and local graduation requirements but who fail the competency tests shall receive a certificate of achievement and transcript and shall be allowed by the LEA to participate in graduation exercises. The passing score for the competency test, which is the same as grade-level proficiency as set forth in Rule .0502 of this Subchapter, shall be level III or higher. Special education students may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma. Any student

who has failed to pass the competency tests by the end of the last school month of the year in which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until the student reaches maximum school age.

(b) In addition to the requirements of Paragraph (a) of this Rule, students must successfully complete 20 course units in grades 9-12 as specified below. in Subparagraphs (b)(1) through (4) of this Rule.

- (1) Effective with the class entering ninth grade for the first time in the 2000-2001 school year, students shall select one of the following four courses of study:

NOTE: All students are encouraged, but not required, to include at least one elective course in arts education. Unless included as career/technical education credits in the career preparation course of study, courses in R.O.T.C. qualify for credit as electives in any of the courses of study.

(A) career preparation, which shall include:

- (i) four credits in English language arts, which shall be English I, II, III, and IV;
- (ii) three credits in mathematics, one of which shall be algebra I (except as limited by G.S. 115C-81(b));
- (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
- (iv) three credits in social studies, which shall be Economic, Legal and Political Systems (ELPS); U.S. history; and world studies;
- (v) one credit in health and physical education;
- (vi) four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course; or four credits in one of the four disciplines in arts education: theatre, music, visual arts, or dance; or four credits in R.O.T.C.;
- (vii) two elective credits; and
- (viii) other credits designated by the LEA.

(B) college technical preparation, which shall include:

- (i) four credits in English language arts, which shall be English I, II, III, and IV;

- (ii) three credits in mathematics, which shall be either algebra I, geometry, and algebra II; or algebra I, technical mathematics I, and technical mathematics II; or integrated mathematics I, II, and III;
- (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
- (iv) three credits in social studies, which shall be Economic, Legal and Political Systems (ELPS); U.S. history; and world studies;
- (v) one credit in health and physical education;
- (vi) four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course;
- (vii) two elective credits; and
- (viii) other credits designated by the LEA.

NOTE: A student who is pursuing this course of study may also meet the requirements of a college/university course of study by completing one additional mathematics course for which Algebra II is a prerequisite and, effective with the class entering the ninth grade for the first time in the 2002-03 school year, two credits in the same second language.

(C) college/university preparation, which shall include:

- (i) four credits in English language arts, which shall be English I, II, III, and IV;
- (ii) three credits in mathematics, which shall be algebra I, algebra II, and geometry or a higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, and III; however, effective with the class entering the ninth grade for the first time in the 2002-03 school year, this requirement shall become four credits in mathematics, which shall be algebra I, algebra II, geometry, and a

- higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, III, and one course beyond integrated mathematics III;
 - (iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;
 - (iv) three credits in social studies, which shall be Economic, Legal and Political Systems (ELPS); U.S. history; and world studies;
 - (v) one credit in health and physical education;
 - (vi) two credits in the same second language or demonstration of proficiency in a language other than English as determined by the LEA;
 - (vii) four elective credits, except that effective with the class entering the ninth grade for the first time in the 2002-03 school year, this shall be reduced to three elective credits; and
 - (viii) other credits designated by the LEA.
- (D) occupational, which shall include:
- (i) four credits in English language arts, which shall be Occupational English I, II, III, and IV;
 - (ii) three credits in mathematics, which shall be Occupational Mathematics I, II, and III;
 - (iii) two credits in science, which shall be Life Skills Science I and II;
 - (iv) two credits in social studies, which shall be Government/U.S. History and Self-Advocacy/Problem Solving;
 - (v) one credit in health and physical education;
 - (vi) six credits in occupational preparation education, which shall be Occupational Preparation I, II, III, IV, 240 hours of community-based training, and 360 hours of paid employment;
 - (vii) four vocational education elective credits;
 - (viii) computer proficiency as specified in the student's IEP;
 - (ix) a career portfolio; and
 - (x) completion of the student's IEP objectives.
- (2) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.
- (3) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.
- (4) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the locally-designated electives requirements of this Rule. 23 NCAC 02C .0305 shall govern enrollment in community college institutions.
- (c) Effective with the class of 2001, all students must demonstrate computer proficiency as a prerequisite for high school graduation. The passing scores for this proficiency shall be 47 on the multiple choice test and 49 on the performance test. This assessment shall begin at the eighth grade. A student with disabilities shall demonstrate proficiency by the use of a portfolio if this method is required by the student's IEP.
- (d) Special needs students as defined by G.S. 115C-109, excluding gifted and pregnant, who do not meet the requirements for a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:
- (1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under Paragraph (b) of this Rule. These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history,
 - (2) completion of all IEP requirements.

Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5.

SUBCHAPTER 06E – STUDENTS

SECTION .0200 - SCHOOL ATHLETICS AND SPORTS MEDICINE

16 NCAC 06E .0203 ATHLETIC TRAINERS

- (a) Each LEA must designate for each high school within its jurisdiction, either a licensed athletic trainer who is qualified pursuant to G.S. 90, Article 34 or a first responder.
- (b) A first responder must complete or be in the process of completing courses and maintain certification in the following:
- (1) cardio-pulmonary resuscitation;
 - (2) first aid; and
 - (3) injury management (level I followed by level II).

PROPOSED RULES

In addition, each first responder must complete 25 hours in staff development each school year.

(c) The licensed athletic trainer or first responder may not have coaching responsibilities. A licensed athletic trainer or first responder must be on site for all home interscholastic athletic events (practices and games) unless excused by the superintendent due to emergency.

Authority G.S. 115C-12(12); N.C. Constitution, Article IX, Sec. 5.

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

SECTION .0500 – CHARTER SCHOOLS

16 NCAC 06G .0502 CHARTER SCHOOL ADVISORY COMMITTEE

The Charter School Advisory Committee referred to in G.S. 115C-238.29I(d) shall represent the following categories:

- (1) charter school officials;
- (2) public school employees;
- (3) business and community leaders;
- (4) local boards of education;
- (5) the North Carolina Parents and Teachers Association; and
- (6) county commissioners.

Authority G.S. 115C-238.29G(b).

TITLE 23 – DEPARTMENT OF COMMUNITY COLLEGES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC State Board of Community Colleges intends to adopt the rule cited as 23 NCAC 02E .0404, and amend the rules cited as 23 NCAC 02D .0319, .0326; 02E .0101. Notice of Rule-making Proceedings was published in the Register on November 1, 2001.

Proposed Effective Date: April 1, 2003

Public Hearing:

Date: April 24, 2002

Time: 10:00 a.m.

Location: State Board Room, Caswell Building, 200 W. Jones St., Raleigh, NC

Reason for Proposed Action:

Authority G.S. 115D-5; S.L. 2001, c. 424, s. 30.3(b), (e).

23 NCAC 02D .0326 BUDGET FTE FUNDING

23 NCAC 02D .0319 – Pursuant to these provisions, the State Board of Community Colleges was required to change the operation of the Human Resources Development Program and is authorized to waive tuition and fees for students participating in this program who meet one of the conditions specified in the rule.

23 NCAC 02D .0326 – Pursuant to these provisions, student membership hours generated from Human Resource Development courses earn budget FTE and become subject to the requirements of Paragraphs (a), (b), and (e) of this Rule. Paragraph (d) of this Rule is being eliminated because of obsolescence.

23 NCAC 02E .0101 – Pursuant to these provisions, the State Board of Community Colleges was required to revise and restructure the Human Resources Development Program.

23 NCAC 02E .0404 – Pursuant to this provision, the State Board of Community Colleges was required to adopt a rule to regulate conditions under which community colleges would be permitted to allow private business use of college facilities or personnel for the purposes stated in the law.

Comment Procedures: Written comments may be sent to Clay T. Hines, NC Community College System Office, 5004 Mail Service Center, Raleigh, NC 27699-5004. Comments must be received no later than May 1, 2002.

Fiscal Impact

- State** 23 NCAC 02D .0319
- Local**
- Substantive** (>\$5,000,000)
- None** 23 NCAC 02D .0326; 02E .0101, .0404

CHAPTER 02 – COMMUNITY COLLEGES

SUBCHAPTER 02D – COMMUNITY COLLEGES: FISCAL AFFAIRS

SECTION .0300 – BUDGETING: ACCOUNTING: FISCAL MANAGEMENT

23 NCAC 02D .0319 FEE WAIVERS FOR THE HUMAN RESOURCES DEVELOPMENT PROGRAM

(a) Tuition and fees for enrollment in courses coded in the Master Course List as Human Resources Development shall be waived for a North Carolina resident if the student enrolling meets at least one of the following criteria:

- (1) Is unemployed;
- (2) Has received notification of a pending layoff;
- (3) Is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or
- (4) Is working and earning wages at or below 200% of the federal poverty guidelines.

(b) Students for whom tuition and fees are waived shall sign a form adopted by the State Board of Community Colleges verifying that they meet one of these criteria.

(a) All student membership hours generated by the college for a given class shall be counted for budget FTE purposes provided 100 percent of the instructional cost is paid from college funds (funds budgeted through the college's budget including State Current, County Current, or College Funds). These provisions

apply to all instructional contracts which generate budget FTE including Basic Skills classes. For purpose of this Rule, instructional cost includes the salary of the instructor(s) as well as fringe benefits, supplies, materials, travel, etc. paid from college funds. College-sponsored instruction shall not supplant existing training which may take place without the college's involvement. Following are Rule applications:

- (1) A company or entity may reimburse the college for a given class up to 50 percent of the instructional cost and the student hours in membership generated in the class may be reported for budget FTE. If the college is reimbursed for more than 50 percent of the instructional cost for a given class, student hours in membership reported for the class shall be prorated in the same proportion as the college funding. If the college is reimbursed for 100 percent of the instructional cost, the class would be gratis [see Paragraph (b) of this Rule] and no budget FTE would be generated.
- (2) In cases where a company or entity donates funds to a college with no expectation for instruction in return, these funds shall be treated as college funds and may be used to generate budget FTE.
- (3) The community college shall not contract with a company or entity to provide training to its current employees except as provided by provisions set forth in 23 NCAC 02E .0402.

Note: Contracted training does not have to be defined as work station occupational skills training in order for 23 NCAC 02E .0402(c) to apply for reimbursement purposes.

(b) Any class for which the instructor's services are provided at no cost or for which the instructional cost is paid totally and directly by an external agency is a "gratis" class. In this situation, the class is reported as self-supporting, and does not generate budget/FTE. If a portion of the class is gratis, student hours shall be prorated accordingly.

(c) Categorical state allotments to colleges (except literacy and Human Resources Development) such as Small Business, Focused Industrial Training, Community Service Block Grants, etc., do not earn budget/FTE and are not subject to the provisions of this Rule.

Authority G.S. 115D-5; 115D-31; 115D-58.5; S.L. 2001, c. 424, s. 30.3(b), (e).

SUBCHAPTER 02E – EDUCATIONAL PROGRAMS

**SECTION .0100 - PROGRAM CLASSIFICATION:
DEGREES: DIPLOMAS AND CERTIFICATES**

23 NCAC 02E .0101 PROGRAM CLASSIFICATION

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

- (1) Curriculum Programs:
 - (a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All

curriculum programs are designed to provide education, training, or retraining for the work force.

- (i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.
 - (A) The associate in applied science degree programs are designed to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.
 - (B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.
 - (C) The associate in general education degree programs are designed for students who desire a general liberal arts education.
- (ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under an approved associate in applied science degree curriculum program for a series of courses taken from the approved program of study and structured so that a student may complete additional non-duplicative coursework to receive an

- associate in applied science degree.
 - (iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under an approved degree or diploma curriculum program for a series of courses taken from the approved program of study.
 - (b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.
 - (2) Continuing Education Programs:
 - (a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.
 - (b) Community Service:
 - (i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.
 - (ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities. Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.
- (c) Self-Supporting Programs:
 - (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
 - (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.
 - (d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.
 - (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
 - (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both

designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.

(iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing,

speaking, computing, critical thinking, and problem solving.

(iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.

(v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.

(e) Business and Industrial Training.

(i) The Focused Industrial Training program addresses critical skills in existing industries. Based on assessments of need, these customized classes typically combine on-the-job training with classroom instruction to up-grade or train incumbent employees of manufacturing industries.

(ii) The New and Expanding Industry Training program offers customized, job-specific training to new

- (iii) or expanding companies creating new jobs in the state. The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.
- (f) : The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:
 - (i) assessment of an individual's assets and limitations;
 - (ii) development of a positive self-concept;
 - (iii) development of employability skills;
 - (iv) development of communication skills;
 - (v) development of problem-solving skills; and
 - (vi) awareness of the impact of information technology in the workplace.
- (g) The Learning Laboratory programs consist of self-instruction using

programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e).

SECTION .0400 – INDUSTRIAL SERVICES

23 NCAC 02E .0404 ASSISTANCE FOR ECONOMIC DEVELOPMENT

- (a) A board of trustees that permits a private business enterprise to use college facilities or personnel pursuant to G.S. 66-58(c) and G.S. 115D-20(12) shall enter into a written agreement with the private business enterprise prior to providing any services. The agreement shall state the terms and conditions including costs for using college facilities and personnel.
- (b) Access to a college's small business incubator shall be limited to 24 months for private business enterprises.
- (c) Videoconferencing services may be provided to the public for occasional use.
- (e) The board of trustees shall evaluate its services for small business incubators, product testing or teleconferencing services on an annual basis.

Authority G.S. 66-58(c); 115D-20(12).

This Section includes temporary rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code and includes, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Rule-making Agency: DHHS – Division of Medical Assistance

Rule Citation: 10 NCAC 26H .0404

Effective Date: March 7, 2002

Findings Reviewed and Approved by: Beecher R. Gray

Authority for the rulemaking: 108A-25(b)

Reason for Proposed Action: Adherence to notice and hearing requirements would be contrary to the public interest because any delay of implementation of these changes would result in further access to dental care problems. 42 CFR 447.205 requires that this agency provide public notice of any significant proposed change in its methods and standards for setting payment rates for services. This regulation also requires that the notice be published before the proposed effective date of the change. Abbreviated notice was provided in 12 NC newspapers advising that these changes would become effective as temporary changes. Implementation of this action poses a serious and unforeseen threat to the public health, safety or welfare because children in North Carolina have suffered and are at risk of suffering the consequences of poor oral health: acute and chronic pain; infections; impaired eating ability; concentration and sleep difficulties; speech difficulties; unnecessary tooth loss; increased susceptibility to other medical conditions; impaired hearing; lost school days; morbidity and sometimes death. The situation is particularly acute for North Carolina's children. According to the US-GAO, tooth decay is the most common disease of childhood and is most prevalent among poor children. Over 665,000 children throughout North Carolina depend on Medicaid for essential dental care. Only 16-18% of North Carolina's dentists actively participate in Medicaid simply because they are not paid enough to meet overhead office expenses (NC Dental Task Force Report – 1999). This selective increase in dental fees will encourage new dentists to accept and treat Medicaid recipients especially children so they can function up to a normal standard in society. This selective fee increase will also help maintain our participating 16-18% provider participation. Our current provider population's complaint is their inability to cover expenses with our low rate of pay and they have threatened to stop treating Medicaid recipients because they cannot afford to lose money treating Medicaid clients. All task force groups studying the issue recommend raising fees to an acceptable level. This will be a step in the right direction. This change is for calendar year 2002 only. The Division of Medical Assistance shall increase dental fees based on access to care in lieu of inflationary increases. Specific procedure codes will be increased based on administrative review. The codes selected

by medical policy for increases are based on high utilization and provider complaints of not meeting costs. Some of the codes selected were chosen because they were not in accordance proportionately with the service description. Recommendations from the UNC School of Dentistry (Pediatric Department) were taken under advisement and the codes on that list have been incorporated in the recommended Medical Policy selected fee list and are considered to be fee increases that will help children the most.

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

CHAPTER 26 – MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0400 – PROVIDER FEE SCHEDULES

10 NCAC 26H .0404 OTHER SERVICES PERFORMED BY PHYSICIANS AND OTHER PRACTITIONERS

A maximum fee is established for other services performed by physicians and other practitioners and is applicable to all specialties and settings in which the service is rendered. Payment is equal to the lower of the maximum fee or the provider's customary charge to the general public for the particular service rendered.

- (1) Fees for office services, hospital services, nursing home services, consultations, and obstetric services are derived from the standard fees that were established for all specialties effective January 1, 1988.
- (2) Fees for all services are established by applying the following method to the fees in effect on May 1, 1989:
 - (a) The higher of the inpatient or outpatient fee is selected for each service within each specialty and the weighted average of this amount is computed among all specialties. The average is weighted by the number of services billed by each specialty in 1988.
 - (b) The weighted average fee is then increased by 10 percent.
- (3) Annual fee increases are applied each January 1 based on the forecast of the gross national product (GNP) implicit price deflator, but not to exceed the percentage increase approved by the North Carolina General Assembly. For calendar year 2002 only, the Division of

TEMPORARY RULES

Medical Assistance shall increase dental fees based on access to care in lieu of inflationary increases.

- (4) Fees for new services are established based on the fees for similar existing services. If there are no similar services the fee is established at 75 percent of estimated average charge.
- (5) Fees for particular services may be increased based on administrative review if it is determined that the service is essential to the health needs of Medicaid recipients, that no alternative treatment is available, and that a fee adjustment is necessary to maintain physician participation at a level adequate to meet the needs of Medicaid recipients. A fee may also be decreased based on administrative review if it is determined that the fee may exceed the Medicare allowable amount for the same or similar services, or if the fee is higher than Medicaid fees for similar services, or if the fee is too high in relation to the skills, time, and other resources required to provide the particular service.

History Note: Authority G.S. 108A-25(b); S.L. 1985, c. 479, s. 86;
Eff. January 4, 1993;
Temporary Amendment Eff. March 7, 2002.

TITLE 11 – DEPARTMENT OF INSURANCE

Rule-making Agency: *NC Department of Insurance*

Rule Citation: *11 NCAC 12 .1701-.1720*

Effective Date: *April 1, 2002*

Findings Reviewed and Approved by: *Beecher R. Gray*

Authority for the rulemaking: *G.S. 58-2-40; 58-58-210; 58-58-300*

11 NCAC 12 .1704 STANDARDS FOR EVALUATION OF REASONABLE PAYMENTS

History Note: Authority G.S. 58-2-40; 58-58-42(j);
Eff. February 1, 1996;
Temporary Repeal Eff. April 1, 2002.

11 NCAC 12 .1705 REPORTING

Reason for Proposed Action: *S.L. 2001-436 creates new laws dealing with viatical settlements and repeals the existing law upon which our existing rules are predicated, therefore, these Rules are necessary to compliment the new law.*

Comment Procedures: *Written comments may be sent to Jean Holiday, Life & Health Division, NC Department of Insurance, PO Box 26387, NC 27611.*

CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1700 - VIATICAL SETTLEMENTS

11 NCAC 12 .1701 DEFINITIONS

History Note: Authority G.S. 58-2-40; 58-58-42;
Eff. February 1, 1996;
Amended Eff. May 1, 1997;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Repeal Eff. April 1, 2002.

11 NCAC 12 .1702 VIATICAL SETTLEMENT PROVIDERS

History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-42;
Eff. February 1, 1996;
Amended Eff. May 1, 1997;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Repeal Eff. April 1, 2002.

11 NCAC 12 .1703 VIATICAL SETTLEMENT BROKERS AND REPRESENTATIVES

History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-42;
Eff. February 1, 1996;
Amended Eff. January 1, 1998;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Repeal Eff. April 1, 2002.

History Note: Authority G.S. 58-2-40; 58-58-42(e);
Eff. February 1, 1996;
Temporary Repeal Eff. April 1, 2002.

11 NCAC 12 .1706 CONTRACTS AND PAYMENT OF PROCEEDS

*History Note: Authority G.S. 58-2-40; 58-58-42;
Eff. February 1, 1996;
Temporary Repeal Eff. April 1, 2002.*

11 NCAC 12 .1707 SOLICITATION

*History Note: Authority G.S. 58-2-40; 58-58-42;
Eff. February 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Repeal Eff. April 1, 2002.*

11 NCAC 12 .1708 ADVERTISING STANDARDS

*History Note: Authority G.S. 58-2-40; 58-58-42; 58-63-15;
58-63-65;
Eff. February 1, 1996;
Temporary Repeal Eff. April 1, 2002.*

11 NCAC 12 .1709 DISCLOSURE

*History Note: Authority G.S. 58-2-40; 58-58-42;
Eff. February 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Repeal Eff. July 1, 2002.*

11 NCAC 12 .1710 DEFINITIONS

(a) The definitions contained in G.S. 58-58-205 are incorporated into this Section by reference.

(b) In addition to the definitions contained in G.S. 58-58-205, the following definitions apply to this Section:

- (1) "Division" means the Life and Health Division of the Department of Insurance.
- (2) "Insured" means the person covered under the policy being considered for viatication.
- (3) "Life expectancy" means the mean of the number of months the individual insured under the life insurance policy to be viaticated can be expected to live as determined by the viatical settlement provider considering medical records and appropriate experiential data.
- (4) "Net death benefit" means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or liens.
- (5) "Patient identifying information" includes an insured's address, telephone number, facsimile number, electronic mail address, photograph or likeness, employer, employment status, or social security number.

*History Note: Authority G.S. 58-2-40; 58-58-300;
Temporary Adoption Eff. April 1, 2002.*

11 NCAC 12 .1711 LICENSE REQUIREMENTS

(a) In addition to the information required by G.S. 58-58-210, applicants for provider licenses shall submit the following:

- (1) A plan of operation, including full particulars on the manner in which the provider proposes to operate in North Carolina and the type or

types of insurance policies or contracts it intends to viaticate.

- (2) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:
 - (A) A certified copy of the provider's charter and by-laws, if a corporation or limited liability company, and a copy of the partnership agreement, if a partnership;
 - (B) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation;
 - (C) A detailed description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with viators;
 - (D) A list of the names of the provider's directors and management personnel, including job titles and a brief descriptions of the job duties;
 - (E) A schedule listing the names of financial institutions with which the provider has escrow trust agreements, indicating the balance on each account and copies of all escrow and trust agreements;
 - (F) A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available;
 - (G) A complete financing plan, with all financing documents;
 - (H) A statement fully disclosing the identities of all stockholders directly or indirectly holding 10% or more of the provider, and all partners, directors, officers, members, and employees of the provider, depending on whether the provider is a partnership, corporation, or limited liability company; and
 - (I) An antifraud plan, as specified in G.S. 58-58-268(b);
- (3) Each provider shall notify the Division of any change in the address of the provider and of any change in the partners, officers, and directors within 20 business days after the change;
- (4) Each provider shall notify the Division of any change in the plan of operation or financial information filed with its application within 20 business days after the change;
- (5) Every nonresident provider shall file a power of attorney designating the Commissioner as the provider's agent for service of legal process in accordance with G.S. 58-58-210(g); and
- (6) Each provider shall maintain net capital of at least one hundred thousand dollars (\$100,000),

or net capital plus a surety bond totaling at least one hundred thousand dollars (\$100,000). As used in this Rule, "net capital" means the excess of total assets over total liabilities as determined by generally accepted accounting principles. If any of a provider's assets have been depreciated, the amount of depreciation relative to any particular asset may be added to the depreciated cost of the assets to compute the total assets; provided however, that the amount resulting after adding such depreciation shall not exceed the fair market value of the asset. For the purpose of calculating the appropriate amount of the surety bond that is required by this Rule, net capital shall be presumed to be zero (\$0.00) in situations in which a provider's liabilities exceed the provider's assets.

(b) A provider license may be renewed yearly by payment of the applicable fee, a notarized certification from the company's president attesting there has been no change to information on file required by G.S. 58-58-210 and this Rule, a current copy of a letter of good standing obtained from the provider's domiciliary regulator, and current evidence of maintenance of financial responsibility required by this Rule.

(c) If a provider's license expires under G.S. 58-58-210(c) and the provider has, on the license renewal date, viatical settlements where the insured has not died, it shall do one of the following:

- (1) Renew or maintain its current license status until the earlier of the following events:
 - (A) The date the provider properly assigns, sells or otherwise transfers the viatical settlements where the insured has not died; or
 - (B) The date that the last insured covered by viatical settlement transaction has died; or
- (2) Appoint, in writing, either the provider that entered into the viatical settlement, the broker who received commissions from the viatical settlement, if applicable, or any other provider or broker licensed in this state to make all inquiries to the viator, or the viator's designee, regarding health status of the viator or any other matters.

History Note: Authority G.S. 58-2-40; 58-58-210; 58-58-300; Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1712 VIATICAL SETTLEMENT BROKERS

(a) Applications for broker licenses shall be made with the Agent Services Division of the Department of Insurance.

(b) A broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

(c) Every nonresident broker shall file a power of attorney designating the Commissioner as the broker's agent for service of legal process in accordance with G.S. 58-58-210(g).

History Note: Authority G.S. 58-2-40; 58-16-30; 58-58-300; Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1713 STANDARDS FOR EVALUATION OF REASONABLE PAYMENTS

A provider or broker shall not enter into a viatical settlement that provides a payment to the viator that is unreasonable. In determining whether a payment is unreasonable, the Commissioner shall consider the life expectancy of the insured, the applicable rating of the insurance company that issued the subject policy by a rating service recognized by the insurance industry, regulators, and consumer groups, and the prevailing discount rates in the viatical settlement market in North Carolina. If discount rate data is not available for North Carolina, the Commissioner shall consider the prevailing rates nationally or in other states that maintain this data. A provider shall not offer a payment that is less than the cash surrender value of the policy.

History Note: Authority G.S. 58-2-40; 58-58-300; Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1714 REPORTING REQUIREMENTS

(a) On June 1 of each calendar year, each licensed provider shall make a report, in the format designated by the Commissioner, of all viatical settlement transactions in which the viators are residents of this state, and for all states in the aggregate. The report shall contain the following information for the previous calendar year:

- (1) For viatical settlements contracted during the reporting period:
 - (A) Date of viatical settlement contract;
 - (B) Viator's state of residence at the time of the contract;
 - (C) Mean life expectancy of the insured at time of contract in months;
 - (D) Face amount of policy viaticated;
 - (E) Net death benefit viaticated;
 - (F) Estimated total premiums to keep policy in force for mean life expectancy;
 - (G) Net amount paid to viator;
 - (H) Source of policy (B-Broker; D-Direct Purchase; SM-Secondary Market);
 - (I) Type of coverage (I-Individual or G-Group);
 - (J) Within the contestable or suicide period, or both, at the time of viatical settlement (yes or no);
 - (K) Primary ICD Diagnosis Code in numeric format, as defined by the international classification of diseases, as published by the U.S. Department of Health and Human Services or CPT Code; and
 - (L) Type of funding (P-purchaser; L-licensee; I-accredited investor; F-financing entity; S-special purpose entity; R-related provider trust);

- (2) For viatical settlements where death has occurred during the reporting period:
 - (A) Date of viatical settlement contract;
 - (B) Viator's state of residence at the time of the contract;
 - (C) Mean life expectancy of the insured at time of contract in months;
 - (D) Net death benefit collected;
 - (E) Total premiums paid to maintain the policy (WP-Waiver of Premium; NA-Not Applicable);
 - (F) Net amount paid to viator;
 - (G) Primary ICD Diagnosis Code, in numeric format, as defined by the International classification of diseases, as published by the U.S. Department of Health and Human Services or CPT Code;
 - (H) Date of death;
 - (I) Amount of time between date of contract and date of death in months; and
 - (J) Difference between the number of months that passed between the date of contract and the date of death and the mean life expectancy in months as determined by the reporting company;
- (3) Name and address of each viatical settlement broker through whom the reporting company purchased a policy from a viator who resided in this state at the time of contract;
- (4) Number of policies reviewed and rejected; and
- (5) Number of policies purchased in the secondary market as a percentage of total policies purchased.

(b) On June 1 of each calendar year, each licensed broker shall make an annual report of all viatical settlement transactions during the previous calendar year in which the viators are residents of this state. The report shall be in the format prescribed by the NAIC in Appendix D of the model regulation. A copy of the format may be obtained from the Department.

History Note: Authority G.S. 58-2-40; 58-58-225; 58-58-300;
Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1715 GENERAL RULES

- (a) With respect to a policy containing a provision for double or additional indemnity for accidental death, the additional payment shall remain payable to the beneficiary last named by the viator before entering into the viatical settlement contract, or to such other beneficiary, other than the provider, as the viator may thereafter designate, or in the absence of a beneficiary, to the estate of the viator.
- (b) Payment of the proceeds of a viatical settlement under G.S. 58-58-250(i) shall be by means of wire transfer to the account of the viator or by certified check or cashier's check.
- (c) Payment of the proceeds to the viator under a viatical settlement shall be made in a lump sum except where the provider has purchased an annuity or similar financial

instrument issued by a licensed insurance company or bank, or an affiliate of either. Retention of a portion of the proceeds by the provider or escrow agent is not permissible.

- (d) A provider or broker shall not pay or offer to pay any finder's fee, commission, or other compensation to any insured's physician, or to an attorney, accountant or other person providing medical, legal, or financial planning services to the viator, or to any other person acting as an agent of the viator, other than a broker, with respect to the viatical settlement.
- (e) A provider shall not knowingly solicit purchasers who have treated or have been asked to treat the illness of the insured whose coverage would be the subject of the investment.
- (f) If a provider enters into a viatical settlement that allows the viator to retain an interest in the policy, the viatical settlement contract shall contain the following provisions;

- (1) A provision that the provider shall effect the transfer of the amount of the death benefit only to the extent or portion of the amount viaticated. The insurance company shall pay benefits in excess of the amount viaticated directly to the viator's beneficiary;
- (2) A provision that the provider will, upon acknowledgment of the perfection of the transfer, either:
 - (A) Advise the insured, in writing, that the insurance company has confirmed the viator's interest in the policy; or
 - (B) Send a copy of the instrument sent from the insurance company to the viatical settlement provider that acknowledges the viator's interest in the policy; and
- (3) A provision that apportions the premiums to be paid by the provider and the viator. It is permissible for the viatical settlement contract to specify that all premiums shall be paid by the provider. The contract may also require that the viator reimburse the provider for the premiums attributable to the retained interest.

History Note: Authority G.S. 58-2-40; 58-58-250; 58-58-300;
Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1716 CONTRACTS AND PAYMENT OF PROCEEDS

- (a) Two specimen copies of each contract, application, brochure, and proposal shall be filed with the Division for approval under G.S. 58-58-220.
- (b) In addition to the requirements in G.S. 58-58-250, every contract shall include the following provisions:
 - (1) If the viator elects the right to rescind the contract, the provider's rights or interest in the policy will terminate immediately upon the viator giving notice of the rescission and tendering of the settlement proceeds together with any escrow interest received by the viator; provided, however, the provider's right or interest in the policy shall be limited to the amount of settlement proceeds actually

received by the viator but not returned by the viator;

- (2) The amount of the fee or fees to be paid by the viator to the provider in conjunction with the contract shall be clearly stated, along with any conditions of payment or receipt of the fee or fees;
- (3) The contract together with the application constitutes the entire agreement between the parties;
- (4) If the contract provides for the payment of an additional settlement amount to the viator upon the exercise of a guaranteed insurability option by the viator, the contract shall disclose the amount of the additional settlement and the terms upon which it shall be payable; and
- (5) If the policy to be viaticated provides a guaranteed insurability option, the option may only be exercised for the benefit of a person who has an insurable interest in the life to be insured.

(c) Every application for a contract shall:

- (1) Contain the viator's signature;
- (2) Contain a provision that the proposal that the provider will deliver to the viator before the contract is signed will not include a detailed description of how the payment amount was determined unless the viator specifically requests in the application the detailed description, which description shall also include the assumed life expectancy of the viator;
- (3) Be duly witnessed and authorized by a person who does not have a financial or beneficial interest, directly or indirectly, in the policy or viatical settlement contract; and
- (4) Provide for an acknowledgment by the viator of receipt of the information booklet required by G.S. 58-58-245(a)(8).

History Note: Authority G.S. 58-2-40; 58-58-220; 58-58-300;
Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1717 ADVERTISING MATERIAL

All advertising material shall be submitted to the Division under G.S. 58-58-220 in final form. The Division shall accept a printer's proof with the written understanding that final printed material will be filed before use of the advertisement. The provider shall submit advertising material to the Division within 30 days before its intended use.

History Note: Authority G.S. 58-2-40; 58-58-220; 58-58-300;
Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1718 DISCLOSURE

(a) The provider, upon receipt of an application to viaticate and after determining the value to be offered in return for the assignment or transfer of the death benefit or ownership of a policy to the provider, shall deliver a proposal to the viator

before the contract is to be signed. The proposal shall disclose the following information:

- (1) Policy death benefits in each of the next 10 years if the policy is not viaticated;
- (2) Amount of death benefit to be viaticated;
- (3) Policy cash value before deducting any loan;
- (4) Policy net cash value after deducting any loan;
- (5) Policy death benefit less net cash value;
- (6) Amount offered to viator;
- (7) Whether any supplemental benefit or benefits including the following benefits, are present, will be continued and, if so, the source of premium payment and the beneficiary of the proceeds of such supplemental benefit, and the provider's interest in each benefit:
 - (A) Accidental death and dismemberment benefit, including the amount of the benefit;
 - (B) Disability income;
 - (C) Waiver of premium or of monthly deduction waiver;
 - (D) Guaranteed insurability options; or
 - (E) Children or spouse coverage; and
- (8) Name of the insurer, and whether the insurer does or does not have an accelerated death benefit program for which the viator qualifies;

(b) The proposal shall include a notice stating that a detailed description of how the payment amount was determined, including interest rate, expense factors, and the assumed life expectancy used in the determination, may be obtained by a written request made to the provider.

(c) Upon a written request by the viator for a detailed description of how the payment amount was determined, the provider shall provide a detailed description stating the assumed life expectancy in months, the interest rate used to discount the amount at risk, the adjustments, if any, for future premiums, dividends and additional amounts, broker's compensation, and retention for other expenses, risk charge, and profit.

(d) The provider shall disclose on the application or in the brochure that the identity of the viator will not be disclosed except under the conditions set forth in G.S. 58-58-225 or as otherwise allowed or required by law. The provider shall provide an explanation of the conditions in G.S. 58-58-225 to the viator.

History Note: Authority G.S. 58-2-40; 58-58-225; 58-58-245; 58-58-300;
Temporary Adoption Eff. April 1, 2002.

11 NCAC 12 .1719 PROHIBITED PRACTICES

(a) A provider or broker shall obtain from a person that is provided with patient identifying information a signed affirmation that the person or entity will not further divulge the information without procuring the express, written consent of the insured for the disclosure.

(b) If a provider or broker is compelled by a court of competent jurisdiction by order or subpoena to produce records containing patient identifying information, the provider or broker shall notify the viator and the insured in writing at their last known addresses within five business days after receiving notice of the court's order or subpoena.

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(c) A provider shall not act as a broker and provider in the same viatical settlement contract.

(d) A provider shall not use a longer life span than is expected for the viator in order to reduce a viatical settlement contract amount paid to a viator.

History Note: Authority G.S. 58-2-40; 58-58-225; 58-58-245; 58-58-300; *Temporary Adoption Eff. April 1, 2002.*

11 NCAC 12 .1720 INSURANCE COMPANY PRACTICES

(a) Every life insurance company licensed in this State shall respond to a request for verification of coverage from a provider or a broker within 30 calendar days after the date a request is received. The insurer shall inform the provider or broker whether the insurer intends to pursue an additional investigation regarding possible fraud or the validity of the insurance contract, subject to the following conditions:

- (1) A current authorization consistent with applicable law, signed by the policyholder or certificateholder, accompanies the request;
- (2) If the policy to be viaticated is an individual policy, a verification of coverage form, completed by the provider or broker, substantially similar to the format prescribed by the NAIC in Appendix B of the NAIC Viatical Settlements Model Regulation accompanies the request. A copy to the format is on file at the Department; and
- (3) If the viatication involves a group insurance certificate, a verification of coverage form, completed by the provider or the broker, substantially similar to the format prescribed by the NAIC in Appendix C of the NAIC Viatical Settlements Model Regulation accompanies the request. A copy of the format is on file at the Department.

(b) A life insurance company shall not charge a fee for responding to a request for information from a provider or broker in accordance with this Rule above any usual and customary charges to insureds for similar services.

(c) A life insurance company shall send an acknowledgment of receipt of the request for verification of coverage to the viator and, where the viator is not the insured, also to the insured. The acknowledgment shall contain a general description of any accelerated death benefit that is available under a provision of or rider to the policy.

History Note: Authority G.S. 58-2-40; 58-6-6; 58-58-250; 58-58-300; *Temporary Adoption Eff. April 1, 2002.*

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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

Rule Citation: 15A NCAC 10B .0202-.0203, .0209; 10C .0205-.0206, .0401; 10D .0103-.0104

Effective Date: *July 1, 2002*

Findings Reviewed and Approved by: *Beecher R. Gray*

Authority for the rulemaking: *G.S. 113-134; 113-264; 113-270.3; 113-272; 113-276.1; 113-291.2; 113-291.5; 113-291.7; 113-292; 113-305; 150B-21.1(a1); 50 C.F.R. 20.21; 50 C.F.R. 20.105*

Reason for Proposed Action:

15A NCAC 10B .0202 – *To set/amend the rule regarding Bear Seasons in order to conserve the resource.*

15A NCAC 10B .0203 – *To set/amend the rule regarding Deer Seasons in order to conserve the resource.*

15A NCAC 10B .0209 – *To set/amend the rule regarding Wild Turkey Seasons in order to conserve the resource.*

15A NCAC 10C .0205 – *The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the rule that regulates inland fishing, including the management of public mountain trout waters. A permanent rule will be filed for this temporary rule.*

15A NCAC 10C .0206 – *The NC Wildlife Resources Commission initiated this temporary rule to conserve the wildlife resources by amending the rule that regulates the manner of taking within certain seasons. A permanent rule will be filed for this temporary rule.*

15A NCAC 10C .0401 – *The NC Wildlife Resources Commission initiated this temporary rule to conserve wildlife resources by amending the rule that regulates inland fishing, bag limits and manner of taking. A permanent rule will be filed for this temporary rule.*

15A NCAC 10D .0103 – *To set/amend the rule regarding hunting on gamelands for management and conservation of the resource within the pertinent seasons.*

15A NCAC 10D .0104 – *The NC Wildlife Resources Commission initiated this temporary rule to conserve the wildlife resources by amending the rule that regulates fishing on gamelands, including manner of taking and bag limits. 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 have been adopted following the public hearing and public comment period established for permanent rule making. Permanent rules will be filed with the Rules Review Commission.*

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0200 – HUNTING

15A NCAC 10B .0202 BEAR

(a) Open Seasons for bear shall be from the:

- (1) Monday on or nearest October 15 to the Saturday before Thanksgiving and the third

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Monday after Thanksgiving to January 1 in and west of the boundary formed by NC 113 from the Virginia State line to the intersection with NC 18 and NC 18 to the South Carolina State line.

- (2) Second Monday in November to the following Saturday and the third Monday after Thanksgiving to the following Wednesday in all of Hertford County and Martin counties; and in the following parts of counties: Halifax: that part east of US 301.

Northampton: that part east of US 301.

- (3) Second Monday in November to January 1 in all of Bladen, Carteret, Duplin, New Hanover, Onslow and Pender counties; and in the following parts of counties: Cumberland: that part south of NC 24 and east of the Cape Fear River.

Sampson: that part south of NC 24.

- (4) Second Monday in December to January 1 in Brunswick and Columbus counties.

- (5) Second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving in all of Beaufort, Bertie, Camden, Craven, Dare, Gates, Hyde, Jones, Pamlico, Pasquotank, Tyrrell, and Washington counties, and in the following parts of counties:

Chowan: that part north US 17.

Currituck: except Knotts Island and the Outer Banks.

- (b) No Open Season. There is no open season in any area not included in Paragraph (a) of this Rule or in those parts of counties included in the following posted bear sanctuaries:

Avery, Burke and Caldwell counties--Daniel Boone bear sanctuary
Beaufort, Bertie and Washington counties--Bachelor Bay bear sanctuary
Beaufort and Pamlico counties--Gum Swamp bear sanctuary
Bladen County--Suggs Mill Pond bear sanctuary
Brunswick County--Green Swamp bear sanctuary
Buncombe, Haywood, Henderson and Transylvania counties--Pisgah bear sanctuary
Carteret, Craven and Jones counties--Croatan bear sanctuary
Clay County--Fires Creek bear sanctuary
Columbus County--Columbus County bear sanctuary
Currituck County--North River bear sanctuary
Dare County--Bombing Range bear sanctuary
Haywood County--Harmon Den bear sanctuary
Haywood County--Sherwood bear sanctuary
Hyde County--Gull Rock bear sanctuary
Hyde County--Pungo River bear sanctuary

Jackson County--Panthertown-Bonas Defeat bear sanctuary

Macon County--Standing Indian bear sanctuary

Macon County--Wayah bear sanctuary

Madison County--Rich Mountain bear sanctuary

McDowell and Yancey counties--Mt. Mitchell bear sanctuary

Mitchell and Yancey counties--Flat Top bear sanctuary

Wilkes County--Thurmond Chatham bear sanctuary

- (c) Bag limits shall be:

- (1) daily, one;
(2) possession, one;
(3) season, one.

- (d) Kill Reports. The carcass of each bear shall be tagged and the kill reported as provided by 15A NCAC 10B .0113.

History Note: Authority G.S. 113-134; 113-291.2; 113-291.7; 113-305;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; September 1, 1995; July 1, 1995; July 1, 1994; April 1, 1992;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. July 1, 2002; July 1, 2000;

Temporary Amendment Eff. July 1, 2002.

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) 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;

TEMPORARY RULES

- 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) Saturday before Thanksgiving through the third Saturday after Thanksgiving Day in all of Alexander, Alleghany, Ashe, Catawba, Davie, 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) Two Saturdays before Thanksgiving 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) 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) Saturday before Thanksgiving week through the fifth Saturday after Thanksgiving Day in all of 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 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 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, 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, 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.

TEMPORARY RULES

- (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, Polk 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, 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: All of the county except that part south of NC 211 and west of I-95.
Scotland: That part north of US 74.
- (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, 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.
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.
Moore: That part north of NC 211 and west of US 1.
- (c) 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) Saturday on or nearest September 10 to the fourth Friday thereafter in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (A) 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) Saturday on or nearest September 10 to the second Friday before Thanksgiving 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 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 (C) of Subparagraph (b)(1) of this Rule and in Cleveland and Rutherford counties.
- (D) Saturday on or nearest September 10 to the third Friday before Thanksgiving in the counties and parts of counties having the open season 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.

(d) 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) The Saturday on or nearest October 8 to the following Friday in the counties and parts of counties having the open seasons for Deer With Visible Antlers specified by Part (A) of Subparagraph (b)(1) of this Rule, except on Sandhills Game Land and the area known as the Outer Banks in Currituck County.
- (B) The second Saturday preceding Thanksgiving until the following Friday 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 and in Gaston and Lincoln counties.
- (C) Monday 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 Part C of Subparagraph (b)(1) of this Rule.
- (D) The third Saturday preceding Thanksgiving until the following Friday in the counties and parts of counties having the open season for Deer With Visible Antlers specified by Part (D) of Subparagraph (b)(1) of this Rule, and on Sandhills Game Land.

(2) Restrictions

- (A) Deer of either sex may be taken during muzzle-loading firearms season in and east of the following counties: Polk, 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.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1, 1994; July 1, 1993; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Amended Eff. July 1, 2002; Temporary Amendment Eff. July 1, 2002.

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, Beaufort, **Bertie, **Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, **Camden, Carteret, Caswell, Catawba, **Chatham, Cherokee, Chowan, Clay, Cleveland, Craven, Currituck, Davie, Duplin, **Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, **Granville, Halifax, Harnett, Haywood, Henderson, Hertford, Hyde, Iredell, Jackson, Jones, Lee, Lenoir, Lincoln, Macon, Madison, **Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Northampton, Onslow, **Orange, Pasquotank, Perquimans, Person, Pitt, Polk, **Richmond, Rockingham, Rowan, Rutherford, Sampson, **Scotland, Stanley, Stokes, Surry, Swain, Transylvania, **Tyrrell, Vance, Wake, **Washington, , Warren, Watauga, Wilkes, Yadkin, Yancey and in the following portions of counties:
 Columbus: 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.
 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.
 Johnston: That part east of I-95.

Nash: All of the county except that part east of NC 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.

Randolph: That part west of US 220.

Robeson: That part east of I-95.

Union: That part south of US 74.

Wayne: That part south of US 70.

**The Sandhills Game Land in Hoke, Moore, Richmond, and Scotland, counties; the Bladen Lakes State Forest Game Lands in Bladen County; the North River Game Lands in Camden 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; Chatham Game Land in Chatham and Harnett counties; Lantern Acres Game Land in Washington and Tyrrell 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.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; Eff. February 1, 1976; Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001. Amended Eff. July 1, 2002; Temporary Amendment Eff. July 1, 2002.

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 Regulations apply. See Subparagraph (a)(5) of this Rule.]

- (B) Ashe County:
 - New River (not trout waters)
 - North Fork New River (Watauga Co. line to Sharp Dam)
 - Helton Creek (Virginia State line to New River) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
 - Big Horse Creek (Mud Creek at SR1363 to Tuckerdale)
 - Buffalo Creek (headwaters to junction

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- 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 (a)(5) 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)
 - Catawba River (not trout water)
 - Johns River (not trout water)
 - Wilson Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]
 - Lost Cove Creek [not Hatchery Supported trout water, see Subparagraph (a)(4) of this Rule.]
- (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)
 - 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
 - Buck Timber Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) of this Rule.]
 - Cary Flat Branch [not Hatchery Supported trout water, see Subparagraph (a)(2) 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]
 - Milltimber Creek

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- 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 (a)(2) of this Rule.]
 - Boone Fork Pond
 - Yadkin River (not trout water)
 - Buffalo Creek (mouth of Joes Creek to McCloud Branch)
 - Joes Creek (first falls upstream of SR 1574 to confluence with Buffalo Creek)
- (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
- (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 gamelands)
 - 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
 - Santeetlah Reservoir (not trout water)
 - West
 - Buffalo Creek
 - Huffman Creek (Little Buffalo Creek)
 - Santeetlah Creek (Johns Branch to
- Davis Creek (confluence of Bald and Dockery creeks to Hanging Dog Creek)
- 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)

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mouth including portions of tributaries within this section located on game lands, excluding Johns Branch and Little Santeetlah Creek) (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)

(J) Haywood County:
Pigeon River (not trout water)

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 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.]

West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan) [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 (a)(2) of this Rule.]

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- Wolf Creek Lake
Balsam Lake
Tanasee Creek [not Hatchery Supported trout water, see Subparagraph (a)(2) 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) Macon 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 (a)(2) and (a)(6) of this Rule.]
Ellijay Creek (except where posted against trespass, 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 (confluence of Big Creek and Mill Creek to NC 208 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.]
Mill Creek (upper game lands boundary to confluence with Big Creek)
Puncheon Fork (Hampton Creek to Big Laurel Creek)
Big Pine Creek (SR 1151 bridge to French Broad River)
- (O) McDowell County:
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

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- 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)
 - Big Fall Creek (portion above and below water supply reservoir)
 - Green River (Fishtop Falls Access Area to mouth of Brights Creek) [Delayed Harvest Regulations apply to the portion from Fishtop Falls Access Area to Cove Creek. See Subparagraph (a)(5) of this Rule.]
- (R) Rutherford County:
 - (Rocky) Broad River (Henderson County line to US 64/74 bridge, except where posted against trespass)
- (S) Stokes County:
 - Dan River (Virginia State line 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)
 - 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 SR 1625 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 (a)(5) 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
- Little Cove Creek (including portions of tributaries on game lands)
- Cove Creek (including portions of tributaries on game lands)
- Camp Creek [Henderson County line (top of falls) to Green River]

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- 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) [Delayed Harvest Regulations apply. See Subparagraph (a)(5) of this Rule.]
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 (SR 1557 bridge to NC 105 bridge and SR
- 1114 bridge to NC 194 bridge at Valle Crusis).
[Delayed Harvest Regulations apply. See Subparagraph (a)(5) 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)
- (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 (a)(5) of this Rule.]
Stone Mountain Creek [Delayed Harvest Regulations apply. See Subparagraph (a)(5) 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)
Middle Fork Reddies River (Clear Prong) (headwaters to bridge on SR 1580)
South Fork Reddies River (headwaters to confluence with Middle Fork Reddies River)

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- North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on SR 1559) Darnell Ceek (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 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)
 - Elk River (portion on Lees-McRae College property, excluding the millpond) [Catch and Release/Artificial Flies Only Regulations apply. See Subparagraph (a)(4) of this Rule.]
 - 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)
 - Roaring 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 (a)(3) 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 apply, and Henry Fork and tributaries where Catch and Release/Artificial Lures Only Regulations apply. See Subparagraphs (a)(3) and (a)(5) of this Rule.
 - Nettle Branch (game land portion)
- (F) Caldwell County:
 - Buffalo Creek (Watauga County line to Long Ridge Branch)

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- Joes Creek (Watauga County line to first falls upstream of the end of SR 1574)
- (G) Rockhouse Creek (entire stream)
Cherokee County:
Bald Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
Dockery Creek (game land portions, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (H) Graham County:
South Fork Squally Creek (entire stream)
Squally Creek (entire stream)
- (I) Haywood County
Hurricane Creek (including portions of tributaries on game lands) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (J) Henderson County:
Green River (I-26 bridge to Henderson/Polk County line)
- (K) 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)
- (L) Madison County:
Big Creek (headwaters to the lower game land boundary, including tributaries) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
Spillcorn Creek (entire stream) [Wild Trout/Natural Bait Waters Regulations apply. See Subparagraph (a)(6) of this Rule.]
- (M) 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)
- (N) Polk County
- Green River (Henderson County line to Fishtop Falls Access Area)
Pulliam (Fulloms) Creek and tributaries (game lands portions)
- (O) Transylvania County:
Whitewater River (downstream from Silver Run Creek to South Carolina State line)
- (P) Watauga County:
Dutch Creek (headwaters to second bridge on SR 1134)
Howards Creek (headwaters to lower falls)
Watauga River (Avery County line to steel bridge at Riverside Farm Road)
- (Q) Wilkes County:
Big Sandy Creek (portion on Stone Mountain State Park)
Garden Creek (portion on Stone Mountain State Park)
Harris Creek and tributaries [portions on Stone Mountain State Park] [Catch and Release Artificial Lures Only Regulations apply. See Subparagraph (a)(3) of this Rule.]
Widow Creek (portion on Stone Mountain State Park)
- (R) Yancey County:
Licksillet 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 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:

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| <p>(D) Carter Creek (game land portion)
Burke County:
Henry Fork (portion on South Mountains State Park)</p> <p>(E) Jackson County:
Flat Creek
Tuckasegee River (upstream of Clarke property)</p> <p>(F) McDowell County:
Newberry Creek (game land portion)</p> <p>(G) Wilkes County:
Harris Creek (portion on Stone Mountain State Park)</p> <p>(H) Yancey County:
Lower Creek
Upper Creek</p> <p>(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:</p> <p>(A) Avery County:
Elk River (portion on Lees-McRae College property, excluding the millpond)
Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)</p> <p>(B) Transylvania County:
Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)</p> <p>(C) 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)</p> <p>(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</p> | <p>fishing under Hatchery Supported Waters rules:</p> <p>(A) Ashe County:
Trout Lake
Helton Creek (Virginia state line to New River)</p> <p>(B) Burke County:
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)</p> <p>(C) Haywood County:
Richland Creek (Russ Avenue bridge to US 19A-23 bridge)
West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)</p> <p>(D) Henderson County:
North Fork Mills River (game land portion below the Hendersonville watershed dam)</p> <p>(E) Jackson County:
Tuckasegee River (NC 107 bridge at Love Field Downstream to the Dillsboro dam)</p> <p>(F) Macon County:
Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)</p> <p>(G) 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)</p> <p>(H) McDowell County:
Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep Branch)</p> <p>(I) Mitchell County:
Cane Creek (NC 226 bridge to NC 80 bridge)</p> <p>(J) Polk County:
Green River (Fishtop Falls Access Area to confluence with Cove Creek)</p> <p>(K) Surry County:
Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam)</p> <p>(L) Transylvania County:
East Fork French Broad River (Gladly Fork to French Broad River)</p> <p>(M) Watauga County:
Watauga River (SR 1557 bridge to NC 105 bridge and SR 1114 bridge to NC 194 bridge at Valle Crucis)</p> <p>(N) Wilkes County:
East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State Park lower boundary)</p> |
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- 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)].
- (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) Haywood County:
Hurricane Creek (including portions of tributaries on game lands)
- (E) Jackson County:
Chattooga River (SR 1100 bridge to South Carolina state line)
(lower) Fowler Creek (game land portion)
Scotsman Creek (game land portion)
- (F) Macon County:
Chattooga 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)
- (G) Madison County:
Big Creek (headwaters to the lower game land boundary, including tributaries)
Spillcorn Creek (entire stream, excluding tributaries)
- (H) 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 (a)(3), (a)(4), and (a)(6) of this Rule, the following rules apply to fishing in wild trout waters.
- (A) Open Season. There is a year round open season for the licensed taking of trout.
- (B) Creel Limit. The daily creel limit is four trout.
- (C) Size Limit. The minimum size limit is seven inches.
- (D) Manner of Taking. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing wild trout waters except those waters listed in 15A NCAC 10C .0205(a)(6).
- (E) Night Fishing. Fishing on wild trout waters is not allowed between one-half hour after sunset and one-half hour before sunrise.

History Note: 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. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2002; July 1, 2001.

15A NCAC 10C .0206 TROT LINES AND SET-HOOKS
Trotlines and set-hooks may be set in the inland waters of North Carolina, provided no live bait is used; except that no trotlines or set-hooks may be set in designated public mountain trout waters or in any of the impounded waters on the Sandhills Game Land, and in Lake Waccamaw, trotlines or set-hooks may be set only from October 1 through April 30. For the purposes of this Regulation, a set-hook is defined as any hook and line which is attached at one end only to a stationary or floating object and which is not under immediate control and attendance of the person using such device. Each trotline and set-hook, except jug-hooks, shall have attached the name and address of the user legibly and indelibly inscribed. Each trotline shall be

conspicuously marked at each end and each set-hook conspicuously marked at one end with a flag, float, or other prominent object so that its location is readily discernable by boat operators and swimmers. Trotlines must be set parallel to the nearest shore in ponds, lakes, and reservoirs. All trotlines and throwlines must be fished at least once daily and all fish removed at that time. Untended trotlines and set-hooks, as evidenced by the absence of bait, may be removed from the water by wildlife enforcement officers when located in areas of multiple water use.

Recognizing the safety hazards to swimmers, boaters and water skiers which are created by floating metal cans and glass jugs, it is unlawful to use metal cans or glass jugs as floats. This shall not be construed to prohibit the use of plastic jugs, cork, styrofoam, or similar materials as floats.

History Note: Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1993; May 1, 1992; July 1, 1989; January 1, 1982; Temporary Amendment Eff. July 1, 2002.

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 grabbling. Nongame fishes may be taken by hook and line or grabbling 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, taken by hook and line, grabbling 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.

(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.

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

(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:

- Cedarrock 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
- Anderson Community Park Pond, Orange County
- Lake Michael, Orange County
- River Park North Pond, Pitt County
- Hamlet City Lake, Richmond 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: Authority G.S. 113-134; 113-272; 113-292; Eff. February 1, 1976; Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992; Temporary Amendment Eff. December 1, 1994; Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; Temporary Amendment Eff. July 1, 1999; Amended Eff. July 1, 2000; Temporary Amendment Eff. July 1, 2001; Temporary Amendment Eff. July 1, 2002.

SUBCHAPTER 10D - GAME LANDS REGULATIONS

SECTION .0100 - GAME LANDS REGULATIONS

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; decoys shall not be set out prior to 4:00 a.m. and must be removed by 3:00 p.m. each day. No person shall operate any vessel or vehicle powered by an internal combustion engine on a managed waterfowl impoundment. No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal which has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods. No live wild animals or wild birds shall be removed from any game land.

(e) Definitions:

- (1) 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)(B); "Western" season refers to seasons set for those counties or parts of counties listed in 15A NCAC 10B .0203(b)(1)(C).
- (2) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays and to Thanksgiving, Christmas and New Year's Days within the federally-announced season.
- (3) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays, Saturdays and Thanksgiving, Christmas and New Year's Days. These "open days" also apply to either-sex hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.
- (4) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons, except that:
 - (A) Bears shall not be taken on lands designated and posted as bear sanctuaries;
 - (B) Wild boar shall not be taken with the use of dogs on such bear sanctuaries, and wild boar may be hunted only during the bow and arrow seasons, the muzzle-loading deer season and

the regular gun season on male deer on bear sanctuaries;

- (C) On game lands open to deer hunting located in or west of the counties of Rockingham, Guilford, Randolph, Montgomery and Anson, the following rules apply to the use of dogs during the regular season for hunting deer with guns:
 - (i) Except for the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, game birds may be hunted with dogs.
 - (ii) In the counties of Cherokee, Clay, Graham, Jackson, Macon, Madison, Polk, and Swain, small game in season may be hunted with dogs on all game lands except on bear sanctuaries.
 - (iii) Additionally, raccoon and opossum may be hunted when in season on Uwharrie Game Lands.
- (D) On bear sanctuaries in and west of Madison, Buncombe, Henderson and Polk counties dogs shall not be trained or allowed to run unleashed between March 1 and the Monday on or nearest October 15;

(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 that portion in Montgomery county and deer of either sex may be taken all the 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) 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.
- (4) Bertie County Game Land in Bertie County
 - (A) Six Days per Week Area

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- (B) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (5) Bladen Lakes State Forest Game Land in Bladen County
- (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.
- (F) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (6) Brunswick County Game Land in Brunswick County: Permit Only Area
- (7) Buckridge Game Land
- (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) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days of the second week of the December Bear 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.
- (C) Turkey Hunting is by permit only on that portion known as the Roan Island Tract.
- (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 from opening day through either the first Saturday or Labor Day which ever comes last of the first segment of dove season.
- (13) Catawba Game Land in Catawba 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.
- (C) Deer may be taken with 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.
- (C) Wild turkey hunting is by permit only.
- (15) Cherokee Game Land in Ashe County

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- (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) Chowan Game Land in Chowan County
(A) Six Days per Week Area
(B) Deer of either sex may be taken all the days of the applicable Deer With Visible Antlers Season.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) 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.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) 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.
- (26) 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.
- (27) 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 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

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- closing days of the duck seasons, Saturdays of the duck seasons, and on Thanksgiving and New Year's day.
 - (D) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (28) Green River Game Land in Henderson, and Polk 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.
 - (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.
- (29) 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.
- (30) 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.
 - (D) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
 - (F) Bear may only be taken the first three hunting days during the November Bear Season and the first three hunting days during the second week of the December Bear Season on the Long Shoal River Tract of Gull Rock Game Land.
- (31) 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.
- (32) 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.
- (33) Holly Shelter Game Land in Pender 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 Eastern muzzle-loading season with any legal weapon and the Saturday preceding Eastern bow season with bow and arrow by participants in the Disabled Sportsman Program
 - (C) 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.
 - (D) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (34) Hyco 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.
- (35) J. Morgan Futch Game Land in Tyrrell County, Permit Only Area.
- (36) Jordan Game Land in Chatham, Durham, Orange 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 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.
- (37) 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 open days of the applicable Deer With Visible Antlers Season.
 - (C) Wild turkey hunting is by permit only.
- (38) Lee Game Land in Lee County
 - (A) Six Days per Week Area

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- (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.
- (39) Linwood Game Land in Davidson County
- (A) Six Days per Week Area
- (B) Deer of either sex may be taken on all of the open days of the applicable Deer With Visible Antlers Season.
- (40) Mayo 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.
- (41) Nantahala Game Land in Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania 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 in that portion located in Transylvania County.
- (C) Raccoon and opossum may be hunted only from sunset Friday until sunrise on Saturday and from sunset until 12:00 midnight on Saturday on Fires Creek Bear Sanctuary in Clay County and in that part of Cherokee County north of US 64 and NC 294, east of Persimmon Creek and Hiwassee Lake, south of Hiwassee Lake and west of Nottely River; in the same part of Cherokee County dog training is prohibited from March 1 to the Monday on or nearest October 15.
- (42) Neuse River Game Land in Craven 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.
- (43) 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) North River Game Land in Currituck and Camden 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 except in that part in Camden County south of US 158 where the season is the last six open days of the applicable Deer With Visible Antlers Season.
- (C) The boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (D) Wild turkey hunting is by permit only on that portion in Camden County.
- (45) Northwest River Marsh Game Land in Currituck 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 boundary of the Game Land shall extend five yards from the edge of the marsh or shoreline.
- (46) 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.
- (C) Use of centerfire rifles prohibited in that portion in Anson and Richmond counties North of US-74.
- (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.
- (47) Perkins Game Land in Davie 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.
- (48) 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.
- (C) Harmon Den and Sherwood Bear Sanctuaries in Haywood County are closed to hunting raccoon, opossum and wildcat. Training raccoon and

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- 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.
- (49) 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.
- (50) Roanoke River Wetlands in Bertie, Halifax and Martin counties
(A) Hunting is by Permit only.
(B) Vehicles are prohibited on roads or trails except those operated on official Commission business or by permit holders.
(C) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (51) Roanoke Sound Marshes Game Land in Dare County-Hunting is by permit only.
- (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 Hoke, 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 days from the second Saturday 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 days during the bow and arrow season, as well as during the regular gun season. Deer may be taken with muzzle-loading firearms on open days beginning the third Saturday before Thanksgiving through the following Wednesday, and during the Deer With Visible Antlers season.
(C) Gun either-sex deer hunting is by permit only. For participants in the Disabled Sportsman Program, either-sex deer hunting with any legal weapon is permitted on all areas the Thursday and Friday prior to the muzzle-loading season described in the preceding paragraph. Except for the deer, opossum, rabbit, and raccoon seasons specifically indicated for the field trial grounds in this Rule and Disabled Sportsman Program hunts, the field trial grounds are closed to all hunting during the period October 22 to March 31.
- (D) In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons
- (E) Wild turkey hunting is by permit only.
- (F) Dove hunting on the field trial grounds will be prohibited from the second Sunday in September through the remainder of the hunting season.
- (G) Opossum, rabbit, and raccoon hunting on the field trial grounds will be allowed on open days from the second Monday before Thanksgiving through the Saturday following Thanksgiving.
- (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 open days of the applicable 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) Shocco Creek Game Land in Warren County
(A) Six Days per Week Area
(B) Deer of either sex may be taken the first six open days and the last six

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- (59) 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.
- (60) Suggs Mill Pond Game Land in Bladen County;
- (A) Hunting is by Permit only.
 - (B) Camping is restricted to Sep. 1-Feb 28 and April 7- May 14 in areas both designated and posted as camping areas.
- (61) 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.
- (62) 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.
- (63) 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.
- (64) 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.
- (65) 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.
- (66) 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.
- (67) Van Swamp Game Land in Beaufort and Washington 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.
- (68) 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.
- (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 cooperater 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)
- Dare County--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: Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-305;
Eff. February 1, 1976;
Temporary Amendment Eff. October 3, 1991;
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;
Temporary Amendment Eff. July 1, 2001;
Amended Eff. July 1, 2002;
Temporary Amendment Eff. July 1, 2002.

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 or other special fishing device of a type mentioned in 15A NCAC 10C .0404 (b)(c)(d) and (f) may be used in any impounded waters located entirely on game lands. Bow and arrow may be used to take nongame fishes in impounded waters located entirely on gamelands with the exception of those waters mentioned in 15A NCAC 10C .0404(a). Blue crabs taken by hook and line (other than set-hooks) in designated waterfowl impoundments located on game lands must have a minimum carapace width of five inches (point to point) and the daily possession limit is 50 per person and 100 per vessel.

(b) Designated Public Mountain Trout Waters

- (1) Fishing Hours. It is unlawful to fish in designated public mountain trout waters on any game land and in all waters on the Dupont State Forest 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, Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River, Pigeon River downstream of Waterville Reservoir to Tennessee state line, Nolichucky River, Mill Ridge Pond, Cheoah River downstream of Santeetlah Reservoir, Little River from Hooker Falls downstream to the Dupont State Forest boundary, Lake Imaging, Lake Dense, Lake Alfred, Lake Julia, Fawn Lake and the portion of West Fork Pigeon River below Lake Logan.

Dupont State Forest Game Lands in Henderson and Transylvania counties
 Three Top Mountain Game Land, Ashe County
 Nantahala National Forest Game Lands in the Counties of Cherokee, Clay, Graham, Jackson, Macon, Swain and Transylvania
 Pisgah National Forest Game Lands in the Counties of Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania and Yancey
 Thurmond Chatham Game Land in Wilkes County
 Toxaway Game Land in Transylvania County
 South Mountains Game Land in the counties of Cleveland and Rutherford
 Cold Mountain Game Land in Haywood County

- (3) All designated public mountain trout waters located on the game lands listed in Subparagraph (b)(2) of this Rule are wild trout waters unless classified otherwise. [See 15A NCAC 10C .0205(a)(1)].

(c) Ponds. In all game lands ponds, it is unlawful to take channel, white or blue catfish (forked tail catfish) by means other than hook and line and the daily creel limit for forked tail catfish is six fish in aggregate.

History Note: Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305;
Eff. February 1, 1976;
Amended Eff. July 1, 2000; July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1992;
Temporary Amendment Eff. July 1, 2001;
Temporary Amendment Eff. July 1, 2002.

TEMPORARY RULES

Rule-making Agency: *NC Wildlife Resources Commission*

Rule Citation: *15A NCAC 10C .0305*

Effective Date: *March 8, 2002*

Findings Reviewed and Approved by: *Beecher R. Gray*

Authority for the rulemaking: *G.S. 113-134; 113-292; 113-304; 113-305; 150B-21.1(a1)*

Reason for Proposed Action: *The NC Wildlife Resources Commission initiated this temporary rule to conserve Wildlife Resources by amending the rule that regulates inland fishing, including seasonal and bag limits. A permanent rule will be filed for this temporary rule.*

Comment Procedures: *The NC 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. Public hearings were held January 16, 2002 and January 30, 2002. The permanent rule and the record of hearing for public comment was closed on February 18, 2002.

CHAPTER 10 – WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10C – INLAND FISHING REGULATIONS

SECTION .0300 – GAME FISH

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

- (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:

GAME FISHES	DAILY CREEL LIMITS	MINIMUM SIZE LIMITS	OPEN SEASON
Mountain Trout:			
Wild Trout Waters	4	7 in.	ALL YEAR (exc. 2)
Hatchery Supported Trout Waters and undesignated waters	7 (exc. 2)	None (exc. 2)	All year, except March 1 to 6:00 a.m. on first Saturday in April (exc. 2)
Muskellunge and Tiger Musky	2	30 in.	ALL YEAR
Chain Pickerel (Jack)	None	None	ALL YEAR
Walleye	8 (exc. 9)	None	ALL YEAR
Sauger	8	15 in.	ALL YEAR
Black Bass:			
Largemouth	5	14 in. (excs. 3, 8 & 10)	ALL YEAR (exc. 17)
Smallmouth and Spotted	5	12 in. (excs. 3, 8 & 10)	ALL YEAR
White Bass	25	None	ALL YEAR
Sea Trout (Spotted or Speckled)	10	12 in.	ALL YEAR
Flounder	None	13 in.	ALL YEAR
Red drum (channel bass, red fish, puppy drum)	1	18 in. (exc. 19)	ALL YEAR
Striped Bass and their hybrids (Morone Hybrids)	8 aggregate (excs. 1, 5, 6, 11 & 13)	16 in. (excs. 1, 5, 6, 11 & 13)	ALL YEAR (excs. 6, 13 & 15)
Shad: (American and hickory)	10 aggregate	None	ALL YEAR (exc. 18)
Kokanee Salmon	7	None	ALL YEAR
Panfishes	None (excs. 4, 12 & 16)	None (exc. 12)	ALL YEAR (exc. 4)
NONGAME FISHES	None (exc. 14)	None	ALL YEAR (excs.7)

(b) Exceptions

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- (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 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 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.
- (6) In the inland and joint [as identified in 15A NCAC 10C.0107(1)(e)] fishing waters of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and their hybrids 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 in aggregate, the minimum size limit is 18 inches, no fish between 22 inches and 27 inches in length and only one fish larger than 27 inches may be retained in the daily creel limit. (7)See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.
- (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, Reedy Creek Park lakes in Mecklenburg County, Lake Rim in Cumberland County, High Rock Lake downstream of I-85, Badin Lake, Falls Lake, Lake Tillery, Blewett Falls Lake, Tuckertown Lake and in the following waters and their tributaries: New River in Onslow County, Roanoke Sound, Croatan Sound, Currituck Sound, Albemarle Sound, Alligator River, Scuppernong River, Chowan River, Cashie River, Roanoke River downstream of U.S. 258 bridge, Lake Mattamuskeet, Pungo Lake, Alligator Lake and New Lake. 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, in Falls of the Neuse Reservoir, east of SR 1004, and in Lake Lure the minimum size limit for largemouth bass is 16 inches, with no exception.. In W. Kerr Scott Reservoir there is no minimum size limit for spotted bass. In Lake Lure the minimum size limit for smallmouth bass is 14 inches, with no exception. In Lake Phelps the minimum size limit for black bass is 14 inches, with no exception, and no fish between 16 and 20 inches may be possessed. In Shearon Harris Reservoir no black bass between 16 and 20 inches may be possessed.
- (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.
- (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.
- (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.
- (12) A daily creel limit of 20 fish and a minimum size limit of 8 inches apply to crappie in the following waters:

Lake Tillery, Falls Lake, High Rock Lake, Badin Lake, Tuckertown Lake, Lake Hycy, Lake Ramseur, Cane Creek Lake and the following waters and all their tributaries: Roanoke Sound, Croatan Sound, Currituck Sound, Albemarle Sound, Alligator River, Scuppernong River, Chowan River, Cashie River, Roanoke River downstream of U.S. 258

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- bridge, Lake Mattamuskeet, Lake Phelps, Pungo Lake, Alligator Lake and New Lake.. In and west of Madison, Buncombe and Rutherford counties and in Lake James, the daily creel limit for crappie is 20 fish.
- (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.
- (14) The daily creel limits for channel, white, and blue catfish in designated urban lakes are stated in 15A NCAC 10C .0401(e).
- (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.
- (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 I-95, 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.
- (17) In Sutton Lake, no largemouth bass may be retained from December 1 through March 31.
- ((18) The season for taking American and hickory shad with dip nets and bow nets is March 1 through April 30.
- (19) No red drum greater than 27 inches in length may be retained.

History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;
Filed as a Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1, 1990;
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 1, 1991, for a period of 180 days to expire on November 1, 1991;
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;
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;
Temporary Amendment Eff. July 1, 2001;

Temporary Amendment Eff. March 8, 2002.

TITLE 19A – DEPARTMENT OF TRANSPORTATION

Rule-making Agency: *NC Department of Transportation – Division of Highways*

Rule Citation: *19A NCAC 02D .0643-.0644*

Effective Date: *March 11, 2002*

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

Authority for the rulemaking: *G.S. 20-119*

Reason for Proposed Action: *Pursuant to provisions in S.L. 2001-424, Ratified State Senate Bill 1005, Section 27.17(b), the Department is adopting temporary rules to require certification of escort vehicle drivers. The rules also set conditions for the oversize-overweight vehicle escort driver certification program.*

Comment Procedures: *Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, 1501 Mail Service Center, Raleigh, NC 27699-1501 by August 2, 2002.*

CHAPTER 02 – DIVISION OF HIGHWAYS

SUBCHAPTER 02D - HIGHWAY OPERATIONS

SECTION .0600 - OVERSIZE-OVERWEIGHT PERMITS

19A NCAC 02D .0643 ESCORT VEHICLE DRIVER CERTIFICATION

- (a) The Department of Transportation may, upon receipt of an application for an oversize-overweight movement permit, require escort vehicles to accompany permitted loads.
- (b) On or after July 1, 2003, when an escort vehicle is required, escort vehicle drivers shall be certified in accordance with 19A NCAC 02D .0644. Certification credentials shall be carried in the vehicle and shall be readily available for inspection by law enforcement officials with jurisdiction.

History Note: Authority G.S. 20-119;
Temporary Adoption Eff. March 11, 2002.

19A NCAC 02D .0644 OVERSIZE-OVERWEIGHT ESCORT VEHICLE DRIVER CERTIFICATION PROGRAM

- (a) The Secretary of Transportation or his designee shall administer an Oversize-Overweight escort vehicle driver certification program as required by G.S. 20-119.
- (b) The escort vehicle driver certification program shall include the following:
- (1) Instruction on safe and effective escort skills;
 - (2) Examination that documents course comprehension;
 - (3) Recognition of escort vehicle operator certification; and

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- (4) Recognition of escort vehicle operator certification from other states which have certification programs.
- (c) The department shall issue a certificate which provides recognition of satisfactory completion of the instruction.
- (1) The certificate shall be effective for four years from issue date.
- (2) The certificate shall be reissued upon satisfactory completion of a current certification examination administered by NCDOT training providers.
- (d) The training and certification program implemented as required by G.S. 20-119 shall be effective on or after July 1, 2003. On or after July 1, 2003, any driver authorized by the NCDOT to escort a permitted over-dimensional load in North Carolina shall be qualified as follows:

- (1) An escort certified by another state's approved program;
- (2) A North Carolina law enforcement officer; or
- (3) A person who meets the following requirements:
- (A) Is at least 21 years of age;
- (B) Possesses a valid driver's license without restrictions other than for use of corrective lens and has a driving history without conviction of driving while impaired or reckless driving in the previous 12 months; and
- (C) Has successfully completed an NCDOT oversize-overweight load

escort vehicle operator course with a certification exam score of at least 75% correct and has received escort certification by the Department.

- (e) Certification shall be revoked during its effective period for the following:
- (1) Failure to maintain a valid driver's license without restrictions other than for corrective lens;
- (2) Conviction of driving while impaired;
- (3) Conviction of reckless driving; or
- (4) Evidence of unsatisfactory performance while performing the duties of escort.

If certificate is revoked under this Section, subsequent certification as an Escort Vehicle Operator shall require re-application, satisfaction of program pre-requisites, and re-qualification through the certification program.

(f) The Secretary of Transportation or his designee may recognize certificates of other states whose programs meet the objectives of North Carolina's program.

(g) Escort Vehicle Operator certification shall be available in the escort vehicle for inspection whenever the operator is performing the role of escort.

(h) Failure to conform to the escort requirements of this Rule shall result in penalties imposed in G.S. 20-119(d).

*History Note: Authority G.S. 20-119;
Temporary Adoption Eff. March 11, 2002.*

RULES REVIEW COMMISSION

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, April 18, 2002, 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 Friday, April 12, 2002 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

Thomas Hilliard, III
Robert Saunders
Laura Devan
Jim Funderburke
David Twiddy

Appointed by House

Paul Powell - Chairman
Jennie J. Hayman Vice - Chairman
Dr. Walter Futch
Jeffrey P. Gray
Dr. John Tart

RULES REVIEW COMMISSION MEETING DATES

April 18, 2002
May 18, 2002
June 20, 2002
July 18, 2002

Commission Review/Administrative Rules

Log of Filings (Log #186)

February 20, 2002 through March 20, 2002

AGRICULTURE, DEPARTMENT OF/BOARD OF AGRICULTURE

Exemptions	02	NCAC	9L	.1303	Amend
Record Keeping Requirements	02	NCAC	9L	.1305	Amend
Recipient Identification	02	NCAC	9L	.1306	Adopt
Definitions	02	NCAC	34	.0102	Amend
Wood Destroying Insects Excluding Subterranean Ter	02	NCAC	34	.0501	Amend
Subterranean Termite Control Buildings After Const	02	NCAC	34	.0503	Amend
Subterranean Termite Prevention Res Bldgs Under Co	02	NCAC	34	.0505	Amend
Min Require Subterranean Termite Prev/Commercial	02	NCAC	34	.0506	Amend
Agreements	02	NCAC	34	.0601	Amend
Wood Destroying Organisms Records	02	NCAC	34	.0604	Amend
Contractual Agreements for Wood Destroying Organis	02	NCAC	34	.0605	Amend
Written Records of Household Pest Control	02	NCAC	34	.0703	Amend
Written Records of Fumigation	02	NCAC	34	.0803	Amend
Fumigation Requirements Safety and Safety Equipmen	02	NCAC	34	.0805	Amend
Fumigation Requirements for Fumigation Crew	02	NCAC	34	.0806	Amend
Prohibited Acts	02	NCAC	34	.0904	Amend

DHHS/CHS

Scope	10	NCAC	14G	.0101	Amend
General Policies Regarding Interventive Procedures	10	NCAC	14J	.0203	Amend
Procedures Seclusion Physical Restraint or Isolat	10	NCAC	14J	.0206	Amend
Interventions Requiring Additional Safeguards	10	NCAC	14J	.0210	Amend
Training Emphasis to Alternatives to Restrictive	10	NCAC	14J	.0211	Adopt
Training in Seclusion Physical Restrain and Isolat	10	NCAC	14J	.0212	Adopt
Scope	10	NCAC	14P	.0101	Amend
Policy on Rights Restrictions	10	NCAC	14Q	.0101	Amend
Seclusion Physical Restrain and Isolation Time Out	10	NCAC	14R	.0104	Amend
Training on Alternatives to Restrictive Intervent	10	NCAC	14R	.0108	Adopt
Training in Seclusion Physical Restraint and Isola	10	NCAC	14R	.0109	Adopt

DHHS/COMMISSION FOR THE BLIND

Eligibility of Services	10	NCAC	19H	.0104	Amend
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RULES REVIEW COMMISSION

DHHS/DIVISION OF VOCATIONAL REHABILITATION SERVICES

Definitions	10	NCAC	20A	.0102	Amend
Vocational and Other Training	10	NCAC	20C	.0304	Amend
Occupational Licenses Tools Equipment & Supplies	10	NCAC	20C	.0314	Amend

DEPARTMENT OF INSURANCE

Reference Filings	11	NCAC	10	.1113	Adopt
Transmittal Header	11	NCAC	10	.1114	Adopt
Letter of Transmittal	11	NCAC	10	.1203	Repeal
Commercial Lines	11	NCAC	10	.1206	Amend
Transmittal Header	11	NCAC	10	.1209	Adopt

JUSTICE/N C PRIVATE PROTECTIVE SERVICES BOARD

Training Requirements for Armed Security Guards	12	NCAC	07D	.0807	Amend
Application for Firearms Trainer Certificate	12	NCAC	07D	.0902	Amend

DEPARTMENT OF LABOR

Copies Available	13	NCAC	07A	.0302	Amend
Construction	13	NCAC	07F	.0201	Amend

DENR/ENVIRONMENTAL MANAGEMENT COMMISSION

Purpose	15A	NCAC	02D	.1001	Amend
Applicability	15A	NCAC	02D	.1002	Amend
Tailpipe Emission Standards for CO and HC	15A	NCAC	02D	.1004	Amend
On-Board Diagnostic Standards	15A	NCAC	02D	.1005	Amend

DENR/WILDLIFE RESOURCES COMMISSION

Wildlife Taken for Depredation	15A	NCAC	10B	.0106	Amend
Attendance of Traps	15A	NCAC	10B	.0110	Amend
Permitted Archery Equipment	15A	NCAC	10B	.0116	Amend
Replacement Costs	15A	NCAC	10B	.0117	Amend
Sale of Wildlife	15A	NCAC	10B	.0118	Amend
Bear	15A	NCAC	10B	.0202	Amend
Deer (White-Tailed)	15A	NCAC	10B	.0203	Amend
Wild Turkey (Bearded Only)	15A	NCAC	10B	.0209	Amend
Public Mountain Trout Waters	15A	NCAC	10C	.0205	Amend
Trotlines and Set-Hooks	15A	NCAC	10C	.0206	Amend
Manner of Taking Inland Game Fishes	15A	NCAC	10C	.0302	Amend
Open Seasons Creel & Size Limits	15A	NCAC	10C	.0305	Amend
Manner of Taking Nongame Fishes	15A	NCAC	10C	.0401	Amend
Permitted Special Devices and Open Seasons	15A	NCAC	10C	.0407	Amend
General Regulations Regarding Use	15A	NCAC	10D	.0102	Amend
Hunting on Gamelands	15A	NCAC	10D	.0103	Amend
Fishing on Gamelands	15A	NCAC	10D	.0104	Amend
Burke County	15A	NCAC	10F	.0323	Amend

DENR/COMMISSION FOR HEALTH SERVICES

Public Information Part 2	15A	NCAC	13A	.0104	Amend
Definitions	15A	NCAC	18D	.0105	Amend
Classification of Water Treatment Facilities	15A	NCAC	18D	.0205	Amend
Certified Operator Required	15A	NCAC	18D	.0206	Amend
Revocation of Certificate	15A	NCAC	18D	.0307	Amend
Operator in Responsible Charge	15A	NCAC	18D	.0701	Amend

REVENUE, DEPARTMENT OF

Real Property Creation of an Estate by the Entire	17	NCAC	03C	.0106	Repeal
Real Property Termination of an Estate by the Enti	17	NCAC	03C	.0107	Repeal
Extensions	17	NCAC	03C	.0108	Amend
Business and Nonbusiness Income	17	NCAC	05C	.0703	Amend
Dividends Received from Disc	17	NCAC	05C	.2404	Amend
Forms	17	NCAC	06B	.0101	Repeal
Items Requiring Special Attention	17	NCAC	06B	.0104	Amend
Extensions	17	NCAC	06B	.0107	Amend
Joint Returns	17	NCAC	06B	.0112	Amend
Electronic Filing of Individual Income Tax Returns	17	NCAC	06B	.0118	Amend
Definition of Resident	17	NCAC	06B	.3901	Amend

RULES REVIEW COMMISSION

Nonresident Members of Professional Athletic Teams	17	NCAC	06B	.3905	Amend
Employee's Withholding Allowance Certificate	17	NCAC	06C	.0123	Amend
Returns	17	NCAC	07B	.0104	Amend
Sales Price Discounts	17	NCAC	07B	.0108	Amend
Food and Food Products	17	NCAC	07B	.2201	Amend
Contractors Subcontractors Retailer Contractors	17	NCAC	07B	.2602	Amend
Building Materials	17	NCAC	07B	.2611	Amend
Telecommunications and Telegraph Companies	17	NCAC	07B	.3201	Amend
Telephone Companies Specific Four Percent Items	17	NCAC	07B	.3202	Amend
Cellular Telephone Companies	17	NCAC	07B	.3204	Amend
Reusable Containers	17	NCAC	07B	.3907	Amend
Boats Boat Trailers and Accessories	17	NCAC	07B	.4602	Amend
Shipments from Outside North Carolina	17	NCAC	07B	.4901	Repeal
Shipments from within North Carolina	17	NCAC	07B	.4902	Repeal
Application of Tax	17	NCAC	07C	.0304	Amend
TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS					
Permits Authority Application and Enforcement	19	NCAC	02D	.0601	Amend
Permits Weight Dimensions and Limitations	19	NCAC	02D	.0607	Amend
OCCUPATIONAL LICENSING BOARDS/COSMETIC ART EXAMINERS, STATE BOARD OF					
Postage and Handling	21	NCAC	14B	.0603	Amend
Space Requirement	21	NCAC	14G	.0103	Amend
Internships	21	NCAC	14J	.0208	Amend
Hours of Course Work Required for Manicurist Only	21	NCAC	14K	.0106	Repeal
Renewals Expired Licenses Licenses Required	21	NCAC	14P	.0105	Amend
Licenses Required	21	NCAC	14P	.0106	Amend
Revocation of Licenses and Other Disciplinary Meas	21	NCAC	14P	.0108	Amend
Civil Penalty Procedures	21	NCAC	14P	.0116	Amend
Teacher Continuing Education	21	NCAC	14Q	.0101	Adopt
Attendance Verification	21	NCAC	14Q	.0102	Adopt
Certificating Agent	21	NCAC	14Q	.0103	Adopt
Program Sites	21	NCAC	14Q	.0104	Adopt
General Program Format Time Frame Space	21	NCAC	14Q	.0105	Adopt
Instructors and Monitors of Continuing Education	21	NCAC	14Q	.0106	Adopt
Postage/Handling Fee	21	NCAC	14Q	.0107	Adopt
Proof of Attendance	21	NCAC	14Q	.0108	Adopt
Board to Observe Program	21	NCAC	14Q	.0109	Adopt
Violations	21	NCAC	14Q	.0110	Adopt
OCCUPATIONAL LICENSING BOARDS/N C MEDICAL BOARD					
Location	21	NCAC	32A	.0101	Amend
Requirement Exception	21	NCAC	32A	.0105	Repeal
Provisions for Petition for a Rule Change	21	NCAC	32A	.0106	Repeal
Definitions	21	NCAC	32B	.0101	Amend
Forms	21	NCAC	32B	.0103	Repeal
Physician Licensing Requirements	21	NCAC	32B	.0104	Adopt
Licensing by Examination	21	NCAC	32B	.0105	Adopt
Licensing by Endorsement	21	NCAC	32B	.0106	Adopt
Medical Education	21	NCAC	32B	.0201	Repeal
ECFMG Certification	21	NCAC	32B	.0202	Repeal
Certification of Graduation	21	NCAC	32B	.0203	Repeal
Certified Photograph	21	NCAC	32B	.0204	Repeal
Application Forms	21	NCAC	32B	.0206	Repeal
Letters of Recommendation	21	NCAC	32B	.0207	Repeal
Examination Fee	21	NCAC	32B	.0209	Repeal
Deadline	21	NCAC	32B	.0210	Repeal
Passing Score	21	NCAC	32B	.0211	Repeal
Examination Times	21	NCAC	32B	.0212	Repeal
Graduate Medical Education and Training for Licens	21	NCAC	32B	.0213	Repeal
Personal Interview	21	NCAC	32B	.0214	Repeal
Examination Combinations	21	NCAC	32B	.0215	Repeal
Medical Education	21	NCAC	32B	.0301	Repeal

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ECFMG Certification	21	NCAC	32B	.0302	Repeal
Application Forms	21	NCAC	32B	.0304	Repeal
Examination Basis for Endorsement	21	NCAC	32B	.0305	Repeal
Letters of Recommendation	21	NCAC	32B	.0306	Repeal
Certified Photograph and Certification of Graduate	21	NCAC	32B	.0307	Repeal
Fees	21	NCAC	32B	.0308	Repeal
Personal Interview	21	NCAC	32B	.0309	Repeal
Deadline	21	NCAC	32B	.0310	Repeal
Endorsement Relations	21	NCAC	32B	.0311	Repeal
Routine Inquiries	21	NCAC	32B	.0312	Repeal
Graduate Medical Education and Training	21	NCAC	32B	.0313	Repeal
Passing Exam Score	21	NCAC	32B	.0314	Repeal
Ten Year Qualification	21	NCAC	32B	.0315	Repeal
Spex Fee	21	NCAC	32B	.0316	Repeal
Credentials	21	NCAC	32B	.0401	Repeal
Temporary License Fee	21	NCAC	32B	.0402	Repeal
Medical Education	21	NCAC	32B	.0508	Amend
Fees	21	NCAC	32M	.0112	Amend
OCCUPATIONAL LICENSING BOARDS/MIDWIFERY JOINT COMMITTEE					
Due Process	21	NCAC	33	.0105	Amend
OCCUPATIONAL LICENSING BOARDS/N C BOARD OF NURSING					
Selection and Qualifications of Nurse Members	21	NCAC	36	.0109	Amend
Determination of Vacancy	21	NCAC	36	.0112	Amend
Determination of Qualifications	21	NCAC	36	.0113	Amend
Components of Nursing Practice for the Registered	21	NCAC	36	.0224	Amend
Components of Nursing Practice for the Licensed	21	NCAC	36	.0225	Amend
OCCUPATIONAL LICENSING BOARDS/N C BOARD OF EXAMINERS OF ENGINEERS AND SURVEYORS					
Requirements for Licensing	21	NCAC	56	.0501	Amend
Application Procedure Individual	21	NCAC	56	.0502	Amend
Expirations and Renewals of Certificates	21	NCAC	56	.0505	Amend
Application Procedure Individual	21	NCAC	56	.0602	Amend
Expirations and Renewals of Certificates	21	NCAC	56	.0606	Amend
Rules of Professional Conduct	21	NCAC	56	.0701	Amend
Annual Renewal	21	NCAC	56	.0804	Amend
Offices	21	NCAC	56	.0901	Repeal
Standard Certification Requirements	21	NCAC	56	.1103	Amend
Classification of Vertical Control	21	NCAC	56	.1605	Amend
Specifications for Topographic and Planimetric Mapp	21	NCAC	56	.1606	Amend
Global Positioning System Surveys	21	NCAC	56	.1607	Amend
Classifications/Land Information System/Geographi	21	NCAC	56	.1608	Amend
Minimum Photogrammetric Production	21	NCAC	56	.1609	Repeal
Reinstatement	21	NCAC	56	.1708	Repeal
Sponsors	21	NCAC	56	.1713	Repeal
DEPARTMENT OF ADMINISTRATION/STATE PERSONNEL COMMISSION					
Program Implementation Agency & University	25	NCAC	01L	.0104	Amend

AGENDA
RULES REVIEW COMMISSION
April 18, 2002

- I. Call to Order and Opening Remarks
- II. Review of minutes of last meeting
- III. Follow Up Matters
 - A. Department of Agriculture – 2 NCAC 38 .0701 Objection 03/21/02 (DeLuca)
 - B. DHHS/Commission for MH/DD/SAS – 10 NCAC 14J .0201 Objection 03/21/02 (DeLuca)
 - C. DHHS/ Commission for MH/DD/SAS – 10 NCAC 14P .0102 Objection 03/21/02 (DeLuca)
 - D. DHHS/ Commission for MH/DD/SAS – 10 NCAC 14R .0101; .0105 Objection 03/21/02 (DeLuca)
 - E. DHHS/ Commission for MH/DD/SAS – 10 NCAC 14V .6002 Objection 03/21/02 (DeLuca)
 - F. DHHS/Social Services Commission – 10 NCAC 41F .0601; .0705 Objection 03/21/02 (DeLuca)

RULES REVIEW COMMISSION

- G. NC Manufactured Home Board – 11 NCAC 8 .1418 Objection 03/21/02 (DeLuca)
- H. Department of Insurance – 11 NCAC 12 .1006; .1028 Objection 03/21/02 (DeLuca)
- I. DENR/Soil and Water Conservation Commission – 15A NCAC 6E .0103 Objection on 12/20/01 (Bryan)
- J. DENR/Division of Forest Resources – 15A NCAC 9C .0507; .0510; .0516; .0604; .0605; .0607; .0902; .0903 Objection 03/21/02 (Bryan)
- K. DENR/Radiation Protection Commission – 15A NCAC 11 .0104; .0320; .1403; 1408; .1417; .1418; .1610; .1613 Objection (Bryan)
- L. Secretary of State – 18 NCAC 5B .0103; .0105; .0106; .0107; .0108; .0310; .0410 Objection 03/21/02 (Bryan)
- M. NC Licensing Board for General Contractors – 21 NCAC 12 .0210 Objection 03/21/02 (Bryan)
- N. NC Board of Dental Examiners – 21 NCAC 16B .0315 Objection 03/21/02 (Bryan)
- O. NC Board of Dental Examiners – 21 NCAC 16C .0310 Objection 03/21/02 (Bryan)
- P. NC Board of Dental Examiners – 21 NCAC 16D .0102 Objection 03/21/02 (Bryan)
- Q. NC Board of Dental Examiners – 21 NCAC 16Q .0202; .0302 Objection 03/21/02 (Bryan)
- R. NC Board of Dental Examiners – 21 NCAC 16Y .0101; .0102; .0103; .0104 Objection 03/21/02 (Bryan)
- S. Board of Nursing – 21 NCAC 36 .0227; .0301; .0302; .0321 Objection 03/21/02 (Bryan)
- T. NC Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors – 21 NCAC 50 .0104; .0404 Objection 03/21/02 (Bryan)
- U. NC Substance Abuse Professional Certification Board – 21 NCAC 68 .0202; .0203; .0205; .0215 Objection 03/21/02 (Bryan)
- IV. Review of rules (Log Report #186)
- V. Commission Business
- VI. Next meeting: Tuesday, April 30, 2002

CONTESTED CASE DECISIONS

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.

ADMINISTRATIVE LAW JUDGES

Sammie Chess Jr.
Beecher R. Gray
Melissa Owens Lassiter

James L. Conner, II
Beryl E. Wade
A. B. Elkins II

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOL BEVERAGE CONTROL COMMISSION</u>				
C's Mini-Mart, Camille Stephens v. NC ABC Commission and City of Charlotte	00 ABC 1264	Lassiter	06/08/01	
NC ABC Commission v. Benjamin Franklin Black, B and M Convenience	01 ABC 0663	Morrison	07/23/01	
Deleon Christopher Izi v. NC Alcoholic Beverage Control Commission	01 ABC 0709	Gray	10/11/01	
NC Alcoholic Beverage Control Commission v. Henry Rudolph Brake T/A Horsin Around Country Club	01 ABC 0811	Lassiter	08/13/01	
NC ABC Commission v. James Okwudili Nwizu, T/A Sahara Mini Mart	01 ABC 1209	Elkins	02/01/02	
NC ABC Commission v. Colap Ent., Inc. T/A Pantana Bobs	01 ABC 1472	Morrison	03/05/02	
<u>BOARD OF MORTUARY SCIENCE</u>				
NC Board of Mortuary Science v. Beasley's Funeral Home, Inc., Odell Beasley, Crystal Beasley-Walker	00 BMS 0469	Mann	07/17/01	
Board of Mortuary Science v. Hunter Funeral Home & Julius Hunter	00 BMS 0505	Reilly	11/01/00	
NC Board of Mortuary Science v. Robert Breece, Jr., and Osborne Owens and Rogers and Breece Funeral Home	00 BMS 1763	Morrison	08/22/01	
NC Board of Mortuary Science v. Kyle Garret Peacock, Philip Smoak and Peggy Peacock	01 BMS 0298	Lassiter	09/20/01	
<u>BOARD OF GEOLOGISTS</u>				
O. Phillip Kimbrell, P.G. v. NC Board for the Licensing of Geologists	99 BOG 1254	Conner	05/29/01	
<u>CRIME CONTROL AND PUBLIC SAFETY</u>				
Georgina Joyner v. NC Crime Victims Compensation Commission	95 CPS 0359	Gray	10/23/01	
Jerry W. Taylor v. NC Victims Compensation Commission	00 CPS 1052	Gray	05/23/01	
Clarence Forney v. NC Crime Victims Compensation Commission	00 CPS 1994	Elkins	10/11/01	
Sheree D Sirotnak v. NC Crime Victims Compensation Commission	00 CPS 2209	Wade	06/14/01	
Eddie N McLaughlin v. NC Crime Victims Compensation Commission	01 CPS 0086	Elkins	06/05/01	
Ricardo Darnell Jones v. NC Crime Victims Compensation Commission	01 CPS 0242	Elkins	02/01/02	
Marie King Cutler v. NC Crime Victims Compensation Commission	01 CPS 0926	Gray	01/28/02	
Bobby Holmes, Jr. v. NC Crime Victims Compensation Commission	01 CPS 1095	Gray	10/09/01	
John R. Ackerman v. NC State Highway Patrol	01 CPS 1327	Morrison	09/24/01	
David Nixon v. NC Crime Victims Compensation Commission	01 CPS 1330	Elkins	02/01/02	16:18 NCR 2055
Edna Hunt v. NC Crime Victims Compensation Commission	01 CPS 1434	Chess	01/10/02	
<u>HEALTH AND HUMAN SERVICES</u>				
Gregory Keith Millican v. NC DHHS, Div of Social Svcs, CSE Section	99 CRA 1008	Gray	10/12/01	
David P. Lemieux v. Department of Health & Human Services	01 CRA 0428	Gray	06/05/01	
Clayton E Reeves v. Department of Health & Human Services	01 CRA 0773	Elkins	08/16/01	
Gerald Pelletier III v. Department of Health & Human Services	01 CRA 0882	Morrison	07/19/01	
Anthony B Smalling v. Department of Health & Human Services	01 CRA 0993	Conner	08/07/01	
Angelo Terry, Jr. v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 1294	Wade	10/25/01	
Ronald A. Kaye v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 1380	Lassiter	01/15/02	
Christopher Beauchamp v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 1688	Wade	02/04/02	
Daryle M McLaughlin v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 1726	Elkins	01/08/02	
James A Altizer v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 1884	Morrison	01/08/02	
Mathis Raye Sessoms v. NC DHHS, Div. of Social Svcs., CSE Section	01 CRA 2023	Chess	02/06/02	

CONTESTED CASE DECISIONS

Child Support Enforcement Section

Sandra Ferrell Miller v. Department of Health & Human Services	99 CSE 1390	Gray	10/24/01
Asuncion I. Crawford v. Department of Health & Human Services	99 CSE 1398	Mann	11/16/01
Rafael Leon Garcia v. Department of Health & Human Services	99 CSE 1460	Mann	10/31/01
Darrick A Fewell v. Department of Health & Human Services	99 CSE 1472	Lassiter	02/28/02
Ozeal E Hinton v. Department of Health & Human Services	99 CSE 1712	Mann	02/13/02
John F McCollum v. Department of Health & Human Services	00 CSE 0252	Gray	07/18/01
James J. Murphy v. Department of Health & Human Services	00 CSE 0320	Morrison	09/28/01
Winston Shell v. Department of Health & Human Services	00 CSE 0340	Gray	12/21/01
Willie Montgomery v. Department of Health & Human Services	00 CSE 0379	Gray	10/11/01
Deidra Dawn Andrews v. Department of Health & Human Services	00 CSE 0382	Morrison	09/13/01
Steven D Hamrick v. Department of Health & Human Services	00 CSE 0383	Lassiter	09/17/01
Gregory Kent Cranford v. Department of Health & Human Services	00 CSE 0392	Chess	11/30/01
Thellie Paul Casper v. Department of Health & Human Services	00 CSE 0587	Mann	10/12/01
Melvin Lewis Smith v. Department of Health & Human Services	00 CSE 0597	Chess	02/06/02
Darrell J Kiser v. Department of Health & Human Services	00 CSE 0610	Lassiter	02/14/02
Leverette Lillington Knighten II v. Department of Health & Human Services	00 CSE 0612	Gray	08/24/01
Bryant Harold Silance v. Department of Health & Human Services	00 CSE 0740	Gray	02/01/02
Wade R Locklear v. Department of Health & Human Services	00 CSE 0872	Lassiter	01/08/02
Robert D Goodman v. Department of Health & Human Services	00 CSE 1083	Conner	11/26/01
Bickett Fort v. Department of Health & Human Services	00 CSE 1169	Mann	08/10/01
Gary E Ligon v. Department of Health & Human Services	00 CSE 1344	Morrison	09/20/01
Ronnie Chapman v. Department of Health & Human Services	00 CSE 1367	Conner	11/20/01
Gerald L. Coker v. Department of Health & Human Services	00 CSE 1396	Morrison	08/29/01
Sharon Tucker v. Department of Health & Human Services	00 CSE 1530	Morrison	11/27/01
William E Kurn v. Department of Health & Human Services	00 CSE 1544	Morrison	11/16/01
Marvin Gay Adams v. Department of Health & Human Services	00 CSE 1550	Wade	09/18/01
Marvin R Thorpe Sr v. Department of Health & Human Services	00 CSE 1570	Morrison	12/04/01
David Martin Kahler Jr v. Department of Health & Human Services	00 CSE 1574	Wade	03/06/02
Dean E McCall v. Department of Health & Human Services	00 CSE 1575	Conner	10/04/01
Robert Boening v. Department of Health & Human Services	00 CSE 1583	Morrison	10/31/01
Edward Cozart v. Department of Health & Human Services	00 CSE 1594	Gray	09/14/01
Rita Caperoon v. Department of Health & Human Services	00 CSE 1597	Lassiter	08/27/01
Walter Chambers v. Department of Health & Human Services	00 CSE 1610	Conner	01/09/02
Trina Player v. Department of Health & Human Services	00 CSE 1611	Wade	10/22/01
Robert B McKay v. Department of Health & Human Services	00 CSE 1620	Gray	09/14/01
Thomas L Larison v. Department of Health & Human Services	00 CSE 1649	Mann	10/29/01
Christopher E Tann v. Department of Health & Human Services	00 CSE 1652	Wade	02/21/02
Gary E Barker v. Department of Health & Human Services	00 CSE 1659	Mann	09/26/01
Mettie Hansley v. Department of Health & Human Services	00 CSE 1673	Morrison	08/24/01
David K. Rose v. Department of Health & Human Services	00 CSE 1681	Gray	06/05/01
Bruce E Carpenter v. Department of Health & Human Services	00 CSE 1683	Morrison	10/31/01
John T McDonald v. Department of Health & Human Services	00 CSE 1687	Wade	06/08/01
Darren S Boyd v. Department of Health & Human Services	00 CSE 1697	Wade	08/29/01
Ilian Tourloukis v. Department of Health & Human Services	00 CSE 1701	Gray	09/14/01
Terry Antonio Leath v. Department of Health & Human Services	00 CSE 1709	Morrison	10/16/01
Jarvis Williams v. Department of Health & Human Services	00 CSE 1712	Wade	10/22/01
Jerry McLean v. Department of Health & Human Services	00 CSE 1725	Mann	09/13/01
Raymond Stevens v. Department of Health & Human Services	00 CSE 1730	Mann	10/31/01
David John Pehler v. Department of Health & Human Services	00 CSE 1733	Morrison	12/04/01
Mohammad E Ghafarian v. Department of Health & Human Services	00 CSE 1734	Wade	11/16/01
Richard Kevin Day v. Department of Health & Human Services	00 CSE 1735	Conner	08/20/01
Joe Louis Hall Jr. v. Department of Health & Human Services	00 CSE 1737	Morrison	11/16/01
Willie E Harris v. Department of Health & Human Services	00 CSE 1742	Morrison	07/26/01
Hugh Williams Jr v. Department of Health & Human Services	00 CSE 1753	Morrison	10/02/01
Michael Worthy v. Department of Health & Human Services	00 CSE 1756	Wade	09/18/01
Eduardo R Miranda v. Department of Health & Human Services	00 CSE 1768	Wade	09/18/01
Jacqueline Land v. Department of Health & Human Services	00 CSE 1773	Morrison	11/05/01
William Baxter v. Department of Health & Human Services	00 CSE 1776	Wade	05/30/01
Cynthia Michelle Matthews v. Department of Health & Human Services	00 CSE 1796 ¹	Gray	02/27/02
Cynthia Michelle Matthews v. Department of Health & Human Services	00 CSE 1797	Gray	02/27/02
Albert Hooks Jr. v. Department of Health & Human Services	00 CSE 1798	Lassiter	07/30/01
Jason Cline v. Department of Health & Human Services	00 CSE 1804	Gray	11/14/01
Larry J Thompson v. Department of Health & Human Services	00 CSE 1824	Morrison	12/18/01
John N. Pullium v. Department of Health & Human Services	00 CSE 1829	Chess	11/21/01
Walter Columbus Simmons v. Department of Health & Human Services	00 CSE 1831	Gray	10/10/01
Manargo Victor Boykin v. Department of Health & Human Services	00 CSE 1835 ¹	Wade	05/30/01
Manargo Victor Boykin v. Department of Health & Human Services	00 CSE 1837 ¹	Wade	05/30/01
Larry W Kiser v. Department of Health & Human Services	00 CSE 1840	Gray	06/08/01
Rodney K Green Sr. v. Department of Health & Human Services	00 CSE 1851	Gray	02/13/02
Jason Parker v. Department of Health & Human Services	00 CSE 1853	Morrison	08/02/01
Michael A Gresham Sr. v. Department of Health & Human Services	00 CSE 1862	Gray	06/28/01
Allen K. Galloway v. Department of Health & Human Services	00 CSE 1883	Morrison	12/06/01
Jeffery W Sisk v. Department of Health & Human Services	00 CSE 1884	Lassiter	11/28/01
Barbara J Stacy v. Department of Health & Human Services	00 CSE 1903	Lassiter	09/17/01
Michael N Brack v. Department of Health & Human Services	00 CSE 1904	Lassiter	07/02/01
Robert E Scott v. Department of Health & Human Services	00 CSE 1907	Chess	02/06/02
Gregory C McCauley v. Department of Health & Human Services	00 CSE 1915	Wade	08/03/01

¹13 Combined Cases

CONTESTED CASE DECISIONS

Raymond N Strother v. Department of Health & Human Services	00 CSE 1910	Gray	07/18/01
Tamara J Mills-Cooper v. Department of Health & Human Services	00 CSE 1918	Gray	09/14/01
Donald E Scott v. Department of Health & Human Services	00 CSE 1919	Chess	08/08/01
Wayne DeRoss v. Department of Health & Human Services	00 CSE 1940	Conner	11/26/01
Paul Clayton Shepard v. Department of Health & Human Services	00 CSE 1945	Lassiter	09/20/01
Tammie Sawyer v. Department of Health & Human Services	00 CSE 1946	Gray	09/26/01
Paula Morrill v. Department of Health & Human Services	00 CSE 1948	Conner	10/16/01
Marcus Dontez Chavis v. Department of Health & Human Services	00 CSE 1955	Gray	10/15/01
Robert Steven Preston v. Department of Health & Human Services	00 CSE 1958	Lassiter	06/05/01
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2 Combined Cases

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Flossie S McCoy v. Department of Health & Human Services	00 DCS 2152	Lassiter	12/13/01
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Debra Brown v. DHHS, Division of Facility Services	00 DHR 2009	Gray	06/28/01	
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Peter Lynn Mosher v. DHHS, Division of Facility Services	01 DHR 0178	Mann	05/30/01	
Samuel McKinley Tugman v. DHHS, Division of Facility Services	01 DHR 0512	Gray	07/25/01	
Keysha Lynn Ragas v. DHHS, Division of Facility Services	01 DHR 0214	Wade	06/28/01	
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Madge B Murray v. NC DHHS, Div. of Facility Services, Health Care Personnel Registry	01 DHR 0953	Conner	09/12/01	
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Dorothy J. Gilmore v. DHHS, Division of Facility Services	01 DHR 1295	Gray	12/04/01	
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Michelle Peebles v. NC DHHS, Division of Facility Services	01 DHR 1345	Lassiter	10/19/01	
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John H Anderson v. Bladen County Dept. of Social Services	01 DHR 0605	Morrison	06/22/01
Kishja Marlin v. NC DHHS, Social Svcs. Program Integrity Section	01 DHR 0634	Elkins	07/11/01
Judy P Miller v. Ashe Co. Dept. of Social Services, NC DHHS, Division of Facility Services, Health Care Personnel Registry	01 DHR 1363	Gray	09/18/01

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Sara E Parker v. GACPD	01 DOA 1606	Lassiter	03/04/02

JUSTICE

Deona Renna Hooper v. Co. Police Program, Co. Police Administrator	00 DOJ 2177	Wade	06/22/01
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Alarm Systems Licensing Board

Edward James Summers v. Alarm Systems Licensing Board	01 DOJ 0352	Morrison	06/13/01
Joseph Brian Moses v. Alarm Systems Licensing Board	01 DOJ 0582	Wade	06/01/01
Arthur Eugene Corpening v. Alarm Systems Licensing Board	01 DOJ 0789	Morrison	06/13/01
Donny Lamor Phillips v. Alarm Systems Licensing Board	01 DOJ 0997	Lassiter	07/24/01
Stephen Wayne Farmer v. Alarm Systems Licensing Board	01 DOJ 0998	Lassiter	07/24/01
Lisa Nichols Caviness v. Alarm Systems Licensing Board	01 DOJ 1258	Conner	10/08/01
Benjamin Sabbath Krizon v. Alarm Systems Licensing Board	01 DOJ 1303	Conner	09/14/01
Michael Bullard v. Alarm Systems Licensing Board	01 DOJ 1310	Gray	10/30/01
James Kevin Hightower v. Alarm System Licensing Board	01 DOJ 1351	Gray	10/12/01
Telzy T. Porter v. Alarm System Licensing Board	01 DOJ 1496	Elkins	11/19/01
Francis Hoi Chan v. Alarm System Licensing Board	01 DOJ 1497	Chess	01/02/02
Julio Eduardo Riofrio v. Alarm System Licensing Board	01 DOJ 1814	Morrison	12/06/01
Robert A. Phelps v. Alarm System Licensing Board	01 DOJ 1815	Morrison	12/06/01
Tony Legrand Reid v. Alarm System Licensing Board	01 DOJ 1816	Morrison	02/13/02
Morgan Andrew Glenn v. Alarm System Licensing Board	01 DOJ 1855	Morrison	02/13/02
Edward Phillip Singler v. Alarm System Licensing Board	01 DOJ 2217	Wade	02/21/02
Michael William Rich v. Alarm System Licensing Board	02 DOJ 0025	Morrison	02/13/02

16:10 NCR 947

Private Protective Services Board

Linda Morton Kiziah v. Private Protective Services Board	01 DOJ 0353	Wade	06/01/01
Willie Carl Wilson v. Private Protective Services Board	01 DOJ 0580	Morrison	06/04/01
Emar I. Ifediora v. Private Protective Services Board	01 DOJ 0823	Conner	10/16/01
Adonte Mekail Macon v. Private Protective Services Board	01 DOJ 0999	Lassiter	07/05/01
Calvin McNair v. Private Protective Services Board	01 DOJ 1000	Lassiter	07/03/01
Michael David Faris v. Private Protective Services Board	01 DOJ 1271	Gray	10/12/01
Donald Walter Thompson, Jr. v. Private Protective Services Board	01 DOJ 1495	Elkins	11/14/01
Johnny Randolph Clark v. Private Protective Services Board	01 DOJ 1509	Wade	12/27/01
Ricky (Richard struck) Derrick Johnson v. Private Protective Services Bd.	01 DOJ 1550	Elkins	11/15/01
Tamera Ramelle Adams v. Private Protective Services Board	01 DOJ 1817	Morrison	12/06/01
Marsha Lynn Marshall v. Private Protective Services Board	01 DOJ 1856	Morrison	12/06/01
Lonnie Mack Maines, Jr. v. Private Protective Services Board	01 DOJ 1985	Morrison	12/11/01
Timothy Ray Robinson v. Private Protective Services Board	01 DOJ 2216	Wade	12/27/01

Sheriffs' Education & Training Standards Commission

Larry Russell Jackson v. NC Criminal Justice & Trng. Stds. Comm.	00 DOJ 0721	Gray	07/20/01
Joshua Craig Brothers v. NC Sheriffs' Educ. & Trng. Stds. Comm.	00 DOJ 1558	Elkins	06/12/01
Wardell R.K. Scott v. NC Sheriffs' Educ. & Trng. Stds. Comm.	00 DOJ 1577	Gray	08/27/01
Darrick Harris v. NC Sherriffs' Educ. & Training Standards Comm.	00 DOJ 2267	Wade	10/17/01
Anita Allen Coats v. NC Criminal Justice & Training Stds. Comm.	01 DOJ 0023	Morrison	09/07/01
Alan Henry Roebuck v. NC Sheriffs' Educ. & Trng. Stds. Comm.	01 DOJ 0444	Gray	11/30/01
Mark J Smith v. NC Sheriffs' Educ. & Training Stds. Comm.	01 DOJ 0470	Gray	10/11/01
Gregory Rayvon Wood v. NC Criminal Justice Ed. & Trng. Stds. Comm.	01 DOJ 0478	Morrison	11/08/01
Marcus O Clark v. NC Sheriffs' Educ. & Training Stds. Comm.	01 DOJ 0500	Gray	10/12/01
Horace H. Lane v. NC Sheriffs' Educ. & Training Stds. Comm.	01 DOJ 0557	Conner	11/07/01
James D. Panther v. NC Sheriffs' Educ. & Trng. Stds. Comm.	01 DOJ 0616	Wade	08/29/01
Christina Hilliard Davis v. NC Criminal Justice & Trng. Stds. Comm.	01 DOJ 0650	Gray	09/28/01
Donna Ingold Hatley v. NC Sheriffs' Educ. & Training Stds. Comm.	01 DOJ 1142	Chess	01/30/02
Gary C Daugherty v. NC Sheriffs' Educ. & Trng. Stds. Comm.	01 DOJ 1267	Chess	10/04/01
William T. Young v. NC Sherriffs' Educ. & Trng. Stds. Comm.	01 DOJ 1600	Wade	02/27/02
Kevin Hoover v. NC Sheriffs' Educ. & Trng. Stds. Comm.	01 DOJ 1601	Elkins	12/04/01
Darius Zeb Brevard, Jr. v. NC Criminal Justice & Trng. Stds. Comm.	01 DOJ 2309	Wade	02/27/02

DEPARTMENT OF STATE TREASURER

Gwen A Lindsey v. Timothy S Bryan, State of NC, Dept. of State Treasurer, Retirement Systems	00 DST 0727	Mann	08/06/01
Bruce E. Colvin v. Board of Trustees of the Local Governmental Employees' Retirement System	00 DST 0776	Gray	07/06/01

16:04 NCR 384

STATE BOARD OF EDUCATION

Phase Academy of Jacksonville, Inc., dba Phase Academy Public Charter School v. Public Schools of North Carolina, State Board of Education	00 EDC 2119	Elkins	11/07/01
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16:12 NCR 1252

CONTESTED CASE DECISIONS

Carolyn H. Lancaster v. NC Department of Public Instruction	01 EDC 0054	Morrison	11/08/01		
Bobby E Hart v. Superintendent Cumberland Co. Sch., Rockfish Elem.	02 EDC 0106	Mann	02/18/02		
ENVIRONMENT AND NATURAL RESOURCES					
James W and Winnifred King v. Div. of Coastal Management	97 EHR 0791	Gray	11/29/01	16:14 NCR	1618
Leahman Coday, Jr. v. NC DENR	99 EHR 1651	Wade	06/21/01		
Hawley Farms, Inc. v. NC DENR, Div. of Water Quality	99 EHR 1740	Conner	10/25/01		
Holly Ridge Associates, LLC, v. NC DENR and its Div. of Land Resources, William P. Holman, Sec. of the DENR, in his official Capacity and Charles H. Gardner, Director of the Div. of Land Resources, in his official capacity	00 EHR 0423	Conner	12/20/01	16:16 NCR	1825
Roger M Oxindine Jr. v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0438	Conner	08/17/01		
Thomas E Graham v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0439	Conner	08/17/01		
Joe Fairlamb, Brenda Fairlamb v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0440	Conner	08/17/01		
Thomas M Graham v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0441	Conner	08/17/01		
Paul Blythe, Lori Blythe v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0448	Conner	08/17/01		
Rusty Eller v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0449	Conner	08/17/01		
Lisa Oxidine v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0450	Conner	08/17/01		
Linda M Hickle v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0501	Conner	08/17/01		
Shannon M Scharm, Alex F Schram v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0508	Conner	08/17/01		
Jacqueline Smith v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0509	Conner	08/17/01		
Gary Smith v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0510	Conner	08/17/01		
Wyatt A Gordon v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0554	Conner	08/17/01		
Chris Conder v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0555	Conner	08/17/01		
Angela & Larry Freeman v. Brunswick Co. Health Department	00 EHR 0635	Conner	11/29/01		
E Dennis Spring v. NC DENR, Div. of Water Quality & Mid South Water Systems, Inc.	00 EHR 0698	Conner	08/17/01		
David T. Stephenson, owner, John P. Williams, Agent, Lot 86 v. NC DENR (Brunswick County Health Department)	00 EHR 0769 ⁵	Gray	08/07/01	16:05 NCR	463
Anson County Citizens Against Chemical Toxins in Underground Storage, Blue Ridge Environmental Defense League, Inc., Mary Gaddy, Bobby Smith and Emma Smith v. DENR	00 EHR 0938	Conner	06/05/01	16:01 NCR	40
Larry Dale McKeel and Robert Morrison Getchell v. NC DENR, Division of Water Quality and NC Dept. of Transportation	00 EHR 1225	Conner	10/19/01	16:11 NCR	1043
Acreage Brokers, Inc., Doug Golightly, Officer, James T. Gulle Jr., (Agent) v. NC DENR (Brunswick County Health Department)	00 EHR 1214 ¹	Gray	08/07/01	16:05 NCR	463
Albert Galluzzo, James T. Gulle, Jr. (Agent) v. NC DENR	00 EHR 1245 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 62 v. NC DENR (Brunswick County Health Department)	00 EHR 1249 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 65 v. NC DENR (Brunswick County Health Department)	00 EHR 1250 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 64 v. NC DENR (Brunswick County Health Department)	00 EHR 1251 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 69 +½ 68 v. NC DENR, (Brunswick County Health Department)	00 EHR 1252 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR, (Brunswick County Health Dept.)	00 EHR 1253 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 90 v. NC DENR, (Brunswick County Health Department)	00 EHR 1254 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson, Lot 66 v. NC DENR (Brunswick County Health Department)	00 EHR 1255 ¹	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR, Lot 66					
Sammie Williams and Williams Seafood, Inc. v. NC DENR, Division of Coastal Management	00 EHR 1288	Gray	08/02/01	16:05 NCR	484
S. Adrian Becton v. NC DENR	00 EHR 1358	Chess	01/15/02		
Floyd Robertson d/b/a Parson's Well Drilling v. NC DENR, Division of Water Quality	00 EHR 1656	Conner	09/19/01		
Thomas Tilley, Trustee v. NC DENR	00 EHR 1668	Elkins	11/28/01		
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1876	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1877	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1878	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1879	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1880	Gray	08/07/01	16:05 NCR	463
David T. Stephenson v. NC DENR (Brunswick County Health Dept.)	00 EHR 1881	Gray	08/07/01	16:05 NCR	463
Martin Properties, Mr. David Martin v. Town of Cary, Development Services Dept. Erosion Control Office	01 EHR 0088	Morrison	09/06/01		
Barbara Barham, Angels at Play v. Alamance Co. Health Dept.	01 EHR 0142	Morrison	08/16/01		

⁵ Combined Cases

CONTESTED CASE DECISIONS

Paul J Williams v. NC Dept.of Env. Man. Comm. and Keith Overcash, PE Deputy Director	01 EHR 0212	Lassiter	07/12/01	
Laura Walters v. Environmental Management Commission	01 EHR 0230	Lassiter	07/19/01	
Brandon H Clewis, Christy Swails Clewis v. Chatham County Health Dept., Office of Environmental Health	01 EHR 0305	Lassiter	06/04/01	
James L. Horton v. NC DENR, Division of Land Resources	01 EHR 0310	Conner	08/30/01	
Robin R Moore v. NC DENR	01 EHR 0441	Conner	09/17/01	
David R Wells v. NC DENR, Division of Air Quality	01 EHR 0555	Morrison	10/05/01	
Terry Peterson Residential Twenty, LLC v. County of Durham	01 EHR 0558	Conner	12/17/01	16:14 NCR 1624
M/I Homes, Donald Fraley v. Durham County	01 EHR 0687	Conner	07/10/01	
Country Lake Estates, by & through David T. Hawks, Manager v. Wm G Ross, Sec. NC Dept of Env. & Natural Resources	01 EHR 0697	Conner	08/17/01	
Earnest F.D. Collier v. Wilson Co. Dept. of Public Health	01 EHR 0699	Mann	10/05/01	
Marc P Walch v. Haywood Co. Health Dept. c/o Daniel F McLawhorn NC DENR	01 EHR 0730	Morrison	06/26/01	
Richard W Brannock v. NC DENR, Div. of Waste Management	01 EHR 0767	Elkins	07/30/01	
Billy James Miller, Jr., Peggy Matthews Miller v. NC Dept. of Health/ Environmental Health Inspections, John Stucky (Inspector)	01 EHR 0934	Elkins	08/02/01	
Mercer Glass v. NC DENR	01 EHR 0935	Conner	09/11/01	
Nancy D. Tuchscherer v. CAMA-Coastal Area Mgmt. Assoc.	01 EHR 0992	Gray	11/28/01	16:14 NCR 1634
James A Brown v. NC DENR	01 EHR 1197	Elkins	09/17/01	
Vickie Jacobs Little v. Brunswick County Health Department	01 EHR 1298	Mann	11/30/01	
Southside Mobile Home Park, Southside Trust v. NC DENR	01 EHR 1313	Chess	10/22/01	
John (Jack) W. Henry v. DENR, Env. Health Services Section	01 EHR 1322	Conner	12/14/01	
Albert Eric Pickett v. NC DENR	01 EHR 1332	Elkins	11/30/01	
Elfleda G. Shepard v. NC DENR, Division of Coastal Management	01 EHR 1390	Conner	11/28/01	
Town of Murfreesboro v. NC DENR, Div. of Waste Management	01 EHR 1424	Wade	01/10/02	
Peter Pallas v. New Hanover County Board of Health	01 EHR 1441	Conner	01/09/02	
NC Real Estate Services Corp, v. NC DENR, Div. of Air Quality	01 EHR 1503	Elkins	11/20/01	

ENGINEERS AND LAND SURVEYORS

NC Bd. of Examiners for Engineers and Surveyors v. C. Phil Wagoner	01 ELS 0078	Overby	07/11/01	
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OFFICE OF INFORMATION TECHNOLOGY

Spli-Con, LLC v. NC Office of Information Technology	01 GOV 1799	Chess	11/26/01	
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HUMAN RELATIONS COMMISSION

NC Human Relations Commission on behalf of Jeanette Guffey and Harvey Myers	99 HRC 1383	Wade	08/06/01	
NC Human Relations Commission on behalf of Janie Teele v. Wedco Enterprises, Inc., Quality Construction, Inc., The Apartment Group, Erin Banks, and Terry Taylor	00 HRC 1449	Gray	12/21/01	
Sara E. Parker v. NC Human Relations Commission	01 HRC 1284	Chess	10/04/01	

DEPARTMENT OF INSURANCE

Wellpath Select, Inc. v. NC Teachers' & State Employees' Comp.	01 INS 0388	Morrison	07/03/01	
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LICENSING BOARD FOR GENERAL CONTRACTORS

NC Licensing Bd. for Gen. Con. v. Alderman Brothers Construction, Inc. License No. 34455	01 LBC 1146	Elkins	10/10/01	
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MISCELLANEOUS

Tony L. Arnett v. Administrative Office of the Courts	00 MIS 0424	Wade	06/26/01	
Donald Jason Biles v. W-S/Forsyth Zoning Dept et.al., Forsyth Cty District Atty., et.al.	01 MIS 0905	Chess	10/04/01	
Sara E. Parker v. Medical Review of North Carolina	01 MIS 1607	Lassiter	12/03/01	
Sara E. Parker v. Administrative Office of the Courts	01 MIS 1608	Lassiter	12/03/01	
Sara Parker v. NC State Bar, Calvin E. Murphy	01 MIS 1714	Lassiter	11/06/01	
James E Price v. College of the Albemarle & NC Comm. College Sys.	01 MIS 0122	Conner	03/06/02	

OFFICE OF ADMINISTRATIVE HEARINGS

James Spencer, Jr. v. Office of Administrative Hearings	01 OAH 1115	Chess	10/22/01	
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OFFICE OF STATE PERSONNEL

Debbie Whitley v. Wake County Department of Health	96 OSP 1997	Chess	05/22/01	
Larry R Lane v. NC DOT, G.F. Neal, Cty. Maintenance Engineer	99 OSP 0105	Lassiter	07/16/01	
Timothy Ramey v. NC Department of Correction	99 OSP 1085	Chess	06/27/01	
Richard W. Lee v. NC Department of Transportation	99 OSP 1145	Wade	08/29/01	
Miriam Dukes v. Albemarle Mental Health Center Bd. of Directors	00 OSP 0234	Wade	05/22/01	
Angela Ellen Jones v. Mr. Weldon Freeman, Personnel Director, NC Dept. of Crime Control & Public Safety	00 OSP 0345	Lassiter	07/03/01	
Dennis Joyner v. Off. of Juvenile Justice, 7 th Judicial District	00 OSP 0424 ¹⁰	Reilly	02/05/02	
Ricky E Yates v. NC Department of Correction	00 OSP 0453	Gray	01/31/02	16:17 NCR 0000
Victor Garnett v. Dept. of Correction, Craven Correctional Inst.	00 OSP 0722	Elkins	01/11/02	16:17 NCR 0000
Isaac Randall Hall, Jr. v. NC Dept. of St. Treasurer, Ret. Sys. Div.	00 OSP 0760	Wade	02/27/02	
Tina C. Lowery v. NC DOC/Craven Correctional Institution	00 OSP 0767	Conner	11/28/01	
Ivan Williams v. DOC, Division of Prisons	00 OSP 0877	Wade	09/17/01	
Ricky N Faircloth v. NC Department of Transportation	00 OSP 0994	Wade	11/14/01	
Andreas K. Dietrich v. NC Highway Patrol; NC Department of Crime Control & Public Safety	00 OSP 1039	Gray	08/13/01	16:06 NCR 550

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Warren E. Pigott v. NC Department of Correction	00 OSP 1096	Gray	11/26/01	
Andora Taylor Hailey v. NC Department of Correction	00 OSP 1247 ⁵	Conner	11/26/01	
A. Mark Esposito v. Dept. of Transportation	00 OSP 1333	Gray	06/13/01	
Stephen E. Dunn v. NC Department of Correction	00 OSP 1693	Morgan	01/23/02	
Michael H. Vanderburg v. NC Department of Revenue	00 OSP 1702 ⁸	Gray	12/31/01	16:16 NCR 1853
Bobbie D. Sanders v. UNC-CH	00 OSP 1806	Chess	06/21/01	16:03 NCR 271
Robert J. Lane v. NC Department of Correction, Central Engineering	00 OSP 1841	Elkins	06/26/01	
Natalynn P. Tollison v. NCSU <i>et al</i>	00 OSP 1909	Wade	06/01/01	
Michael H. Vanderburg v. NC Department of Revenue	00 OSP 2117 ⁴	Gray	12/31/01	16:16 NCR 1853
Andora Taylor Hailey v. NC Department of Correction	00 OSP 2180	Conner	11/26/01	
Jerrelle B. Jones v. DHHS, O'Berry Center	01 OSP 0003	Lassiter	06/26/01	
Leonard Eugene Leak v. NC Dept. of Correction	01 OSP 0020	Gray	02/25/02	
Deanna Kay Sadler v. NC Department of Transportation	01 OSP 0097	Gray	01/28/02	
Kit Locklear v. NC Department of Correction	01 OSP 0106	Elkins	07/17/01	
Andrew E. Chambers v. NC Department of Corrections	01 OSP 0172	Morrison	07/12/01	
Roy Kevin Tripp v. NC Department of Correction	01 OSP 0231	Morrison	10/04/01	16:09 NCR 864
Lonnie Sessions v. Columbus Correction Inst.	01 OSP 0240	Gray	05/23/01	
Lee Woodburn v. NC State University	01 OSP 0275	Lassiter	06/21/01	
Marsha A. Early v. County of Durham, Dept. of Social Services	01 OSP 0279	Lassiter	10/26/01	
Valerie Thompson Enoch v. Alamance Co. Dept. of Social Services	01 OSP 0316	Lassiter	11/29/01	
Jamel O. Frazier v. NC Department of Transportation	01 OSP 0334	Anderson	07/06/01	
Arlene R. Burwell v. Warren Correctional Institute	01 OSP 0448	Mann	07/18/01	
Alecia M. York v. Fayetteville State University	01 OSP 0598	Mann	10/04/01	
James H. Montayner v. NC Department of Correction	01 OSP 0637	Gray	08/16/01	
Leon Lewis, Jr. v. NC School of Science & Math	01 OSP 0639	Conner	08/17/01	
Dennis Joyner v. Off. of Juvenile Justice, 7 th Judicial District	01 OSP 0643	Reilly	02/05/02	
Marianne E. Moss v. NC Dept. of Health & Human Services	01 OSP 0778	Conner	02/15/02	
Lisa Scopee Lewis v. Carteret Correctional Facility	01 OSP 0801	Gray	07/17/01	
Antonio J. Ballard Sr. v. Morrison Youth Institution (DOC)	01 OSP 0807	Elkins	10/05/01	
Margaret V. Carroll v. Walter B. Jones, Alcohol & Drug Treatment Center, Greenville, NC	01 OSP 0851	Conner	08/14/01	
Wanda Lou Mitchell v. Walter B. Jones, Alcohol & Drug Treatment Center, Greenville, NC	01 OSP 0852	Conner	08/14/01	
William David Fox v. NC Department of Transportation	01 OSP 0853	Morrison	07/02/01	
Rita D. Wilkins v. WNC Reg. Economic Dev. Commission	01 OSP 0857	Morrison	09/21/01	
Nadine H. Ward v. North Carolina State University	01 OSP 0862	Gray	01/31/02	
Lisa M. Franklin v. D.A.R.T. Program in DOC	01 OSP 0909	Gray	09/12/01	
Nancy T. Rimmer v. UNC School of Medicine	01 OSP 0952	Gray	08/24/01	
Jeffrey Scott Zaccari v. NC Department of Transportation	01 OSP 0970	Conner	08/17/01	
John A. Smith v. Department of Corrections, State of NC	01 OSP 0984	Chess	07/25/01	
Faith J. Jackson v. NC Department of Correction	01 OSP 0986	Lassiter	07/12/01	
Sharon Locklear Dean v. Dept. of Juvenile Justice & Delinquency Prevention	01 OSP 1063	Mann	09/17/01	
Steven Swearingen v. NC Department of Correction	01 OSP 1066	Wade	10/17/01	
Lisa C. Wells v. Hyde County	01 OSP 1113	Gray	09/04/01	
Earla Kate Simmons v. WIC Nutrition Program, Brunswick County Health Department, Bolivia, NC	01 OSP 1114	Lassiter	10/30/01	
William S. T. Young v. NC DOC, Pamlico Correctional Institution	01 OSP 1169	Lassiter	11/02/01	
William S. T. Young v. NC DOC, Pamlico Correctional Institution	01 OSP 1169	Lassiter	12/19/01	
Calvia Lynn Hill v. Lumberton Correctional Inst., DOC	01 OSP 1205	Conner	08/07/01	
Craig B. Hilliard v. NC Department of Correction	01 OSP 1214	Morrison	12/18/01	
Rose Beam v. Cabarrus County Board of Education	01 OSP 1233	Elkins	09/27/01	
Darryl Burr v. NC Department of Correction	01 OSP 1282	Morrison	11/13/01	16:12 NCR 1263
Dennis Damon Foster v. NC Department of Correction	01 OSP 1283	Chess	12/07/01	
Thomas H. Glendinning v. Chatham County	01 OSP 1287	Chess	09/07/01	
James L. Ragland v. The Harnett Co. Board of Education	01 OSP 1337	Gray	10/15/01	
Berton Hamm v. Eastern Adolescent Treatment Center	01 OSP 1397	Chess	01/14/02	
Dorothy L. Stinson v. Gaston-Lincoln Area Mental Health "Pathways"	01 OSP 1400	Chess	12/12/01	
Gloria E. Morrow v. NC Division of Social Services	01 OSP 1439	Elkins	12/18/01	
Walter Daniel Giese v. George O' Daniel & the Onslow Co. Health Dept.	01 OSP 1445	Conner	12/17/01	
Annie Karamatsos v. UNC at Charlotte	01 OSP 1456	Mann	11/20/01	
Ronnie McCoy v. Michael Munns, Polk Youth Inst.	01 OSP 1469	Morrison	11/14/01	
Michael T. Bingham v. Harold Seegars, Skilled Trade, NCA&T St. Univ.	01 OSP 1476	Mann	11/20/01	
Larry S. Height v. NC Utilities Comm. of the NC Dept. of Commerce	01 OSP 1487	Morrison	12/28/01	
Alvin Earl Williams v. NC DHHS, Division of Facility Services	01 OSP 1491	Mann	12/17/01	
Larry T. Strickland v. Jennifer Heath and the Dept. of Corrections	01 OSP 1537	Mann	11/30/01	
Gregory S. Harmon v. NC Department of Revenue	01 OSP 1575	Mann	01/18/02	
Carl L. Cobb v. Walter W. Stelle PhD, Dorothea Dix Hosp. - DHHS	01 OSP 1699	Lassiter	02/15/02	
Tammy M. Snipes v. DHHS, (Broughton Hospital)	01 OSP 1873	Chess	01/16/02	
Lillie Joyce Blount v. Caswell Center, Human Resources Employee, Clifton Jones, Supervisor	01 OSP 1898	Lassiter	12/04/01	
Sheila Nickerson v. UNC-CH	01 OSP 2016	Lassiter	01/02/02	
Elana B. Brown v. NC A & T State University	01 OSP 2177	Gray	03/05/02	
Mark Thomas v. John Umstead Hospital	01 OSP 2180	Mann	02/05/02	
Mary Hood Fletcher v. The University of North Carolina at Charlotte	01 OSP 2210	Lassiter	01/15/02	
Carolyn Cook Evans v. NC A & T State University	01 OSP 2233	Gray	03/05/02	
Elizabeth Hall Austin v. University of North Carolina at Charlotte	01 OSP 2338	Mann	02/07/02	
Nona W. Hubbard v. Div. of Comm. Corrections, Frank Davis, Donna Stone and Jerry Wilson	02 OSP 0084	Lassiter	03/04/02	

5 Combined Cases

8 Combined Cases

CONTESTED CASE DECISIONS

Jesse C Whitaker v. University Towers (Student Dining Svc.) Glendora 02 OSP 0108 Gray 02/22/02

DEPARTMENT OF REVENUE

George T. Brower, Phillip J. Taylor v. NC Dept. of Revenue 01 REV 1779 Gray 01/10/02

SECRETARY OF STATE

Moab Tiara Cherokee Kituwah Nation Anewa Tiari-El, Empress v.
Secretary of State, Elaine Marshall 01 SOS 1798 Morrison 12/11/01

UNIVERSITY OF NORTH CAROLINA

Tammie Davis v. UNC Hospitals & UNC Physicians 01 UNC 0506 Mann 07/13/01

Jerelle L Perry v. UNC Hospital 01 UNC 0800 Conner 09/18/01

Lonnie D Watson v. UNC Hospitals 01 UNC 0837 Conner 09/18/01

Susan Coan v. Secretary of Revenue 01 UNC 0977 Conner 11/08/01

Phyllis Green v. The UNC Hospitals at Chapel Hill 01 UNC 1354 Gray 11/26/01

WELL CONTRACTORS

Floyd V. Robertson v. Well Contractor's Certification Commission 01 WCC 0147 Conner 09/19/01