This issue contains documents officially filed through March 8, 2002.

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

**TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE**

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EXPLANATION OF THE PUBLICATION SCHEDULE

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

GENERAL

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

1. temporary rules;
2. notices of rule-making proceedings;
3. text of permanent rules approved by the Rules Review Commission;
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.
STATE OF NORTH CAROLINA

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

BEFORE THE TAX REVIEW BOARD

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.
(4) Letter dated January 29, 1999, from the Assistant Secretary of Revenue to the Taxpayer, designated Exhibit E-4.
(5) Letter dated March 2, 1999, from the Sales and Use Tax Division to the Taxpayer, designated Exhibit E-5.
(6) Letter dated July 1, 1999, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-6.
(7) Letter dated August 2, 1999, from the Sales and Use Tax Division to the Taxpayer, designated Exhibit E-7.
(8) Letter dated August 2, 1999, from the Secretary of Revenue to the Assistant Secretary of Revenue, designated Exhibit E-8.
(9) Letter dated August 2, 1999, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-9.
(10) Notice of Proposed Assessment mailed to Taxpayer on December 31, 1998.
(11) Letter dated September 29, 1999, from Assistant Secretary of Revenue to the Taxpayer, designated Exhibit E-10.
(12) Memorandum dated April 25, 2000, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-11.
(13) Undated letter presented at the hearing by the Taxpayer, designated Exhibit E-12.
(14) Letter dated June 16, 2000, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-13.
(15) Letter dated June 16, 2000, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-14.
(16) Letter dated June 16, 2000, from the Taxpayer to the Assistant Secretary of Revenue, designated Exhibit E-15.

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 properties destined for use outside of North Carolina.
(7) 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" 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
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

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. 1973c. 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
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...
**PROPOSED RULES**

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
PROPOSED RULES

(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.

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.

(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
the discharge from the decontamination activity;

(C) 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: G1A 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)

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;

(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.

(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;

(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; three credits in science, which shall include biology, a physical science, and earth/environmental science; three credits in social studies, which shall be Economic, Legal and Political Systems (ELPS); U.S. history; and world studies; one credit in health and physical education; two credits in the same second language or demonstration of proficiency in a language other than English as determined by the LEA; 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 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).
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

### 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.

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23 NCAC 02D .0326 BUDGET FTE FUNDING

(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.

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.

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 upgrade or train incumbent employees of manufacturing industries.

(ii) The New and Expanding Industry Training program offers customized, job-specific training to new
or expanding companies creating new jobs in the state.

(iii) 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

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
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.


CHAPTER 12 - LIFE AND HEALTH DIVISION

SECTION .1700 - VIATICAL SETTLEMENTS

11 NCAC 12 .1701 DEFINITIONS


11 NCAC 12 .1702 VIATICAL SETTLEMENT PROVIDERS


11 NCAC 12 .1703 VIATICAL SETTLEMENT BROKERS AND REPRESENTATIVES


11 NCAC 12 .1704 STANDARDS FOR EVALUATION OF REASONABLE PAYMENTS


11 NCAC 12 .1705 REPORTING

11 NCAC 12 .1706 CONTRACTS AND PAYMENT OF PROCEEDS

TEMPORARY RULES


11 NCAC 12 .1707 SOLICITATION


11 NCAC 12 .1708 ADVERTISING STANDARDS


11 NCAC 12 .1709 DISCLOSURE


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.


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.

The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:

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;

A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation;

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;

A list of the names of the provider's directors and management personnel, including job titles and a brief descriptions of the job duties;

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;

A detailed description of what steps through which the viator will have access to funds, including the source that will make such funds available;

A complete financing plan, with all financing documents;

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

An antifraud plan, as specified in G.S. 58-58-268(b);

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;

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;

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

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 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.


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.


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 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) 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.


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).
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.


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.


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 such information;

(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).


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.


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.


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.
(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.


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 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 of the format is on file at the Department; and
3. If the viatiation 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.


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 date
2. Saturday before Thanksgiving and the third
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 following Wednesday 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--Chapel Bay bear sanctuary
Beaufort and Pamlico counties--Gump 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
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--Mt. Mitchell 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;
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 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, on Fort Bragg Military Reservation, and on Camp Mackall Military Reservation.

(C) Youth either sex deer hunts. First Saturday in October for youth either sex deer hunting by permit only on a portion of Belews Creek Steam Station in Stokes County designated by agents of the Commission and the third Saturday in October for youth either-sex deer hunting by permit only on Mountain Island State Forest in Lincoln and Gaston counties.

(D) The last open day of the Deer with Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Avery, Buncombe, Haywood, Henderson, Madison, Mitchell, Transylvania, and Yancey counties and the following parts of counties:
   Robeson: That part south of NC 211 and west of I-95.
   Scotland: That part south of US 74.
(E) The last six open days of the Deer With Visible Antlers season described in Subparagraph (b)(1) of this Rule in all of Burke, Caldwell, Catawba, Gaston, Lincoln, McDowell, Polk and Watauga and the following parts of counties:
Camden: That part south of US 158.
Dare: Except 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.

(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, and on Sandhills Game Land.

(D) The third 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 (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.

TEMPORARY RULES

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, **Scotia, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, **Tyrell, 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.

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;
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 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, 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
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
troll 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
tresspass)

(C) Avery County:
Nolichucky River (not trout
waters)
North Toe River (headwaters
to Mitchell County line,
except where posted against
tresspass)
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
trolt water, see
Subparagraph (a)(2) of
this Rule.]
Lost Cove Creek
[not Hatchery
Supported trout
water, see
Subparagraph (a)(4)
of this Rule.]

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
Linhaile River [Land Harbor line
(below dam) to Blue Ridge
Parkway boundary line,
except where posted against
tresspass]
Milltimber Creek

(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
tresspass)
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
TEMPORARY RULES

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)
Thorsp Creek (falls
to NC 90 bridge)
Mulberry Creek (portion not
on game lands not trout
water)
Boone Fork [not
Hatchery Supported
trot 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
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)

(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
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.]

(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)
Skitt Creek
Cliffside Lake
Cartoogechay 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 lands)
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.]
  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]
(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
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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 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)
North Fork Reddies River (Vannoy Creek) (headwaters to Union School bridge on SR 1559)
Darnell Creek (North Prong Reddies River) (downstream ford on SR 1569 to confluence with North Fork Reddies River)
Lewis Fork Creek (not trout water)
South Prong Lewis Fork (headwaters to Lewis Fork Baptist Church)
Fall Creek (except portions posted against trespass)

(Y) Yancey County:
Nolichucky River (not trout water)
Cane River [Bee Branch (SR 1110) to Bowlenes 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)
Rockhouse Creek (entire stream)

(G) 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:
Lickskillet Creek (entire stream)
Middle Creek (game land boundary to mouth)
Rock Creek (game land boundary to mouth)
South Toe River (game land boundary downstream to Clear Creek)

(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:
Carter Creek (game land portion)

Burke County:
Henry Fork (portion on South Mountains State Park)

Jackson County:
Flat Creek
Tuckasegee River (upstream of Clarke property)

McDowell County:
Newberry Creek (game land portion)

Wilkes County:
Harris Creek (portion on Stone Mountain State Park)

Yancey County:
Lower Creek
Upper Creek

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

Avery County:
Elk River (portion on Lees-McRae College property, excluding the millpond)
Lost Cove Creek (game land portion, excluding Gragg Prong and Rockhouse Creek)

Transylvania County:
Davidson River (headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek and Grogan Creek)

Yancey County:
South Toe River (portion from the concrete bridge above Black Mountain Campgroup downstream to game land boundary, excluding Camp Creek and Big Lost Cove Creek)

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

Ashe County:
Trout Lake
Helton Creek (Virginia state line to New River)

Burke County:
Jacob Fork (Shinny Creek to lower South Mountains State Park boundary)

Haywood County:
Richland Creek (Russ Avenue bridge to US 19A-23 bridge)
West Fork Pigeon River (Queen Creek to the first game land boundary upstream of Lake Logan)

Henderson County:
North Fork Mills River (game land portion below the Hendersonville watershed dam)

Jackson County:
Tuckasegee River (NC 107 bridge at Love Field Downstream to the Dillsboro dam)

Macon County:
Nantahala River (portion from Whiteoak Creek to the Nantahala Power and Light power house discharge canal)

Madison County:
Big Laurel Creek (NC 208 bridge to the US 25-70 bridge)
Shelton Laurel Creek (NC 208 bridge at Belva to the confluence with Big Laurel Creek)

McDowell County:
Curtis Creek (game lands portion downstream of U.S. Forest Service boundary at Deep Branch)

Mitchell County:
Cane Creek (NC 226 bridge to NC 80 bridge)

Polk County:
Green River (Fishtop Falls Access Area to confluence with Cove Creek)

Surry County:
Mitchell River (0.6 mile upstream of the end of SR 1333 to the SR 1330 bridge below Kapps Mill Dam)

Transylvania County:
East Fork French Broad River (Glady Fork to French Broad River)

Watauga County:
Watauga River (SR 1557 bridge to NC 105 bridge and SR 1114 bridge to NC 194 bridge at Valle Crucis)

Wilkes County:
East Prong Roaring River (from Bullhead Creek downstream to the Stone Mountain State Park lower boundary)
Stone Mountain Creek (from falls at Allegheny County line to confluence with East Prong Roaring River and Bullhead Creek in Stone Mountain State Park)

(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).

(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 TROTLINES 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 including portions of tributaries within this section located on game lands)
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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 jars, it is unlawful to use metal cans or glass jars as floats. This shall not be construed to prohibit the use of plastic jars, 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:

- Cedarock Pond, Alamance County
- Lake Tomahawk, Buncombe County
- Frank Liske Park Pond, Cabarrus County
- Lake Rim, Cumberland County
- C.G. Hill Memorial Park Pond, Forsyth County
- Kernersville Lake, Forsyth County
- Winston Pond, Forsyth County
- Bur-Mil Park Ponds, Guilford County
- Oka T. Hester Pond, Guilford County
- San-Lee Park Ponds, Lee County
- Kinston Neuseway Park Pond, Lenoir County
- Freedom Park Pond, Mecklenburg County
- Horne’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


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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(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.

(10) Cape Fear Game Land in Pender 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. Deer of either sex may also be taken the Friday preceding the Central muzzle-loading season by participants in the Disabled Sportsman Program.
(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
(16) Chowan Game Land in Chowan 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.

(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
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 all the 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.

(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.

(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.

(C) Waterfowl may be taken by participants in the Disabled Sportsman Program.

(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 on all of the 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 the first six open days and 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.

(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
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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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.

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.

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.

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.

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 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. Participants must obtain a game lands license prior to horseback riding on this area.

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.

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.

(C) The use of dogs, centerfire rifles and handguns for hunting deer is prohibited on the Nutbush Peninsula tract.

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.

Van Swamps Game Land in Beaufort and Washington counties

(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 cooperator agent or by phone.

(h) The following game lands and refuges shall be closed to all
hunting except to those individuals who have obtained a valid
and current permit from the Wildlife Resources Commission:

Bertie, Halifax and Martin counties--Roanoke River
Wetlands
Bertie County--Roanoke River National Wildlife
Refuge
Bladen County—Suggs Mill Pond Game Lands
Burke County—John's River Waterfowl Refuge
Dare County--Dare Game Lands (Those parts of
bombing range posted against hunting)
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;
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Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2001;
Amended 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, Groghan 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
earapace width of five inches (point to point) and the daily
possesion 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.

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,
Ash 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

(2) 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, 1997; July 1,
1996; July 1, 1995; July 1, 1994;
Temporary Amendment Eff. July 1, 2001;

* * * * * * * * * * * * * * * * * * * *
**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:

<table>
<thead>
<tr>
<th>GAME FISHES</th>
<th>DAILY CREEL LIMITS</th>
<th>MINIMUM SIZE LIMITS</th>
<th>OPEN SEASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain Trout:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild Trout</td>
<td>4</td>
<td>7 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Waters</td>
<td></td>
<td></td>
<td>(exc. 2)</td>
</tr>
<tr>
<td>Hatchery Supported Trout</td>
<td>7</td>
<td>None</td>
<td>All year, except</td>
</tr>
<tr>
<td>Waters and Undesignated Waters</td>
<td></td>
<td>(exc. 2)</td>
<td>March 1 to 6:00 a.m.</td>
</tr>
<tr>
<td>Muskellunge and Tiger Musky</td>
<td>2</td>
<td>30 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Chain Pickerel (Jack)</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Walleye</td>
<td>8</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 9)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saurger</td>
<td>8</td>
<td>15 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black Bass:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Largemouth</td>
<td>5</td>
<td>14 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 3, 8 &amp; 10)</td>
<td></td>
<td>(exc. 17)</td>
<td></td>
</tr>
<tr>
<td>Smallmouth and Spotted White Bass</td>
<td>5</td>
<td>12 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 3, 8 &amp; 10)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sea Trout (Spotted or Speckled)</td>
<td>25</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Flounder</td>
<td>None</td>
<td>13 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Red drum (channel bass, red fish, puppy drum)</td>
<td>1</td>
<td>18 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 19)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Striped Bass and their hybrids (Morone Hybrids)</td>
<td>8 aggregate</td>
<td>16 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 1, 5, 6, 11 &amp; 13)</td>
<td></td>
<td>(exc. 1, 5, 6, 11 &amp; 13)</td>
<td></td>
</tr>
<tr>
<td>Shad: (American and Hickory)</td>
<td>10 aggregate</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 18)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kokane Salmon</td>
<td>7</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panfishes</td>
<td>None</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(exc. 4, 12 &amp; 16)</td>
<td>None</td>
<td>(exc. 12)</td>
<td>(exc. 4)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NONGAME FISHES</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. 14)</td>
<td></td>
<td></td>
<td>(exc. 7)</td>
</tr>
</tbody>
</table>

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

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

(3) Bass taken from Calderwood Reservoir may be retained without restriction as to size limit.

(4) On Mattamuskeet Lake, special federal regulations apply.

(5) In the inland fishing waters of Cape Fear, Neuse, Pee Dee, Pungo and Tar-Pamlico rivers and their tributaries 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

(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. The minimum size limit for all black bass, with no exception, is 18 inches in the following trophy bass lakes:

(A) Cane Creek Lake in Union County;
(B) Lake Thom-A-Lex in Davidson County; and
(C) Sutton Lake in New Hanover County.

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

(11) 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 Hyco, 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
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;
(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;
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

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June 20, 2002
July 18, 2002

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Fumigation Requirements for Fumigation Crew
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02 NCAC 9L .1305 Amend
02 NCAC 9L .1306 Adopt
02 NCAC 34 .0102 Amend
02 NCAC 34 .0501 Amend
02 NCAC 34 .0503 Amend
02 NCAC 34 .0505 Amend
02 NCAC 34 .0506 Amend
02 NCAC 34 .0601 Amend
02 NCAC 34 .0604 Amend
02 NCAC 34 .0605 Amend
02 NCAC 34 .0703 Amend
02 NCAC 34 .0803 Amend
02 NCAC 34 .0805 Amend
02 NCAC 34 .0806 Amend
02 NCAC 34 .0904 Amend

DHHS/CHS

Scope
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Procedures Seclusion Physical Restraint or Isolat
Interventions Requiring Additional Safeguards
Training Emphasis to Alternatives to Restrictive
Training in Seclusion Physical Restrain and Isolat
Scope
Policy on Rights Restrictions
Seclusion Physical Restraint and Isolation Time Out
Training on Alternatives to Restrictive Intervent
Training in Seclusion Physical Restraint and Isola

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10 NCAC 14J .0203 Amend
10 NCAC 14J .0206 Amend
10 NCAC 14J .0210 Amend
10 NCAC 14J .0211 Adopt
10 NCAC 14J .0212 Adopt
10 NCAC 14P .0101 Amend
10 NCAC 14Q .0101 Amend
10 NCAC 14R .0104 Amend
10 NCAC 14R .0108 Adopt
10 NCAC 14R .0109 Adopt

DHHS/COMMISSION FOR THE BLIND

Eligibility of Services

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Commercial Lines 11 NCAC 10 .1206 Amend
Transmittal Header 11 NCAC 10 .1209 Adopt

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Open Seasons Creel & Size Limits 15A NCAC 10C .0305 Amend
Manner of Taking Nongame Fishes 15A NCAC 10C .0401 Amend
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Spex Fee
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Program Implementation Agency & University

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)
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
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) 753-2698. Also, the Contested Case Decisions are available on the Internet at the following address: http://www.ncoah.com/hearings.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

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