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Fiscal Note Review of
Proposed Wildlife Resources Commission (WRC) Wildlife Management Rules
15A NCAC 10B .0219
15A NCAC 10B .0223
15A NCAC 10B .0113
15A NCAC 10B .0116

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Impact: State government: No
Local government: No
Substantial impact: No

Authority: G.S. 75A-3; 75A-15

This is a series of four proposed rule amendments. The first two are intended to regulate night hunting of coyotes and feral swine. The last two are technical corrections made necessary by the passage of SL 2011-369 and are in the nature of technical corrections. (See appendix.)

The purpose of the 15A NCAC 10B .0219 proposed amendment is to regulate night hunting of coyotes in a manner designed to promote safety and the conservation of wildlife resources while maximizing the take of a non-indigenous nuisance species. Similarly, the purpose of the 15A NCAC 10B .0223 proposed amendment is to regulate the night hunting of feral swine. Feral swine are essentially hogs that have escaped from livestock pens or that have been intentionally released in an unlawful manner that are now wild. As such, they are also non-indigenous and a nuisance animal.

The proposed changes to 15A NCAC 10B .0113 and 15A NCAC 10B .0116 will only delete references to "wild boar" which, with the passage of SL 2011-369, are no longer a legally recognized game species. Thus, the deletions of these references are

technical corrections to the current rules to bring them into conformity with current State law and are in keeping with the EO 70 mandate.

For reasons which will be outlined below, WRC believes that these rule changes do not meet the criteria requiring a fiscal note pursuant to G.S. § 150B-21.4.

STATE IMPACT ANALYSIS: The agency has concluded that there will be no cost to the State for the following reasons:

* The proposed changes to permit night hunting of coyotes and feral swine are the result of significant interest among the regulated community. Hunters have asked WRC for some time to develop a series of regulations to permit the taking of these animals at night to expand their hunting opportunity.

* The proposed night hunting rules are intended to accomplish the agency's mandate to provide for the conservation of wildlife resources, as well as to provide reasonable regulations for the safety of hunters and other members of the public, and are part of a regulatory program enforced by WRC's Division of Enforcement. The proposed changes are not anticipated to affect staffing or costs to WRC for enforcement as night patrols are already a significant part of enforcement duties.

* The technical changes will have absolutely no impact on agency or State costs.

LOCAL IMPACT ANALYSIS: Local governments are not involved in the enforcement of WRC rules and should incur no costs as a result of this rule.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of any of these proposed changes. There will be a non-economic benefit to the regulated community of hunters by providing them with increased hunting opportunities. There may also be some benefit to the public by hunter reduction of the non-indigenous coyotes that pose a threat to domesticated pets, small livestock or poultry and indigenous wild species. There may also be a benefit to the public in the reduction of the number of feral swine that tend to do damage to certain crops and wooded areas. In addition, increased hunter opportunity has the potential to reduce risks of disease introduction in the commercial swine industry. However, while WRC anticipates that these reductions may result in some benefit, WRC has also determined that the economic impact to the public is minimal, and does not meet the threshold impact requirement of \$500,000 annually.

CONCLUSION: For all of the foregoing reasons, WRC has concluded that a fiscal note is not required for this rule.

APPENDIX

15A NCAC 10B .0113 is proposed for amendment as follows:

15A NCAC 10B .0113 BIG GAME KILL REPORTS

(a) Upon killing a bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey and before moving the animal from the site of kill, the successful hunter shall validate the Big Game Harvest Report Card furnished with the big game hunting license by cutting or punching out the validation box that correctly identifies the big game animal harvested. In lieu of the Big Game Harvest Report Card, antlerless deer may be recorded as outlined above on the Bonus Antlerless Deer Harvest Report Card acquired from the Wildlife Resources Commission or a Wildlife Service Agent.

(b) Before any harvested bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey is skinned, dressed, or dismembered for consumption and within 24 hours of the kill, the animal must be registered with a Wildlife Cooperator Agent or registered through the Electronic Big Game Reporting System. Deer harvested during the urban deer season specified in 15A NCAC 10B .0203(e) shall be registered through the Electronic Big Game Reporting System and shall not be registered with a Wildlife Cooperator Agent. The hunter may field dress the animal at the site of kill or before registering it by bleeding and removing the digestive, respiratory, and circulatory organs; but, the hunter may not mutilate the carcass in a manner that obscures its species identity, age, or sex. When the kill occurs in a remote area, which prevents the animal from being transported as an entire carcass, the animal may be skinned and quartered before being registered. When a hunter harvests a big game animal in a remote area and plans to remain in the remote area for longer than a day, the 24-hour time limit to register the kill is extended until the hunter leaves the area. Upon leaving the remote area, the hunter shall register the kill within 24 hours.

(c) When a hunter registers a kill with a Wildlife Cooperator Agent, the Wildlife Cooperator Agent shall issue an authorization number that includes the date of kill to the big game hunter. The hunter shall record the authorization number given by the Wildlife Cooperator Agent or obtained through the Electronic Big Game Reporting System in the space provided immediately adjacent to the validation box that has been cut or punched out on the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card. The record entered on the Big game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card shall thereafter constitute authorization for the continued possession of the carcass. Possession of a harvested bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey without the validated Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card where applicable, including the authorization number obtained from a Wildlife Cooperator Agent or through the Electronic Big Game Reporting System is unlawful.

(d) Persons who kill a big game animal and leave it unattended shall identify the carcass with their name, their hunting license number, and the date of kill. Once an unattended animal is registered the animal need only be identified with the authorization number received by registering the kill. It is unlawful for a person to possess a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card on which the species validation box has been cut or punched out, but on which the authorization number received by registering the kill has not been recorded, unless the animal is in the person's possession or is identified as described in this Paragraph and not more than 24 hours have passed since the harvest.

(e) Persons who are by law exempt from the big game hunting license shall obtain a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card for License Exempt Hunters from a Wildlife Service Agent. Upon harvesting a bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey, the exempt person shall validate the Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card and register the kill as provided by this Rule.

(f) Persons who use special tags issued pursuant to G.S. 113-291.2(e) to validate the harvest of a deer shall follow the tagging and reporting requirements set forth by statute and are not obligated to take any action under this Rule.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2010; June 1, 2009; May 1, 2007; May 1, 2004; July 1, 2000.
Amended Eff. August 1, 2012

15A NCAC 10B .0116 is proposed for amendment as follows:

15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT

(a) Only longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds and crossbows shall be used for taking game.

(b) Only arrows with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, ~~deer~~ ~~deer, wild boar~~ or wild turkey. Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels, quail, grouse and pheasants. Poisonous, drugged, barbed, or explosive arrowheads shall not be used for taking any game.

(c) Crossbows shall have a minimum pull rated at least 150 pounds. Heads on bolts used with crossbows shall conform to those described for arrows in Paragraph (b) of this Rule.

History Note: Authority G.S. 113-134; 113-291.1(a);
Eff. September 1, 1980;
Amended Eff. July 10, 2010; May 1, 2007; August 1, 2002; July 1, 2000; July 1, 1998; July 1,
1996; August 1, 1990;
Amended Eff. August 1, 2012

15A NCAC 10B .0219 is proposed for amendment as follows:

15A NCAC 10B .0219 COYOTE

- (a) There is no closed season for taking coyotes by hunting. Coyotes may be taken by hunting anytime during the day or night.
- (b) There are no bag limit restrictions on coyotes.
- (c) Manner of Take. Hunters may use electronic ~~ealls~~; calls and artificial lights.

*History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;
Eff. July 1, 1993.
Amended Eff. January 1, 2012
Amended Eff. August 1, 2012*

15A NCAC 10B .0223 is proposed for amendment as follows:

15A NCAC 10B .0223 FERAL SWINE

- (a) Open season. There is no closed season for taking feral swine by hunting. Feral swine may be taken by hunting anytime during the day or night.
- (b) ~~Bag limits.~~ There are no bag limit ~~restrictions~~; restrictions on feral swine.
- (c) Manner of take. Hunters may use artificial lights.

*History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2
Temporary Adoption Eff. October 1, 2011
Eff. January 1, 2012
Eff. August 1, 2012*