



## **Fiscal Note for Proposed Bear Rule Amendment for the Wildlife Resources Commission**

**Rule Amendments:** 15A NCAC 10B .0202 Bear  
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**Impact Summary:** State Government: No  
Local Government: No  
Private Impact: No  
Substantial Economic Impact: No

**Authority:** G.S. 113 – 134; 113-264; 113-291.1; 113-291.5

### **BACKGROUND**

The wildlife resources of the State belong to the people of the State as a whole, including the enjoyment of these resources (G.S. § 113-131(a)). The Wildlife Resources Commission (WRC) is tasked with the conservation of wildlife resources of the State (G.S. § 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. § 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. § 113-134).

As part of its mission, WRC conducts an annual review of its fish, wildlife, boating safety, and game land regulations, to determine whether such rules need to be adjusted in order to accomplish the objectives of: managing wildlife resources through a biologically sustainable harvest of such resources by hunters, trappers and anglers consistent with sound conservation objectives; ensuring the safety of the boating public; managing Commission-owned land for the conservation of wildlife resources and the enjoyment of the public; and implementing legislative directives.

Many of the proposed rule changes are expected to increase hunting, fishing, and outdoor recreation opportunities, while others are expected to restrict such opportunities. Additional changes are intended to improve the quality of future opportunities.

Although the Commission does not have a mechanism to determine the fiscal impact of these specific rule changes on recreationists' behavior, economic research on the value individuals place on outdoor recreation can provide useful context for rules that affect opportunities for

recreation. Taking the median of the findings across multiple studies, researchers have estimated that the value of hunting per person per day is approximately \$63; both hiking and “nature-related recreation” are valued at \$47 per person per day; and fishing is valued at approximately \$53 per person per day.<sup>1</sup> These figures represent individuals’ total willingness to pay to engage in the activity, less the cost to do so. It does not represent any economic activity generated by the activity, such as retail sales. Note that these estimates are not species or location-specific. However, to the extent that the proposed rules induce recreationists to increase or decrease their trips in particular areas of the state, these findings provide a rough approximation of the costs or benefits to the individual.

The following is a summary of the proposed rule amendments to the bear rule 15A NCAC 10B .0202, with the proposed text included in Appendix A.

### **15A NCAC 10D .0202 Bear**

The proposed changes to this rule cover topics related to bear sanctuaries.

For the reasons outlined below, the WRC believes that the proposed rule changes will have minimal fiscal impacts.

This proposed amendment clarifies bear sanctuary rules in the NCAC. These administrative changes will allow staff to better track and implement changes to bear sanctuaries.

#### Fiscal Impact

##### *State Impact*

No impact

##### *Local Impact*

No impact

##### *Private Impact*

No impact

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<sup>1</sup> Rosenberger, Randall S.; White, Eric M.; Kline, Jeffrey D.; Cvitanovich, Claire. 2017. Recreation economic values for estimating outdoor recreation economic benefits from the National Forest System. Gen. Tech. Rep. PNWGTR-957. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 33 p.

# Appendix A

## 15A NCAC 10B .0202 BEAR (EFFECTIVE AUGUST 1, 2018)

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

- (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland counties;
- (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford, Jones, Martin, and Washington counties;
- (4) Second Saturday in November through the first Sunday after Thanksgiving and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans counties;
- (6) Second Sunday in November through the following Sunday and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden, Chowan, and Pasquotank counties;
- (7) Third Saturday in November through the fifth Sunday thereafter in Edgecombe, Greene, Halifax, Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- (8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

(b) Restrictions

- (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components.
- (2) Bears shall not be taken with the use or aid of:
  - (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum, candy block, oils, spices, peanut butter, or grease;
  - (B) any extracts of substances identified in Part (A) of this Subparagraph;
  - (C) any substances modified by substances identified in Part (A) of this Subparagraph, including any extracts of those substances; or
  - (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
- (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in Subparagraphs (a)(2) through (a)(6) of this Rule.
- (5) Bears shall not be taken while in the act of consuming bait.
- (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85, Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston, Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph, Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.

(c) No Open Season. ~~There is no open season in those parts of counties included in the following posted bear sanctuaries.~~ It shall be unlawful to take bear on lands posted as bear sanctuaries except when authorized by permit issued by the Commission as specified in 15A NCAC 10D .0106.

~~Avery, Burke, and Caldwell counties—Daniel Boone bear sanctuary except by permit only~~  
~~Beaufort, Bertie, and Washington counties—Bachelor Bay 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~~

# Appendix A

~~Clay County – Fires Creek bear sanctuary~~  
~~Columbus County – Columbus County bear sanctuary~~  
~~Currituck County – North River bear sanctuary~~  
~~Dare County – Bombing Range bear sanctuary except by permit only~~  
~~Haywood County – Harmon Den bear sanctuary~~  
~~Haywood County – Sherwood bear sanctuary~~  
~~Hyde County – Gull Rock bear sanctuary~~  
~~Hyde County – Pungo River bear sanctuary~~  
~~Jackson County – Panthertown Bonas Defeat bear sanctuary~~  
~~Macon County – Standing Indian bear sanctuary~~  
~~Macon County – Wayah bear sanctuary~~  
~~Madison County – Rich Mountain bear sanctuary~~  
~~McDowell and Yancey counties – Mt. Mitchell bear sanctuary except by permit only~~  
~~Mitchell and Yancey counties – Flat Top bear sanctuary~~  
~~Wilkes County – Thurmond Chatham bear sanctuary~~

(d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.

*History Note:* Authority G.S. 113-134; 113-291.1; 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 14, 1992;  
Temporary Amendment Eff. July 1, 1999;  
Amended Eff. July 1, 2000;  
Temporary Amendment Eff. July 1, 2002;  
Amendment Eff. August 1, 2002;  
Temporary Amendment Eff. September 1, 2003;  
Temporary Amendment Expired Eff. December 27, 2003;  
Amended Eff. August 1, 2015; August 1, 2014; August 1, 2012; August 1, 2010; May 1, 2009; May  
1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;  
Temporary Amendment Eff. May 31, 2016;  
Amended Eff. August 1, 2018; August 1, 2017; August 1, 2016.