

# ***NORTH CAROLINA REGISTER***

**VOLUME 40 • ISSUE 02 • Pages 217 – 266**

**July 15, 2025**

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## **Contact List for Rulemaking Questions or Concerns**

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

### **Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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### **Fiscal Notes & Economic Analysis**

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2025 – December 2025

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 <sup>th</sup> day from publication in the Register
39:13	01/02/25	12/06/24	01/17/25	03/03/25	03/20/25	04/24/2025	05/01/25	09/29/25
39:14	01/15/25	12/19/24	01/30/25	03/17/25	03/20/25	04/24/2025	05/01/25	10/12/25
39:15	02/03/25	01/10/25	02/18/25	04/04/25	04/20/25	05/29/2025	06/01/25	10/31/25
39:16	02/17/25	01/27/25	03/04/25	04/21/25	05/20/25	06/26/2025	07/01/25	11/14/25
39:17	03/03/25	02/10/25	03/18/25	05/02/25	05/20/25	06/26/2025	07/01/25	11/28/25
39:18	03/17/25	02/24/25	04/01/25	05/16/25	05/20/25	06/26/2025	07/01/25	12/12/25
39:19	04/01/25	03/11/25	04/16/25	06/02/25	06/20/25	07/30/2025	08/01/25	12/27/25
39:20	04/15/25	03/25/25	04/30/25	06/16/25	06/20/25	07/30/2025	08/01/25	01/10/26
39:21	05/01/25	04/09/25	05/16/25	06/30/25	07/20/25	08/28/2025	09/01/25	01/26/26
39:22	05/15/25	04/24/25	05/30/25	07/14/25	07/20/25	08/28/2025	09/01/25	02/09/26
39:23	06/02/25	05/09/25	06/17/25	08/01/25	08/20/25	09/25/2025	10/01/25	02/27/26
39:24	06/16/25	05/23/25	07/01/25	08/15/25	08/20/25	09/25/2025	10/01/25	03/13/26
40:01	07/01/25	06/10/25	07/16/25	09/02/25	09/20/25	10/30/2025	11/01/25	03/28/26
40:02	07/15/25	06/23/25	07/30/25	09/15/25	09/20/25	10/30/2025	11/01/25	04/11/26
40:03	08/01/25	07/11/25	08/16/25	09/30/25	10/20/25	11/20/2025	12/01/25	04/28/26
40:04	08/15/25	07/25/25	08/30/25	10/14/25	10/20/25	11/20/2025	12/01/25	05/12/26
40:05	09/02/25	08/11/25	09/17/25	11/03/25	11/20/25	12/18/2025	01/01/26	05/30/26
40:06	09/15/25	08/22/25	09/30/25	11/14/25	11/20/25	12/18/2025	01/01/26	06/12/26
40:07	10/01/25	09/10/25	10/16/25	12/01/25	12/20/25	*01/29/2026	02/01/26	06/28/26
40:08	10/15/25	09/24/25	10/30/25	12/15/25	12/20/25	*01/29/2026	02/01/26	07/12/26
40:09	11/03/25	10/13/25	11/18/25	01/02/26	01/20/26	*02/26/2026	03/01/26	07/31/26
40:10	11/17/25	10/24/25	12/02/25	01/16/26	01/20/26	*02/26/2026	03/01/26	08/14/26
40:11	12/01/25	11/05/25	12/16/25	01/30/26	02/20/26	*03/26/2026	04/01/26	08/28/26
40:12	12/15/25	11/20/25	12/30/25	02/13/26	02/20/26	*03/26/2026	04/01/26	09/11/26

\*Dates not approved by RRC

## **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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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 Human Resources 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 TEXT**

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

**END OF REQUIRED COMMENT PERIOD**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

**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.

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

**TITLE 14B – DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION**

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15C .0102-.0104, .0201-.0206, and .0301-.0308.*

**SUBCHAPTER 15C - INDUSTRY MEMBERS:  
RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP  
CHANDLERS: AIR CARRIERS: FUEL ALCOHOL**

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.abc.nc.gov>

**SECTION .0100 - DEFINITIONS: APPLICATION  
PROCEDURES**

**Proposed Effective Date:** December 1, 2025

**Public Hearing:**

**Date:** September 9, 2025

**Time:** 10:00 a.m.

**Location:** ABC Commission Hearing Room, 400 East Tryon Road, Raleigh, 27610

**Reason for Proposed Action:** Mandatory review and readoption pursuant to G.S. 150B-21.3A.

**Comments may be submitted to:** Renee Metz, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 948-7919; email [rules@abc.nc.gov](mailto:rules@abc.nc.gov)

**Comment period ends:** October 1, 2025

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**14B NCAC 15C .0102 APPLICATION PROCEDURES**

(a) Who Files. ~~Before any~~ A winery, brewery, distiller, distillery, wholesaler, importer, bottler, vendor, distiller distillery representative, brokerage representative, salesman, supplier representative, or vendor representative ~~sells, solicits orders for, or manufactures, bottles, or imports any alcoholic beverage in this State, that person shall first~~ shall file written application for the appropriate a permit and pay any required fees, as described in G.S. 18B-902, and as set forth in this Rule, in compliance with Chapter 18B, Article 9 of the General Statutes before selling, soliciting orders, manufacturing, bottling, or importing alcoholic beverages in this State. Applications for permits for businesses shall be filed by those individuals listed in G.S. 18B-900(c).

(b) Application. ~~Application~~ Applicants may obtain forms for all ABC permits may be obtained from the North Carolina Alcoholic Beverage Control Commission's office or website as set forth in 14B NCAC 15A .0102. ~~Each person~~ An applicant shall provide in the application, under oath, the following ~~information, as applicable:~~ information:

- (1) the name, address, email address, last four digits of social security number, and telephone ~~number(s)~~ numbers of the applicant;
- (2) the mailing address and location address of the business for which ~~a permit is desired, an application is submitted, including~~ an application is submitted, including and the county and state where the business is located;
- (3) the name of the business and whether the business is a sole proprietorship, corporation, limited liability company, or partnership;
- (4) the trade name of the business;
- (5) the applicant's date of birth;
- (6) if the business is a corporation or limited liability company, the name and address of the person authorized to accept service of process of Commission notices or orders ~~under G.S. 1A,~~ pursuant to G.S. 1A, Rule 4(j);
- (7) if the applicant is a ~~non-resident~~ nonresident intending to operate a business in the State, the name and address of a resident of the State appointed as the applicant's attorney-in-fact in accordance with Chapter 32C of the General

Statutes ~~for purposes of~~ in compliance with G.S. 18B-900(a)(2)b.;

- (8) if the application is for a vendor representative, brokerage representative, ~~distiller or distillery~~ representative, or supplier representative permit, authorization from the commercial permittee, brokerage, ~~distiller or distillery~~, or spirituous liquor supplier ~~to represent it; and for the applicant to be its representative; and,~~
- (9) ~~that~~ the applicant is in compliance with G.S. 18B-900(a)(3) through (8).

(c) Additional documentation. The ~~following documents applicant shall submit the following~~ completed, signed, notarized, and ~~recorded, as applicable, recorded documents shall be attached to and submitted with an application, and shall be to be~~ incorporated as part of the application:

- (1) for applicants applying on behalf of a business pursuant to G.S. 18B-900(c), the fingerprint card, Authority for Release of Information Form, and certified check, cashier check, money order, electronic payment, or credit card payment made payable to ~~the North "North Carolina ABC Commission Commission"~~ in the amount of thirty-eight dollars (\$38.00) for payment of a state and national fingerprint-based criminal history record check pursuant to ~~14B NCAC 18B .0405; G.S. 18B-902(b);~~
- (2) for applicants applying for brokerage representative, ~~distiller distillery~~ representative, or supplier representative permits, a certified copy of the applicant's State criminal history record check;
- (3) payment of ~~applicable~~ permit fees as authorized in 14B NCAC 15A .0104;
- (4) for businesses located in this State, a certified copy of ~~any~~ a recorded power of attorney registered in the county where the proposed licensed premises is located;
- (5) for corporations not already holding a permit in this State, a copy of the Articles of Incorporation and a notarized corporate certification of shareholders holding 25 percent or more of the shares of the corporation;
- (6) for limited liability companies not already holding a permit in this State, a copy of Articles of Organization and a notarized organizational certification of members owning 25 percent or more interest in the company. ~~Additionally, if~~ If the limited liability company is manager-managed, the application shall include a copy of the Operating Agreement;
- (7) a black and white copy of applicant's current photo identification;
- (8) for a business located in this State, a copy or memorandum of the lease showing the applicant as tenant, a copy of the deed showing the applicant as the grantee or owner, or a copy of a management agreement with the owner or lessee of the permitted property showing the

applicant has the authority to operate the business at the permitted location; and

(9) a Federal Employer ~~Identification/~~ Identification or Social Security Number Verification Form.

(d) Salesmen, Representatives, Vendors To State Companies. ~~All salesmen, Salesmen,~~ vendor representatives, ~~distiller distillery~~ representatives, brokerage representatives, supplier representatives, and vendors shall ~~further~~ state on the permit application the name of every manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage, spirituous liquor supplier, or vendor that the applicant ~~will represent~~ represents in the State. The persons listed in this Paragraph shall notify the Commission ~~when of the termination of their authorization to represent an industry member ceases. represent an industry member.~~ The manufacturer, importer, wholesaler, ~~distiller, distillery,~~ brokerage, spirituous liquor supplier, or vendor shall notify the Commission ~~whenever any of the persons listed in this Paragraph are no longer their being~~ an authorized representative. Persons required to provide notification ~~Notification required~~ pursuant to this Paragraph shall ~~be made to~~ notify the Commission in writing within 30 days of the termination of the authorization to represent.

(e) Wholesalers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, before a wholesaler receives, possesses, transports, sells, delivers, or ships wine or malt beverages in the State, the vendor shall file with the Commission a separate distribution agreement filing form for each brand authorized to be sold by the wholesaler and the specific territory where the product may be sold for each wholesaler location. The distribution agreement filing form shall contain the ~~vendor's and wholesaler's~~ vendor and wholesaler names, ~~trade names if applicable, trade names,~~ addresses, telephone numbers, ~~ABC Commission~~ permit numbers, ~~and the name of the brand brand, and the~~ territory where the sales may take place in the State, by county or parts of counties. For wine vendors, the form shall also state whether the vendor ~~ships shipped~~ 1,250 cases or more of wine in the State ~~each year, during the preceding calendar year.~~ The form shall be signed and dated by the vendor and the wholesaler shall sign and date the form. If ~~any~~ changes in the distribution agreement affect the information on the distribution agreement filing form filed with the Commission, the wholesaler shall amend the form and file it with the Commission on a revised distribution agreement filing form before the changes become effective.

(f) Liquor Importer/Bottler. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a liquor importer/bottler applying for a permit shall submit a description of the operations of its business, ~~which shall include the location address of any a storage facility or bottling plant ; if different than the address shown on the permit application, and any associated federal alcoholic beverage permit numbers.~~

(g) Nonresident Vendors. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a nonresident malt beverage ~~vendor or vendor,~~ a nonresident wine ~~vendor vendor, or~~ a nonresident spirituous liquor vendor applying for a permit shall submit the following:

- (1) a copy of the Federal Basic Permit or Brewers Notice;

- (2) a statement of whether the business is a malt ~~beverage vendor or a wine~~ beverage, wine, or spirituous liquor vendor;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~ an application to manufacture, use, store, rectify, bottle, distribute, sell, import, or transport distilled spirits, ~~beer~~, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages; and
- (5) certification of understanding that the applicant ~~can~~ shall only engage in activities authorized by the ~~ABC~~ laws of this State for the permit issued, and that ~~before any wine or malt beverage no~~ alcoholic beverages product may ~~can~~ be offered for sale in the State, ~~the product and label must be approved by the Commission. State unless the Commission has approved the product and label.~~

(h) Wine Producers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine producer applying for a permit shall submit a copy of the recorded deed or lease for the farming establishment that meets the requirements set forth in G.S. 18B-1000(10), including the address of the farm and one of the following:

- (1) a survey or diagram of the farm, indicating the areas and acreage used in the production of grapes, berries, or other fruits for the manufacture of unfortified wine; or
- (2) an affidavit stating ~~that~~ the farm consists of at least five acres committed to the production of grapes, berries, or other fruits for the manufacture of unfortified wine, listing the acreage used for this purpose and its function.

(i) Wine Shippers. In addition to the requirements set forth in Paragraphs (a), (b), and (c) of this Rule, a wine shipper applying for a permit shall submit the following:

- (1) a description of the operation of the business;
- (2) a website address through which orders will be received;
- (3) a statement whether the applicant has ever been disapproved by ~~any~~ a government agency for ~~any~~ an application to manufacture, use, store, rectify, bottle, distribute, sell, import or transport distilled spirits, ~~beer~~, malt beverages, or wine;
- (4) a statement whether the applicant has ever compromised, by payment of penalties or otherwise, ~~any~~ a violation of ~~any~~ federal or state laws relating to internal revenue or customs taxation of alcoholic beverages;
- (5) a statement whether the business entity holds a valid Federal Basic Permit, either as a Bonded Wine Cellar or Bonded Winery, and a copy of the Federal Basic Permit; and

- (6) a wine shipper brand ~~listing consisting of all list~~ identifying the brands of fortified and unfortified wines ~~identified~~ to be shipped into the State by the wine shipper, including the names of the common carriers used for shipping. The permitted wine shipper may amend the brands of wine permitted to be shipped into the State by filing an amended wine shipper brand listing with the Commission prior to shipping. Only brands identified by the wine shipper to the Commission in writing ~~may be legally shipped~~ are legal to ship into the State.

*Authority G.S. 18B-100; 18B-109; 18B-207; 18B-900; 18B-902; 18B-1000; 18B-1001.1; 18B-1105.1; 18B-1113; 18B-1114; 18B-1114.3; 18B-1114.7; 18B-1203; 18B-1303.*

#### **14B NCAC 15C .0103 BEER FRANCHISE LAW; "BRAND" DEFINED**

For purposes of Article 13 of Chapter 18B of the General Statutes, the Beer Franchise Law, a distribution agreement between a supplier and wholesaler applies to all products distributed by the supplier under the same brand name. Different categories of products manufactured and marketed under a common identifying trade name are considered to be the same brand; e.g., the "Old Faithful" brand manufactured by Yellowstone Brewery Co. would include "Old Faithful", "Old Faithful Light", "Old Faithful Draft", "Old Faithful Dry" and other products identified principally by and relying upon the "Old Faithful" name, but would not include "Old Teton" which was also manufactured by Yellowstone Brewery Co. brand. The Commission shall determine the brand. ~~Determination of a product's brand shall be made by the Commission at the time the product is approved for sale in North Carolina and Carolina. Later changes to advertising strategy or labeling shall not affect the brand, be affected by later changes in the manufacturer's advertising strategy or labeling. Differences in packaging, such as different style, type or size of container, Different packaging, style, font, or container do not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.~~

*Authority G.S. 18B-100; 18B-207; 18B-1303(a).*

#### **14B NCAC 15C .0104 WINE PRODUCT BRAND**

(a) ~~Determination of a product's brand shall be made by the Commission~~ The Commission shall determine a product brand at the time the product is approved for sale in North Carolina and Carolina. shall not be affected by later Later changes in the manufacturer's advertising strategy or labeling shall not affect the brand. Differences in Different packaging, such as different style, type type, or size of container, do not establish different brands. The name of the manufacturer shall not be the brand name unless no other information on the label qualifies as a brand.

(b) For purposes of Bordeaux Chateau wine brought into North Carolina under the French ~~negociant~~ negociant system only, "brand" as defined in ~~14B NCAC 15C .0101(4)~~ 14B NCAC 15A .0103 shall be determined based on the nonresident wine vendor

or importer's name ~~as reflected~~ on the back of the product label. For purposes of Bordeaux Chateau wines only, wines manufactured and marketed under a common identifying trade name such as "Chateau Domaine," but which may be imported into the United States through multiple channels based on written authorizations from French ~~negociants, negociants~~ would not be considered to be the same brand; brand, e.g., the "Chateau Domaine" brought into the United States by Importer A would be considered to be a different brand than the "Chateau Domaine" brought into the United States by Importer B. Such written authorization(s) authorization must be ~~provided~~ submitted to the Commission ~~upon request on a form provided by the Commission~~ prior to product approval or brand ~~registration~~ registration, on a form provided by the Commission.

*Authority G.S. 18B-100; 18B-207; 18B-1203.*

## SECTION .0200 - PRODUCT APPROVALS: LISTING PROCEDURES: PRODUCT LISTS

### 14B NCAC 15C .0201 MALT BEVERAGE PRODUCT APPROVAL: LISTING IN STATE

(a) ~~All malt beverage products offered for sale in this State shall first be approved by the Commission. The Commission shall approve malt beverage products prior to the products being offered for sale in this State. The Commission shall provide blank Label/Product Application Forms Application for Label Approval forms through the Commission's public website or upon request. request. Thereafter, any approved Approved malt beverage product products sold in this State shall conform to the analysis of the samples submitted, as submitted on the application form.~~

- (b) The Commission shall approve malt beverage products if:
- (1) the procedure for approval is complied with as required in Paragraph (c) of this Rule;
  - (2) the analysis is within the limits as required in Paragraph (d) of this Rule;
  - (3) the malt beverage product meets or exceeds the packaging requirements ~~as required in 14B NCAC 15C .0301; and of Rule .0301 of this Subchapter; and~~
  - (4) at the time of consideration, the Commission does not have evidence ~~to suspect that~~ the product:
    - (A) contains harmful or impure substances;
    - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
    - (C) is a spurious or imitation product; or
    - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new malt beverage product, an industry member shall comply with the following procedures:

- (1) submit a completed Label/Product Approval Form with a list of ~~all~~ container sizes being offered;

- (2) attach ~~all~~ malt beverage product labels that are specified on the Label/Product Approval Form to the Label/Product Approval Form;
- (3) upon request from the Commission, submit a sample of the product in a marketable container;
- (4) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Approval Form; and
- (5) submit required items to the Commission Product Section at products@abc.nc.gov. a non-refundable analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty five dollars (\$25.00) for each new malt beverage product submitted, except if an analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in G.S. 18B-206(c) in the form of a certified check, cashier's check or money order; and
- (6) forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699 4307.

(d) ~~All malt~~ Malt beverage analyses shall be within the following limits:

- (1) a maximum 15 percent alcohol by volume;
- (2) a maximum 25 parts per million of total sulphur dioxide content; and
- (3) a maximum 100 parts per million of gallo tannins.

(e) ~~All analyses~~ Analyses of products submitted by industry members shall provide the following information in English:

- (1) the measured amounts listed in Paragraph (d) of this Rule;
- (2) the calories per 360 milliliters (12 ounces);
- (3) the specific gravity; and
- (4) the amount of ~~any~~ fortified stimulant per 360 milliliters (12 ounces).

(f) The Commission shall withdraw approval of a malt beverage product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

~~The malt beverage product shall not be reapproved until the Commission has evidence that proves otherwise. The Commission shall not re-approve a malt beverage product until receipt of evidence that the basis for withdrawal of approval was corrected.~~

(g) A person possessing malt beverage products ~~that have had the~~ with approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the malt beverage products.

*Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.*



**14B NCAC 15C .0202 WINE APPROVALS; LISTING IN STATE**

(a) Except as provided in 14B NCAC 15B .0216 for special orders, ~~all wine products offered for sale in this State shall first be approved by the Commission. the Commission shall approve wine products prior to the wine products being offered for sale in the State.~~ The Commission shall provide blank Label/Product Application Forms through the Commission's website or upon request. Thereafter, ~~any~~ approved wine product sold in this State shall conform to the analysis ~~of the samples submitted. as submitted on the application form.~~

(b) The Commission shall approve a wine product if:

- (1) the procedure for approval is complied with as required in Paragraph (d) of this Rule;
- (2) it is a fortified wine product that the alcohol by volume is above 16 percent and no more than 24 percent;
- (3) it is an unfortified wine product that the alcohol by volume is 16 percent or less;
- (4) the wine product meets or exceeds the packaging requirements as required in 14B NCAC 15C .0301, and
- (5) at the time of consideration, the Commission does not have evidence to suspect that the product:
  - (A) contains harmful or impure substances;
  - (B) contains an improper balance of substances, based on studies by universities, laboratories, the Commission or other scientific studies;
  - (C) is a spurious or imitation product; or
  - (D) is unfit for human consumption.

(c) Procedure for Approval. To receive consideration for approval by the Commission for a new wine product, an industry member shall comply with the following procedures:

- (1) submit a completed Label/Product Application Form;
- (2) submit separate Label/Product Application Forms for fortified and unfortified wine products;
- (3) attach all wine product labels that are specified on the Label/Product Application Form to the Label/Product Application Form;
- (4) upon request from the Commission, submit a 500 milliliter (or a larger size if 500 milliliter is not available) bottle of each product offered; and
- (5) attach a copy of the Federal Label Approval Form (COLA) to the Label/Product Application Form; Form.
- ~~(6) submit a non-refundable analysis fee in the form of a certified check, cashier's check or money order in the amount of twenty five dollars (\$25.00) for each new wine product submitted, except if an analysis certified by a laboratory of the product is submitted, submit a non-refundable administrative fee as set out in~~

~~G.S. 18B-206(e) in the form of a certified check, cashier's check or money order; and forward all required items to the North Carolina Alcoholic Beverage Control Commission, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.~~

(7)

(d) If an analysis of a product is submitted, it shall provide at least the following information in English:

- (1) alcohol by volume (percent);
- (2) total acidity (g/100 cc as tartaric acid);
- (3) total sulphur dioxide content (ppm);
- (4) volatile acidity, exclusive of sulphur dioxide (g/100 cc as acetic acid);
- (5) alcohol-free soluble solids (degrees/Brix degrees/Balling);
- (6) identity and quantity of any added chemical preservative; and
- (7) the amount of any fortified stimulant per container.

(e) The Commission shall withdraw approval of a wine product when the Commission has evidence to suspect that the product:

- (1) contains harmful or impure substances;
- (2) contains an improper balance of substances;
- (3) is a spurious or imitation product; or
- (4) is unfit for human consumption.

The wine product shall not be reapproved until the Commission has evidence that proves otherwise.

(f) A person possessing wine products that have had the approval withdrawn by the Commission shall have 60 days after notice of the withdrawal to sell or otherwise dispose of the wine products.

*Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.*

**14B NCAC 15C .0203 SPIRITUOUS LIQUOR PRODUCT APPROVALS**

~~(a) All brands of spirituous liquor sold in this State shall have first been approved for listing and resale by the Commission. The Commission shall first approve spirituous liquor brands sold in this state for listing and resale.~~

(b) Listing Policy. In view of the fact ~~that~~ North Carolina is a monopoly state, the Commission is responsible for maintaining a wide range of spirituous liquor products and prices and a balanced selection between the various types of products. It is the Commission's responsibility to ensure ~~that~~ the various types of products, including specialty items and imports, are available to the North Carolina consumer, as well as the more popular products. ~~To this end, the Commission shall, at least once a year~~ Once a year, the Commission shall consider new spirituous liquor products for placement on the state's approved list. ~~Listings shall be in the discretion of the Commission~~ The Commission shall have discretion of listings after considering sales trends of the type of product, sales trends of the product in other states, and the need for the product in the North Carolina market. ~~The Commission shall also, at least once a year, Once a year, the Commission shall~~ consider delisting items from the approved list. Items maintaining adequate sales histories for type and price range will not be considered for delisting unless the delisting is part of a penalty invoked after hearing, pursuant to this Chapter.

(c) ~~Items shall be submitted to the Commission for consideration for listing, and will be considered only if they are offered on the prescribed forms by the distiller, rectifier, bottler or importer. The distillery, rectifier, bottler or importer shall submit items to the Commission for consideration for listing on the prescribed forms.~~

*Authority G.S. 18B-100; 18B-203(a)(5); 18B-206; 18B-207.*

#### **14B NCAC 15C .0204 SPIRITUOUS LIQUOR PRODUCT LISTS**

The Commission ~~shall print~~ prints a list of ~~all~~ brands of spirituous liquor ~~that have been~~ approved for sale in the state. The list, which includes container sizes and prices of ~~all~~ spirituous liquor products, is printed four times ~~each~~ per year, on February 1, May 1, August 1 and November 1, and is available at no cost.

*Authority G.S. 18B-100; 18B-207.*

#### **14B NCAC 15C .0205 SAMPLES REQUIRED ON REQUEST**

~~Every industry member shall, upon~~ Upon demand of the Commission, ~~an industry member shall~~ furnish samples at no cost to the Commission of ~~any~~ alcoholic beverage products manufactured, sold, or offered for sale in this State, for the purpose of analysis.

*Authority G.S. 18B-100; 18B-206(c); 18B-207.*

#### **14B NCAC 15C .0206 NEW FILING REQUIRED UPON TRANSFER OF BRAND**

When ~~any~~ a malt beverage or wine brand ~~or product~~ is transferred from one nonresident vendor, manufacturer or importer to another, the new vendor, manufacturer or importer shall, within 30 days of the acquisition of the brand or product, submit the following items to the Commission:

- (1) label approval application ~~form~~ forms ~~(BWL008)~~, with labels attached;
- (2) copies of Federal Label Approval forms;
- (3) a certified laboratory analysis of the product, in English, showing alcohol content by volume, ~~with a non-refundable administrative fee as set out in G.S. 18B-206(c) in the form of a certified check, cashier's check or money order;~~ and
- (4) the wholesaler territorial designations for the brand and product that were in effect on the date the product was acquired by the vendor, manufacturer or importer.

Compliance with this Rule is mandatory notwithstanding ~~the fact that~~ the product has been previously approved by the Commission.

*Authority G.S. 18B-100; 18B-203(a); 18B-206; 18B-207; 18B-1203; 18B-1303(a); 18B-1305(d).*

### **SECTION .0300 - PACKAGING AND LABELING OF MALT BEVERAGES AND WINE**

#### **14B NCAC 15C .0301 PACKAGING REQUIREMENTS**

No industry member shall sell, offer for sale, or possess for the purpose of sale in this State wine or malt beverages ~~shall be sold, offered for sale, or possessed for the purpose of sale in this State~~ unless:

- (1) The alcoholic beverage product is packaged, marked, branded, ~~sealed~~ sealed, and labeled in conformity with these ~~Rules~~ Rules; and
- (2) The label on ~~each~~ a product ~~truthfully~~ describes the contents of the container in accordance with standards of ~~identity~~ identity, and the ~~industry member responsible for labeling or product approval~~ industry member responsible for labeling or product approval ~~furnishes the Commission with adequate proof that a valid certificate of label approval for the label has been obtained from the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department.~~
- (3) The industry member responsible for label or product approval provides the Commission with a valid certificate of label approval from Alcohol and Tobacco Tax and Trade Bureau of the US Department of the Treasury.

*Authority G.S. 18B-100; 18B-206(a); 18B-207.*

#### **14B NCAC 15C .0302 LABELS TO BE SUBMITTED TO COMMISSION**

(a) ~~All Industry members shall submit~~ labels for malt beverage and wine products ~~shall be submitted in duplicate~~ to the Commission on an "Application for Label Approval Form," as required by Rule .0201 or .0202 of this Subchapter.

(b) Each ~~person requesting~~ label approval application shall ~~furnish, in the application for label approval,~~ contain the names and addresses of the manufacturer, bottler, and importer of the product.

(c) Notwithstanding Paragraphs (a) and (b) of this Rule, holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16)(16), or (16a)~~ that fill or refill growlers on demand ~~shall not be required~~ do not need to submit the labels required by Rules .0303(b) or (c) or .0304(d) or (e) .0303(b)-(c) or .0304(d)-(e) of this Section.

*Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001.*

#### **14B NCAC 15C .0303 LABEL CONTENTS: MALT BEVERAGES**

(a) ~~Containers that are pre-filled by the manufacturer shall be affixed with~~ Breweries that prefill containers with malt beverage labels that ~~beverages shall affix labels that contain the following information in a form legible to the consumer; in compliance with Subpart D of 27 CFR Part 7:~~

- (1) brand name of product;
- (2) name and address of brewer or bottler;
- (3) class of product ~~(e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage);~~ as identified in Subpart I of 27 CFR Part 7;
- (4) net contents;

- (5) if the malt beverage is fortified with any stimulants, the amount of each ~~(milligrams)~~ stimulant by milligrams per container; and
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22, Subpart C of 27 CFR Part 16.

(b) ~~Growlers that are filled or refilled on demand with malt beverages pursuant to Rule .0308 of this Section shall be affixed with a label or a tag~~ Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of brewer or bottler;
- (3) class of product (e.g., beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage); as identified in Subpart I of 27 CFR Part 7;
- (4) net contents;
- (5) if the malt beverage is fortified with any stimulants from the original manufacturer, the amount of each ~~(milligrams)~~ stimulant in milligrams per container;
- (6) name and address of business that filled or refilled the growler;
- (7) date of fill or refill;
- (8) if the malt beverage is more than six percent alcohol by volume, the amount of alcohol by volume pursuant to G.S. 18B-101(9); and
- (9) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(c) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed with~~ Permittees who fill growlers with malt beverages, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22. The provisions of 27 C.F.R. Sections 16.20 through 16.22 referenced in this Section are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.gpo.gov>, as required by 27 CFR Part 16.

(d) All provisions of the CFR mentioned in this rule are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A>.

*Authority G.S. 18B-100; 18B-101(9); 18B-206(a); 18B-207; 18B-1001.*

#### **14B NCAC 15C .0304 LABEL CONTENTS: WINE**

(a) ~~All wine labels shall contain the following information, in a form legible to the consumer.~~ Wineries that prefill containers with wine shall affix labels that contain the following information in compliance with Subpart D of 27 CFR Part 4:

- (1) brand name of product;

- (2) ~~class and type, in conformity with Section .0400 of this Subchapter; type;~~
- (3) name and address of manufacturer, or bottler, except as otherwise provided in these Rules;
- (4) ~~on for blends consisting of foreign and domestic wine, if any a reference is made to the presence of foreign wine, must include the exact percentage by volume of the foreign wine;~~
- (5) net contents ~~(unless blown or otherwise permanently inscribed in the container); unless otherwise permanently blown or inscribed on the container;~~ and
- (6) the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22, Subpart C of 27 CFR Part 16.

(b) ~~Exception for Retailer's Private Brand. In the case of wine bottles~~ If wine is packaged for a retailer or other person under the person's private brand, the name and address of the bottler may be stated on another label affixed to the container, container if the name and address of the person for whom the wine was bottled or packed appears on the label. The net contents shall be stated on the brand label or on a separate label affixed thereto on the same side of the container in legible form, container unless otherwise permanently blown or otherwise permanently inscribed in on the container.

(c) Imported Wines. The name and address of the importer of a foreign wine need not be stated on the brand label if it is stated upon another label affixed to the container.

(d) ~~Growlers that are filled or refilled on demand with unfortified wine pursuant to Rule .0308 of this Section shall be affixed with a label or a tag~~ Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the following information in type not smaller than 3 millimeters in height and not more than 12 characters per inch:

- (1) brand name of the product dispensed;
- (2) name of manufacturer or bottler;
- (3) class and type of product;
- (4) net contents;
- (5) name and address of business that filled or refilled the growler;
- (6) date of fill or refill; and
- (7) the following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."

(e) ~~Growlers that are filled or refilled on demand pursuant to Rule .0308 of this Section shall be affixed with~~ Permittees who fill growlers with unfortified wine, or refill on demand, pursuant to Rule .0308 of this Section shall affix a label or tag to the growler containing the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. Sections 16.20 through 16.22, as required by 27 CFR Part 16.

(f) All provisions of the CFR cited in this rule are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed for free at <https://www.ecfr.gov/current/title-27/chapter-I/subchapter-A/part-4/subpart-D>.

*Authority G.S. 18B-100; 18B-206(a); 18A-207; 18B-1001.*

**14B NCAC 15C .0305 ALL CONTAINERS TO HAVE LABEL**

~~Every container of wine or malt beverages, including bottles, bottles, barrels, casks, kegs, cans, or other closed receptacles, containers, irrespective of size or of the material from which made, composition, that is sold or offered for sale in this State or that is used for the transportation, importation or sale of importation, or sale of malt beverages or wine shall bear a brand label (or a brand label and other permitted labels) containing the information required by Rules .0303 and .0304 of this Section.~~

*Authority G.S. 18B-100; 18B-206(a); 18B-207.*

**14B NCAC 15C .0306 LABEL ALTERATION**

~~No permittee nor his employee shall. Permittees and their employees or agents shall not alter, mutilate, destroy, obliterate or remove obliterate, remove, or cover any mark, brand or a label on wine or malt beverages kept for sale in this State, State, except for Permittees may affix an additional labeling or relabeling label or relabel a container to comply with the requirements of this Section or of federal or state laws and regulations.~~

*Authority G.S. 18B-100; 18B-206(a); 18B-207.*

**14B NCAC 15C .0307 GROWLERS**

(a) As used in this Section, a "growler" is a rigid glass, ceramic, plastic, aluminum, or stainless steel ~~container with a closure or cap with a secure sealing~~ container, with a secured seal closure or cap, that is no larger than 4 liters (1.0567 gallons) into which a malt beverage or unfortified wine is prefilled, filled, or refilled on demand, for off-premises consumption.

(b) Malt beverages may be sold in growlers as follows:

- (1) Holders of only a brewery permit may sell, deliver, and ship growlers prefilled with the brewery's malt beverage for off-premises consumption provided a label is affixed to the growler has an attached label that provides the information as required by Rules .0303(a) and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)(16), or (16a)~~ who do not hold a brewery permit shall not prefill growlers with malt beverage.
- (3) Holders of a brewery permit who also have retail permits pursuant to G.S. 18B-1001(1) may fill or refill growlers on demand with the brewery's malt beverage for off-premises consumption, provided the growler has an attached label as required by Rules .0303(b) and (c) and .0305 of this ~~Section is affixed to the growler. Section.~~
- (4) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), ~~or (16)(16), or (16a)~~ may fill or refill growlers on demand with draft malt beverage for off-premises consumption, provided the growler has an attached label as

required by Rules .0303(b) and (c) and .0305 of this ~~Section is affixed to the growler. Section.~~

(c) Unfortified wine may be sold in growlers as follows:

- (1) Holders of only an unfortified winery permit may sell, deliver, and ship growlers prefilled with the winery's unfortified wine for off-premises consumption provided a label is affixed to the growler has an attached label that provides the information as required by Rules .0304(a), (b), and (c), and .0305 of this Section.
- (2) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)(16), or (16a)~~ who do not hold an unfortified winery permit shall not prefill growlers with unfortified wine.
- (3) Holders of an unfortified winery permit who also have retail permits pursuant to G.S. 18B-1001(3) may fill or refill growlers on demand with the winery's unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this ~~Section is affixed to the growler. Section.~~
- (4) Holders of retail permits pursuant to G.S. 18B-1001(3), (4), ~~or (16)(16), or (16a)~~ may fill or refill growlers on demand with unfortified wine for off-premises consumption, provided the growler has an attached label as required by Rules .0304(d) and (e) and .0305 of this ~~Section is affixed to the growler. Section.~~

(d) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16)(16), or (16a)~~ shall affix a label to the growler as required by Rules .0303(b) and (c), .0304(d) and (e), and .0305 of this Section ~~to the growler~~ when filling or refilling a growler.

(e) Holders of retail permits pursuant to G.S. 18B-1001(1), (2), (3), (4), ~~or (16), (16), or (16a)~~ may, in their discretion, refuse to fill or refill a growler, except in matters of discrimination pursuant to G.S. 18B-305(c).

*Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-305; 18B-1001.*

**14B NCAC 15C .0308 GROWLERS: CLEANING, SANITIZING, FILLING AND SEALING**

(a) Except as permitted pursuant to Rules .0307(b) and (c) of this Section, permittee and permittee's employee shall fill and refill filling and refilling growlers shall only occur only on demand by a consumer.

(b) ~~Growlers shall only be filled or refilled by a permittee or the permittee's employee. Only a permittee or permittee's employee shall fill or refill a growler.~~

(c) Prior to filling or refilling a growler, a permittee or the permittee's employee shall clean and sanitize the growler and its cap shall be cleaned and sanitized by the permittee or the permittee's employee using one of the following methods:

- (1) Manual washing in a three compartment sink:
  - (A) prior to starting, clean sinks and work area to remove any chemicals, oils, or grease from other cleaning activities;

- (B) empty residual liquid from the growler to a drain. Growlers shall not be emptied into the cleaning water;
  - (C) clean the growler and cap in water and detergent. Water temperature shall be at a minimum 110°F or the temperature specified on the cleaning agent manufacturer's label instructions. Detergent shall not be fat or oil based;
  - (D) remove any residues on the interior and exterior of the growler and cap;
  - (E) rinse the growler and cap in the middle compartment with water. Rinsing may be from the spigot with a spray arm, from a spigot, or from the tub as long as the water for rinsing is not stagnant and continually refreshed;
  - (F) sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in accordance with the EPA-registered label use instructions and shall meet the minimum water temperature requirements of that chemical; and
  - (G) a test kit or other device that accurately measures the concentration in mg/L of chemical sanitizing solutions shall be provided and be accessible for use; or
- (2) Mechanical washing and sanitizing machine:
- (A) mechanical washing and sanitizing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer and shall be used according to the machine's design and operation specifications;
  - (B) mechanical washing and sanitizing machines shall be equipped with chemical or hot water sanitization;
  - (C) concentration of the sanitizing solution or the water temperature shall be accurately determined by using a test kit or other device; and
  - (D) the machine shall be regularly serviced based upon the manufacturer's or installer's guidelines.
- (d) Notwithstanding Paragraph (c) of this Rule, a permittee or the permittee's employee may fill or refill a growler ~~may be filled or refilled~~ without cleaning and sanitizing the growler, as follows:
- (1) Filling or refilling a growler with a tube as referenced by Paragraph (e) of this Rule:
    - (A) food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;
    - (B) a container of liquid food grade sanitizer shall be maintained for no more than 10 malt beverage taps that will be used for filling and refilling growlers;
    - (C) each container shall contain no fewer than five tubes that will be used only for filling and refilling growlers;
    - (D) the growler is inspected visually for contamination;
    - (E) after each filling or refilling of a growler, the tube shall be immersed in the container with the liquid food grade sanitizer; and
    - (F) a different tube from the container shall be used for each fill or refill of a growler; or
  - (2) Filling a growler with a contamination-free process:
    - (A) the growler shall be inspected visually for contamination;
    - (B) for growlers that can be refilled, the process shall be otherwise in compliance with the FDA Food Code 2009, Section 3-304.17(C); and
    - (C) for growlers that are for single use, the process shall be otherwise in compliance with the FDA Food Code 2009, Sections 4-903.11 and 4-903.12.
- (e) Permittee or permittee's employee shall fill or refill growlers ~~Growlers shall be filled or refilled~~ from the bottom of the growler to the top with a tube that is attached to the malt beverage or unfortified wine faucet and extends to the bottom of the growler or with a commercial filling machine.
- (f) ~~When not in use, tubes to fill or refill growlers shall be immersed and stored in a container with liquid food grade sanitizer.~~ Permittee or permittee's employee shall immerse and store tubes to fill or refill growlers in a container with liquid food grade sanitizer.
- (g) After filling or refilling a growler, a permittee or the permittee's employee shall seal the growler ~~shall be sealed~~ with a closure or cap.

*Authority G.S. 18B-100; 18B-206(a); 18B-207; 18B-1001.*

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10B .0502, .0504, amend the rules cited as 15A NCAC 10B .0203, .0206, .0503; 10C .0205, .0208, .0211, .0305, .0316, .0318, .0321, .0322; 10D .0102, .0104, .0205, .0211, .0212, .0215, .0218, .0229, .0232, .0236, .0239- .0241, .0258, .0265, .0271, .0275, .0276, .0278, .0283, .0291, .0294, and repeal the rules cited as 15A NCAC 10D .0217, and .0267.*

*Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless*

*the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

**Proposed Effective Date:** *August 1, 2026*

**Public Hearing:**

**Date:** *August 5, 2025*

**Time:** *4:00PM*

**Location:** *Zoom Meeting. Registration*

*Required: [https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_X60LebS\\_R02uqk-JT47iZw](https://ncwildlife-org.zoomgov.com/webinar/register/WN_X60LebS_R02uqk-JT47iZw) or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 161 629 0758*

**Date:** *August 7, 2025*

**Time:** *7:00PM*

**Location:** *Zoom Meeting. Registration*

*Required: [https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_eMPMrTbeQ3-ykxuzwhv6tA](https://ncwildlife-org.zoomgov.com/webinar/register/WN_eMPMrTbeQ3-ykxuzwhv6tA) or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 160 223 3918*

**Reason for Proposed Action:** *Each year, the N.C. Wildlife Resources Commission reviews and adjusts seasons, bag limits, and the land management regulations, as needed, to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.*

*Note: Italicized text are previous rule changes adopted by the Commission and approved by the RRC with an effective date of 8/1/2025.*

**Comments may be submitted to:** *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.gov](mailto:regulations@ncwildlife.gov)*

**Comment period ends:** *September 15, 2025*

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☒ **State funds affected**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact ( $\geq$  \$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required**

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**SUBCHAPTER 10B - HUNTING AND TRAPPING**

**SECTION .0200 - HUNTING**

**15A NCAC 10B .0203 WHITE-TAILED DEER**

(a) Open All Lawful Weapons Seasons for hunting deer:

- (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~~, skin, may be taken during the following seasons, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
  - (A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick, Carteret, Columbus, ~~Cumberland~~, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones, Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson, Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake Waccamaw or within 50 yards of its shoreline in Columbus County.
  - (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan, Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and Wilson counties.
  - (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe, Catawba, Cleveland, Davie, ~~Forsyth~~, Gaston, Iredell, Lincoln, Polk, Rutherford, ~~Stokes, Surry, Watauga, Wilkes, and Yadkin~~ and Watauga counties.
  - (D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, and Yancey counties.

- (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg, Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union counties.
  - (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National Wildlife Refuge.
- (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during the open seasons and in the counties and portions of counties listed in Parts (A) through ~~(G)~~(E) of this Subparagraph.
- (A) The open antlered or antlerless deer hunting dates established by the U.S. Fish and Wildlife Service from the Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National Wildlife Refuge; and in the parts of Currituck County known as the Currituck National Wildlife Refuge and the Mackay Island National Wildlife Refuge.
  - (B) The open antlered or antlerless deer hunting dates established by the military commands at the military installations listed in this Paragraph, from Saturday on or nearest October 15 through January 1 in the part of Brunswick County known as the Sunny Point Military Ocean Terminal, in the part of Craven County known and marked as Cherry Point Marine Base, in the part of Onslow County known and marked as the Camp Lejeune Marine Base, on Fort ~~Liberty~~ Bragg Military Reservation, and on Camp Mackall Military Reservation.
- (C) The first open Saturday of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule in Cherokee, Clay, Haywood, Jackson, Macon, Swain, and Transylvania counties.
  - (D) The first open day of the Deer With Visible Antlers Season described in Subparagraph (a)(1) of this Rule through the first Saturday thereafter in Buncombe, Henderson, ~~Madison~~, and McDowell counties, except in the areas described in Subparts ~~(a)(2)(G)(i)~~(a)(2)(E)(i) and (ii) of this Rule.
  - ~~(E) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the second Saturday thereafter in Avery, Burke, Caldwell, Mitchell, and Yancey counties.~~
  - ~~(F) The first open day of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule through the fourth Saturday thereafter in Cleveland, Polk, and Rutherford counties.~~
  - ~~(G)~~(E) Open days of the season for Deer With Visible Antlers described in Subparagraph (a)(1) of this Rule in and east of ~~Ashe, Watauga, Wilkes, Alexander, Catawba, Lincoln, and Gaston~~ Avery, Burke, Rutherford, and Polk counties and in Madison, Mitchell, and Yancey counties, and the following parts of counties:
    - (i) The part of Buncombe County east of N.C. 191, south of the French Broad and Swannanoa Rivers, west of U.S. 25, and north of N.C. 280; and
    - (ii) The part of Henderson County east of N.C. 191 and north and west of N.C. 280.
- (b) Open Archery Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph and the bag limits set out in Paragraph (f) of this Rule, deer may be taken with archery equipment from Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season

- described in Subparagraph (c)(1) of this Rule, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) Restrictions
- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs may not be used for hunting deer during the Archery Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer may be used during the Archery Season.
- (C) Antlered or antlerless deer may be taken during Archery Season specified by Part ~~(b)(1)(A)~~ (b)(1) of this Rule.
- (c) Open Blackpowder Firearms Seasons for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (2) of this Paragraph, deer may be taken only with blackpowder firearms and archery equipment from two Saturdays preceding the first day of the open season for Deer with Visible Antlers described in Parts (a)(1)(A), (B), (C), (D), (E), and (F) of this Rule through the second Friday thereafter including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.
- (2) Restrictions
- (A) Antlered or antlerless deer may be taken during Blackpowder Firearms Season in a county or county part set forth in Part (a)(2)(D), ~~(E), (F), or (G)(E)~~ of this Rule that has one or more open days within the All Lawful Weapons Season to legally harvest antlerless deer.
- (B) Antlered or antlerless deer may be taken during the second open Saturday of the Blackpowder Firearms Season thru the first Friday thereafter in any county or county part set forth in Part (a)(2)(C) of this Rule.
- (C) Antlered or antlerless deer may be taken on the second open Saturday of the Blackpowder Firearms Season in any county or county part not set forth in Subparagraph (a)(2) of this Rule.
- (D) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Blackpowder Firearms Season, except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (3) As used in this Rule, "blackpowder firearms" means any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899, that cannot use fixed ammunition; any replica of this type of firearm if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; and any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading or cylinder-loading handgun that is designed to use blackpowder, blackpowder substitute, or any other propellant loaded through the muzzle, cylinder, or breech and that cannot use fixed ammunition.
- (d) Open Urban Season for hunting deer:
- (1) Authorization. Subject to the restrictions set out in Subparagraph (3) of this Paragraph and the bag limits set out in Paragraph ~~(e)(f)~~ of this Rule, antlered or antlerless deer may be taken with archery equipment in participating cities in the State, as defined in G.S. 160A-1(2), from the second Saturday following January 1 through the sixth Sunday thereafter. Deer shall not be taken on game lands within a city boundary.
- (2) Participation. Cities that intend to participate in the Urban Season shall send a letter to that effect no later than April 1 of the year prior to the start of the Urban Season to the Executive Director or his designee at 1722 Mail Service Center, Raleigh, N.C. 27699-1700. Cities shall also submit a map of the city's boundaries within which the Urban Season shall apply.
- (3) Restrictions:
- (A) In the areas of the State where the Commission regulates the use of dogs as provided in G.S. 113-291.5, dogs shall not be used for hunting deer during the Urban Season except a single dog on a leash may be used to retrieve a dead or wounded deer in accordance with G.S. 113-291.1(k).
- (B) Only archery equipment of the types authorized in 15A NCAC 10B .0116 for taking deer shall be used during the Urban Season.
- (e) Open Youth Days for hunting deer. Antlered or antlerless deer may be taken with all lawful weapons by individuals under 16 years of age during the following days:
- (1) The fourth Saturday in September and the Sunday immediately thereafter in all counties; and
- (2) Thanksgiving Day and the Friday immediately thereafter in the counties listed in Part (a)(1)(D) of this Rule.
- (f) Bag limits. The possession and season limit is six deer, two that may be deer with visible antlers and four that may be antlerless deer. Antlerless deer include males with knobs or buttons covered by skin ~~or velvet~~ as distinguished from antlers or



spikes protruding through the skin. A hunter may obtain multiple Bonus Antlerless Deer Harvest Report Cards from the Wildlife Resources Commission or any Wildlife Service Agent to allow the harvest of two additional antlerless deer per card for deer harvested during the season described in Paragraph (d) of this Rule within the boundaries of participating municipalities, except on State-owned game lands. Antlerless deer harvested and reported on the bonus antlerless harvest report card shall not count as part of the possession and season limit.

(g) Deer Management Assistance Program. The bag limits described in Paragraph (f) of this Rule do not apply to deer harvested in areas covered in the Deer Management Assistance Program (DMAP) as described in G.S. 113-291.2(e) for those individuals using Commission-issued DMAP tags and reporting harvest as described on the DMAP license. Season bag limits shall be set by the number of DMAP tags issued and in the hunters' possession. All deer harvested under this program, regardless of the date of harvest, shall be tagged with DMAP tags and reported as instructed on the DMAP license. The hunter does not have to validate the Big Game Harvest Report Card provided with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to the restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus antlerless harvest report card.

(h) Seasons for counties identified as Chronic Wasting Disease Management Areas shall be as specified in Rule .0502 of this Subchapter.

*Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5.*

#### **15A NCAC 10B .0206 SQUIRRELS**

(a) The open season for gray and red squirrels is the Monday on or closest to October 15 through the last day of February. Gray squirrels may also be taken by hunting on the Monday following the closing of the open season for wild turkey in 15A NCAC 10B .0209(a) through the second Monday thereafter.

~~(d)(b)~~ The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits.

~~(b)(c)~~ The open season for fox squirrels is the Monday on or nearest October 15 through January 31.

~~(e)~~ Except on game lands, gray squirrels may also be taken by hunting on the second Monday in May through the fourth Monday in May.

~~(d)~~ The daily bag limit for gray and red squirrels is eight in aggregate and there are no season or possession limits.

~~(e)(d)~~ The daily bag limit for fox squirrels is one; the possession limit is two; and the season limit is 10.

*Authority G.S. 113-134; 113-291.2.*

### **SECTION .0500 – CHRONIC WASTING DISEASE MANAGEMENT**

#### **15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED MANAGEMENT AREAS**

(a) The following counties are CWD Management Areas:

- (1) Cumberland;
- (2) Forsyth;
- (3) Stokes;
- (4) Surry;
- (5) Wilkes; and
- (6) Yadkin.

(b) Prohibitions specified in Rule .0503 apply to the counties identified in Paragraph (a) of this Rule.

(c) Open seasons for hunting deer are as follows:

(1) Special Early Season. Deer with antlers or spikes protruding through the skin, as distinguished from knobs or buttons covered by skin, may be taken on the fourth Saturday in August and the Sunday immediately following with a lawful weapon, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(2) All Lawful Weapons.

(A) Antlered or Antlerless deer may be taken in Forsyth, Stokes, Surry, Wilkes, and Yadkin counties two Saturdays before Thanksgiving Day through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(B) Antlered or Antlerless deer may be taken in Cumberland County the Saturday on or nearest October 15 through January 1, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(3) Archery Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116 on the Saturday on or nearest September 10 through the day immediately preceding the first open day of the Blackpowder Firearms Season described in Subparagraph (c)(4) of this Rule.

(4) Blackpowder Firearms Seasons. Antlered or Antlerless deer may be taken with archery equipment as authorized in 15A NCAC 10B .0116, and blackpowder firearms as defined in 15A NCAC 10B .0203(c)(3), from two Saturdays preceding the first day of the All Lawful Weapons Season described in Subparagraph (c)(2) of this Rule through the second Friday thereafter, including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

(d) Seasons, bag limits, and programs specified in paragraphs (d) through (g) of Rule 10B .0203 of this Subchapter shall apply in the counties identified in Paragraph (a) of this Rule.

*Authority G.S. 113-134; 113-306.*

#### **15A NCAC 10B .0503 SURVEILLANCE AREA**

(a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife

shall be prohibited from January 2 through August 31 inside a Surveillance Area, except that:

- (1) bird feeders specifically designed for nongame birds shall be allowed;
- (2) placement of bait, food, or food products to hunt during the urban archery season shall be allowed within the established season in participating municipalities; and
- (3) the placement of food specifically permitted by the Commission for scientific research, population management, and wildlife control may be allowed.

(b) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(c) White-tailed deer fawns originating from within a Surveillance Area shall not be transported alive outside the Surveillance Area.

~~(d) No cervid carcass or carcass parts originating from inside a Primary Surveillance Area (PSA) or Secondary Surveillance Area (SSA) shall be transported outside of the county of origin, except:~~

- ~~(1) meat that has been boned out so that no pieces or fragments of bone remain;~~
- ~~(2) eaped hides with no part of the skull or spinal column attached;~~
- ~~(3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;~~
- ~~(4) cleaned lower jawbones with teeth or cleaned teeth;~~
- ~~(5) finished taxidermy products and tanned hides;~~
- ~~(6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area;~~
- ~~(7) carcass or carcass parts originating inside a PSA county may be transported into contiguous PSA counties; and~~
- ~~(8) carcass or carcass parts originating inside a SSA county may be transported into contiguous SSA or PSA counties.~~

~~(e)(d)~~ No person shall possess or use a substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

- (1) products labeled as containing synthetic analogs of cervid excretions;
- (2) natural substances labeled as being collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Services;
- (3) natural deer urine products labeled as containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services; and
- (4) natural deer urine products labeled as containing excretions from facilities that meet all the following requirements:

- (A) determined to be free of Chronic Wasting Disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions;
- (B) complies with a federally approved CWD herd certification program and any federal CWD protocols; and
- (C) participates in additional herd management requirements as specified by the Wildlife Resources Commission.

*Authority G.S. 113-134; 113-306.*

#### **15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREA DISPOSAL OF CERVID CARCASSES**

(a) The final disposition of non-edible portions of cervid carcasses and carcass parts originating from North Carolina shall be:

- (1) in a lined landfill;
- (2) buried 3 feet below ground and 300 feet from a waterbody; or
- (3) lawfully left on the ground within the county of origin.

(b) This section shall not apply to cervid carcass parts that are lawful to possess pursuant to Rule .0124 of this Subchapter.

*Authority G.S. 113-134; 113-306.*

### **SUBCHAPTER 10C - INLAND FISHING REGULATIONS**

#### **SECTION .0200 - GENERAL REGULATIONS**

#### **15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS**

(a) For purposes of this Rule, the following manners of take definitions apply:

- (1) "Natural bait" means a living or dead plant or animal, or parts thereof, or prepared substances designed to attract fish by the sense of taste or smell.
- (2) "Single hook" means a fish hook with only one point.
- (3) "Artificial lure" means a fishing lure that neither contains nor has been treated by a substance that attracts fish by the sense of taste or smell.
- (4) "Artificial fly" means one single hook dressed with feathers, hair, thread, tinsel, rubber, or a similar material to which no additional hook, spinner, spoon, or similar device is added.
- ~~(5) "Youth anglers" are individuals under 16 years of age.~~

(b) For purposes of this Rule, 15A NCAC 10C .0316, and 15A NCAC 10D .0104, the following classifications and restrictions apply:

- (1) "Public Mountain Trout Waters" are the waters included in Paragraph (d) of this Rule and those designated in 15A NCAC 10D .0104.
  - (2) "Catch and Release Artificial Flies and Lures Only Trout Waters" are Public Mountain Trout Waters where only artificial flies and lures having one single hook may be used. ~~No trout may be possessed or harvested while fishing these streams.~~ Waters with this designation include tributaries unless otherwise noted.
  - (3) "Delayed Harvest Trout Waters" are Public Mountain Trout Waters where between October 1 and one-half hour after sunset on the Friday before the first Saturday of the following June, it is unlawful to possess natural ~~bait, bait or~~ use more than one single hook on an artificial ~~lure, lure, or harvest or possess trout while fishing.~~ ~~From 6:00 a.m. until noon on the first Saturday in June, only youth anglers may fish and these waters have no bait or lure restrictions.~~ From ~~noon on~~ the first Saturday in June until September 30, ~~October 1,~~ anglers may fish these waters with no bait or lure restrictions. Waters with this designation do not include tributaries unless otherwise noted.
  - (4) "Hatchery Supported Trout Waters" are Public Mountain Trout Waters that have no bait or lure restrictions. Waters with this designation do not include tributaries unless otherwise noted. Fishing is prohibited from March 1 until 7 a.m. on the first Saturday in April, except in the impounded waters of the following reservoirs:
    - (A) Bear Creek Lake;
    - (B) Buckeye Creek Reservoir;
    - (C) Calderwood Reservoir;
    - (D) Cedar Cliff Lake;
    - (E) Cheoah Reservoir;
    - (F) Cliffside Lake;
    - (G) Cullowhee Dam Impoundment, from the S.R. 1731 bridge downstream to the Cullowhee Dam;
    - (H) Tanassee Creek Lake;
    - (I) Queens Creek Lake; and
    - (J) Wolf Lake.
  - (5) "Special Regulation Trout Waters" are Public Mountain Trout Waters where watercourse-specific regulations apply. Waters with this designation do not include tributaries unless otherwise noted.
  - (6) "Wild Trout Waters" are Public Mountain Trout Waters identified in this Rule or 15A NCAC 10D .0104. Only artificial lures having only one single hook may be used. No person shall possess natural bait while fishing these waters. Waters with this designation do not include tributaries unless otherwise noted.
  - (7) "Undesignated Waters" are the other waters in the State. These waters have no bait or lure restrictions.
- (c) ~~Seasons, creel, and size limits.~~ Seasons, creel, and size limits for trout are listed in Rule .0316 of this Subchapter.
- (d) ~~Classifications.~~ This Paragraph designates waters in each county that have a specific classification. Waters on game lands are designated in 15A NCAC 10D .0104, unless otherwise indicated in this Paragraph. The other waters are classified as Undesignated Waters.
- (1) Alleghany
    - (A) Hatchery Supported Trout Waters are as follows:  
Big Pine Creek  
Bledsoe Creek  
Brush Creek from the N.C. 21 bridge to the confluence with the Little River, except where posted against trespassing  
Cranberry Creek  
Glade Creek  
Little River from 400 yards upstream of the S.R. 1128 bridge, marked by a sign on each bank, to McCann Dam  
Meadow Fork  
Pine Swamp Creek  
Piney Fork  
Prathers Creek
    - (B) Wild Trout Waters are as follows:  
The waters located on Stone Mountain State Park
  - (2) Ashe County
    - (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Big Horse Creek from the Virginia state line to Mud Creek at S.R. 1363, excluding tributaries
    - (B) Delayed Harvest Trout Waters are as follows:  
Big Horse Creek from the S.R. 1324 bridge to the North Fork New River  
Helton Creek from 900 yards upstream of the S.R. 1372 bridge, marked by a sign on both banks to a point adjacent to intersection of N.C. 16 and S.R. 1536  
South Fork New River from the upstream end of Todd Island to the S.R. 1351 bridge  
Trout Lake
    - (C) Hatchery Supported Trout Waters are as follows:  
Beaver Creek from N.C. 221 to the confluence of Beaver Creek and South Beaver Creek  
Big Horse Creek from Mud Creek at S.R. 1363 to the S.R. 1324 bridge  
Big Laurel Creek from the S.R. 1315 bridge to the confluence with the North Fork New River

- Buffalo Creek from the S.R. 1133 bridge to the N.C. 194-88 bridge  
Cranberry Creek from the Alleghany Co. line to the South Fork New River  
Nathans Creek  
North Fork New River from the Watauga Co. line to Sharp Dam  
Old Fields Creek from N.C. 221 to the South Fork New River  
Peak Creek from the upper boundary of the NCDA-NCSU Upper Mountain Research Station to Trout Lake  
Roan Creek  
Three Top Creek
- (3) Avery County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Elk River, the portion on Lees-McRae College property, excluding the millpond  
Lost Cove Creek, the game land portion, excluding Gragg Prong and Rockhouse Creek  
Wilson Creek, the game land portion
- (B) Hatchery Supported Trout Waters are as follows:  
Boyde Coffey Lake  
Elk River from the S.R. 1305 crossing immediately upstream of Big Falls to the Tennessee state line  
Linville River from S.R. 1504 to the Blue Ridge Parkway boundary line, except where posted against trespassing  
Milltimber Creek  
North Toe River from Watauga St. to Roby Shoemaker Wetlands and Family Recreational Park, except where posted against trespassing  
North Toe River from S.R. 1164 to Mitchell Co. line, except where posted against trespassing  
Squirrel Creek  
Wildcat Lake
- (C) Wild Trout Waters are as follows:  
Birchfield Creek  
Cow Camp Creek  
Cranberry Creek from the headwaters to the U.S. 19E, N.C. 194, bridge  
Gragg Prong  
Horse Creek  
Kentucky Creek  
North Harper Creek  
Plumtree Creek  
Roaring Creek  
Rockhouse Creek  
Shawneehaw Creek, the portion adjacent to Banner Elk Greenway
- South Harper Creek  
Webb Prong
- (4) Buncombe County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Carter Creek, the game land portion
- (B) Hatchery Supported Trout Waters are as follows:  
Bent Creek from ~~the headwaters Rich Branch~~ to the N.C. Arboretum boundary line  
Cane Creek from ~~the headwaters S.R. 2785 bridge~~ to the S.R. 3138 bridge  
~~Corner Rock Creek from Little Andy Creek to the confluence with Walker Branch~~  
Dillingham Creek from Corner Rock Creek to Ivy Creek  
Ivy Creek from Dillingham Creek to the U.S. 19-23 bridge  
Lake Powhatan  
Reems Creek from Sugar Camp Fork to the U.S. 19-23 bridge, except where posted against trespassing  
~~Rich Branch from downstream of the confluence with Rocky Branch~~  
Stony Creek from the confluence of Carter Creek and Mineral Creek downstream to Dillingham Creek  
Swannanoa from ~~the S.R. 2702 bridge near Ridgecrest River Walk Park in Black Mountain~~ to the Wood Avenue bridge, at the intersection of N.C. 81 and U.S. 74A in Asheville, except where posted against trespassing
- (5) Burke County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Henry Fork, the portion on South Mountains State Park
- (B) Delayed Harvest Trout Waters are as follows:  
Jacob Fork from Shinny Creek to the lower South Mountains State Park boundary
- (C) Hatchery Supported Trout Waters are as follows:  
Carroll Creek, the game land portion above S.R. 1405  
~~Henry Fork from the lower South Mountain State Park line to S.R. 1919 at Ivy Creek~~  
Linville River, ~~the portion within Linville Gorge Wilderness area and the portion below Lake James powerhouse from the upstream bridge on S.R. 1223 to Muddy Creek~~

- (D) Special Regulation Trout Waters are as follows:  
Catawba River from Muddy Creek to the City of Morganton water intake dam
- (E) Wild Trout Waters are as follows:  
The waters located on South Mountains State Park, except those waters identified in Parts (A) and (B) of this Subparagraph
- (6) Caldwell County
- (A) Delayed Harvest Trout Waters are as follows:  
Wilson Creek, the game land portion below Lost Cove Creek to Philips Branch
- (B) Hatchery Supported Trout Waters are as follows:  
Boone Fork Pond  
Buffalo Creek from the mouth of Joes Creek to McCloud Branch  
Joes Creek from the first falls upstream of S.R. 1574 to the confluence with Buffalo Creek  
Wilson Creek from Phillips Branch to Brown Mountain Beach Dam, except where posted against trespassing  
Yadkin River from the Happy Valley Ruritan Community Park to S.R. 1515
- (C) Wild Trout Waters are as follows:  
Buffalo Creek from the Watauga Co. line to Long Ridge Branch including game land tributaries  
Joes Creek from the Watauga Co. line to the first falls upstream of the end of S.R. 1574  
Rockhouse Creek
- (7) Cherokee County
- (A) Hatchery Supported Trout Waters are as follows:  
Davis Creek from the confluence of Bald Creek and Dockery Creek to Hanging Dog Creek  
Hyatt Creek from Big Dam Branch to the Valley River  
Junaluska Creek from Ashturn Creek to the Valley River  
Shuler Creek from the Joe Brown Hwy, S.R. 1325 bridge, to the Tennessee state line  
Valley River from S.R. 1359 to the U.S. 19 Business bridge in Murphy
- (B) Special Regulation Trout Waters are as follows:  
Apalachia Reservoir
- (8) Clay County
- (A) Delayed Harvest Trout Waters are as follows:
- Fires Creek from Rockhouse Creek to the foot bridge in the USFS Fires Creek Picnic Area
- (B) Hatchery Supported Trout Waters are as follows:  
Buck Creek, the game land portion downstream of the U.S. 64 bridge  
Fires Creek from the foot bridge in the USFS Fires Creek Picnic Area to S.R. 1300  
Tusquitee Creek from Compass Creek to the lower S.R. 1300 bridge
- (9) Graham County
- (A) Delayed Harvest Trout Waters are as follows:  
Snowbird Creek from the USFS footbridge at the old railroad junction to USFS Rd. 2579
- (B) Hatchery Supported Trout Waters are as follows:  
Calderwood Reservoir from Cheoah Dam to the Tennessee state line  
Cheoah Reservoir  
Panther Creek from the confluence of Stand Creek and Rock Creek to Lake Fontana  
Santeetlah Creek from Johns Branch to Lake Santeetlah  
Snowbird Creek from USFS Rd. 2579 to the S.R. 1127 bridge  
Stecoah Creek from the upper game land boundary to Lake Fontana  
Tulula Creek from S.R. 1201 to the lower bridge on S.R. 1275  
West Buffalo Creek from the confluence of Squally Creek and Little Buffalo Creek downstream to Lake Santeetlah  
Yellow Creek from Lake Santeetlah hydropower pipeline to the Cheoah River
- (C) Wild Trout Waters are as follows:  
Little Buffalo Creek  
South Fork Squally Creek  
Squally Creek
- (10) Haywood County
- (A) Delayed Harvest Trout Waters are as follows:  
West Fork Pigeon River from Queen Creek to the first game land boundary upstream of Lake Logan
- (B) Hatchery Supported Trout Waters are as follows:  
Cold Springs Creek from Fall Branch to the Pigeon River  
Jonathan Creek from upstream of the S.R. 1302 bridge to the Pigeon River, except where posted against trespassing

- Pigeon River from Stamey Cove Branch to the upstream U.S. 19-23 bridge  
Richland Creek from the Russ Avenue, U.S. 276, bridge to the U.S. 19 bridge  
West Fork Pigeon River from Tom Creek to Queen Creek
- (11) Henderson County  
(A) Delayed Harvest Trout Waters are as follows:  
North Fork Mills River, the game land portion below the Hendersonville watershed dam  
(B) Hatchery Supported Trout Waters are as follows:  
Broad River from the end of S.R. 1611 to the Rutherford Co. line  
Cane Creek from the railroad bridge upstream of the S.R. 1551 bridge to the U.S. 25 bridge  
Clear Creek from Laurel Fork to S.R. 1582  
Green River from the Lake Summit powerhouse to the game land boundary  
Hungry River from ~~S.R. 1885~~ Little Hungry River to the Green River
- (12) Jackson County  
(A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Flat Creek  
Tuckasegee River, the game land portion upstream of Tanasee Creek Lake, including the Duke Energy powerline corridor  
Tuckasegee River the portion upstream from the Clark property  
(B) Delayed Harvest Trout Waters are as follows:  
Tuckasegee River from downstream of the N.C. 107 bridge to the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks  
(C) Hatchery Supported Trout Waters are as follows:  
Balsam Lake  
Bear Creek Lake  
Cedar Cliff Lake  
Cullowhee Creek from Tilley Creek to the Tuckasegee River  
Dark Ridge Creek from Jones Creek to Scott Creek  
Greens Creek from Greens Creek Baptist Church on S.R. 1370 to Savannah Creek
- Savannah Creek from Shell Branch to Cagle Branch  
Scott Creek from Dark Ridge Creek to the Tuckasegee River, except where posted against trespassing  
Tanasee Creek Lake  
Tuckasegee River from John Brown Branch to the downstream N.C. 107 bridge  
Tuckasegee River from the falls located 275 yards upstream of the U.S. 23-441 bridge, marked by a sign on both banks, to the S.R. 1534 bridge at Wilmont  
Wolf Creek Lake  
(D) Wild Trout Waters are as follows:  
Gage Creek  
North Fork Scott Creek  
Tanasee Creek  
Whitewater River from Silver Run Creek to the South Carolina state line  
Wolf Creek except Balsam Lake and Wolf Creek Lake
- (13) Macon County  
(A) Delayed Harvest Trout Waters are as follows:  
Nantahala River from Whiteoak Creek to the Nantahala hydropower discharge canal  
(B) Hatchery Supported Trout Waters are as follows:  
Burningtown Creek from Left Prong to the Little Tennessee River  
Cartoogechaye Creek from downstream of the U.S. 64 bridge to the Little Tennessee River  
Cliffside Lake  
Cullasaja River from Sequoyah Dam to the U.S. 64 bridge near the junction of S.R. 1672  
Nantahala River from Dicks Creek to Whiteoak Creek  
Nantahala River from the Nantahala hydropower discharge canal to the Swain Co. line  
Queens Creek Lake
- (14) Madison County  
(A) Delayed Harvest Trout Waters are as follows:  
Big Laurel Creek from the N.C. 208 bridge to the U.S. 25-70 bridge  
Shelton Laurel Creek from the N.C. 208 bridge at Belva to the confluence with Big Laurel Creek  
Spring Creek from the N.C. 209 bridge at the Hot Springs city limits to the iron bridge at end of Andrews Ave.  
(B) Hatchery Supported Trout Waters are as follows:

- Big Laurel Creek from Puncheon Fork to the S.R. 1318, Big Laurel Rd., bridge downstream of Bearpen Branch  
Big Pine Creek from the S.R. 1151 bridge to the French Broad River  
Little Ivy Creek from the confluence of Middle Fork and Paint Fork at Beech Glen to the confluence with Ivy Creek at Forks of Ivy  
Max Patch Pond  
Meadow Fork Creek from Meadow Fork Campground to Spring Creek  
Puncheon Fork from Wolf Laurel Branch to Big Laurel Creek  
Roaring Fork from Fall Branch to Meadow Fork  
Shelton Laurel Creek from the confluence of Big Creek and Mill Creek to the N.C. 208 bridge at Belva  
Shut-in Creek from the confluence of East Fork Shut-in Creek and West Fork Shut-in Creek to the French Broad River  
Spillcorn Creek from Baker Creek to the S.R. 1330 bridge  
Spring Creek from the junction of N.C. 209 and N.C. 63 to the confluence with Meadow Fork  
West Fork Shut-in Creek from the lower game land boundary to the confluence with East Fork Shut-in Creek
- (15) McDowell County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Newberry Creek, the game land portion
- (B) Delayed Harvest Trout Waters are as follows:  
Catawba River, the portion adjacent to the Marion Greenway  
Curtis Creek, the game land portion downstream of the USFS boundary at Deep Branch  
Mill Creek from the U.S. 70 bridge to the I-40 bridge
- (C) Hatchery Supported Trout Waters are as follows:  
Armstrong Creek from the Cato Holler line downstream to the upper Greenlee line  
Catawba River from the Catawba Falls Campground to the Old Fort Recreation Park  
Little Buck Creek, the game land portion
- (16) Mitchell County
- (A) Delayed Harvest Trout Waters are as follows:  
Cane Creek from the N.C. 226 bridge to the S.R. 1189 bridge  
North Toe River from the U.S. 19E bridge to the N.C. 226 bridge
- (B) Hatchery Supported Trout Waters are as follows:  
Big Rock Creek from the headwaters to ~~the N.C. 226 bridge at the S.R. 1307 intersection~~  
the S.R. 1325 bridge  
Cane Creek from S.R. 1219 to the N.C. 226 bridge  
East Fork Grassy Creek  
Grassy Creek from East Fork Grassy Creek to the mouth  
~~Little Rock Creek from the Green Creek bridge to Big Rock Creek, except where posted against trespassing~~  
North Toe River from the Avery Co. line to the S.R. 1121 bridge
- (C) Wild Trout Waters are as follows:  
Green Creek from the headwaters to the Green Creek bridge, except where posted against trespassing  
Little Rock Creek the portion upstream of the Green Creek bridge, including the tributaries, except where posted against trespassing  
Wiles Creek from the game land boundary to the mouth
- (17) Polk County
- (A) Delayed Harvest Trout Waters are as follows:  
Green River from the Fishtop Falls Access Area to the confluence with Cove Creek
- (B) Hatchery Supported Trout Waters are as follows:  
Green River from the mouth of Cove Creek to the natural gas pipeline crossing  
North Pacolet River from Joels Creek to the N.C. 108 bridge
- (18) Rutherford County
- (A) Hatchery Supported Trout Waters are as follows:  
Broad River from the Henderson Co. line to the U.S. 64/74 bridge, except where posted against trespassing
- (19) Stokes County
- (A) Hatchery Supported Trout Waters are as follows:

- (20) Surry County
- (A) Delayed Harvest Trout Waters are as follows:  
Ararat River, the portion adjacent to the Ararat River Greenway downstream of the N.C. 103 bridge  
Mitchell River from 0.6 miles upstream of the end of S.R. 1333 to the lowermost bridge on S.R. 1330
- (B) Hatchery Supported Trout Waters are as follows:  
~~Ararat River from the S.R. 1727 bridge to River, the portion adjacent to the Ararat River Greenway upstream of the N.C. 103 bridge~~  
Big Elkin Creek from the dam 440 yards upstream of the N.C. 268 bridge to a point 265 yards downstream of N.C. 268, marked by a sign on both banks  
Fisher River from the Virginia state line to the I-77 bridge  
Little Fisher River from the Virginia state line to the N.C. 89 bridge  
Lovills Creek from the U.S. 52 Business bridge to the Ararat River  
Pauls Creek from the Virginia state line to 0.3 miles below the S.R. 1625 bridge
- (21) Swain County
- (A) Delayed Harvest Waters Trout Waters are as follows:  
Tuckasegee River from the U.S. 19 bridge to the Slope Street bridge
- (B) Hatchery Supported Trout Waters are as follows:  
Alarka Creek from the game land boundary to Fontana Reservoir  
Calderwood Reservoir from Cheoah Dam to the Tennessee state line  
Cheoah Reservoir  
Connelly Creek from Camp Branch to the Tuckasegee River  
Deep Creek from the Great Smoky Mountains National Park Boundary line to the Tuckasegee River  
Nantahala River from the Macon Co. line to the existing Fontana Lake water level
- (22) Transylvania County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Davidson River from the headwaters to Avery Creek, excluding Avery Creek, Looking Glass Creek, Grogan Creek, Cedar Rock Creek and John Rock Branch
- (B) Delayed Harvest Trout Waters are as follows:  
East Fork French Broad River from East Fork Baptist Church to ~~the 350 yards~~ downstream S.R. 1107 of Whitmire Falls, marked by a sign on both banks ~~bridge~~  
Little River from the confluence of Lake Dense to 100 yards downstream of Hooker Falls
- (C) Hatchery Supported Trout Waters are as follows:  
Davidson River from Avery Creek to the lower USFS boundary  
French Broad River from the confluence of the North Fork French Broad River and West Fork French Broad River to the Island Ford Rd., S.R. 1110, Access Area  
Middle Fork French Broad River from upstream of the U.S. 178 bridge to the French Broad River  
West Fork French Broad River from S.R. 1312 to confluence with North Fork French Broad River
- (D) Wild Trout Waters are as follows:  
The waters located on Gorges State Park  
Whitewater River from Silver Run Creek to the South Carolina state line
- (23) Watauga County
- (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
Laurel Creek from the confluence of North Fork Laurel Creek and South Fork Laurel Creek to Elk Creek, excluding tributaries  
Pond Creek from the headwaters to the Locust Ridge Rd. bridge, excluding the pond adjacent to Coffee Lake
- (B) Delayed Harvest Trout Waters are as follows:  
Lake Coffey  
Watauga River from the S.R. 1114 bridge to the Valle Crucis Community Park lower boundary  
Watauga River from the S.R. 1103 bridge to the confluence with Laurel Creek
- (C) Hatchery Supported Trout Waters are as follows:  
Beaverdam Creek from the confluence of Beaverdam Creek and Little Beaverdam Creek to an unnamed tributary adjacent to the intersection of S.R. 1201 and S.R. 1203



- Beech Creek  
 Buckeye Creek from Buckeye Creek Reservoir dam to Grassy Gap Creek  
 Buckeye Creek Reservoir  
 Cove Creek from the S.R. 1233 bridge at Zionville to the S.R. 1214 bridge at Sherwood  
 Dutch Creek from the second S.R. 1136 bridge to the mouth  
 Elk Creek from the S.R. 1510 bridge at Triplett to the Wilkes Co. line, except where posted against trespassing  
 Laurel Creek from the S.R. 1123 bridge at the S.R. 1157 intersection to the Watauga River  
 Meat Camp Creek from the S.R. 1340 bridge at the S.R. 1384 intersection to N.C. 194  
 Middle Fork New River from adjacent to the intersection of S.R. 1539 and U.S. 321 to the South Fork New River  
 Norris Fork Creek  
 South Fork New River from the canoe launch 70 yards upstream of U.S. 421 bridge to the lower boundary of Brookshire Park  
 Stony Fork from the S.R. 1500 bridge at the S.R. 1505 intersection to the Wilkes Co. line
- (D) Wild Trout Waters are as follows:  
 Dutch Creek from the headwaters to the second S.R. 1136 bridge  
 Howard Creek  
 Maine Branch from the headwaters to the North Fork New River  
 North Fork New River from the confluence with Maine Branch and Mine Branch to the Ashe Co. line  
 Winkler Creek from the lower bridge on S.R. 1549 to the confluence with the South Fork New River
- (24) Wilkes County  
 (A) Delayed Harvest Trout Waters are as follows:  
 East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary  
 Elk Creek from the Watauga Co. line to the lower boundary of the Blue Ridge Mountain Club  
 Elk Creek, the portion on Leatherwood Mountains development  
 Reddies River from the Town of North Wilkesboro water intake dam to the confluence with the Yadkin River  
 Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek
- (B) Hatchery Supported Trout Waters are as follows:  
 Basin Creek from the S.R. 1730 bridge to the confluence with Lovelace Creek  
 Bell Branch Pond  
 Boundary Line Pond  
 Cub Creek from 0.5 miles upstream of the S.R. 2460 bridge to the S.R. 1001 bridge  
 Darnell Creek from the downstream ford on S.R. 1569 to the confluence with the North  
 Fork Reddies River  
 East Prong Roaring River from the Stone Mountain State Park lower boundary to the Low Meadows Lane bridge  
 Fall Creek from the S.R. 1300 bridge to the confluence with South Prong Lewis Fork, except where posted against trespassing  
 Middle Fork Reddies River from the headwaters to the bridge on S.R. 1580  
 Middle Prong Roaring River from the headwaters to the second bridge on S.R. 1736  
 North Fork Reddies River from the headwaters to the Union School bridge on S.R. 1559  
 Pike Creek  
 Pike Creek Pond  
 South Fork Reddies River from the S.R. 1355 bridge to the confluence with the Middle Fork Reddies River  
 South Prong Lewis Fork from Fall Creek to the U.S. 421 bridge adjacent to the S.R. 1155 intersection
- (C) Wild Trout Waters are as follows:  
 The waters located on Stone Mountain State Park, except East Prong Roaring River from Bullhead Creek to the Stone Mountain State Park lower boundary where Delayed Harvest Trout Waters regulations apply, and Stone Mountain Creek from the falls at the Alleghany Co. line to the confluence with the East Prong Roaring River and Bullhead Creek in Stone Mountain State Park where Delayed Harvest Trout Waters regulations apply
- (25) Yancey County  
 (A) Catch and Release Artificial Flies and Lures Only Trout Waters are as follows:  
 South Toe River from the headwaters to Upper Creek

- (B) Upper Creek  
Delayed Harvest Trout Waters are as follows:  
Cane River from Blackberry Ridge Rd. to the downstream boundary of Cane River County Park
- (C) Hatchery Supported Trout Waters are as follows:  
Bald Mountain Creek, except where posted against trespassing  
Cane River from Bee Branch, S.R. 1110, to Bowlens Creek  
Price Creek from the junction of S.R. 1120 and S.R. 1121 to Indian Creek  
South Toe River from Clear Creek to the lower boundary line of Yancey Co. Recreation Park, except where posted against trespassing
- (D) Wild Trout Waters are as follows:  
Cattail Creek from the bridge at Mountain Farm Community Rd. to the N.C. 197 bridge  
Lickskillet Creek  
Middle Creek from the game land boundary to the mouth

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

**15A NCAC 10C .0208 SPAWNING AREAS**

(a) No person shall fish from March 1 to May 31 in the following restored floodplain sloughs ~~connected to the French Broad River and Mud Creek~~ in Henderson County:

- (1) Mud Creek slough ~~Slough~~ 1 at 35.403687 N, 82.531970 W connected to the French Broad River, located 0.25 miles upstream of Butler Bridge Rd. (S.R. 1345).
- (2) Mud Creek slough ~~Slough~~ 2 at 35.398380 N, 82.528750 W connected to the French Broad River, located 1.0 miles upstream of Butler Bridge Rd.
- (3) Mud Creek slough ~~Slough~~ 3 at 35.396449 N, 82.525462 W connected to Mud Creek, located 0.1 miles upstream from confluence with the French Broad River.
- (4) Pleasant Grove slough at 35.298384 N, 82.584716 W connected to the French Broad River, located 0.25 miles upstream from S.R. 1205, Etowah School Road.
- (5) King's Bridge slough at 35.377100 N, 82.530389 W connected to the French Broad River, located 0.6 miles downstream from N.C. Hwy 191, Haywood Road.

(b) Each slough shall be marked with signs on both banks.

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

**15A NCAC 10C .0211 POSSESSION OF CERTAIN FISHES**

(a) It shall be unlawful to transport, purchase, possess, sell, or stock in the public or private waters of North Carolina any live individuals of:

- (1) African longfin eel (*Anguilla mossambica*);
- (2) amur sleeper (*Perccottus glenii*);
- (3) applesnail (any species of the genus *Pomacea*);
- (4) Asian pond mussel (any species of the genus *Sinanodonta*)
- ~~(4)~~(5) Asian swamp eel, swamp or rice eel (*Monopterus albus*);
- ~~(5)~~(6) Australian red claw crayfish or red claw (*Cherax quadricarinatus*, or other species in the genus *Cherax*);
- ~~(6)~~(7) bigclaw crayfish (*Faxonius placidus*);
- ~~(7)~~(8) bighead carp (*Hypophthalmichthys nobilis*);
- ~~(8)~~(9) black carp (*Mylopharyngodon piceus*);
- ~~(9)~~(10) brown hoplo (*Hoplosternum littorale*);
- ~~(10)~~(11) Chinese mysterysnail (*Cipangopaludina chinensis*);
- ~~(11)~~(12) Creole painted crayfish (*Faxonius palmeri creolanus*);
- ~~(12)~~(13) Crucian Carp (*Carassius carassius*);
- ~~(13)~~(14) European eel (*Anguilla anguilla*);
- ~~(14)~~(15) European minnow (*Phoxinus phoxinus*);
- ~~(15)~~(16) European perch (*Perca fluviatilis*);
- (17) golden mussel (any species of the genus *Limnoperna*)
- ~~(16)~~(18) Japanese mysterysnail (*Cipangopaludina japonica*);
- ~~(17)~~(19) marbled Crayfish or Marmorkrebs (*Procambarus virginalis* or *Procambarus fallax f. virginalis*);
- ~~(18)~~(20) olive mysterysnail (*Viviparus subpurpureus*);
- ~~(19)~~(21) Oriental weatherfish (*Misgurnus anguillicaudatus*);
- ~~(20)~~(22) piranha (any species of the genera *Pristobrycon*, *Pygocentrus*, *Pygopristis*, or *Serrasalmus*);
- ~~(21)~~(23) Prussian Carp (*Carassius gibelio*);
- ~~(22)~~(24) quagga mussel (*Dreissena rostriformis bugensis*) or any mussel in the family *Dreissenidae*;
- ~~(23)~~(25) red shiner (*Cyprinella lutrensis*);
- ~~(24)~~(26) red-rim melania (*Melanoides tuberculatus* or *Melanoides tuberculata*);
- ~~(25)~~(27) redbelly catfish (*Phractocephalus hemiliopterus*);
- ~~(26)~~(28) round goby (*Neogobius melanostomus*);
- ~~(27)~~(29) rudd (*Scardinius erythrophthalmus* or *Scardinius erythrophthalmus*);
- ~~(28)~~(30) ruffe (*Gymnocephalus cernuus* or *Gymnocephalus cernua*);
- ~~(29)~~(31) rusty crayfish (*Faxonius rusticus*);
- ~~(30)~~(32) shortfin eel (*Anguilla australis*);
- ~~(31)~~(33) silver carp (*Hypophthalmichthys molitrix*);
- ~~(32)~~(34) snakehead fish (from the Family *Channidae*, formerly *Ophiocephalidae*);

- ~~(33)~~(35) tubenose goby (*Proterorhinus marmoratus*, *Proterorhinus semilunaris*, and *Proterorhinus semipellucidus*);
- ~~(34)~~(36) virile crayfish (*Faxonius virilis*);
- ~~(35)~~(37) walking catfish (any member of the genus *Batrachus*);
- ~~(36)~~(38) white amur or grass carp (*Ctenopharyngodon idella*), except for triploid individuals as permitted in Paragraph (b) of this Rule;
- ~~(37)~~(39) yellow bass (*Morone mississippiensis*); or
- ~~(38)~~(40) zebra mussel (*Dreissena polymorpha*).

(b) A person may buy, possess, or stock grass carp that have been certified to be triploid or sterile, only for the purpose of controlling aquatic vegetation under a permit issued by the Executive Director or his or her designee based on an evaluation of the potential for escapement and threat to sensitive aquatic habitats.

(c) It shall be unlawful to transport, possess, or release live river herring, also known as alewife or blueback herring, in the waters of the Little Tennessee River in and upstream of Lake Santeetlah and Cedar Cliff Lake, including all the tributaries and impoundments thereof, and on adjacent shorelines, docks, access ramps, and bridge crossings.

*Authority G.S. 113-134; 113-274(c)(1c); 113-292.*

## **SECTION .0300 – GAME FISH IN INLAND FISHING WATERS**

### **15A NCAC 10C .0305 LARGEMOUTH BASS**

(a) The daily creel limit for Largemouth Bass is five fish, except in waters identified in Paragraphs (d), (e), (f), (l), (m), ~~and (n)(n)~~, and (o) of this Rule.

(b) There is no minimum size limit for Largemouth Bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (d) through ~~(n)(o)~~ of this Rule.

(c) There is no closed season, except in waters identified in Paragraph (n) of this Rule.

(d) In ~~Lake Cammack in Alamance County, and~~ Lake Holt in Granville County, the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(e) In Lake Santeetlah in Graham County, there is no daily creel limit for Largemouth Bass and Smallmouth Bass less than 14 inches. The daily creel limit for Largemouth Bass and Smallmouth Bass greater than 14 inches is five fish in aggregate.

(f) In Lake Chatuge in Clay County, the daily creel limit for Largemouth Bass, Smallmouth Bass, Alabama Bass, and Spotted Bass is 10 fish in aggregate. The minimum size limit for Largemouth Bass is 12 inches.

(g) The minimum size limit for Largemouth Bass is 14 inches in the following waters:

- (1) Lake Raleigh in Wake County;
- (2) Lake Sutton in New Hanover County;
- (3) Pungo Lake in Washington and Hyde counties;
- (4) New Lake in Hyde County; and
- (5) Currituck, Roanoke, Croatan, Albemarle sounds, and their tributaries, including Roanoke River downstream of Roanoke Rapids Dam,

Chowan River, Meherrin River, Yeopim River, Pasquotank River, Perquimans River, Little River, Big Flatty Creek, North River, Northwest River, Scuppernong River, Alligator River, including the Alligator/Pungo Canal east of the N.C. Hwy 264/45 bridge, and the other associated tributaries and canals in these river systems.

(h) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties, the minimum size limit for Largemouth Bass is 16 inches.

(i) In Lake Phelps in Tyrrell and Washington counties, the minimum size limit for Largemouth Bass is 14 inches, and no fish between 16 and 20 inches may be possessed.

(j) In Lake Hampton in Yadkin County, there is no minimum size limit for Largemouth Bass. No more than two Largemouth Bass less than 14 inches and no Largemouth Bass between 16 and 20 inches may be possessed.

(k) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Largemouth Bass is 18 inches.

(l) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for Largemouth ~~Bass, Bass and Smallmouth Bass, and Spotted Bass~~ is five fish in aggregate. There is no minimum size limit for Largemouth Bass, but no fish between 14 and 22 inches in length may be possessed and one Largemouth ~~Bass, Bass or Smallmouth Bass, or Spotted Bass~~ greater than 22 inches may be possessed.

(m) In Lake Mattamuskeet and associated canals in Hyde County, the minimum size limit for Largemouth Bass is 16 inches and one Largemouth Bass greater than 20 inches may be possessed.

(n) In Jean Guite Creek and associated canals within the Town of Southern Shores in Dare County and in the ponds associated with Martin Marietta Park in Craven County, no Largemouth Bass may be possessed.

(o) In Lake Cammack in Alamance County, there is no daily creel limit for Largemouth Bass, and only five Largemouth Bass greater than 14 inches may be possessed.

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

### **15A NCAC 10C .0316 MOUNTAIN TROUT**

(a) Hatchery-Supported Trout Waters.

- (1) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish.
- (2) There is no minimum size limit. ~~limit for these fish.~~
- (3) The open season is from 7 a.m. on the first Saturday in April until March 1, except in the reservoirs identified in 15A NCAC 10C .0205 where trout may be taken year-round. ~~March 1, except for waters designated in Paragraph (g) of this Rule.~~

(b) Wild Trout Waters.

- (1) The daily creel limit for trout in Wild Trout Waters is four fish.
- (2) The minimum size limit ~~for these fish~~ is seven inches.
- (3) There is no closed season.

(c) Catch and Release/Artificial Flies and Lures Only Trout Waters. No trout shall be harvested from ~~Catch and Release/Artificial Flies and Lures Only Trout Waters.~~ Trout shall ~~not be or~~ possessed while fishing these waters.

(d) Delayed Harvest Trout Waters. ~~The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The Youth only Delayed Harvest Trout Water Season is from 6:00 a.m. on the first Saturday in June until 12 p.m. that same day. During this season individuals under 16 years of age may fish. From 12:00 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to fishing from one half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.~~

(1) From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or possessed while fishing these waters.

(2) Only individuals under 16 years of age may fish from 6:00 a.m. on the first Saturday in June until 12 p.m. that same day.

(A) The daily creel limit for trout is seven fish.

(B) There is no minimum size limit.

(3) The open season is from 12:00 p.m. on the first Saturday in June until September 30.

(A) The daily creel limit for trout is seven fish.

(B) There is no minimum size limit.

(e) Special Regulation Trout Waters. ~~The daily creel limits, size limits, and seasons for trout in Special Regulation Trout Waters are as follows:~~

(1) Apalachia Reservoir (Cherokee County)

(A) ~~the~~ The daily creel limit for trout is three trout fish.

(B) There is no minimum size limit, but only one may be greater than 14 inches.

(C) There is no closed season.

(2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam

(A) ~~the~~ The daily creel limit for trout is two fish.

(B) The minimum size limit is 14 inches.

(C) There is no closed season.

(f) Undesignated Waters.

(1) The daily creel limit for trout in undesignated trout waters is seven fish.

(2) There is no minimum size limit. limit for these fish.

(3) There is no closed season.

~~(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of the following power reservoirs and municipally owned water supply reservoirs open to the public for fishing.~~

- (1) ~~Bear Creek Lake;~~
- (2) ~~Buckeye Creek Reservoir;~~
- (3) ~~Calderwood Reservoir;~~
- (4) ~~Cedar Cliff Lake;~~
- (5) ~~Cheoah Reservoir;~~
- (6) ~~Cliffside Lake;~~
- (7) ~~Tanassee Creek Lake;~~
- (8) ~~Queens Creek Lake; and~~
- (9) ~~Wolf Lake.~~

~~(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.~~

~~(g)(i) Trout water classifications designations and manners of take are set forth in 15A NCAC 10C .0205.~~

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

#### **15A NCAC 10C .0318 WHITE BASS**

(a) The daily creel limit for white bass is 10 fish.

(b) There is ~~a 14 inch~~ no minimum size limit.

(c) There is no closed season.

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

#### **15A NCAC 10C .0321 SMALLMOUTH BASS**

(a) The daily creel limit for smallmouth bass is five fish, except in waters identified in Paragraphs (d) through (f) of this Rule.

(b) There is no minimum size limit for smallmouth bass, but only two of them may be less than 14 inches except in waters identified in Paragraphs (d) through (f) of this Rule.

(c) There is no closed season.

(d) In Lake Santeetlah in Graham County, there is no daily creel limit for largemouth bass and smallmouth bass less than 14 inches. The daily creel limit for largemouth bass and smallmouth bass greater than 14 inches is five fish in aggregate.

(e) In Lake Chatuge in Clay County, the daily creel limit for largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate. There is no minimum size limit for smallmouth bass.

(f) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for largemouth ~~bass, bass and smallmouth bass, and spotted~~ bass is five fish in aggregate. There is no minimum size limit for smallmouth bass, but no fish between 14 and 22 inches in length may be possessed and only one largemouth ~~bass, bass or~~ smallmouth ~~bass, or spotted~~ bass greater than 22 inches may be possessed.

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

#### **15A NCAC 10C .0322 ALABAMA BASS AND SPOTTED BASS**

(a) There is no daily creel limit for Alabama bass or spotted bass, except for waters identified in ~~Paragraphs (d) and (e)~~ Paragraph (d) of this Rule.

(b) There is no minimum size limit.

(c) There is no closed season.

(d) In Lake Chatuge in Clay County, the daily creel limit for largemouth bass, smallmouth bass, Alabama bass, and spotted bass is 10 fish in aggregate.

~~(e) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for largemouth bass, smallmouth bass, and spotted bass is five fish in aggregate. There is no minimum size limit for spotted bass, but no fish between 14 and 22 inches in length may be possessed and only one largemouth bass, smallmouth bass, or spotted bass greater than 22 inches may be possessed.~~

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

## **SUBCHAPTER 10D - GAME LANDS REGULATIONS**

### **SECTION .0100 - GAME LANDS REGULATIONS**

#### **15A NCAC 10D .0102 GENERAL REGULATIONS REGARDING USE**

(a) For purposes of this Subchapter, the following definitions apply:

- (1) "Permanent Hunting Blind" means a structure that is used for hunter concealment, constructed from manmade or natural materials, and that is not disassembled and removed at the end of the day's hunt.
- (2) "Target shooting" means the discharge of a firearm for purposes other than hunting, trapping, or self-defense.
- (3) "Youth" means individuals under 16 years of age.

(b) Trespass. Entry on game lands for purposes other than hunting, trapping, or fishing shall be as authorized by the landowner. The Wildlife Resources Commission has identified the following areas on game lands that have additional restrictions on entry or usage:

- (1) Archery Zone. On portions of game lands posted as "Archery Zones" hunting is limited to archery equipment and falconry. During the open deer seasons for these areas, antlered and antlerless deer may be taken.
- (2) Safety Zone. On portions of game lands posted as "Safety Zones" hunting is prohibited. No person shall hunt or discharge a firearm or bow and arrow within, into, or across a posted safety zone on a game land. Falconry is exempt from this provision.
- (3) Restricted Firearms Zone. On portions of game lands posted as "Restricted Firearms Zones" the use of centerfire rifles is prohibited.
- (4) Restricted Zone. Portions of game lands posted as "Restricted Zones" are closed to use by the public, and entry on these areas is prohibited without written approval from the Wildlife Resources Commission. The Commission may authorize entry when the primary purpose for the Restricted Zone shall not be compromised and the persons requesting entry demonstrate a valid need, or official business of the

Commission is being conducted by a contractor or agent of the Commission. Valid needs may include access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

- (5) Temporary Restricted Zone. Portions of game lands posted as "Temporary Restricted Zones" are closed to use by the public, and entry is prohibited without written approval from the Wildlife Resources Commission. An area of a game land shall be declared a Temporary Restricted Zone when there is a danger to the health or welfare of the public.
- (6) Scouting-only Zone. On portions of the game lands posted as "Scouting-only Zones" the discharge of firearms or bow and arrow is prohibited.
- (7) Restricted Deer Hunting Zone. On portions of game lands posted as "Restricted Deer Hunting Zones" the use of dogs for taking deer is prohibited, except as allowed by permit as provided in G.S. 113-264(d).
- (8) Day Use Only Zone. On portions of game lands posted as "Day Use Only Zones" the use by the public shall be prohibited from sunset to sunrise.
- (9) Sensitive Habitat Zone. Portions of game lands posted as "Sensitive Habitat Zones" are closed to use by the public during the dates specified on the sign, and entry is prohibited without written approval from the Wildlife Resources Commission by calling 919-707-0150 and requesting a permit.

The Commission shall conduct a public input meeting in the area where the game land is located before establishing the following zones: archery, restricted firearms, restricted deer hunting, day use only, or sensitive habitat. After the input meeting, the public comments shall be presented at an official Commission meeting for final determination.

(c) Littering. No person shall deposit litter, trash, garbage, or other refuse on any game land except in receptacles provided for disposal of refuse at designated camping and target-shooting areas. No garbage dumps or sanitary landfills shall be established on a game land by a person, firm, corporation, county, or municipality, except as permitted by the landowner.

(d) Use of weapons. ~~No Except for archery equipment, as defined in Rule 10B .0116, no person shall discharge a weapon within 150 yards of:~~

- (1) ~~a weapon within 150 yards of~~ a game land building or designated game land camping area, except where posted otherwise; or
- (2) ~~a weapon within 150 yards of~~ a residence located on or adjacent to game lands, ~~lands,~~ except on Butner Falls of Neuse and Jordan game lands; and
- (3) ~~a firearm within 150 yards of a residence located on or adjacent to Butner Falls of Neuse and Jordan Game Lands.~~

No person shall hunt with or have in possession a shotgun shell containing lead or toxic shot while hunting on a posted waterfowl impoundment on a game land, except shotgun shells containing lead buckshot may be used while deer hunting. Individuals carrying a concealed handgun shall adhere to the requirements set forth in G.S. 14-415.11, even if the state issuing the concealed handgun permit is not North Carolina. On Butner-Falls of Neuse, Jordan, Kerr Scott, and Vance game lands, no person shall possess loaded firearms, ammunition, bows and arrows, crossbows, or other weapons except as provided in the Code of Federal Regulations, Title 36, Chapter III, Part 327.13, which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at [www.ecfr.gov](http://www.ecfr.gov) at no cost. On Buckhorn, Chatham, Harris, Hyco, Lee, Mayo, and Sutton Lake game lands; Pee Dee River Game Land north of U.S. 74; and that portion of R. Wayne Bailey- Caswell Game Land that is located north of U.S. 158 and east of N.C. 119, no person shall possess a firearm during closed hunting seasons or closed hunting days for game birds or game animals, except under the following conditions:

- (1) the firearm is a .22 caliber pistol with a barrel not greater than seven and one-half inches in length and shooting only short, long, or long rifle ammunition carried as a side arm;
  - (2) the firearm is cased or not immediately available for use;
  - (3) the firearm is used by persons participating in field trials on field trial areas; or
  - (4) the firearm is possessed in designated camping areas for defense of persons and property.
- (e) Game Lands License: Hunting and Trapping
- (1) Except as provided in Subparagraph (4) of this Paragraph, a person entering a game land to hunt, trap, run dogs, or train dogs using wildlife shall have in his or her possession a valid North Carolina hunting or trapping license.
  - (2) For Commission-sanctioned field trials, active participants, as defined in 15A NCAC 10B .0114, in a field trial using wildlife shall possess a North Carolina hunting license, except non-residents may substitute hunting licenses from their state(s) of residence.
  - (3) For other field trials using wildlife occurring on game lands, judges and active participants shall possess a North Carolina hunting license.
  - (4) Exceptions:
    - (A) a person under 16 years of age may hunt on game lands on the license of his parent or legal guardian;
    - (B) on the game lands described in Rule .0103 (j)(1) of this Section, the game lands license is required for hunting doves; other activities are subject to the control of the landowners.
- (f) Field Trials and Training Dogs. An individual or organization sponsoring a field trial on the Sandhills Field Trial area shall file an application with the Commission to use the area with the facility use fee computed at the rate of three hundred dollars (\$300.00) for each scheduled day of the trial. The total facility use

fee shall cover the period from 12:00 noon of the day preceding the first scheduled day of the trial to 10:00 a.m. of the day following the last scheduled day of the trial. The facility use fee shall be paid for all intermediate days on which trials are not run but the building or facilities are used or occupied. A fee of one hundred dollars (\$100.00) per day shall be charged to sporting, educational, or scouting groups for scheduled events utilizing the club house only. No person or group of persons or other entity shall enter or use the physical facilities located on the Sandhills Field Trial area or the Laurinburg Fox Trial facility without written approval from an authorized agent of the Wildlife Resources Commission, and no entry or use of a facility shall exceed the scope of or continue beyond the approved use. The Sandhills Field Trial facilities shall be used only for field trials scheduled with the approval of the Wildlife Resources Commission. No more than 20 days of field trials may be scheduled for occurrence on the Sandhills facilities during a calendar month, and no more than five days may be scheduled during a calendar week. A field trial requiring more than five days may be scheduled during one week with reduction of the maximum number of days allowable during some other week so that the monthly maximum of 20 days is not exceeded. Before October 1 of each year, the North Carolina Field Trial Association or other organization desiring use of the Sandhills facilities between the Wednesday on or nearest October 18 and the second Friday before Thanksgiving and between the first Monday following Thanksgiving and March 31 shall submit its proposed schedule of use to the Wildlife Resources Commission for consideration and approval. ~~The use of the Sandhills Field Trial facilities by individuals for training dogs is prohibited; elsewhere on the Sandhills Game Lands dogs may be trained only on Mondays, Wednesdays, and Saturdays from October 1 through April 1. Training dogs is prohibited at the Sandhills Field Trial facilities. Unless otherwise specified in Rules of this Subchapter and except when participating in field trials sanctioned by the Wildlife Resources Commission, dogs may dogs shall~~ not be trained or permitted to run unleashed from April 1 through August 15 on game lands located west of I-95, ~~or I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission. Dogs may not be trained or permitted to run unleashed from March 15 through June 15 on game lands located east of I-95, except when participating in field trials sanctioned by the Wildlife Resources Commission.~~ I-95. Additionally, on game lands located west of I-95 where special hunts are scheduled for sportsmen participating in the Disabled Sportsman Program, dogs may not be trained or allowed to run unleashed during legal big game hunting hours on the dates of the special hunts. A field trial shall be authorized when the field trial does not conflict with other planned activities on the game land or field trial facilities, and the applying organization demonstrates their experience and expertise in conducting genuine field trial activities. Entry to physical facilities, other than by field trial organizations under permit, shall be granted when they do not conflict with other planned activities previously approved by the Commission and they do not conflict with the mission of the agency.

(g) Trapping. Subject to the restrictions contained in 15A NCAC 10B .0300, trapping of furbearing animals, armadillos, coyotes, and groundhogs is permitted on game lands during the open trapping seasons for those areas, established by rule. Foxes may

be trapped on game lands from October 1 through the end of February in a county with an open fox trapping season that falls between October 1 and the end of February. Foxes may not be taken by trapping on game lands in counties with a closed fox trapping season or during a fox trapping season that occurs outside the dates of October 1 through the end of February. Additionally, fox trapping is allowed on game lands in Clay, Graham, Henderson, Macon, and Tyrrell counties with a daily bag limit of two and a season bag limit of 10 from the first to the fourth Saturday in January. Trapping is prohibited:

- (1) on the J Robert Gordon Field Trial Area of Sandhills Game Land;
- (2) in posted "safety zones" located on a game land;
- (3) by the use of bait on the National Forest Lands bounded by the Blue Ridge Parkway on the south, US 276 on the north and east, and NC 215 on the west;
- (4) on the DuPont State Forest Game Lands; and
- (5) from April 1 through September 31.

At a trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in G.S. 113-294(r), is less than 3 cubic inches and is covered to prevent it from being seen from above. Feathers, including those with attached skin or entire bird wings, hair with or without skin or hide, and bones that include no attached meat, organs, or viscera do not need to be covered.

(h) Vehicular Traffic. No person shall drive a motorized vehicle on a game land except on roads constructed, maintained, and opened for vehicular travel and on trails posted for vehicular travel, unless the person:

- (1) is driving in the vehicle gallery of a scheduled bird dog field trial held on the Sandhills Game Land; or
- (2) is a disabled sportsman as defined in Paragraph (l) of this Rule or holds a Disabled Access Program Permit as described in Paragraph (l) of this Rule and is abiding by the rules described in Paragraph (k).

(i) Camping.

- (1) No person shall camp on a game land except on an area posted by the landowner for camping.
- (2) Camping on posted camping areas is allowed from September 1 through the last day of February and from March 31 through May 31 unless otherwise specified in Rules of this Subchapter.
- (3) On game lands owned by the State of North Carolina, where the North Carolina Wildlife Resources Commission is the primary custodian, the maximum period of consecutive overnight camping at a designated camping area is 14 days within any 30-day period, unless otherwise specified in rules of this Subchapter. After 14 consecutive days of camping, personal belongings shall be removed from the game land.

- ~~(3)~~(4) A hunting, fishing, trapping or Game Lands License is required for individuals age 16 or older to camp on game lands in areas posted for

camping except when camping within 100 yards of the Roanoke River on the state-owned portion of the Roanoke River Wetlands Game Land, within 100 yards of the Neuse River on that portion of the game land west of NC-43, and in posted areas along the Mountains-to-Sea Trail on Butner-Falls of Neuse Game Land.

(j) Release of Animals and Fish. It is unlawful to release pen-raised animals or birds, wild animals or birds, domesticated animals, except hunting dogs and raptors where otherwise permitted for hunting or training purposes, or feral animals, or hatchery-raised fish on game lands without written authorization. It is unlawful to move wild fish from one stream to another on game lands without written authorization. Written authorization shall be given when release of animals is determined by a Wildlife Resources Commission biologist not to be harmful to native wildlife in the area and is in the public interest or advance the programs and goals of the Wildlife Resources Commission.

(k) Non-Highway Licensed Vehicles. It is unlawful to operate motorized land vehicles not licensed for highway use on game lands except for designated areas on National Forests. Disabled persons as defined in Paragraph (l) of this Rule and people who have obtained a Disabled Access Program permit are exempt from this restriction but shall comply with the terms of their permit. Furthermore, disabled persons, as defined under the federal Americans with Disabilities Act (42 U.S.C. 126) may use wheelchairs or other all-terrain wheelchairs on areas where foot travel is allowed. Off road vehicles including ATVs, UTVs, and ebikes are not permitted.

(l) Disabled Access Program. Disabled individuals who meet the requirements of G.S. 113-296 may obtain a Disabled Access Permit and Disabled Sportsman Hunt Certification online at [ncwildlife.org](http://ncwildlife.org). The Disabled Access Permit allows individuals to operate electric wheel chairs, all-terrain vehicles, and other passenger vehicles on any Commission-maintained road open for vehicular travel and those trails posted for vehicular travel and ungated or open-gated roads otherwise closed to vehicular traffic on game lands owned by the Wildlife Resources Commission and on game lands whose owners have agreed to that use. Those game lands, or parts thereof, where this Paragraph applies are designated online, at [www.ncwildlife.org](http://www.ncwildlife.org). This Paragraph does not permit vehicular access on fields, openings, roads, paths, or trails planted for wildlife food or cover. One companion, who is identified by a companion card issued to each qualified disabled person, may accompany a disabled person to provide assistance, provided the companion is constantly in visual or verbal contact with the disabled person. The companion may participate in lawful activities while assisting a disabled person, provided license requirements are met. A vehicle used by a qualified disabled person for access to game lands under this provision shall have the Disabled Access Permit available for inspection by wildlife enforcement officers upon request. Hunters who qualify under the Disabled Sportsman Program and their companions may access special hunting blinds for people with disabilities during regularly scheduled, non-permit hunting days on a first come basis, except for those blinds located on the Restricted Area of Caswell Game Land. It is unlawful for anyone other than disabled persons holding a Disabled Access Permit, during waterfowl season, to hunt within 100 yards of a waterfowl blind

designated by the Wildlife Resources Commission as a Disabled Sportsman's hunting blind. The Disabled Sportsman Hunt Certification allows individuals to apply for available Disabled sportsman permit hunting opportunities as prescribed in G.S. 113-296.

(m) Public nudity. Public nudity, including nude sunbathing, is prohibited on game lands, including land or water. For the purposes of this Section, "public nudity" means a person's intentional failure to cover with a fully opaque covering the person's genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.

(n) Shooting Ranges. On public shooting ranges managed by the Commission, no person shall use designated shooting ranges for purposes other than for firearm or bow and arrow marksmanship, development of shooting skills, or for other safe uses of firearms and archery equipment. Other uses, including camping, building fires, operating concessions or other activities not directly involved with recreational or competitive shooting are prohibited, unless written authorization is obtained from the Commission. No person, when using any shooting range, shall deposit debris or refuse on the grounds of the range. This includes items used as targets, except that clay targets broken on the range, by the shooter, may be left on the grounds where they fall. No person shall shoot items made of glass on the grounds of the range. No person may leave a vehicle or other obstruction in a location or position that it will prevent, impede, or inconvenience the use by other persons of any shooting range. No person shall leave a vehicle or other object parked in a place on the shooting range other than the place or zone that is designated and posted or marked as an authorized parking zone. No person shall handle firearms or bow and arrow on a shooting range in a careless or reckless manner. No person shall intentionally shoot into any target holder, post, or other permanent fixture or structure while using a shooting range. No person shall shoot a firearm in a manner that would cause rifled or smoothbore projectiles to travel off of the range, except that shotgun shot, size No. 4 or smaller may be allowed to travel from the range if it presents no risk of harm or injury to a person. Persons using a shooting range shall obey posted range safety rules and those persons who violate range safety rules or create a public safety hazard shall leave the shooting range if directed to by law enforcement officers or to leave by Commission employees. No person shall handle firearms on a shooting range while under the influence of an impairing substance. The consumption of alcohol or alcoholic beverages on a shooting range is prohibited. Open days and hours of operation shall be designated on signs and at least one sign shall be posted at the entrance to each shooting range. No person, when using a shooting range, shall do an act that is prohibited or neglect to do an act that is required by signs or markings placed on the area under authority of this Rule for regulating the use of the area.

(o) Limited-access Roads. During the months of June, July, and August, roads posted as "Limited-access Roads" are open to motorized vehicles from 5:00 a.m. to 10:00 p.m. These roads shall be posted with the opening and closing times.

(p) No person shall attempt to obscure the sex or age of a bird or animal taken by severing the head or any other part thereof, or possess a bird or animal that has been so mutilated.

(q) Baiting. Except as provided in Paragraph (g) of this Rule, no person shall place, or cause to be placed on a game land, salt,

grain, fruit, or other foods without written authorization from an agent of the Commission. Written authorization may be provided for Commission authorized projects or Commission contractors to meet specific objectives. Except as authorized by rule, no person shall take or attempt to take wild birds or wild animals attracted to these foods.

*Authority G.S. 113-129; 113-134; 113-264; 113-270.3; 113-291.2; 113-291.5; 113-305; 113-306; 143-318.10.*

#### **15A NCAC 10D .0104 FISHING ON GAME LANDS**

(a) Game lands are open to public fishing except:

- (1) restocked ponds when posted against fishing;
- (2) Hunting Creek Swamp Waterfowl Refuge;
- (3) Cedar Rock Creek, Grogan Creek, and John Rock Branch, in Transylvania County; and
- (4) private ponds where fishing is prohibited by the owners.

(b) No trotline, set-hook, net, trap, gig, or other special fishing device mentioned in 15A NCAC 10C .0404(b),(c),(d), and (f) may be used in impounded waters located entirely on game lands.

(c) Archery equipment may be used to take nongame fishes in impounded waters located entirely on game lands except for those waters mentioned in 15A NCAC 10C .0404(a).

(d) Waters located on the following game lands ~~listed in this Subparagraph~~ are designated as public mountain trout waters ~~except as noted. waters:~~

- (1) Cold Mountain Game Land in Haywood County.
- (2) DuPont State Forest Game Lands in Henderson and Transylvania counties, except:
  - (A) Little River from 100 yards downstream of Hooker Falls downstream to the DuPont State Forest boundary;
  - (B) Lake Imaging;
  - (C) Lake Dense;
  - (D) Lake Alfred;
  - (E) Lake Julia; and
  - (F) Fawn Lake.
- (3) Green River Game Land in Henderson and Polk counties, except Green River downstream of the natural gas pipeline crossing.
- (4) Headwaters State Forest Game Land in Transylvania County.
- (5) Nantahala National Forest Game Lands in Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania counties, except Cheoah River downstream of Santeetlah Reservoir and Cherokee Lake.
- (6) Pisgah National Forest Game Lands in Avery, Buncombe, Burke, Caldwell, Haywood, Henderson, Madison, McDowell, Mitchell, Transylvania, Watauga, and Yancey counties, except:
  - (A) Cedar Rock Creek, Grogan Creek, and John Rock Branch;



- (B) North Fork Catawba River downstream of the mouth of Armstrong Creek;
- (C) Big Laurel Creek downstream from the US 25-70 bridge to the French Broad River;
- (D) Mill Ridge Pond;
- (E) Nolichucky River;
- (F) Pigeon River downstream of Waterville Reservoir to the Tennessee state line; and
- (G) Spring Creek below US Forest Service road 223.
- (7) Pond Mountain Game Land in Ashe County.
- (8) Little Fork State Forest Game Land in Wilkes County.
- (9) South Mountains Game Land in Burke, Cleveland, McDowell, Cleveland and Rutherford counties.
- (10) Three Top Mountain Game Land in Ashe County.
- (11) Thurmond Chatham Game Land in Wilkes County.
- (12) Toxaway Game Land in Transylvania County.
- (13) William H. Silvers Game Land in Haywood County.

(e) The designated public mountain trout waters ~~located on the game lands listed~~ identified in Paragraph (d) of this Rule are Wild Trout Waters unless classified otherwise in 15A NCAC 10C .0205(d).

*Authority G.S. 113-134; 113-264; 113-272; 113-292; 113-305.*

#### **SECTION .0200 - USE OF GAME LANDS**

##### **15A NCAC 10D .0205 BLADEN LAKES STATE FOREST GAME LAND IN BLADEN COUNTY**

Bladen Lakes State Forest ~~game land~~ Game Land is a Three Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Except for blackpowder firearms, rifles larger than .22 caliber rimfire shall not be used.
- (3) On the Singletary Lake Tract, the use of dogs for hunting deer and bear is prohibited.
- (4) Wild turkey hunting on the Singletary Lake Tract is by permit only.
- (5) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in~~ allowed on areas both designated and posted as for camping areas, as specified in Rule .0102 of this Subchapter.
- (6) The use of dogs for pursuing or taking foxes shall be prohibited from February 15 through August 1.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

##### **15A NCAC 10D .0211 BUTNER-FALLS OF NEUSE GAME LAND IN DURHAM, GRANVILLE, AND WAKE COUNTIES**

Butner-Falls of Neuse ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Friday thereafter.
- (2) Waterfowl shall be taken only on:
  - (a) the opening and closing days of the waterfowl seasons;
  - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
  - (c) Tuesdays, Thursdays, and Saturdays of the applicable waterfowl seasons.

On the posted waterfowl impoundments a special permit is required for all waterfowl hunting after November 1.

- (3) Horseback riding is prohibited.
- (4) Target shooting is prohibited.
- (5) Wild turkey hunting is by permit only, except on those areas posted as an archery zone.
- (6) The use of dogs for hunting deer is prohibited on that portion west of NC 50 and south of Falls Lake.
- (7) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals. On designated bicycle riding areas, the use of bicycles is allowed from May ~~15~~ 16 through August 31, and on Sundays only from September 1 through May ~~14~~ 15.
- (8) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (9) Camping is allowed year-round in the designated Mountains-to-Sea Trail Camping Area and shall not exceed a maximum stay of two consecutive nights. Campfires are prohibited in this camping area.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

##### **15A NCAC 10D .0212 BUXTON WOODS GAME LAND IN DARE COUNTY**

Buxton Woods ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the first Friday thereafter.
- (2) Target shooting is prohibited.
- (3) Horseback riding is prohibited except on designated trails.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0215 R. WAYNE BAILEY-CASWELL GAME LAND IN CASWELL COUNTY**

(a) R. Wayne Bailey-Caswell Game Land is a Three Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken from the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Wednesday thereafter.
- (2) Horseback riding, including all equine species, is allowed seven days per week from May 16 through August 31, and on Sundays only, September 1 through May 15. Horseback riding is allowed on roads opened to vehicular traffic and on those gated roads and trails that are posted for equestrian use. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).
- (3) On the posted waterfowl impoundment, waterfowl hunting is by permit after November 1.
- (4) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14.~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (5) Target shooting is prohibited, except at the R. Wayne Bailey-Caswell Shooting Range.

(b) Hunting shall be by permit for the following species in the area posted as the Caswell Small Game Focal Area:

- (1) quail and woodcock; and
- (2) rabbit and squirrel on days outside of the three days per week framework.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0217 CHOWAN GAME LAND IN CHOWAN COUNTY**

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0218 CHOWAN SWAMP GAME LAND IN BERTIE, GATES, AND HERTFORD COUNTIES**

Chowan Swamp ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Bear hunting is restricted to the first Saturday, Monday, and Tuesday of the November bear season and the second Saturday, Monday, and Tuesday of the December bear season except in that portion of Chowan Swamp Game Land in Gates County that is east of Highway 158/13, south of Highway 158, west of Highway 32, and north of Catherine Creek and the Chowan River where the bear season is the same as the season dates for the Gates County bear season.

- (3) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in areas both designated and allowed on areas posted as for camping areas.~~ as specified in Rule .0102 of this Subchapter.
- (4) Horseback riding is prohibited except during May 16 through August 31 and on Sundays only September 1 through May 15 on those roads that are open to vehicular traffic and on those gated roads and trails posted for equestrian use.
- (5) Target shooting is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0229 GOOSE CREEK GAME LAND IN BEAUFORT AND PAMLICO COUNTIES**

Goose Creek ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Except as provided in 15A NCAC 10D ~~.0103(d)(2),~~ .0103(e), waterfowl in posted waterfowl impoundments shall be taken only on the following days:
  - (a) the opening and closing days of the applicable waterfowl seasons;
  - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
  - (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (3) Beginning on the first open waterfowl season day in ~~October~~ October, through the end of all waterfowl seasons, waterfowl hunting is by permit only on the following waterfowl impoundments: Pamlico Point, Campbell Creek, Hunting Creek, Spring Creek, Smith Creek, and Hobucken.
- (4) On Spring Lake, Pamlico Point, and Campbell Creek Waterfowl Impoundments, all activities, except waterfowl hunting on designated waterfowl hunting days and trapping during the trapping season, are restricted to the posted Scouting-only Zone during the period November 1 through March 15.
- (5) Camping is ~~restricted to September 1 through the last day of February February, and March 31 through May 14 14,~~ in areas both designated and allowed on areas posted as for camping areas. as specified in Rule .0102 of this Subchapter.
- (6) Hunting and vehicular access on the Parker Farm Tract is restricted from September 1 through January 1 and April 1 through May 15 to individuals that possess a valid hunting opportunity permit.

- (7) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Beaufort County portion north of ~~NC 33~~ NC 33, except for that portion east of Smith Creek and south of Campbell Creek.
- (8) Bear shall not be harvested on Sunday.
- (9) Hunting for deer, bear, and turkey on the Bates-Bay Tract is by permit only.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0232 GULL ROCK GAME LAND IN HYDE COUNTY**

Gull Rock ~~Game Land~~ is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken all the open days of the applicable Deer With Visible Antlers Season.
- (2) Waterfowl on ~~posted waterfowl impoundments~~ the E. Merle Edwards/Loop Road Impoundment shall be taken only on the following days:
  - (a) the opening and closing days of the applicable waterfowl seasons;
  - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and
  - (c) Tuesdays and Saturdays of the applicable waterfowl season.
- (3) Camping is ~~restricted to September 1 through the last day of February February, and March 31 through May 14 14, in~~ allowed on areas designated and posted as for camping areas, as specified in Rule .0102 of this Subchapter.
- (4) Bear may only be taken the first Saturday, Monday, and Tuesday of the November Bear ~~Season~~ Season, and the second Saturday, Monday, and Tuesday of the December Bear Season.
- (5) Waterfowl hunting on posted waterfowl impoundments on the Willow Point tract is by permit only.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0236 HOLLY SHELTER GAME LAND IN PENDER COUNTY**

Holly Shelter ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken on all the open days of the applicable Deer With Visible Antlers Season.
- (2) Waterfowl may be taken only on the following days:
  - (a) the opening and closing days of the applicable waterfowl seasons;
  - (b) Thanksgiving, Christmas, New Year's, and Martin Luther King, Jr. Days; and

- (c) Tuesdays and Saturdays of the applicable waterfowl seasons.
- (3) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in areas designated and~~ allowed on areas posted as for camping areas, as specified in Rule .0102 of this Subchapter.
- (4) On that portion north of the Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, deer hunting and bear hunting are permit only.
- (5) The use of dogs for hunting deer and bear is prohibited:
  - (a) all open days on that portion of the game land that is south of Baby Branch extending west to Stag Park Road, west of Shaw Road, north of Meeks Road extending west to Stag Park Road and east of Stag Park Road; and
  - (b) on Tuesdays, Thursdays, and Fridays, with the exception of Thanksgiving, Christmas, and New Year's days, and except for the area north of Bear Garden Road, west of Shaw Road to Baby Branch, east of the Northeast Cape Fear River, south of NC 53 and west of NC 50, where the use of dogs for deer and bear hunting is by permit only.
- (6) Hunting and vehicular access on the Pender 4 Tract is restricted from September 1 to the last day of February and April 1 to May 15 to individuals that possess valid hunting opportunity permits, unless otherwise authorized by the Wildlife Resources Commission.
- (7) Hunters who possess a Disabled Access Permit may operate an All Terrain Vehicle on and within 100 yards of trails designated for Disabled Sportsman Access.
- (8) Target shooting is prohibited, except on the Holly Shelter Shooting Range.
- (9) Geocaching is restricted to closed days for taking bear, deer, turkey, and waterfowl.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0239 JOHNS RIVER GAME LAND IN BURKE COUNTY**

Johns River ~~game land~~ Game Land is hunting by permit only. The following shall apply:

- (1) During permitted deer hunts, antlered or antlerless deer may be taken by permit holders.
- (2) The construction of permanent hunting blinds is prohibited.

- (3) Camping is ~~restricted to August 31 through the last day of February and March 31 through May 14.~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (4) Target shooting is prohibited.
- (5) During the open days of the seasons for game birds and game animals, the use of bicycles is restricted to hunters engaged in the act of hunting.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0240 JORDAN GAME LAND IN CHATHAM, DURHAM, ORANGE, AND WAKE COUNTIES**

Jordan ~~game land~~ Game Land is a Six Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken on open days of the All Lawful Weapons Season for Deer With Visible Antlers.
- (2) Waterfowl may be taken only on:
  - (a) Mondays, Wednesdays, and Saturdays of the applicable waterfowl seasons;
  - (b) Thanksgiving, Christmas, and New Year's Days; and
  - (c) the opening and closing days of the applicable waterfowl seasons.
- (3) Horseback riding, including all equine species, is allowed only on those areas posted as American Tobacco Trail and other areas posted for equestrian use. Unless otherwise posted, horseback riding is permitted on posted portions of the American Tobacco Trail anytime the trail is open for use. On other trails posted for equestrian use, horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays only from September 1 through May 15. People age 16 or older shall obtain a game land license prior to engaging in horseback riding on an area other than the American Tobacco Trail.
- (4) Target shooting is prohibited.
- (5) Wild turkey hunting is by permit only, except on those areas posted as an Archery Zone.
- (6) The use of bicycles is restricted to designated areas, except that this restriction does not apply to hunters engaged in the act of hunting during the open days of the applicable seasons for game birds and game animals.
- (7) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14.~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0241 JUNIPER CREEK GAME LAND IN BRUNSWICK AND COLUMBUS COUNTIES**

(a) Juniper Creek ~~game land~~ Game Land is a Seven Days per Week Area. The following applies:

- (1) Deer of either sex may be taken on all the open days of the Deer With Visible Antlers Season.
- (2) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in~~ allowed on areas both designated and posted as for camping areas, as specified in Rule .0102 of this Subchapter.
- (3) Bear shall not be harvested on Sunday.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0258 PEE DEE RIVER GAME LAND IN ANSON, MONTGOMERY, RICHMOND, AND STANLY COUNTIES**

Pee Dee River ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the All Lawful Weapons Season for Deer With Visible Antlers through the second Friday thereafter.
- (2) Target shooting is prohibited.
- (3) Horseback riding is allowed seven days per week from May 16 through August 31, and on Sundays only September 1 through May 15 only on roads opened to vehicular traffic and gated roads and trails posted for equestrian use.
- (4) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting shall be prohibited on that portion south of US 74, prohibited, except on that portion north of US-74 and east of Pee Dee River where hunting shall be by permit only.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0265 ROANOKE RIVER WETLANDS IN BERTIE, HALIFAX, MARTIN, AND NORTHAMPTON COUNTIES**

Roanoke River Wetlands is hunting and trapping by Permit only, in which the following applies:

- (1) Vehicles are prohibited on roads or trails except those operated on Commission business or by permit holders.
- (2) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14 in~~ allowed on areas both designated and posted as for camping areas, provided, however, that camping is allowed at any time within 100 yards of the Roanoke River on the state owned portion of the game land, as specified in Rule .0102 of this Subchapter.
- (3) Target Shooting is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0267 ROBESON GAME LAND IN ROBESON COUNTY**

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0271 SANDHILLS GAME LAND IN HOKE, MOORE, RICHMOND, AND SCOTLAND COUNTIES**

Sandhills ~~game land~~ Game Land is a Three Days per Week Area, in which the following applies:

- (1) Hunting is prohibited on the J. Robert Gordon Field Trial Grounds from the Wednesday on or nearest October 18 through March 31 except as follows:
  - (a) Antlered or antlerless deer may be taken with archery equipment on the open days of the archery season through the fourth Friday before Thanksgiving Day; with blackpowder firearms and archery equipment the open days of the blackpowder firearms season through the third Wednesday before Thanksgiving Day; and only deer with visible antlers may be taken with all lawful weapons from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day;
  - (b) dove may be taken on open days from the opening day of the dove season through the third Saturday thereafter;
  - (c) gray and fox squirrel may be taken on open days from the second Saturday before Thanksgiving Day through the Saturday following Thanksgiving Day;
  - (d) rabbit may be taken on open days from the second Saturday preceding Thanksgiving Day through the Saturday following Thanksgiving Day;
  - (e) waterfowl may be taken on open days during waterfowl season;
  - (f) wild animals and wild birds may be taken as part of a Disabled Sportsmen Program Permit Hunt; and
  - (g) raccoon and opossum may be taken on open days from sunrise Monday on or nearest October 15 through the last day of February.
- (2) Antlered or Antlerless deer may be taken with archery equipment on open hunting days from the Saturday on or nearest to September 10 to the fourth Friday before Thanksgiving Day.

- (3) Antlered or Antlerless deer may be taken with Blackpowder firearms or archery equipment on open hunting days from the fourth Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter.
- ~~(2)(4)~~ The Antlered deer may be taken with all lawful weapons on Deer With Visible Antlers season is the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day, except on the J. Robert Gordon Field Trial Grounds.
- (5) Antlerless deer hunting during the All Lawful Weapons Season is by permit only.
- (6) Antlered deer may be taken with Blackpowder firearms or archery equipment, except on the J. Robert Gordon Field Trial Grounds, on open hunting days from the third Monday after Thanksgiving Day through January 1.
- ~~(3)~~ The archery season is on open days from the Saturday on or nearest to September 10 to the fourth Friday before Thanksgiving Day and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Antlered or antlerless deer may be taken with archery equipment on open hunting days during the archery season, by permit during the Deer with Visible antlers season, and the blackpowder firearms season as stated in this Subparagraph. Only deer with visible antlers may be taken from the third Monday after Thanksgiving Day through January 1.
- ~~(4)~~ Blackpowder firearms season is the open days from the fourth Saturday preceding Thanksgiving Day through the Wednesday of the second week thereafter and, except on the J. Robert Gordon Field Trial Grounds, the third Monday after Thanksgiving Day through January 1. Antlered or antlerless deer may be taken with blackpowder firearms on open hunting days during the blackpowder firearms season. Only deer with visible antlers may be taken from the third Monday after Thanksgiving Day through January 1.
- ~~(5)~~ Antlered and antlerless deer hunting during the All Lawful Weapons Season for Deer With Visible Antlers is by permit only.
- ~~(6)(7)~~ In addition to the regular hunting days, waterfowl may be taken on the opening and closing days of the applicable waterfowl seasons.
- ~~(7)(8)~~ Wild turkey hunting is by permit only.
- ~~(8)(9)~~ Horseback riding on field trial grounds from the Wednesday on or nearest October 18 through March 31 is prohibited unless participating in authorized field trials. Horseback riding is allowed on the remainder of the Sandhills Game Land seven days per week on roads that

- are open to vehicular traffic and gated roads and trails posted for equestrian use.
- (9)(10) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (10)(11) Target shooting is prohibited, except at the John F. Lentz Hunter Education Complex.
- (11)(12) Swimming is prohibited in the lakes.
- (13) Fox squirrel hunting is by permit only.
- (14) Hunting deer with dogs is by permit only.
- (15) Training dogs for the purpose of pursuing or chasing deer is prohibited.
- (16) An individual convicted of a wildlife or trespass violation while hunting deer with dogs shall not be eligible to receive a permit for hunting deer with dogs the season following conviction.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0275 SHOCCO CREEK GAME LAND IN FRANKLIN, HALIFAX, NASH, AND WARREN COUNTIES**

Shocco Creek ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Horseback riding is prohibited.
- (3) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ in allowed on areas both designated and posted as for camping areas. as specified in Rule .0102 of this Subchapter.
- (4) Target Shooting is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0276 SOUTH MOUNTAINS GAME LAND IN BURKE, CLEVELAND, MCDOWELL, AND RUTHERFORD COUNTIES**

South Mountains ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) The Deer With Visible Antlers Season begins on the Saturday after Thanksgiving Day through January 1. Antlered or antlerless deer may be taken with archery equipment beginning the Saturday on or nearest September 10 through the day immediately preceding the Blackpowder Firearms Season described in this Rule. Antlered or antlerless deer may be taken with blackpowder firearms beginning two Saturdays preceding the first day of the open season for Deer With Visible Antlers described in this Rule through the second Friday thereafter.

- (2) Antlered or antlerless deer may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (3) Horseback riding is prohibited except on designated trails during the following dates:
  - (a) January 2 through March 31;
  - (b) May 16 through August 31;
  - (c) Sundays only - April 1 through May 15; and
  - (d) Sundays only - September 1 through January 1.
- (4) Target shooting is prohibited.
- (5) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ in allowed on areas both designated and posted as for camping areas. as specified in Rule .0102 of this Subchapter.
- (6) The maximum period of consecutive overnight camping at any posted and designated camping area is 14 days within any 30-day period.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0278 SUGGS MILL POND GAME LAND IN BLADEN AND CUMBERLAND COUNTIES**

Suggs Mill Pond ~~game land~~ Game Land is hunting and trapping by permit only, in which the following applies:

- (1) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ in allowed on areas both designated and posted as for camping areas. as specified in Rule .0102 of this Subchapter.
- (2) Entry is prohibited on scheduled hunt or trapping days except for:
  - (a) hunters or trappers holding special hunt or trapping permits; and
  - (b) persons using Campground Road to access Suggs Mill Pond Lake at the dam.
- (3) During the period of November 1 through January 31, except on Sundays, the use of vessels on Suggs Mill Pond Lake and Little Singletary Lake is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).
- (4) During the period of November 1 through March 15, the use of vessels on managed waterfowl impoundments is limited to waterfowl hunting only by waterfowl hunters possessing a valid and current Hunting Opportunity Permit issued by the Wildlife Resources Commission pursuant to G.S. 113-264(d).

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0283 THURMOND CHATHAM GAME LAND IN ALLEGHANY AND WILKES COUNTIES**

Thurmond Chatham ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Antlered or antlerless deer may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) 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. People age 16 or older horseback riding on this game land shall possess a Game Lands license as required by G.S. 270.3(b)(3).
- (3) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0291 WHITEHALL PLANTATION GAME LAND IN BLADEN AND PENDER COUNTIES**

Whitehall Plantation ~~game land~~ Game Land is hunting and trapping by permit only, in which the following applies:

- (1) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ in allowed on areas both designated and posted as for camping areas, as specified in Rule .0102 of this Subchapter.
- (2) Pursuing or chasing deer or bear with dogs for the purposes of training or hunting is prohibited on the Long Ridge Tract.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

**15A NCAC 10D .0294 NORTH BEND GAME LAND IN BURKE COUNTY**

North Bend ~~game land~~ Game Land is hunting by permit only. The following shall apply:

- (1) The use of bicycles is restricted to designated trails, except for hunters engaged in the act of hunting during the open days of the seasons for game birds and game animals.
- (2) Camping is ~~restricted to September 1 through the last day of February and March 31 through May 14~~ allowed on areas posted for camping as specified in Rule .0102 of this Subchapter.
- (3) Horseback riding is prohibited.
- (4) Target shooting is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

\*\*\*\*\*

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10C .0325; 10D .0249, and .0260.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncwildlife.gov/hunting/regulations/proposed-regulations>

**Proposed Effective Date:** *January 1, 2026*

**Public Hearing:**

**Date:** *August 5, 2025*

**Time:** *4:00PM*

**Location:** *Zoom Meeting. Registration Required:*  
*[https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_X60LebS\\_R02uqk-JT47iZw](https://ncwildlife-org.zoomgov.com/webinar/register/WN_X60LebS_R02uqk-JT47iZw) or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 161 629 0758*

**Date:** *August 7, 2025*

**Time:** *7:00PM*

**Location:** *Zoom Meeting. Registration Required:*  
*[https://ncwildlife-org.zoomgov.com/webinar/register/WN\\_eMPMrTbeQ3-ykxuzwhv6tA](https://ncwildlife-org.zoomgov.com/webinar/register/WN_eMPMrTbeQ3-ykxuzwhv6tA) or Join by Phone: Toll Free (833) 568-8864, Webinar ID: 160 223 3918*

**Reason for Proposed Action:** *Each year, the N.C. Wildlife Resources Commission reviews and adjusts seasons, bag limits, and the land management regulations, as needed, to achieve conservation management goals, comply with statutory changes, and respond to constituent requests.*

*10D .0260 and 10C .0325 are permanent versions of temporary rules currently before the RRC for approval at the 6/26/2025 meeting. The effective date of 1/1/2026 ensures no gap between the temporary and permanent versions.*

*10D .0249 addresses violations to Duke Energy's USAEC permit at Mayo Game Land. This is of immediate concern and necessitates an expedited timeline.*

**Comments may be submitted to:** *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email [regulations@ncwildlife.gov](mailto:regulations@ncwildlife.gov)*

**Comment period ends:** *September 15, 2025*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** *If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive*

written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☒ State funds affected
- ☒ Local funds affected
- ☐ Substantial economic impact ( $\geq \$1,000,000$ )
- ☒ Approved by OSBM
- ☐ No fiscal note required

## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

### SUBCHAPTER 10C - INLAND FISHING REGULATIONS

#### SECTION .0300 – GAME FISH IN INLAND FISHING WATERS

##### 15A NCAC 10C .0325 SEA TROUT

- (a) The daily creel limit for sea trout (spotted or speckled) is ~~four~~ three fish.
- (b) The minimum size limit is 14 ~~inches~~ inches, but no fish between 20 and 26 inches in length may be possessed and only one sea trout greater than 26 inches may be possessed.
- (c) There is no closed season.

*Authority G.S. 113-134; 113-292; 113-304; 113-305.*

### SUBCHAPTER 10D - GAME LANDS REGULATIONS

#### SECTION .0200 - USE OF GAME LANDS

##### 15A NCAC 10D .0249 MAYO GAME LAND IN PERSON COUNTY

Mayo ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season through the second Friday thereafter.
- (2) Waterfowl shall be taken only on:
  - (a) Tuesdays, Thursdays, and Saturdays applicable waterfowl seasons;
  - (b) Christmas and New Year's Days; and
  - (c) the opening and closing days of the applicable waterfowl seasons.
- (3) Target shooting is prohibited.
- (4) Placement of docks, piers, and personal property for more than 24 consecutive hours on the shoreline or lakebed of Mayo Lake is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

##### 15A NCAC 10D .0260 PISGAH GAME LAND IN AVERY, BUNCOMBE, BURKE, CALDWELL, HAYWOOD, HENDERSON, MADISON, MCDOWELL, MITCHELL, TRANSYLVANIA, WATAUGA, AND YANCEY COUNTIES

Pisgah ~~game land~~ Game Land is a Seven Days per Week Area, in which the following applies:

- (1) Deer of either sex may be taken the first open Saturday of the applicable Deer With Visible Antlers Season.
- (2) Horseback riding is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (3) The use of bicycles shall be restricted to designated trails on the Linville River Tract (Burke County). Persons engaged in the act of hunting on the Linville River Tract during any open day of an applicable season for game birds or game animals shall be exempt from this restriction.
- (4) Alcohol and fires are prohibited on the Lutz Tract (Caldwell County). ~~in the Wilson Creek portion of Pisgah Game Land (Caldwell County)~~
- (5) Target shooting is prohibited on the Black Bear (McDowell County), Linville River (Burke County), and Little Tablerock Tracts (Avery, McDowell, and Mitchell counties).
- (6) Entry on the Lutz Tract (Caldwell County) for purposes other than hunting, fishing, trapping, and posted use of trails and parking areas is prohibited.

*Authority G.S. 113-134; 113-264; 113-291.2; 113-291.5; 113-296; 113-305.*

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 34 - FUNERAL SERVICE

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Funeral Service intends to amend the rule cited as 21 NCAC 34D .0202.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://ncbfs.org/>

**Proposed Effective Date:** December 1, 2025

**Public Hearing:**

**Date:** August 13, 2025

**Time:** 10:00 a.m.

**Location:** 1033 Wade Ave, Ste 108, Raleigh, NC 27605



**Reason for Proposed Action:** *To offer more flexible options for obtaining continuing education on preneed funeral service.*

**Comments may be submitted to:** *Amy Acord, 1033 Wade Ave, Ste 108, Raleigh, NC 27605; phone (919) 733-9380; email aacord@ncbfs.org*

**Comment period ends:** *September 30, 2025*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq \$1,000,000$ )
- ☐ Approved by OSBM
- ☒ No fiscal note required

## SUBCHAPTER 34D - PRENEED FUNERAL CONTRACTS

### SECTION .0200 – LICENSING

#### 21 NCAC 34D .0202 PRENEED SALES LICENSE

(a) Individuals who hold either an active funeral director's license or an active funeral service license issued by the Board and who have taken ~~three~~ two or more hours of continuing education on preneed statutes and rules ~~taught by Board staff~~ within the preceding three calendar years are eligible for initial licensure as a preneed sales license upon application by a funeral establishment holding an active preneed establishment permit, as set forth in Paragraph (d) of this Rule.

(b) Only individuals who hold an active preneed sales license issued by the Board or resident trainees in funeral service or funeral directing registered with the Board as allowed by 21 NCAC 34B .0103 are permitted to engage in the following preneed funeral planning activities:

- (1) discuss with consumers written materials, including price lists and photographs, descriptive of the funeral services, funeral merchandise, the preneed funeral plan, or funeral contract being offered;

- (2) explain the various types of funeral ceremonies and services and the qualities and characteristics of various kinds of funeral merchandise;
- (3) sell, on a preneed basis, funeral services and merchandise;
- (4) record, on any form or otherwise, specific items of funeral services and merchandise selected on a preneed basis;
- (5) make funeral arrangements on a preneed basis; and
- (6) sign preneed contracts; provided, however, that the resident trainee and his or her licensed supervisor comply with 21 NCAC 34B .0103(e) when doing so.

(c) No preneed sales license is required for the sale of an insurance policy for which no funeral establishment or its representative is listed as the beneficiary or assignee of said policy. In connection with such a sale, the salesperson shall not be deemed to have engaged in preneed funeral planning if the salesperson shows only price lists of funeral services and merchandise to permit a prospective purchaser to make an informed decision as to the amount of insurance desired.

(d) An applicant shall apply for, renew, or surrender a preneed sales license in accordance with the following provisions:

- (1) A funeral establishment holding an active preneed establishment permit shall apply for, or renew, a preneed sales license by submitting the following to the Board on behalf of the applicant for a preneed sales license:
  - (A) the applicant's name, address, email address, and telephone number;
  - (B) the applicant's funeral director's or funeral service license number;
  - (C) the name, address, and preneed establishment permit number of the preneed funeral establishment licensee or licensees on whose behalf the applicant will sell preneed funeral contracts;
  - (D) the applicant's employment or agency relationship with the preneed establishment licensee or licensees;
  - (E) the initial or renewal application fee required by 21 NCAC 34A .0201(c) for each preneed sales licensee;
  - (F) the date on which the applicant has taken the continuing education course required by Paragraph (a) of this Rule; and
  - (G) the applicant's signature and attestation that he or she has read and will comply with the statutes and rules governing the practice of preneed funeral service.

- (2) Either the preneed sales licensee or the preneed funeral establishment on whose behalf the preneed sales licensee is engaged in preneed funeral planning activities may surrender a

preneed sales license by submitting notification of such surrender in writing to the Board.

(e) If a preneed sales licensee proposes to engage in preneed funeral planning activities on behalf of multiple preneed funeral establishment licensees that are not wholly owned by or affiliated with common ownership, the preneed sales licensee shall submit the following to the Board:

- (1) the date on which the preneed sales licensee will begin engaging in preneed funeral planning activities for multiple preneed funeral establishment licensees;
- (2) the date on which the preneed sales licensee will stop engaging in preneed funeral planning activities for multiple preneed funeral establishment licensees, if known;
- (3) the name, license number, and signature of the preneed sales licensee;
- (4) the name and signature of the licensed manager of each preneed funeral establishment licensee for whom the preneed sales licensee will engage in preneed funeral planning activities; and
- (5) an attestation from each of the individuals identified in Subparagraphs (3) and (4) of this Paragraph that:
  - (A) he or she consents to the preneed sales licensee engaging in preneed funeral planning activities on behalf of the identified preneed funeral establishment licensees; and
  - (B) the preneed sales licensee and the preneed funeral establishment licensee on whose behalf the preneed funeral planning activities are to be conducted shall comply with the statutes and rules governing preneed funeral planning activities.

(f) The Board shall issue to each preneed sales licensee a pocket card as certification of the preneed sales license. The preneed sales licensee shall carry the card while engaging in preneed funeral planning.

(g) The preneed sales licensee shall sign and affix his or her preneed sales license number to each preneed funeral contract, which he or she sells, in the presence of the purchaser of the contract at the time of sale.

*Authority G.S. 90-210.25(a)(4); 90-210.60(8); 90-210.67(a),(c); 90-210.69(a), (c).*

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## CHAPTER 58 - REAL ESTATE COMMISSION

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Real Estate Commission intends to amend the rule cited as 21 NCAC 58A .0503.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
[www.ncrec.gov](http://www.ncrec.gov)

**Proposed Effective Date:** *November 1, 2025*

**Public Hearing:**

**Date:** *August 14, 2025*

**Time:** *9:00 A.M.*

**Location:** *NC Real Estate Commission, 1313 Navaho Drive, Raleigh, NC 27609*

**Reason for Proposed Action:** *Amend this rule to increase the real estate license renewal fee by \$5.00, from \$45.00 to \$50.00.*

**Comments may be submitted to:** *Melissa Vuotto, PO Box 17100, Raleigh, NC 27619-7100; phone (919) 875-3700; email [Public.Comment@ncrec.gov](mailto:Public.Comment@ncrec.gov)*

**Comment period ends:** *September 15, 2025*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

## SUBCHAPTER 58A – REAL ESTATE BROKERS

### SECTION .0500 - LICENSING

#### 21 NCAC 58A .0503 LICENSE RENEWAL

(a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on June 30 following issuance. Any broker desiring renewal of his or her license shall renew on the Commission's website within 45 days prior to license expiration and shall submit a renewal fee of ~~forty-five dollars (\$45.00)~~ fifty dollars (\$50.00).

(b) During the renewal process, every individual broker shall provide an email address to be used by the Commission. The email address may be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-4(b2).

(c) During the renewal process, every designated broker-in-charge shall disclose:

- (1) each federally insured depository institution lawfully doing business in this State where the trust account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable; and
- (2) any criminal conviction or occupational license disciplinary action that occurred within the previous year.

*Authority G.S. 93A-3(c); 93A-4; 93A-6; 93A-38.5.*

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

## CHAPTER 03 - HEARINGS DIVISION

### SECTION .0600 – SPECIAL EDUCATION COMPLAINT PROCESS

#### 26 NCAC 03 .0601 GENERAL

(a) Applicability to Special Education Complaints. This Subchapter applies to special education Complaints filed in the Office of Administrative Hearings (OAH) pursuant to the federal Individuals with Disabilities Education Improvement Act of 2004 (IDEA)(20 U.S.C. 1400, et seq.), its supporting regulations (34 CFR Part 300), and Article 9 of Chapter 115C of the North Carolina General Statutes. The rules in this Section supplement other OAH rules in this Chapter for the purpose of adjudicating special education Complaints. In the event of a conflict with other OAH rules, the rules in this Section shall take precedence.

(b) Waiver of Rules. The presiding administrative law judge (ALJ) may waive the rules of this Section to promote the interests of justice or judicial economy. All waiver requests shall be by motion. In determining whether to grant a waiver, the presiding administrative law judge shall consider the following factors:

- (1) the necessity of the waiver;
- (2) the party's responsibility for the conditions creating the need for the waiver;
- (3) the party's prior requests for a waiver;
- (4) the precedential value of such a waiver;
- (5) notice to and opposition by the opposing parties; and
- (6) the potential harm to the party if the waiver is not granted.

(c) The provisions of 34 CFR Part 300 are hereby incorporated by reference, including all subsequent amendments and editions. 34 CFR Part 300 is available online at no cost at <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300>

*Authority G.S. 7A-751; 150B-21.6; 150B-22.1; 150B-29.*

#### 26 NCAC 03 .0602 DEFINITIONS

As used in this Section, the following terms have the meanings indicated:

- (1) "Administrative law judge (ALJ)" means the judge assigned to preside over the contested case, as defined in G.S. 150B-2(1), and with the powers and duties outlined in G.S. 150B-33 and Rule .0105 of this Chapter.
- (2) "Adult student" means a child with a disability, aged 18 years or older, to whom all rights

## TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to adopt the rules cited as 26 NCAC 03 .0601-.0622.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.oah.nc.gov/hearings-division>

**Proposed Effective Date:** November 1, 2025

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Any member of the public who wishes to request a public hearing may submit a written request to OAH's rulemaking coordinator via email at [brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov).*

**Reason for Proposed Action:** *OAH seeks to adopt Section .0600 to govern the process of special education complaints arising under the federal Individual with Disabilities Education Act (IDEA) (codified at 20 U.S.C. 1400, et seq.), its supporting regulations in the CFR (34 CFR Part 300), and Article 9 of Chapter 115C of the North Carolina General Statutes.*

**Comments may be submitted to:** *Brian Liebman, 1711 New Hope Church Road, Raleigh, NC 27609; email [brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)*

**Comment period ends:** September 15, 2025

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission,

- granted to the student's parents have been transferred per 20 U.S.C. 1415(m) and G.S. 115C-109.2.
- (3) "Business day" is defined in 34 CFR 300.11.
- (4) "Certificate of Service" means a mandatory document that shall accompany all documents filed in the record to prove that the opposing party has been served, as defined by Item (47) of this Rule.
- (5) "Child with a disability" is defined by 34 CFR 300.8.
- (6) "CMS" means the electronic case management system used by OAH for filing documents.
- (7) "Complaint" means a petition for a contested case hearing filed with OAH pursuant to 20 U.S.C. 1415(b)(7)(A), G.S. 115C-109.6, 34 CFR 300.503, and 34 CFR 300.508.
- (a) "Regular FAPE Complaint" means a Complaint filed for a contested case hearing on issues including:
- (i) Identification of a student with disabilities;
- (ii) Evaluation of a student with disabilities;
- (iii) Educational placement for a student with disabilities; or
- (iv) Other denial of the provision of a free and appropriate public education.
- (b) "Expedited FAPE Complaint" means a Complaint filed for a contested case hearing on issues including:
- (i) Manifestation determination review (MDR);
- (ii) Other issues related to a change in placement due to a disciplinary suspension of more than 10 days;
- (iii) An interim alternative educational placement of at least 45 days whether related to a disciplinary matter but due to behaviors resulting from the student's disability; or
- (iv) At the discretion of the administrative law judge, for cases involving a breach of a mediation agreement.
- (8) "Date-stamped copy" means a copy of a document sent by another party, on which the receiving party has noted the date the document was received, either through a date-stamp or other written confirmation including the date.
- (9) "Day" means calendar day unless otherwise specified as a "business day" or "school day."
- (10) "DPI" means the North Carolina Department of Public Instruction.
- (11) "Due Process Hearing Coordinator" means the person designated by the State Board of Education at DPI to receive electronic copies of Complaints, motions, notices, and communications from OAH and the parties regarding special education Complaint hearings.
- (12) "Education records" include any documentation pertaining to the student's education, excluding generic communications disseminated to the entire school body. This includes:
- (a) Special education file;
- (b) Cumulative folder;
- (c) Written correspondence (including emails) to and from school staff, parents, and others regarding the student's educational needs or services;
- (d) Report cards and transcripts;
- (e) Progress monitoring of IEP goals and related services;
- (f) Documentation of service delivery, including related service provider logs;
- (g) Documentation of work samples used for progress monitoring;
- (h) Documentation of the implementation of accommodations; and
- (i) Any information provided by parents to the school, including medical and independent evaluations obtained by the parents.
- (13) "E-filing" means electronic filing as defined and governed by Rules .0501 and .0502 of this Chapter.
- (14) "Extraordinary cause" means circumstances beyond a party's control that could not have been anticipated.
- (15) "Evidentiary hearing" means a legal proceeding where parties present evidence, including witness testimony, documents, and records, to the administrative law judge who evaluates the evidence to determine whether a student has received a free and appropriate public education.
- (16) "File" is defined by Rule .0102(2) of this Chapter.
- (17) "Five-day evaluation disclosure rule" means the requirement in 20 U.S.C. 1415(f)(2) and 34 CFR 300.512(b) to disclose evaluations and recommendations based on those evaluations at least five business days before a hearing.
- (18) "Five-day evidence exchange rule" means the requirement in 34 CFR 300.512(a)(3) to exchange evidence, witness lists, and stipulations at least five business days before a hearing.
- (19) "Formal discovery" is defined in Article 5 of G.S. 1A-1, including Rules 26 (generally), 27

- (depositions), 33 (interrogatories), 34 (production of documents and entry upon land for inspection), 35 (physical/mental exams), and 36 (requests for admission). The mandatory document exchange and disclosures in Items (17) and (18) of this Rule, and Rule .0617 of this Section are not formal discovery.
- (20) "Free Appropriate Public Education (FAPE)" is defined by 34 CFR 300.17.
- (21) "Good cause" is defined in Rule .0118(a)(1) and (2) of this Chapter.
- (22) "Hearing Period" means the timeframe after the end of the Resolution Period until the issuance of a Final Decision, or other disposition of the case such as a voluntary dismissal, during which the Complaint is formally processed and all procedures are handled, leading to a Final Decision or voluntary dismissal, including legal motions and the evidentiary hearing.
- (23) "Individualized Education Program (IEP)" is defined by 34 CFR 300.22.
- (24) "Individuals With Disabilities Education Improvement Act of 2004 (IDEA)" is codified in 20 U.S.C. 1400 et seq. (2004), as amended.
- (25) "Lay advocate" means an individual not licensed by the State Bar of North Carolina, but who possesses special knowledge or training regarding the issues faced by children with disabilities.
- (26) "Local education agency (LEA)" is defined by G.S. 115C-106.3(11) and may also be referred to as the "school board," "public agency," or "Public School Unit (PSU)." For consistency, the LEA shall be referred to as the PSU in the rules of this Section.
- (27) "Manifestation determination review (MDR)" means the process of determining whether a child's conduct was a manifestation of the child's disability, as described in 20 U.S.C. 1415(k)(1)(E).
- (28) "DPI Mediation" means mediations conducted by a DPI mediator pursuant to G.S. 115C-109.4 and includes mediations held before or during the pendency of a special education Complaint.
- (29) "Mediation Request Form" means a form provided by DPI in which the parties request the appointment of a mediator by DPI.
- (30) "Notice of Insufficiency" is defined by 20 U.S.C. 1415(c)(2)(A) and 34 CFR 300.508(d).
- (31) "OAH" or "Tribunal" means the hearings division of the North Carolina Office of Administrative Hearings, including the Clerk's Office and the administrative law judge assigned to preside over a special education contested case.
- (32) "Parent" is defined by 20 U.S.C. 1401(23) and 34 CFR 300.30.
- (33) "Party" means the named individuals or groups engaged in DPI Mediation, the resolution process, or the hearing process, who have an interest in the outcome of a special education Complaint (excluding attorneys or lay advocates).
- (34) "Petitioner" means the party filing the Complaint, which may be a parent, individual with educational decision-making rights, or a PSU. Unless specified otherwise in the rules of this Section, "Petitioner" means a parent Petitioner
- (35) "Prior Written Notice" is as defined at 20 U.S.C. 1415(c)(1).
- (36) "Prehearing Conference" means an informal meeting conducted by the administrative law judge with the parties to address issues in preparation for the hearing, as outlined in Rule .0108 of this Chapter.
- (37) "Public agency" is defined by 34 CFR 300.33.
- (38) "Public School Unit (PSU)" is defined by G.S. 115C-5(7a).
- (39) "Record of the administrative proceeding" means the same as the Official Record defined by G.S. 150B-37.
- (40) "Resolution Form" means a form filed with OAH reporting the parties' decisions about whether to proceed to resolution, waive resolution for DPI Mediation, or not participate in a Resolution Session.
- (41) "Resolution Period" means the period following the initiation of the contested case, during which the parties may attempt to resolve the issues. The Resolution Period for a Regular FAPE Complaint is 30 calendar days from Respondent's receipt of the Complaint. The Resolution Period for an Expedited FAPE Complaint is 15 calendar days from filing with OAH.
- (42) "Resolution Session" is described in 20 U.S.C. 1415(f)(1)(B).
- (43) "Resolution process" means the process described in 34 CFR 300.510.
- (44) "Respondent" means the party against whom the Complaint is filed, usually a PSU or SEA, but it may also be a parent of a child with a disability or an adult student. Unless specified otherwise in the rules of this Section, "Respondent" means a PSU or SEA.
- (45) "Response to Complaint" means the response the Respondent is required to file within 10 calendar days of receiving a Regular FAPE Complaint if Respondent has not previously provided Petitioner with Prior Written Notice per 20 U.S.C. 1415(c)(2)(b).
- (46) "School day" means any day that children attend school for instructional purposes, including partial days.
- (47) "Serve" or "Service" means to simultaneously provide a copy of any document filed with OAH to the opposing party and the Due Process

- Hearing Coordinator, as outlined in Rule .0102(a)(3) of this Chapter.
- (48) "Settlement Conference" means another IDEA mediation process available after a DPI Mediation as defined by Item (29) of this Rule has failed. A Settlement Conference shall be governed by Rules .0107 and .0611 of this Chapter.
- (49) "State Education Agency (SEA)" is defined by 34 CFR 300.41 and is also referred to as the State Board of Education.
- (50) "Transcript" means a written document created by a court reporter that captures everything said during the hearing.

*Authority G.S. 7A-751; 115C-109.5; 150B-22.1; 20 U.S.C. 1415(k)(4)(B); 34 CFR 300.507.*

## **26 NCAC 03 .0603 FILING OF COMPLAINT AND SERVICE OF DOCUMENTS**

(a) Initiating the Complaint Process. To begin the Complaint process, the Petitioner shall file the Complaint with OAH in accordance with Rule .0101(b) of this Chapter.

(b) Service of Complaint:

- (1) Service to Opposing Party. Petitioner shall serve the opposing party with a copy of the Complaint. If the Respondent is a Public School Unit (PSU) or State Education Agency (SEA), Petitioner shall serve either the superintendent or the exceptional children director of the PSU or SEA;
- (2) Service to the Due Process Hearing Coordinator. Petitioner shall serve a copy of the Complaint and all subsequent filings on the DPI's Due Process Hearing Coordinator;
- (3) Certificate of Service. Petitioner shall simultaneously file a Certificate of Service as evidence that the Complaint has been served on both the opposing party and the Due Process Hearing Coordinator.

(c) Service by Electronic Mail. The three-day period for service under G.S. 1A-1, Rule 6(e) does not apply to service by e-filing or electronic mail.

(d) No Additional Mailing Requirement for E-Filers. E-filers are not required to send an additional copy of the document to OAH, as specified in Rule .0101(b) of this Chapter.

(e) Certificate of Service Required. All subsequent documents, notices, and orders filed in the case shall include a Certificate of Service, confirming service to both the parties and the Due Process Hearing Coordinator.

(f) Form Requirements. All documents filed with the Office of Administrative Hearings shall comply with the form requirements outlined in G.S. 1A-1, Rule 10, and, if filed electronically, with the requirements in Section .0500 of this Chapter.

*Authority G.S. 7A-751; 115C-109.6; 150B-22.1.*

## **26 NCAC 03 .0604 CONTENTS OF A COMPLAINT**

(a) Complaint Contents. A Regular FAPE Complaint and an Expedited FAPE Complaint shall comply with 34 CFR 300.508(b) and the rules of this Section. A Petitioner may, but is not required to use, the model Complaint forms developed by the State Board of Education in accordance with G.S. 115C-107.2(d). In addition, the Petitioner shall file and serve a separate document that includes:

- (1) A clear delineation of the contested issue or issues, separate from general background information.
- (2) If applicable, the names and last known contact information of any person who may be subject to joinder as a party under G.S. 1A-1, Rule 19, including noncustodial parents and any individual or entity with educational decision-making authority for the minor child.

(b) Non-Parent Filing on Behalf of a Student. When a non-parent files and serves a Complaint on behalf of a student, the Petitioner shall include a court order from the General Court of Justice or another signed and notarized document from the child's parents, legal guardians, or another authorized representative, granting the Petitioner legal authority to act on the child's behalf.

(c) Parent Filing on Behalf of an Adult Student. When a parent files and serves a Complaint on behalf of an adult student, the parent shall include proof of guardianship, power of attorney, or another written document granting him or her legal authority to act on the adult student's behalf.

*Authority G.S. 7A-751; 115C-109.6; 150B-23; 1A-1, Rule 19(c).*

## **26 NCAC 03 .0605 REGULAR FAPE COMPLAINT PROCESS**

In a Regular FAPE Complaint, the Petitioner, the Respondent, and OAH shall adhere to the following procedures after the Complaint is filed:

- (1) Notice of Contested Case and Assignment. Within two business days of receiving the Complaint, the Clerk's Office shall serve the Notice of Contested Case and Assignment (the "First Notice") to the parties and the Due Process Hearing Coordinator.
- (2) Acknowledgment of Complaint Receipt. Within one business day of receiving the Complaint from the Petitioner, the PSU or the designated agency representative shall electronically transmit a date-stamped copy of the Complaint to OAH and the Due Process Hearing Coordinator.
- (3) Notice of Mandatory Statutory Deadlines. Within one business day of receiving the date-stamped copy of the Complaint, the Clerk's Office shall serve the parties with a Notice of Mandatory Statutory Deadlines for the Resolution Period and Hearing Period (the "Second Notice").
- (4) Failure to Acknowledge Receipt of Complaint. If the PSU fails to acknowledge receipt of the Complaint as required in Item (2) of this Rule

within seven business days of the filing of the Complaint, the Clerk's Office shall file a Notice of Complaint, attach the Complaint, and serve a copy on the PSU. The timelines outlined in the rules of this Section and IDEA shall begin within three business days after service of the Notice of Complaint.

- (5) Alternative Evidence of Service. If the Petitioner provides evidence of the date of service (e.g., certified mail, tracking information with address, signed affidavit, or other method), the presiding administrative law judge may adjust the Resolution Period and Hearing Period accordingly.
- (6) Scheduling Order. Within five business days of the issuance of the Second Notice by the Clerk's Office, the presiding administrative law judge shall issue a Scheduling Order for the Hearing Period to the parties.
- (7) Scheduling of Evidentiary and Motion Hearings. The administrative law judge shall schedule the evidentiary hearing in accordance with G.S. 115C-109.6(d). Virtual evidentiary hearings may only be scheduled with the consent of both parties and in accordance with Rule .0120(g) of this Chapter. A motion hearing may be scheduled virtually at the discretion of the administrative law judge.
- (8) Federal Timelines Compliance. To ensure compliance with the federal timelines set out in 34 CFR 300.515(a), the administrative law judge shall:
  - (a) Schedule a hearing date within 15 calendar days after conclusion of the Resolution Period. To the extent possible, the hearing shall be held on consecutive business days.
  - (b) Set deadlines for the Prehearing Conference, five-day evaluation disclosures, five-day evidence exchanges, filing of admitted exhibits, Proposed Final Decisions, and issuance of the Final Decision.

*Authority: G.S. 7A-751; 115C-109.6; 150B-33(b).*

## **26 NCAC 03 .0606 EXPEDITED FAPE COMPLAINT PROCESS**

The Expedited FAPE Complaint process follows the same procedures contained in Rule .0605 of this Section, except as stated below. The Petitioner, the Respondent, and OAH shall adhere to the following procedures with respect to an Expedited FAPE Complaint:

- (1) Expedited Deadlines. The timelines for scheduling the hearing, the Resolution Period, and the issuance of the Final Decision shall comply with expedited deadlines in 20 U.S.C. 1415(k)(4)(B) and 34 CFR 300.532(c).

- (2) Failure to Acknowledge Receipt of Expedited Complaint. If the Respondent fails to electronically transmit a date-stamped copy of the Expedited FAPE Complaint to OAH within three business days of the filing, the Clerk's Office shall serve Respondent with a Notice of Expedited FAPE Complaint with the attached Complaint.
- (3) Notice of Expedited Contested Case. The Notice of Expedited Contested Case Assignment shall include the expedited deadlines as required by 34 CFR 300.532(c).
- (4) Order Setting Expedited Deadlines. Within one business day of acknowledgement or service by the Clerk's Office on the Respondent, the administrative law judge shall issue an Order Setting Expedited Deadlines for the adjudication of the case.
- (5) Prehearing Conference. The administrative law judge shall conduct a Prehearing Conference at least three business days before the expedited evidentiary hearing, and the parties shall comply with Rule .0615 of this Section in preparing the Proposed Prehearing Conference Order.
- (6) Filing of Exhibits and Proposed Final Decisions. The parties shall file their admitted exhibits and Proposed Final Decisions within five business days after the last day of the hearing.
- (7) Issuance of Final Decision. The Final Decision shall be issued within 10 school days after the last day of the hearing.

*Authority G.S. 7A-751; 115C-109.6; 150B-33(b); 20 U.S.C. 1415(k)(4)(B).*

## **26 NCAC 03 .0607 PROCEDURES FOR BIFURCATION OF ISSUES**

(a) Bifurcation of Regular FAPE Complaint and Expedited FAPE Complaint Issues. An administrative law judge, either on his or her own motion or upon the motion of a party, shall bifurcate the issues related to a Regular FAPE Complaint and an Expedited FAPE Complaint when they are combined in a single Complaint. In the event of bifurcation:

- (1) Issues related to the Expedited FAPE Complaint shall be adjudicated following the expedited resolution and hearing process as described in Rule .0606.
- (2) Issues related to the Regular FAPE Complaint shall be adjudicated following the regular resolution and hearing process in Rule .0605.

(b) Bifurcation of Other Issues in a Regular FAPE Complaint. A party may request bifurcation of other issues in a Regular FAPE Complaint either by mutual agreement, stipulation, or by filing a Motion to Bifurcate with OAH.

(c) If either party files a motion to bifurcate, the opposing party shall have five business days from the service of the motion to file a response.

*Authority G.S. 7A-751(a); 115C-109.6; 150B-33.*

**26 NCAC 03 .0608 CONSOLIDATION OF REGULAR FAPE COMPLAINTS**

(a) Consent and Approval for Consolidation. With the consent of all parties and the approval of the Chief administrative law judge, multiple Regular FAPE Complaints shall be consolidated in accordance with Rule .0111 of this Chapter. However, consolidation shall not be used in lieu of amending a Complaint or to delay the hearing process.

(b) Scheduling After Consolidation. After consolidation, the parties shall confer with the presiding administrative law judge regarding the scheduling of the evidentiary hearing and adjustment of applicable timelines. A revised Consent Scheduling Order shall be issued, including the revised timeline for the issuance of the Final Decision.

*Authority G.S. 7A-751, 150B-33(b).*

**26 NCAC 03 .0609 RESPONSE TO COMPLAINT, EXTENSIONS OF DEADLINE FOR THE RESPONSE**

(a) Response Deadline. The opposing party shall file a Response to Complaint within 10 days of service of a Regular FAPE Complaint, unless the opposing party has previously provided Petitioner with a Prior Written Notice regarding the allegations.

(b) Extension of Response Deadline An administrative law judge may grant a motion for an extension of time to extend the response deadline for good cause or by mutual consent. In either case, the response deadline for a Regular FAPE Complaint shall initially be extended by no more than 10 days. The administrative law judge shall not grant any further extensions without the consent of both parties.

(c) Response to Expedited FAPE Complaint. No response is required to an Expedited FAPE Complaint.

(d) Impact on Notice of Insufficiency. An extension of the response deadline shall not affect the deadline for the filing of a Notice of Insufficiency.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0610 REQUESTS FROM PARTIES**

(a) Motion Requirements. In addition to the requirements of Rule .0115 of this Chapter, any request for the administrative law judge to enter an order or act on behalf of any party shall be made in writing, through a motion filed in the record. With the administrative law judge's permission, an oral motion may be made on record during the hearing, and the opposing party shall be given an opportunity to respond before a ruling is made.

(b) Motion Content. A motion shall clearly state the reasons for the desired action and specify whether a hearing on the motion is being requested. A motion shall be decided without oral argument, unless a hearing is requested by either party. The administrative law judge has discretion to deny the request for a hearing if he or she finds a hearing would not aid in the decision-making process.

(c) Pre-filing Communication. Before filing a motion, the moving party shall inform the opposing party about the basis of the motion. The parties shall attempt to resolve the need for the

motion. If the parties are unable to reach resolution, the moving party shall include a statement in the motion to that effect.

(d) Response to Motion. Regardless of whether the administrative law judge requests a response to the motion, a response may be filed within 10 days of service. Replies to responses and sur-replies shall not be filed without prior approval from the administrative law judge; otherwise, they shall be stricken from the record.

(e) Supporting Documentation. Upon filing, the motion and response shall include all supporting documentation, legal memoranda, and a proposed order.

*Authority G.S. 7A-751; 150B-33(3a).*

**26 NCAC 03 .0611 OPTIONS FOR SETTLEMENT OF COMPLAINT**

(a) Within the applicable timelines during the Resolution Period and Hearing Period for a Regular or Expedited FAPE Complaint, the parties may choose to participate in the following options:

- (1) a Resolution Session,
- (2) DPI Mediation, and
- (3) if DPI Mediation is unsuccessful, a Settlement Conference

(b) Waiver of Resolution Session for DPI Mediation. If the parties agree to waive the Resolution Session in accordance with 34 CFR 300.506 and G.S. 115C-109.4 and participate in DPI Mediation, the Respondent shall file a Resolution Form noticing this decision.

(c) Request for DPI Mediation. If the parties agree to continue settlement negotiations after a Resolution Session or waive the Resolution Session to participate in DPI Mediation, they shall request the appointment of a DPI mediator through DPI's Due Process Hearing Coordinator and file a Mediation Request Form with both DPI's Due Process Hearing Coordinator and OAH.

(d) Notice of Mediation Date. Within 10 days of requesting the appointment of a DPI mediator, the parties shall file with OAH a Notice of Mediation Date or a Status Report if the mediation date has not yet been scheduled

(e) Status Report After Resolution Session or DPI Mediation. Within three days of the completion of a Resolution Session or DPI Mediation, the parties shall file with OAH a Status Report detailing the results.

(f) Request for Settlement Conference. After DPI Mediation has been attempted, the parties may file a joint motion requesting the appointment of an administrative law judge to hold a Settlement Conference pursuant to Rule .0107 of this Chapter.

(g) Report of Settlement Conference. Within three days of the completion of a Settlement Conference, the settlement administrative law judge shall file a Report of Settlement Conference.

(h) Enforceability of Written Agreements. A party may seek enforcement, through OAH, of a written agreement resulting from a resolution meeting, DPI Mediation, or Settlement Conference. This mechanism is not mandatory and cannot delay or deny a party the right to seek enforcement of the written agreement in a State court of competent jurisdiction, or a federal district court.

*Authority G.S. 7A-751; 115C-107.2(d); 115C-109.4(h)(4); 34 CFR 300.537.*



**26 NCAC 03 .0612 EXTENSION OF THE RESOLUTION PERIOD**

(a) No Extension in Expedited FAPE Complaints. No extension of the Resolution Period in an Expedited FAPE Complaint shall be allowed.

(b) Joint Motion for 30-Day Extension. Before the Resolution Period expires, the parties may jointly file a motion for a 30-day extension of the Resolution Period for a Regular FAPE Complaint. The administrative law judge shall grant further extensions for only the following reasons:

- (1) Finalization of a settlement agreement.
- (2) School board approval of a settlement agreement.
- (3) Additional time to obtain all necessary signatures.

(c) Impact of DPI Mediation or Settlement Conference on Resolution Period. The use of DPI Mediation or a Settlement Conference shall not affect the 30-day Resolution Period unless the administrative law judge grants a joint motion to extend the Resolution Period.

(d) Motion to Continue Hearing and Extension of Resolution Periods. If the parties jointly move for a continuance of the hearing deadline before the Resolution Period expires for settlement purposes, the motion shall be treated as a motion to extend the Resolution Period, which shall automatically extend the hearing deadlines.

(e) Extension Order Requirements. If an extension of the Resolution Period is granted, the administrative law judge shall specify:

- (1) the specific time period for the extension.
- (2) the end date of the Resolution Period.
- (3) the start date of the 45-day Hearing Period, and
- (4) the deadline for issuance of the Final Decision.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0613 CONTINUANCE OF HEARING PERIOD**

(a) Expedited FAPE Complaints. No continuance of the hearing deadline shall be allowed for an Expedited FAPE Complaint.

(b) Motion for Continuance. After the Resolution Period ends and during the 45-day Hearing Period, either party may file a motion for a continuance of the hearing for good cause. However, the administrative law judge shall grant a further continuance only upon finding extraordinary cause exists.

(c) Motion Requirements. A motion to continue the Hearing Period shall include a Proposed Consent Scheduling Order, which sets deadlines for the following:

- (1) Expert witness designations.
- (2) Dispositive motions.
- (3) Prehearing Conference.
- (4) Court Reporter Contract.
- (5) Five-day evaluation disclosure and five-day evidence exchange.
- (6) Filing of admitted exhibits.
- (7) Proposed Final Decisions.
- (8) Final Decision issuance.

(d) Mediation or Settlement Conference Continuances. If continuance is requested and granted due to DPI Mediation or a

Settlement Conference, the parties shall file the notices and Status Reports as required by Rules .0611 and .0612 of this Section.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0614 AMENDMENT OF COMPLAINT**

(a) Allowable Amendments. Amendment of a Complaint shall only be allowed as prescribed by 20 U.S.C. 1415(c)(2)(E) and 34 CFR 300.508(d)(3).

(b) Motion for Leave to Amend. The administrative law judge shall decide a motion for leave to amend a Complaint without response unless, within three business days of receipt of the motion, the Respondent files a response or files notice that it intends to respond. In its response, the Respondent shall demonstrate how the amendment of the Complaint would be prejudicial.

(c) Effect of Amendment on Pending Motions and Notices. Once an amended Complaint is filed, all pending motions and notices shall be considered moot.

(d) Resetting of Timelines. The filing of an amended Complaint shall reset the timelines for the Resolution Period and Hearing Period, and the administrative law judge shall issue an Amended Scheduling Order.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0615 PREHEARING CONFERENCE**

(a) Except as provided below, the Prehearing Conference shall be governed by Rule .0108 of this Chapter, and by Rule 7 of the North Carolina General Rules of Practice for the Superior and District Courts.

(b) Purpose and Requirements. A Prehearing Conference shall be held at least once before the evidentiary hearing to:

- (1) finalize the issues to be litigated;
- (2) establish the length of the hearing and the number of witnesses;
- (3) determine time limitations for each party's case;
- (4) discuss remaining matters not previously resolved; and
- (5) draft the Prehearing Conference Order.

(c) Timing of the Prehearing Conference.

- (1) The Prehearing Conference shall be held within two weeks prior to a Regular FAPE Complaint hearing;
- (2) The Prehearing Conference shall be held five business days prior to an Expedited FAPE Complaint hearing.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0616 RESERVED FOR FUTURE CODIFICATION**

**26 NCAC 03 .0617 MANDATORY PRODUCTION OF EDUCATION RECORDS, DISCLOSURES, AND EVIDENCE**

Regardless of whether the parent or the PSU is the Petitioner or the Respondent, the following governs the exchange of education records, disclosures and evidence:

- (1) Provision of Education Records by PSU. Within 10 calendar days of service of a Regular FAPE Complaint, and five calendar days of an Expedited FAPE Complaint, the PSU shall provide the parent with copies of the student's education records as defined in Rule .0602(12) of this Section.
- (2) Progress Monitoring and Email Communication Records. If all the progress monitoring and email communication records cannot be accessed within the timelines specified in Item (1) of this Rule, the PSU shall provide any accessible progress monitoring and email communication records. Any remaining records shall be provided at least 48 hours before a Resolution Session or DPI Mediation, if the Resolution Session is waived.
- (3) Provision of Education Records by Parent. Within 10 days of service of a Regular FAPE Complaint, or five days of an Expedited FAPE Complaint, the parent shall provide the PSU with copies of:
  - (a) independent educational evaluations,
  - (b) private school records,
  - (c) service records for private related service providers, and
  - (d) reimbursement documentation, or written releases for these records.

If the parent cannot obtain these records within the timelines specified in this Item, he or she shall provide them at least 48 hours before the Resolution Session or DPI Mediation, if resolution is waived.

- (4) Five-Day Evaluation Disclosure and Five-Day Evidence Exchange: The parties shall comply with the five-day evaluation disclosure and five-day evidence exchange requirements unless mutually agreed otherwise. If the parties agree to shorten either the five-day evaluation disclosure or the five-day evidence exchange period, they waive objections to timeliness and the introduction of the applicable disclosures.
- (5) Failure to Produce Required Documents: If either party fails to produce the records required by Items (1) through (4) of this Rule within the requisite time periods, the opposing party may file a motion to compel or a motion to exclude. If granted, the administrative law judge may exclude the records or impose sanctions, including attorney's fees, as allowed by G.S. 115C-109.6(j), G.S. 1A-1, Rule 37, and Rule .0114 of this Chapter.

*Authority G.S. 7A-751; 150B-33(b); 34 CFR 300.613.*

## **26 NCAC 03 .0618 FORMAL DISCOVERY LIMITATIONS**

Beyond the mandatory disclosures required in Rule .0617 of this Section, formal discovery is available under the following conditions:

- (1) Mutual Agreement or Administrative Law Judge Approval. Formal discovery shall occur if the parties mutually agree to it, if it aligns with expert witness disclosures as outlined in Item (5) of this Rule, or if the administrative law judge grants prior approval.
- (2) Exhaustion of Informal Discovery. Informal means of obtaining materials shall be exhausted before formal discovery is sought.
- (3) Motion for Discovery Approval. If informal means are not productive, the party seeking discovery shall file for a motion requesting approval for formal discovery. The motion shall contain the following:
  - (a) The reasons for the requested discovery.
  - (b) Any prior attempts to obtain the material.
  - (c) The unavailability of other means to obtain the material.
  - (d) A proposed discovery scheduling order which shall complete discovery within the deadlines set by the IDEA.
- (4) Depositions of Minor or Incompetent Adult Children. Depositions of minor children or incompetent adult children require prior approval and are subject to conditions imposed by the administrative law judge.
- (5) Expert Witness Disclosure. Expert witness facts and opinions shall be obtained in accordance with G.S. 1A-1, Rule 26(a)(4). However, the deadlines for written report disclosures are as follows:
  - (a) Regular FAPE Complaints. Written reports shall be disclosed at least 15 days before the hearing.
  - (b) Expedited FAPE Complaints. Written reports shall be disclosed at least five business days before the hearing.
  - (c) Contradictory or Rebuttal Expert Evidence. Contradictory or rebuttal expert evidence is due within 10 days after the opposing party's disclosure for a Regular FAPE Complaint and three days after the opposing party's disclosure for an Expedited FAPE Complaint. These deadlines may be altered by mutual agreement or order.
- (6) Deposition Time Limitation. Depositions shall be limited to seven hours on record.
- (7) Noncompliance and Sanctions. Noncompliance with discovery deadlines or orders may result in sanctions, including attorney's fees, under G.S. 1A-1, Rule 37 and Rules .0112 and .0114 of this Chapter.

*Authority G.S. 7A-751; 150B-33(b).*

**26 NCAC 03 .0619 TRANSCRIPT REQUIREMENTS**

(a) Petitioner's Court Reporter Contract. At least five business days before the hearing, the Petitioner shall contract with a court reporter and file the OAH Court Reporter Contract for a special education hearing.

(b) Court Reporter Fees and Transcript Costs. DPI shall pay the court reporter's appearance fee, expenses, and the costs for the Petitioner's and OAH's non-expedited transcripts.

(c) Transcript Requests and Delivery. Transcript requests shall be made before the hearing adjourns. The court reporter shall provide the transcripts to the parties and submit the original transcript to OAH within 15 business days following the last day of the hearing.

*Authority G.S. 7A-761; 150B-37(b); 20 U.S.C. 1415(h)(3); 34 CFR 300-512(c)(3).*

**26 NCAC 03 .0620 PROPOSED FINAL DECISIONS**

Each Proposed Final Decision shall contain citations to exhibits and transcripts that support factual allegations. Citations shall refer to the specific bate-stamped page numbers in the exhibits and the volume, page, and line numbers of the transcripts.

- (1) Submission Deadline. Within 30 days of receipt of the hearing transcripts, or as otherwise ordered by the administrative law judge, each party shall submit a Proposed Final Decision.
- (2) Transcript Citation. The proper citation format for transcripts is:[volume number: page number: line numbers]. Note: for example, T vol 2 p 35:2-5.
- (3) Exhibit Labeling. The proper labeling and citations to exhibits are as follows:
  - (a) Petitioner's Exhibits. Petitioner's exhibits shall be marked as: Pet'r Ex. 1, Pet'r Ex. 2, etc.
  - (b) Respondent's Exhibits. Respondent's exhibits shall be marked as: Resp't Ex. 1, Resp't Ex. 2, etc.
  - (c) Stipulations of Fact. Stipulations of fact shall be marked as: Stip. 1, Stip. 2, etc.
  - (d) Stipulated Exhibits. Stipulated exhibits shall be marked as: Stip. Ex. 1, Stip. Ex. 2, etc.
  - (e) Joint Exhibits. Joint exhibits shall be marked as: Jt Ex. 1, Jt Ex. 2, etc.
- (4) Offers of Proof. Offers of Proof shall be marked as follows: Petitioner's offers: Pet'r Offer 1, Pet'r Offer 2, etc. and Respondent's offers: Resp't Offer 1, Resp't Offer 2, etc.
- (5) Conclusions of Law Citation Requirements. Each Proposed Final Decision shall include conclusions of law with citations to legal authorities, in accordance with The Bluebook:

A Uniform System of Citation (21st Edition). The Bluebook citation system is incorporated by reference, including any subsequent amendments or editions. The Bluebook may be purchased at <https://www.legalbluebook.com/> for forty-six dollars (\$46.00).

*Authority G.S. 7A-751; 150B-29(b).*

**26 NCAC 03 .0621 FINAL DECISION**

(a) Issuance Deadline. OAH shall issue the Final Decision separately to the parties or their attorneys on or before the deadline established in the final scheduling order, unless an extension is granted upon joint request of the parties.

(b) Appeal Information. The Final Decision shall include information on the judicial review process and advise the party seeking judicial review to file a copy of the Petition for Judicial Review in Superior Court or a copy of the Federal Complaint in the Federal District Court with the OAH.

(c) Redacted Version. Within 14 days of the issuance of the Final Decision, each party may file a redacted version of the Final Decision, indicating proposed redactions.

(d) Redacted Final Decision Filing. Within 30 days of the issuance of the Final Decision, a Redacted Final Decision shall be filed and published on the OAH website. The Redacted Final Decision shall conform to 34 CFR 300.32 and 34 CFR 99.3.

*Authority G.S. 7A-751; 150B-33(b); 150B-34.*

**26 NCAC 03 .0622 JUDICIAL REVIEW**

(a) Civil Action. Any party aggrieved by the Final Decision may bring a civil action in any State court of competent jurisdiction or federal district court of the United States.

(b) Filing in State Court. After filing a civil action in a State reviewing court, the aggrieved party shall file a copy of the petition for review with OAH within 10 days of initiating the review. The Clerk's Office shall forward the record of the administrative proceeding to the State court in accordance with G.S. 150B-37 and G.S. 150B-47.

(c) Filing in Federal District Court. After filing a civil action in federal district court, the aggrieved party shall file a copy of the federal district court complaint with OAH. Within the timeframe specified by the federal court, the parties are responsible for preparing the administrative record in compliance with Article IV of the North Carolina Rules of Appellate Procedure or as otherwise ordered by the federal district court judge. Once completed, the Clerk's office shall review and certify the record of the administrative proceedings, and the parties shall forward the record to the federal district court.

*Authority G.S. 7A-751; 150B-34; 150B-37; 150B-43; 150B-47.*

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## **RULES REVIEW COMMISSION**

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*This Section contains information for the meeting of the Rules Review Commission July 30, 2025 at 1711 New Hope Church Road, RRC Commission 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. Specific instructions and addresses may be obtained from the Rules Review Commission at 984-236-1850. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

### **RULES REVIEW COMMISSION MEMBERS**

#### **Appointed by Senate**

Jeanette Doran (Chair)  
John Hahn  
Jeff Hyde  
Bill Nelson

#### **Appointed by House**

Jake Parker (1<sup>st</sup> Vice-Chair)  
Paul Powell (2<sup>nd</sup> Vice-Chair)  
Wayne R. Boyles, III  
Christopher Loutit  
Randy Overton

### **COMMISSION COUNSEL**

Seth M. Ascher                      984-236-1934  
Travis Wiggs                        984-236-1929

### **RULES REVIEW COMMISSION MEETING DATES**

July 30, 2025                      September 25, 2025  
August 28, 2025                      October 30, 2025

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### **AGENDA**

#### **RULES REVIEW COMMISSION**

**Wednesday, July 30, 2025, 10:00 A.M.**  
**1711 New Hope Church Rd., Raleigh, NC 27609**

- I. Ethics reminder by the chair as set out in G.S. 138A-15(e)
- II. Approval of the minutes from the last meeting
- III. Follow-up matters
  1. Gasoline and Oil Inspection Board - 02 NCAC 42 .0201 (Wiggs)
  2. Department of Labor - 13 NCAC 07F .0201 (Wiggs)
  3. Private Protective Services Board - 14B NCAC 16 .0701, .0707, .0801, . 1203, .1301, .1307, .1401, .1501, .1502 (Ascher)
  4. Environmental Management Commission - 15A NCAC 02B .0733 (Ascher)
  5. Commission for Public Health - 15A NCAC 18C .1540 (Wiggs)
- IV. Review of Log of Filings (Permanent Rules) for rules filed May 21, 2025 through June 20, 2025
  1. State Board of Elections (Ascher)
  2. Medical Care Commission (Wiggs)
  3. Interpreter and Transliterator Licensing Board (Wiggs)
  4. Board of Examiners for Engineers and Surveyors (Wiggs)
- V. Review of Log of Filings (Temporary Rules) for any rule filed within 15 business days prior to the RRC Meeting
- VI. Existing Rules Review
  - Review of Reports
    1. 02 NCAC 20B, 37 – Board of Agriculture (Wiggs)
    2. 02 NCAC 42 - Gasoline and Oil Inspection Board (Wiggs)
    3. 02 NCAC 59A, 59B, 59C, 59E, 59F, 59G - Soil and Water Conservation Commission (Wiggs)
    4. 02 NCAC 60A, 60B, 60C – Board of Agriculture (Wiggs)
    5. 07 NCAC 01, 02H, 02I, 02J - Department of Natural and Cultural Resources (Ascher)
    6. 07 NCAC 03 - Board of Trustees of the North Carolina Museum of Art (Ascher)
    7. 07 NCAC 05 - USS North Carolina Battleship Commission (Ascher)
    8. 17 NCAC 05 – Department of Revenue (Ascher)

9. 20 NCAC 03 - Local Government Commission (Wiggs)
10. 21 NCAC 60 – Board of Refrigeration Examiners (Wiggs)
11. 21 NCAC 63 - Social Work Certification and Licensure Board (Ascher)

VII. Commission Business

- Proposed 2026 RRC meeting schedule
  - Closed session, to consult with attorneys regarding CRC v. RRC and CJETS v. RRC; and BRIAN LIEBMAN, in his official capacity as CODIFIER OF RULES
  - Next meeting: Thursday, August 28, 2025
- 

**Commission Review**  
*Log of Permanent Rule Filings*  
**May 21, 2025 through June 20, 2025**

**ELECTIONS, STATE BOARD OF**

The rules in Chapter 2 concern elections protests.

<u>Actions of County Board as to Election Protests</u>	08	NCAC	02	.0110
Amend*				

The rules in Chapter 9 concern conduct of vote recounts by county boards of elections.

<u>First Recount</u>	08	NCAC	09	.0107
Amend*				

<u>Secondary Recounts</u>	08	NCAC	09	.0110
Adopt*				

The rules in Chapter 20 concern elections observers.

<u>Challenge to Appointment of an Observer</u>	08	NCAC	20	.0101
Amend*				

<u>Appeal of Removal of an Observer from a Voting Site</u>	08	NCAC	20	.0102
Adopt*				

<u>Identification of Observers</u>	08	NCAC	20	.0103
Adopt*				

**MEDICAL CARE COMMISSION**

The rules in Subchapter 13F concern licensing of homes for the aged and infirm and include definitions (.0100); licensing (.0200); physical plant (.0300); staff qualification (.0400); staff orientation training, competency and continuing education (.0500); staffing (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medication (.1000); Resident's funds and refunds (.1100); policies; records and reports (.1200); special care units for alzheimer and related disorders (.1300); special care units for mental health disorders (.1400); use of physical restraints and alternatives (.1500); star rated certificates (.1600); administrator certification and renewal (.1700); and infection prevention and control (.1800).

<u>Rating Calculation</u>	10A	NCAC	13F	.1604
Amend*				

The rules in Subchapter 13G concern licensing of family care homes including definitions (.0100); licensing (.0200); the building (.0300); staff qualifications (.0400); staffing orientation, training, competency and continuing education (.0500); staffing of the facility (.0600); admission and discharge (.0700); resident assessment and care plan (.0800); resident care and services (.0900); medications (.1000); management and resident's funds and refunds (.1100); policies, records

and reports (.1200); use of physical restraints and alternatives (.1300); star rated certificates (.1600); and infection prevention and control (.1700)..

<u>Rating Calculation</u>	10A NCAC 13G .1604
Amend*	

### INTERPRETER AND TRANSLITERATOR LICENSING BOARD

The rules in Chapter 25 are from the Interpreter and Transliterato Board including general provisions (.0100); licensing (.0200); moral fitness for licensure (.0300); reporting and disclosure requirements (.0400); continuing education (.0500); administrative procedure (.0600); and sanctions (.0700).

<u>Schedule of Penalties</u>	21 NCAC 25 .0701
Adopt*	

### ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR

The rules in Chapter 56 concern the organization of the board (.0100); instructional programs (.0300); records and reports of the board, retention and dispositions (.0400); professional engineer (.0500); professional land surveyor (.0600); rules of professional conduct (.0700); firm registration (.0800); general business entities (.0900); temporary permit (.1000); seal (.1100); rulemaking proceedings (.1200); board disciplinary procedures (.1300); contested cases (.1400); fees (.1500); standards of practice for land surveying in North Carolina (.1600); and continuing professional competency (.1700).

<u>Surveying Procedures</u>	21 NCAC 56 .1602
Amend*	

<u>Global Positioning Systems Surveys</u>	21 NCAC 56 .1607
Amend*	