

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0203

DEADLINE FOR RECEIPT: May 12, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Generally, to the Rule: As written the rule provides when wildlife “may” be taken. What statute or rule prohibits the taking of wildlife (deer) in the absence of regulatory permission?

Page 3, Lines 6 and Line 30 and Page 4, Line 15: Is the State regulating the use of dogs in this statute or regulating the Commission’s authority?

Page 3, Lines 13, 20, 24, 30, and 33, and Page 4, Line 1: “Blackpowder” does not appear to be a word notwithstanding its definition in the rule. Ought it not be “black powder”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: April 26, 2025

1 15A NCAC 10B .0203 is amended as published in 39:14 NCR 914-916 as follows:

2
3 **15A NCAC 10B .0203 WHITE-TAILED DEER**

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

5 (1) Deer With Visible Antlers. Deer with antlers or spikes protruding through the skin, as distinguished
6 from knobs or buttons covered by skin or velvet, may be taken during the following seasons,
7 including on game lands unless otherwise specified in the rules of 15A NCAC 10D .0200.

8 (A) Saturday on or nearest October 15 through January 1 in Beaufort, Bladen, Brunswick,
9 Carteret, Columbus, Cumberland, Craven, Dare, Duplin, Harnett, Hoke, Hyde, Jones,
10 Lenoir, Moore, New Hanover, Onslow, Pamlico, Pender, Richmond, Robeson, Sampson,
11 Scotland, Tyrrell, and Washington counties. It is unlawful to hunt or kill deer in Lake
12 Waccamaw or within 50 yards of its shoreline in Columbus County.

13 (B) Saturday on or nearest October 15 through January 1 in Bertie, Camden, Chowan,
14 Currituck, Edgecombe, Franklin, Gates, Greene, Halifax, Hertford, Johnston, Martin,
15 Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Wake, Warren, Wayne, and
16 Wilson counties.

17 (C) Saturday before Thanksgiving Day through January 1 in Alexander, Alleghany, Ashe,
18 Catawba, Cleveland, Davie, Forsyth, Gaston, Iredell, Lincoln, Polk, Rutherford, Stokes,
19 Surry, Watauga, Wilkes, and Yadkin counties.

20 (D) Saturday after Thanksgiving Day through January 1 in Avery, Buncombe, Burke, Caldwell,
21 Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell,
22 Mitchell, Swain, Transylvania, and Yancey counties.

23 (E) Two Saturdays before Thanksgiving Day through January 1 in Alamance, Anson,
24 Cabarrus, Caswell, Chatham, Davidson, Durham, Granville, Guilford, Lee, Mecklenburg,
25 Montgomery, Orange, Person, Randolph, Rockingham, Rowan, Stanly, and Union
26 counties.

27 (F) Saturday on or nearest September 10 through January 1 in the parts of Camden, Gates, and
28 Pasquotank counties known as the Dismal Swamp National Wildlife Refuge; in the parts
29 of Hyde, Tyrrell, and Washington counties known as the Pocosin Lakes National Wildlife
30 Refuge; in the part of Hyde county known as Lake Mattamuskeet National Wildlife
31 Refuge; in the parts of Dare and Hyde counties known as Alligator River National Wildlife
32 Refuge; in the parts of Anson and Richmond counties known as the Pee Dee National
33 Wildlife Refuge; and in the part of Currituck County known as the Mackay Island National
34 Wildlife Refuge.

35 (2) Antlered or Antlerless Deer. Except on Game Lands, antlered or antlerless deer may be taken during
36 the open seasons and in the counties and portions of counties listed in Parts (A) through (G) of this
37 Subparagraph. ~~Antlered or antlerless deer may be taken the fourth Saturday in September in all~~

~~counties and on Thanksgiving Day and the Friday following in those counties listed in Parts (a)(1)(D) of this Rule by persons under the age of 18.~~

(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 Mackall 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 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) 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) 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 counties and in 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 ~~(e)~~ (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) 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) 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.

~~(e)~~ (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 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.

~~(f)~~ (g) Deer Management Assistance Program. The bag limits described in Paragraph ~~(e)~~ (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

1 with the hunting license for deer tagged with the DMAP tags. Any deer harvested on lands enrolled in the DMAP and
2 not tagged with DMAP tags may only be harvested during the regularly established deer seasons subject to the
3 restrictions of those seasons, including bag limits, and reported using the big game harvest report card or the bonus
4 antlerless harvest report card.

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6 *History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.1; 113-291.2; 113-291.5;*
7 *Eff. February 1, 1976;*
8 *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996, July 1, 1995; December 1, 1994; July 1,*
9 *1994; July 1, 1993;*
10 *Temporary Amendment Eff. July 1, 1999;*
11 *Amended Eff. July 1, 2000;*
12 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*
13 *Amended Eff. August 1, 2002 (Approved by RRC on 06/21/01 and 04/18/02);*
14 *Temporary Amendment Eff. June 1, 2003;*
15 *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*
16 *2003);*
17 *Amended Eff. August 1, 2021; August 1, 2020; August 1, 2018; August 1, 2017; August 1, 2016;*
18 *August 1, 2015; August 1, 2014; August 1, 2013; August 1, 2012; August 1, 2011; July 10, 2010;*
19 *June 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005;*
20 *Readopted Eff. August 1, 2022;*
21 *Amended Eff. June 1, 2025; August 1, 2024; August 1, 2023.*
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Wildlife Resources Commission

RULE CITATION: 15A NCAC 10C .0316

DEADLINE FOR RECEIPT: May 12, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 9: Change "may" to "shall."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 10C .0316 is amended as published in 39:14 NCR 916-917 as follows:

2
3 **15A NCAC 10C .0316 MOUNTAIN TROUT**

4 (a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit
5 for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated
6 in Paragraph (g) of this Rule.

7 (b) The daily creel limit for trout in Wild Trout Waters is four fish. The minimum size limit for these fish is seven
8 inches. There is no closed season.

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

11 (d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for
12 these fish. The Youth-only Delayed Harvest Trout Water Season is from 6:00 a.m. on the first Saturday in June until
13 12 p.m. that same day. During this season individuals under ~~the~~ 16 years of age ~~of 18~~ may fish. From 12:00 p.m. on
14 the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for anglers. From
15 October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout shall not be harvested or
16 possessed while fishing these waters. Delayed Harvest Trout Waters are closed to fishing from one-half hour after
17 sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.

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

19 (1) Apalachia Reservoir (Cherokee County) the daily creel limit is three trout. There is no minimum
20 size limit, but only one may be greater than 14 inches. There is no closed season.

21 (2) Catawba River (Burke County) from Muddy Creek to the City of Morganton water intake dam the
22 daily creel limit is two fish. The minimum size limit is 14 inches. There is no closed season.

23 (f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these
24 fish.

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

28 (1) Bear Creek Lake;

29 (2) Buckeye Creek Reservoir;

30 (3) Calderwood Reservoir;

31 (4) Cedar Cliff Lake;

32 (5) Cheoah Reservoir;

33 (6) Cliffside Lake;

34 (7) Tanassee Creek Lake;

35 (8) Queens Creek Lake; and

36 (9) Wolf Lake.

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

season.

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

History Note: Authority G.S. 113-134; 113-292;

Eff. November 1, 2013;

Amended Eff. August 1, 2018; August 1, 2017; August 1, 2015;

Readopted Eff. August 1, 2019;

Amended Eff. June 1, 2025; August 1, 2024; August 1, 2021; August 1, 2020.