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Wildlife and Boating Regulation

Historically, a great deal of North Carolina's wildlife and boating law has been contained in local acts that apply only to a particular county or other area, rather than in general statewide laws. This pattern was continued this year, with the General Assembly enacting only one public act dealing with wildlife. No public bills concerning boating regulation were introduced during the 2001 session, and the one public wildlife act dealt primarily with license fees for nonresidents. The local enactments mostly concern familiar subjects such as hunting seasons and bag limits.

Hunting and Fishing License Changes

S.L. 2001-91 (S 888) amends several sections of North Carolina's game and fish law, effective July 1, 2001. Most of these changes have to do with increasing fees for nonresident hunting and fishing licenses as follows:

1. The fee for a nonresident state hunting license increased from \$40 to \$60 for a season license and from \$25 to \$40 for a six-day license [G.S. 113-270.2(c)].
2. A nonresident bear/wild boar hunting license will now cost \$125; prior law provided for a bear license alone for \$100 [G.S. 113-270.3(b)].
3. Fees for nonresident big game hunting licenses increased from \$40 to \$60 for a season license, and from \$25 to \$40 for a six-day license [G.S. 113-270.3(b)].
4. The cost of a nonresident hunting and fishing guide license increased from \$10 to \$100 [G.S. 113-270.4]. A resident license still costs \$10.
5. A nonresident commercial special device fishing license will now cost \$200 instead of \$100 [G.S. 113-272.2].

S.L. 2001-91 also amends G.S. 113-270.1C(b) to provide that a person applying for a "lifetime combination hunting and fishing license for disabled residents" may apply for the fishing

privileges only, which include the right to fish in public mountain trout waters. S.L. 2001-91 became effective July 1, 2001.

Local Acts

As is the case in just about every session, most wildlife and boating legislation consisted of local acts. The local bills enacted in 2001 are listed below in alphabetical order by county.

Beaufort and Hyde Counties

S.L. 2001-19 (H 306) removes the sunset provision from S.L. 1997-132, which was originally June 1, 1999, and was later extended to June 1, 2001. The original act, which now has no expiration date, eliminated bag limits on the hunting or trapping of foxes and raccoons. It also authorized the use of snares when trapping fur-bearing animals. S.L. 2001-19 became effective April 16, 2001.

Bertie County

S.L. 2001-367 (H 402) adds several provisions that go beyond the prohibitions of the North Carolina game and fish law as contained in G.S. Chapter 113. Among other things, this act makes it unlawful to

1. hunt, take, or kill any wild animal or bird (or attempt to do so) with the use of firearms or bow and arrow, from, on, across, or over the roadway or right-of-way of any public road, street, or highway in the county;
2. possess a firearm or bow and arrow outside the passenger compartment of a vehicle while on the roadway or right-of-way, unless the person is the owner or lessee of the land abutting the right-of-way;
3. hunt or possess a firearm or bow and arrow on the land of another without the permission of the landowner or lessee; or
4. take deer from any vessel in the Roanoke River above the U.S. Highway 17 bridge, whether the vessel is under power or not.

This act is enforceable by law enforcement officers of the State Wildlife Commission, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction. A violation of any above-listed provision is a Class 3 misdemeanor. S.L. 2001-367 became effective October 1, 2001.

Buncombe-Biltmore Forest

S.L. 2001-156 (H 875) directs the Wildlife Resources Commission to consult with and assist the Town of Biltmore Forest in determining an effective method of reducing its deer population. The town's deer problem probably results from its location adjacent to the Biltmore Estate, where deer have been in abundant supply for decades. The Wildlife Commission is required to report its progress to the 2002 Session of the General Assembly. This act became effective on May 31, 2001.

Caldwell County

S.L. 2001-67 (H 794) prohibits the discharge of a firearm across the right-of-way of any public road . . . *but only when done for the purpose of target practice*. The discharge of a firearm for hunting does not appear to be prohibited. This act, which is a Class 3 misdemeanor, is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction. S.L. 2001-67 became effective October 1, 2001.

Carteret County-Cedar Point

S.L. 2001-65 (H 172) makes it unlawful to operate a vessel at greater than a “no-wake” speed on the waters of the Intracoastal Waterway within the corporate limits of the Town of Cedar Point or within the town’s extraterritorial jurisdiction. This act, which became effective May 14, 2001, is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A (“Boating and Water Safety”). A violation is a Class 3 misdemeanor.

Martin County

S.L. 2001-64 (H 159) provides that the season established by the Wildlife Commission for taking bear in Martin County shall apply to the entire county. Although the exact reason for this legislation is not apparent, it may have to do with a current commission rule that limits open seasons for bear to only part of the county. This act became effective May 14, 2001, and expires December 31, 2001.

Orange County

S.L. 2001-165 (H 931) provides that Orange County may regulate and prohibit hunting with firearms by persons under the influence of alcohol or other impairing substance, as well as by those having *any* blood alcohol concentration (as measured by an alcosensor). In addition, the county may regulate and prohibit hunting within 150 yards of any federal, state, or local government building, including those owned or leased by a board of education. A violation of an ordinance enacted under the authority of this act is a Class 3 misdemeanor. S.L. 2001-165 became effective on June 4, 2001.

Richmond County

S.L. 2001-133 (H 903) establishes a season for taking foxes with “box-type traps” from January 2 through January 31 of each year. The season bag limit is thirty foxes, which may be either gray, red, or a combination. This act, which became effective October 1, 2001, applies only to that portion of Richmond County located north of U.S. Highway 74 and west of U.S. Highway 1.

Wake County

S.L. 2001-164 (H 891) makes it unlawful for any person to shine a light intentionally upon a deer or to sweep a light in search of deer from half an hour after sunset to half an hour before sunrise. This act is enforceable by wildlife officers, sheriffs and deputy sheriffs, and other peace officers with general subject matter jurisdiction. A violation is a Class 3 misdemeanor. S.L. 2001-164 became effective October 1, 2001.

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