

# Wildlife and Boating Regulation

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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 area of the state rather than in general, statewide laws. Thus in 1999 the General Assembly enacted about twice as many local acts as it did statewide laws. In addition the statewide acts tended to be almost technical in nature, and in fact, few major revisions were even proposed.

## **Waterfowl Licenses**

Hunting migratory waterfowl in North Carolina usually requires a separate license (or permit). G.S. 113-129 defines *migratory waterfowl* as those "migratory birds for which open seasons are prescribed by the United States Department of Interior and belonging to the family Anatidae (wild ducks, geese, brant, and swans)." S.L. 1999-339 (S 323) amends G.S. 113-129 and 113-270.1D to provide that waterfowl can be taken by a person having an "annual sportsman's license" without obtaining the special waterfowl hunting license. In addition this act increases the cost of the waterfowl license from \$5 to \$10.

## **Baiting Fields**

As a general rule wild animals and birds may not be taken with the use or aid of salt, grain, fruit, and the like. S.L. 1999-120 (H 236) enhances this law (G.S. 113-291.1) somewhat by providing that various forms of wildlife cannot be taken with the named substances or "other bait." G.S. 113-291.1 was amended further to provide that no wild turkey may be taken from an area in which bait has been placed until the expiration of ten days after the bait has been consumed. This act also adds provisions mandating a two-year hunting license suspension for any

person convicted of unlawfully taking, possessing, buying, or selling any bear or bear part in violation of G.S. 113-294(c1).

## **Personal Watercraft**

The use of personal watercraft is a fairly recent development in North Carolina. These devices, which are sometimes referred to as jet skis, are small vessels that will carry only one or two persons and are usually ridden more like a motorcycle than a boat. G.S. 75A-13.3 was amended by S.L. 1999-447 (H 1209) to make North Carolina law conform to recommendations of the National Association of State Boating Law Administrators regarding personal watercraft safety. As amended, this statute provides that no person under age sixteen may operate a personal watercraft except under certain specified conditions. It does, however, allow a person between the ages of twelve and sixteen to operate the watercraft if he or she is accompanied by an adult or possesses a "boater safety certification" card issued by the Wildlife Commission (or has other proof of completion of a boating safety course).

New G.S. 75A-13.3(c1) makes it unlawful to rent personal watercraft unless liability insurance in the amount of at least \$300,000 has been secured to protect both the owner and rentee. Provisions were also added to prohibit certain maneuvers, including operating at greater than a "no wake speed" if within 100 feet of an anchored vessel, a dock, a marked swimming area, or other listed places. S.L. 1999-447 provides that local governments and marine commissions may regulate personal watercraft if their regulations are more restrictive than the provisions of state law.

## **Vessel Registration Agents**

The registration of vessels in North Carolina, like the registration of motor vehicles, is handled mostly by agents selected by the state. S.L. 1999-248 (H 237) rewrites provisions of G.S. 75A-5 to provide that the Wildlife Resources Commission may establish administrative guidelines to prescribe qualifications for these agents, their duties, and procedures to ensure accountability for the proceeds of sales. The Wildlife Commission is also authorized to select and appoint agents in areas most convenient to the boating public, to conduct periodic and special audits of agents' accounts, and to require the immediate surrender of all certificates, records, and state funds in the event of the termination of an agency. This act also increases the fees paid to the agents for the issuance of various kinds of registration and certificates. In addition S.L. 1999-248 amends G.S. 75A-11 to increase from over \$100 to over \$500 the amount of damage from a boat collision necessary to require a report to the Wildlife Commission.

S.L. 1999-392 (S 499) amends G.S. 75A-4 and -5 to increase the fees for registration of boats from \$8 for a one-year period and \$20 for a three-year period to \$10 and \$25, respectively. In addition, an amendment to G.S. 75A-3 provides that at least \$3 of each one-year vessel registration fee and at least \$9 of each three-year vessel registration fee must be used for boating access area acquisition, development, and maintenance. These new fees become effective January 1, 2000.

## **Local Acts**

As is the case in most sessions, more local wildlife and boating bills than public proposals were enacted. The local acts enacted in 1999 are listed below by county (alphabetically insofar as possible).

## **Beaufort and Hyde Counties**

S.L. 1999-86 (H 440) extends the effective dates of S.L. 1997-132 from October 1, 1997–June 1, 1999, to October 1, 1997–June 1, 2001. The amended act eliminates bag limits on the hunting or trapping of foxes and raccoons and authorizes the use of snares when trapping fur-bearing animals.

## **Brunswick and Other Counties**

S.L. 1999-51 (H 371) amends G.S. 14-401.17 by adding several additional counties to its provisions. This statute makes it unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner for the purpose of maintaining control of the animal. A first conviction for a violation of G.S. 14-401.17 is a Class 3 misdemeanor, and a second or subsequent conviction is a Class 2 misdemeanor. The counties now subject to G.S. 14-401.17 include Alamance, Avery, Beaufort, Brunswick, Buncombe, Burke, Caldwell, Caswell, Cherokee, Clay, Columbus, Craven, Cumberland, Davidson, Graham, Haywood, Henderson, Hyde, Jackson, Macon, Madison, McDowell, Mecklenburg, Mitchell, New Hanover, Orange, Pasquotank, Pitt, Robeson, Rockingham, Swain, Transylvania, Union, Wilkes, and Yancey.

## **Brunswick County**

S.L. 1999-87 (H 650) authorizes Brunswick County to adopt ordinances regulating the operation of personal watercraft in the Atlantic Ocean and other waterways within its territorial jurisdiction. The governing board of any municipality within the county may by resolution permit the county ordinance to be applicable within the city pursuant to G.S. 153A-122.

## **Brunswick County–Holden Beach**

S.L. 1999-92 (H 649) makes it unlawful to operate a vessel at greater than a “no wake speed” in the Intracoastal Waterway within the town of Holden Beach (in Brunswick County) between the island area designated at Rogers Street and the eastern line of the L. S. Holden Subdivision. No wake speed is idle speed or a slow speed creating no appreciable wake. This act is enforceable under G.S. 75A-17 as if it were a provision of the General Statutes, and a violation is a Class 3 misdemeanor.

## **Currituck County**

S.L. 1999-38 (H 637) makes it unlawful to operate a vessel at greater than a no wake speed in the Coinjock Canal Intracoastal Waterway. This act is also enforceable under G.S. 75A-17, and a violation constitutes a Class 3 misdemeanor.

## **Lee, Rutherford, Chowan, and Moore Counties**

S.L. 1999-301 (S 302) makes it unlawful in Lee and Rutherford counties to hunt on the land of another unless the person is a family member or has a paper signed by the landowner or lessee granting him or her permission to hunt. This act also makes it unlawful to hunt with a firearm, bow and arrow, crossbow, or other deadly weapon on, from, or across the right-of-way of any public road, street, highway, or thoroughfare. A violation of any of the above provisions is a Class 3 misdemeanor, punishable by a fine of up to \$300. S.L. 1999-301 contains similar provisions applicable to hunting deer in Moore County, except that a violation is punishable by \$300 to \$500 for a first conviction and \$500 to \$700 for a second conviction (plus imprisonment for up to sixty days and loss of the defendant’s hunting license). This act also makes the provisions of Chapter 128 of the 1989 Session Laws, concerning fox seasons, applicable to Chowan County.

### **New Hanover County**

S.L. 1999-95 (H 772) makes it unlawful to operate a vessel at greater than a no wake speed in the waters of Lee's Cut in New Hanover County. This act is enforceable under G.S. 75A-17, and a violation of its provisions is a Class 3 misdemeanor.

### **Pasquotank County–Elizabeth City**

S.L. 1999-174 (H 615) authorizes Elizabeth City to adopt ordinances to regulate and control the speed of vessels in waterways within its boundary or extraterritorial jurisdiction. If an ordinance is adopted, the city must place and maintain markers in accordance with the Uniform Waterway Marking System. All such markers must be buoys or floating signs placed in the water and must give adequate warning of the speed limit to approaching vessels.

### **Bills That Failed to Pass**

Two interesting proposals that were not enacted may be brought up again.

1. H 353 would have authorized counties to create bird sanctuaries in any area of the county not within the corporate limits of a municipality. Hunting, trapping, or killing birds in any manner would not be allowed in these areas. Cities have had this authority for almost half a century under the provisions of G.S. 160A-188.
2. H 1137 would have amended G.S. 103-2 to allow hunting on Sunday by a landowner on his or her own land or by another person with written permission of the owner. Legislation prohibiting Sunday hunting has been on the books since the 1860s, when most North Carolinians lived on farms and could hunt six days a week if they wished. Now, with society becoming increasingly more urban, many people are unable to hunt except on the weekends. Nevertheless, the proposal to repeal the Sunday hunting prohibition had very little support in the General Assembly, as has been the case in the past.

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