

## **15A NCAC 10B .0105    MIGRATORY GAME BIRDS**

### **(a) Cooperative State Rules:**

- (1) The waters of the Atlantic Ocean, and those coastal waters south of US 64 that are separated by a distance of at least 800 yards of open water from any shore, island or marsh are designated as a special hunting area for the taking of sea ducks (scoter, eider, and long-tailed duck).
- (2) Tundra swans may be taken during the open season by permit only subject to annual limitations imposed by the U.S. Fish and Wildlife Service. Based upon the annual limitations imposed by the U.S. Fish and Wildlife Service, the Wildlife Resources Commission shall issue nontransferable swan permits to applicants who will be selected at random by computer. Only one swan shall be taken under each permit which shall be cancelled at the time of the kill by cutting out the month and day of the kill. Accompanying the permit is a tag which must be affixed to the swan at the time and place of the kill. The tag must be affixed in accordance with instructions provided with the permit. In addition, a preaddressed post-paid card is supplied to each permittee on which to report the number of days hunted and the details of the kill if made. Hunting swans without having the permit and the tag in possession or to possess a swan without the cancelled permit in possession and the tag affixed in accordance with instructions provided with the permit to the swan is prohibited. Possessing a swan permit or tag while hunting that was assigned to another person or to alter the permit or tag in any way other than cutting out the proper month and day of kill is prohibited.

### **(b) Notwithstanding the provisions of G.S. 113-291.1(a) and (b), the following restrictions apply to the taking of migratory game birds:**

- (1) No migratory game bird may be taken:
  - (A) With a rifle;
  - (B) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, to limit its total capacity to not more than three shells.
  - (C) From or by the use of a sinkbox or any other type of low floating device affording the hunter a means of concealment beneath the surface of the water;
  - (D) With the aid of bait, or on, over, or within 300 yards of any place where any grain, salt or other feed is exposed so as to constitute an attraction to migratory game birds or has been so exposed during any of the 10 consecutive days preceding the taking, except that this Part shall not apply to standing crops, flooded croplands, grain crops shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting;
  - (E) With the aid of live decoys, or on, over or within 300 yards of any place where tame or captive migratory game birds are present, unless such birds are and have been for a period of 10 consecutive days prior to such taking confined within an enclosure which eliminates the audibility of their calls and totally conceals them from the sight of wild migratory game birds.
- (2) Crippled waterfowl may be taken from a motorboat under power in those areas described, delineated, and designated as special sea duck hunting areas in Subparagraph (a)(1) of this Rule.
- (3) In that area of Roanoke Sound adjacent to and immediately Northeast of Roanoke Island as marked by buoys designating the waterfowl rest area, it is unlawful to harass or take any waterfowl.
- (4) The area east of US 17 is designated as the September teal season zone.

(c) For tundra swan and Canada goose seasons where a permit is required to hunt by Memorandum of Agreement with the U.S. Fish & Wildlife Service, hunter questionnaires shall be completed online at [www.ncwildlife.org](http://www.ncwildlife.org), or on the Commission-supplied, preaddressed, postage-paid cards. Questionnaires shall be completed by or postmarked no later than April 1 following the end of the applicable season.

(d) Failure to return the questionnaire and any required animal parts, by this date shall make the individual ineligible to receive a permit as referenced in Paragraph (c) for the following applicable season.

*History Note:    Authority G.S. 113-134; 113-274; 113-291.1; 113-291.2; 50 C.F.R. 20.21; 50 C.F.R. 20.105;  
Eff. February 1, 1976;  
Amended Eff. July 1, 1995; April 1, 1992; February 1, 1990; September 1, 1989;  
Temporary Amendment Eff. September 10, 1998;*

*Amended Eff. August 1, 2015; May 1, 2007; June 1, 2005; May 1, 2004; July 1, 2000;  
Readopted Eff. August 1, 2022.*