

15A NCAC 10D .0105 POSSESSION AND REMOVAL OF ANIMALS, PLANTS AND MATERIALS

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

- (1) "Other materials" means metals, minerals, rocks, soil, organic debris, buildings, fences, archeological resources as defined in G.S. 70-12, and water.
- (2) "Commission lands" means State-owned game lands, hatcheries, depots, refuges, boating access areas and public fishing access areas, or parts thereof, allocated to the Wildlife Resources Commission.
- (3) "Written permission" means permits, sales agreements, agricultural agreements, and letters written by authorized Commission personnel. Written permissions shall specify the type of activity allowed, the Commission land(s) where the activity may occur, and the persons authorized to partake in the activity. Written permission shall be carried on their person during the activity. This requirement extends to an individual operating in conjunction with another's written permission.

(b) On Commission lands:

- (1) No wildlife resources, fungi, invertebrates, eggs, nests, animal parts, plants, plant materials, or other materials shall be possessed on or removed from Commission lands except:
 - (A) as allowed in this Rule;
 - (B) bullfrogs, as specified in 15A NCAC 10B .0226; or
 - (C) if written permission has been granted by the Wildlife Resources Commission.This restriction applies to both dead and living wildlife resources, fungi, invertebrates, eggs, animal parts, plants, and plant materials.
- (2) Game, fur-bearing animals, wildlife resources, fisheries resources, and nongame animals or birds, legally taken pursuant to a valid hunting, trapping, fishing, falconry, or other collection license that entitles the licensee to access and use Wildlife Resources Commission Property may be possessed on and removed from Commission lands.
- (3) Berries, fruit, nuts, mushrooms, ramps and other plants or plant materials for human consumption may be possessed on and removed from Commission lands without written permission for personal consumption only, except any fungi, plant or part thereof on a State or federal protected list shall not be possessed on or removed from Commission lands without written permission. Other fungi, plants and plant materials not for human consumption may not be possessed on or removed from Commission lands except with written permission. Crops or products thereof planted for the benefit of wildlife shall not be removed without written permission.
- (4) Insects, worms, or other invertebrates collected as fish bait may be possessed on and removed from Commission lands without written permission for personal use only, except species on a State or federal protected list may not be collected and may not be removed from Commission lands. Sale of these resources is prohibited.
- (5) Minimal amounts of animal parts, plant parts not removed from live plants, and other materials may be collected by hand and removed from Commission lands without written permission, except in violation of rules, general statutes, or federal law. Collection of animal parts, and plant parts not removed from live plants for commercial use or sale is prohibited. For purposes of this Subparagraph, "minimal amounts," are quantities that fit within a cubic foot of space, except for firewood to be used at posted camping areas. Collection of firewood sufficient to build and maintain a fire during the game land user's stay at the campground is permitted.
- (6) Litter and road kill animals may be removed without written permission, except in violation of 15A NCAC 10B .0106.
- (7) A collection license as described in 15A NCAC 10B .0119 does not qualify as written permission to collect or remove wildlife resources from Commission lands. Written permission shall be specific to the Commission land.

(c) On the other lands enrolled in the game land program:

- (1) Game, fur-bearing animals, fisheries resources, and nongame animals or birds legally taken pursuant to a valid hunting, trapping, fishing, falconry, or collection license may be possessed on and removed from game lands.
- (2) Possession and removal of other wildlife resources, fungi, invertebrates, eggs, nests, animals parts, plants, and plant materials is subject to the rules of the Commission and is at the discretion of the landowner, except where the landowner has ceded authority to the Commission. When the landowner has ceded authority to the Commission, the permissions and restrictions in Paragraph (b) of this Rule apply.

(d) Except as referenced in Subparagraph (b)(5) of this Rule, other materials may be possessed or removed from Commission lands and other lands enrolled in the game land program with written permission from the Commission, except for archeological resources. To possess or remove archeological resources from Commission land or other lands enrolled in the game land program, an individual shall obtain and have on his or her person, written permission from the Commission and a permit issued by the Department of Natural and Cultural Resources as specified in G.S. 70-12.

*History Note: Authority G.S. 113-134; 113-264; 113-291; 113-291.2; 113-305; 113-333;
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