

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS

- (a) Depredation permits shall authorize the taking, destruction, transfer, removal, transplanting, or driving away of undesirable, destructive, or excess wildlife or wildlife resources as specified in this Rule.
- (b) Depredation permits shall not be required for the owner or lessee of a property to take wildlife while committing depredations to that property; however, the manner of take, disposition of dead wildlife, and reporting requirements specified in this Rule shall apply.
- (c) No permit shall be issued to take endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director or his or her designee may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators.
- (d) An individual may take an endangered or threatened species in immediate defense of his or her own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a state or Federal conservation Officer or employee who is designated by their agency, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102(c)(2).
- (e) No permit may be issued for the taking of migratory birds and other federally-protected animals unless a current Federal Depredation Order applies to a species or a corresponding, valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued.
- (f) Depredation permits may be issued for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities, as defined in G.S. 160A-1(2), seeking a depredation permit pursuant to these circumstances shall submit to the Commission the following information:
- (1) the name and location of the city;
 - (2) the acreage of the affected property;
 - (3) a map of the affected property;
 - (4) the signature of an authorized city representative;
 - (5) the nature of the overabundance or the threat to public safety; and
 - (6) a description of previous actions taken by the city to ameliorate the problem.
- (g) Depredation permits for other species may be issued for taking wildlife that is or has been damaging or destroying property, provided there is evidence of property damage.
- (h) Depredation Permits shall:
- (1) be prepared on a form supplied by the Commission;
 - (2) only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA);
 - (3) have an expiration date;
 - (4) name the species allowed to be taken;
 - (5) include limitations on age, sex, type of depredation, location of animal or damage, and local laws;
 - (6) be issued to a landholder or an authorized representative of a unit of local government for depredations on public property;
 - (7) be used only by individuals named on the permit;
 - (8) authorize the possession of wildlife resources taken under the authority of the permit; and
 - (9) be retained as long as the wildlife resource is in the authorized individual's possession.
- (i) Individuals taking wildlife resources under the authority of a depredation permit shall comply with the conditions of the permit and the requirements specified in this Rule.
- (j) The following shall apply to manner of take:
- (1) Wildlife taken without a permit while committing depredations to property may, during the open season for the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
 - (2) Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, within which the traps shall be set. The Executive Director, Commission employee, or WCA may also state in a permit authorizing trapping whether or not bait or lure may be used and the type of bait or lure that is authorized based upon factors such as type of depredation, locations of animal or damage, and local laws. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize

the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.

- (3) Any landholder, with or without a depredation permit, or second party on a depredation permit shall not intentionally wound a wild animal in a manner that will not cause its immediate death as suddenly and humanely as the circumstances permit.

(k) The following shall apply to the disposition of wildlife taken:

- (1) Except as provided by Subparagraphs (2) through (7) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or disposed of in a safe and sanitary manner on the property where taken. Wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- (2) Wildlife killed under a depredation permit may be transported to an alternate disposal site. Anyone in possession of carcasses of animals being transported under a depredation permit shall have a copy of the depredation permit in his or her possession.
- (3) The edible portions of feral swine and deer may be retained by landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of feral swine or deer taken under a depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) or (2) of this Paragraph or turned over to a Commission employee for disposition.
- (4) Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) or (2) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B Section .0400, the carcass or pelt may be sold to a licensed fur dealer.
- (5) The carcass or pelt of any furbearing animal killed during their open season for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license. Bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (6) Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia, or such wild animals must be released on the property where captured with permission from the landholder. Feral swine shall be euthanized while still in the trap in accordance with G.S. 113-291.12. Animals transported or held for euthanasia shall be euthanized within 12 hours of possession. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit shall have a copy of the depredation permit in his or her possession. When the relocation site is public property, written permission shall be obtained from the local, State, or federal official authorized to manage the property before any animal may be released.
- (7) The edible portions of bear may only be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of a bear taken under a valid depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The complete carcass of a bear taken without a depredation permit and nonedible portions of any bear carcass, including head, hide, feet, claws, and internal organs, from a bear taken under a valid depredation permit shall be disposed of as specified in Subparagraph (1) or (2) of this Paragraph or turned over to a Commission employee for disposition.

(l) Any landholder who kills an alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report the number and species of animal killed upon the expiration date of the depredation permit to the Wildlife Resources Commission on the form provided with the permit, or through the website link provided on the permit.

(m) Any landholder shall report the killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington; bear; or elk taken without a permit to the Wildlife Resources Commission within 24 hours following the killing.

(n) Animal Control Officers, as defined by G.S. 130A-184(1) when in the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- (1) exhibit visible signs of rabies;
- (2) exhibit unprovoked aggression that may be associated with rabies;
- (3) are suspected to be rabid; or
- (4) have or may have exposed humans, pets, or livestock to rabies.

History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337; Eff. February 1, 1976; Amended Eff. August 1, 2013; January 1, 2012; August 1, 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990; Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org; Temporary Amendment Eff. February 27, 2015; Amended Eff. May 1, 2021; October 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016; Readopted Eff. October 1, 2022.