SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .0100 - CONTROLLED HUNTING PRESERVES FOR DOMESTICALLY RAISED GAME BIRDS

15A NCAC 10H .0101 GENERAL REQUIREMENTS

(a) It shall be unlawful to operate a controlled hunting preserve without first obtaining a controlled hunting operator's license from the North Carolina Wildlife Resources Commission (Commission).

(b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the following:

(1) Mallard Ducks (in accordance with 50 CFR 21.45);
(2) Chukar Partridges;
(3) Hungarian Partridges; and
(4) Other domestically raised game birds, except Wild Turkey.

(c) The following conditions shall apply to the take of birds on a controlled hunting preserve:

(1) take shall be by shooting, which may include the use of dogs;
(2) there shall be no bag limits or sex restrictions; and
(3) take shall be authorized from October 1 to March 31.
(4) domestically raised migratory gamebirds shall be marked by one of the methods provided in 50 CFR 21.45, all other domestically raised game birds, except Chukar Partridges and Hungarian Partridges, shall be individually marked on one leg with a band imprinted with the propagator's license number.

(d) Application for a controlled hunting preserve operator's license shall be made on a form available from the Commission online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. The application shall include the following information:

(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;
(2) The preserve name and address;
(3) GPS coordinates of preserve entrance;
(4) The total preserve acres owned or leased;
(5) The name, address, and telephone number of the landowner, if applicable;
(6) The type of preserve; and
(7) The species of domestically raised game birds to be offered for hunting.

(e) Applicants shall certify and demonstrate ownership or proof of lease of the land for the license period and for the operation of a controlled hunting preserve.

(f) A licensed controlled hunting preserve operator shall be authorized to purchase, possess, propagate, sell, transport, and release propagated migratory game birds, their eggs, and propagated upland game birds, except for wild turkey, subject to limitations in Section .0900 of this Subchapter.

(g) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours for inspection, enforcement, or scientific purposes.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. February 1, 1976;
Amended Eff. August 1, 2010; May 1, 2008; July 1, 1994; November 1, 1990; July 1, 1988; July 1, 1987;
Readopted Eff. April 1, 2020;
Amended Eff. February 1, 2023.

15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION

(a) Controlled hunting preserves shall be at least 100 acres and shall be one contiguous block of land.

(b) The boundary of each controlled hunting preserve shall be posted with printed signs that face both outward and inward from the preserve boundary and meet the following requirements:

(1) Signs shall be at least 12 inches wide and at least nine inches tall with white background and black lettering of uniform font.
(2) Signs shall be placed along the boundaries of the controlled hunting preserve, not more than 150 feet apart.

(3) Text of signs facing outward from the boundary shall contain the following information in font no less than ¼ of an inch in height:
  (A) the words "Controlled Hunting Preserve";
  (B) the words, "The owner or lessee of this property is operating by authority of a license issued by the N.C. Wildlife Resources Commission. Hunting on this preserve shall be in accordance with regulations of the Commission.";
  (C) the words, "State hunting license is required"; and
  (D) the name of the licensed operator of the controlled hunting preserve.
(4) Text of signs facing inward from the boundary shall bear the words "Controlled Hunting Preserve" in font no less than ¾ of an inch in height.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. February 1, 1976;
Amended Eff. June 1, 2009; January 1, 1992; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0103 LABELING OF HARVESTED BIRDS

(a) It shall be unlawful to remove harvested birds from the hunting preserve or to possess harvested birds unless the birds are packaged and marked with a label provided by the preserve. The label shall contain the following information:
(1) the name and address of the hunting preserve;
(2) the name and address of the possessor of the harvested birds;
(3) the number of harvested birds contained in the package;
(4) a statement that the package may be opened for inspection by an enforcement officer; and
(5) the signature of the licensed operator or his or her designee.

(b) The packaged and marked harvested birds shall be accompanied at all times by the hunter's receipt, which shall be completed and signed by the operator or his or her designee as described in Rule .0105 of this Section.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. February 1, 1976;
Amended Eff. November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED

All birds purchased or raised for release on controlled hunting preserves shall be free from disease. Pursuant to the authority granted to the Commission in G.S. 113-276.2, possession of diseased birds may be grounds for the suspension, revocation, or denial of a controlled hunting preserve license.

History Note: *Authority G.S. 113-134; 113-273; 113-276.2;*
Eff. February 1, 1976;
Amended Eff. August 1, 2010; June 1, 2005; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0105 RECORDS AND REPORTING REQUIREMENTS

(a) The controlled hunting preserve operator shall maintain a written record of each hunter using the controlled hunting preserve. This record shall contain the following information:
(1) name, address, and license number of the preserve;
(2) the name, address, and state hunting license number of each hunter using the preserve;
(3) the date(s) of the hunt;
(4) the number and species of each bird harvested by the hunter on the preserve; and

(5) the signature of the operator.

This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by the operator for 12 months after the date(s) of the hunt. It shall be unlawful for a person to possess game birds harvested on controlled hunting preserves without a receipt as described in this Rule.

(b) The operator shall maintain a written record of each bird species released on the preserve. This record shall include the number and species of each bird released and the date of the release.

(c) The records required by this Rule shall be available for inspection at the request of the Commission.

(d) Licensed operators that release birds shall report the number released, the species of the birds released, and the county where the release occurred to renew their operator's license. This reporting requirement shall be limited to those birds released during the time period of the operator's current valid license or last valid license and shall be reported on the Controlled Shooting Preserve Game Birds Report Form found online at www.ncwildlife.org or at the Commission headquarters.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. February 1, 1976;
Amended Eff. November 1, 1990; April 15, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0106 HUNTING LICENSE REQUIRED

A valid North Carolina hunting license or controlled hunting preserve hunting license shall be required of all persons hunting domestically raised birds on controlled hunting preserves.

History Note: *Authority G.S. 113-134; 113-270.2; 113-273;*
Eff. February 1, 1976;
Amended Eff. November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE

(a) As authorized in G.S. 113-276.2, the Executive Director of the Commission may revoke, suspend, or deny the renewal of the license of any controlled hunting preserve operator upon violation of the rules in this Section.

(b) The determination whether to revoke, suspend, or deny a controlled hunting preserve operator license shall be based upon the seriousness of the violation and any previous violations.

History Note: *Authority G.S. 113-134; 113-273; 113-276.2;*
Eff. February 1, 1976;
Amended Eff. November 1, 1990; January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amendment Eff. April 1, 2020.

15A NCAC 10H .0108 FEEDING OF STOCKED BIRDS

(a) Types of Feeders. Bird feeders used on controlled hunting preserves shall meet the following conditions:

(1) not disperse grain or other food on the ground around the feeders; and

(2) be sheltered to protect the grain or other food from dampness and precipitation.

(b) Location of Feeders. No bird feeder shall be placed within 100 yards of any boundary of a controlled hunting preserve.

(c) Supplemental feeding. Licensed operators shall be authorized to broadcast supplemental feed on the preserve. It shall be lawful for licensed hunters to take all birds authorized in 15A NCAC 10H .0101(b) in supplemented areas. Wild birds may not be taken with the use or aid of bait, including in supplemental feeding areas.

History Note: *Authority G.S. 113-134; 113-273;*

Eff. September 30, 1979;
Amended Eff. May 1, 2009; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS

Licensed controlled hunting preserve operators that release pen-raised quail for hunting or dog training shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released quail, subject to the following requirements:

(1) all traps shall have a weather-resistant permanent tag attached with the operator's name and address written legibly;
(2) no trap shall be located within 100 yards of any boundary of the hunting preserve; and
(3) no trapped, unbanded quail shall be retained.

History Note: *Authority G.S. 113-134; 113-291.1;*
Eff. September 1, 1980;
Amended Eff. May 1, 2009; December 1, 1993; November 1, 1990; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0110 SUPPLEMENTAL FEEDING

History Note: *Authority G.S. 113-134; 113-273;*
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. April 1, 2020.

SECTION .0200 - SALE OF QUAIL FOR FOOD PURPOSES

15A NCAC 10H .0201 DEFINITIONS
15A NCAC 10H .0202 APPLICATION FOR PERMIT
15A NCAC 10H .0203 DISPLAY OF PERMIT
15A NCAC 10H .0204 TERM OF PERMIT: REVOCATION
15A NCAC 10H .0205 PERMIT NOT TRANSFERABLE
15A NCAC 10H .0206 ADVERTISING
15A NCAC 10H .0207 POSSESSION: SALE AND PURCHASE
15A NCAC 10H .0208 PROCESSING QUAIL FOR SALE
15A NCAC 10H .0209 TRANSPORTATION
15A NCAC 10H .0210 RECORDS

History Note: *Authority G.S. 113-134; 113-105.2;*
Eff. February 1, 1976;
Repealed Eff. March 10, 1978.

SECTION .0300 - HOLDING WILDLIFE IN CAPTIVITY

15A NCAC 10H .0301 GENERAL REQUIREMENTS

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*
Eff. February 1, 1976;
Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;

Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1, 2001;
Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004;
Temporary Amendment Eff. December 2, 2014;
Temporary Amendment Expired September 11, 2015;
Temporary Amendment Eff. February 27, 2015;
Temporary Amendment Expired December 11, 2015;
Repealed Eff. January 1, 2020.

15A NCAC 10H .0302 MINIMUM STANDARDS

History Note: *Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;*
Eff. February 1, 1976;
Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980;
Temporary Amendment Eff. October 8, 2002;
Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004;
Temporary Amendment Eff. February 27, 2015;
Temporary Amendment Expired December 11, 2015;
Repealed Eff. January 1, 2020.

15A NCAC 10H .0303 FORFEITURE

History Note: *G.S. 106-549.97(b); 113-131; 113-134; 113-272.5; 113-276.2; 113-292; 150B-3;*
Eff. February 1, 1976;
Amended Eff. February 7, 1979;
Temporary Amendment Eff. October 8, 2002;
Amended Eff. August 1, 2004;
Repealed Eff. January 1, 2020.

15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;*
Eff. May 1, 2010;
Temporary Amendment Eff. February 27, 2015;
Temporary Amendment Expired December 11, 2015;
Repealed Eff. January 1, 2020.

SECTION .0400 - COMMERCIAL TROUT PONDS

15A NCAC 10H .0401 LICENSE REQUIRED
15A NCAC 10H .0402 APPLICATION FOR LICENSE: TERM

History Note: *Authority G.S. 113-134; 113-273;*
Eff. February 1, 1976;
Amended Eff. January 1, 1981;
Repealed Eff. July 1, 1988.

15A NCAC 10H .0403 COMMERCIAL TROUT FISHING PONDS
15A NCAC 10H .0404 SEASON AND CREEL LIMIT
15A NCAC 10H .0405 QUALITY OF FISH RELEASED IN POND
15A NCAC 10H .0406 RECORDS KEPT BY POND OWNER
15A NCAC 10H .0407 COMMERCIAL TROUT HOLDING PONDS

History Note: *Authority G.S. 113-134; 113-273;*
Eff. February 1, 1976;

Amended Eff. August 1, 1988; September 1, 1983; August 1, 1983; January 1, 1981;
Repealed Eff. September 1, 1994.

15A NCAC 10H .0408 REVOCATION OF LICENSE

History Note: *Authority G.S. 113-134; 113-273; 113-276.2;*
Eff. February 1, 1976;
Amended Eff. January 1, 1981;
Repealed Eff. July 1, 1988.

SECTION .0500 - SALE OF GAME FISH OTHER THAN TROUT FROM PRIVATE PONDS

15A NCAC 10H .0501 LICENSE REQUIRED
15A NCAC 10H .0502 APPLICATION FOR LICENSE
15A NCAC 10H .0503 TERMS OF LICENSE
15A NCAC 10H .0504 RESPONSIBILITIES OF LICENSEE
15A NCAC 10H .0505 RESPONSIBILITIES OF PURCHASER

History Note: *Authority G.S. 113-134; 113-273;*
Eff. February 1, 1976;
Repealed Eff. January 1, 1981.

SECTION .0600 - PRIVATELY OWNED PUBLIC HUNTING GROUNDS

15A NCAC 10H .0601 RENEW
15A NCAC 10H .0602 DEFINITIONS
15A NCAC 10H .0603 PURPOSE
15A NCAC 10H .0604 REQUIREMENTS
15A NCAC 10H .0605 COOPERATIVE AGREEMENT
15A NCAC 10H .0606 POSTING
15A NCAC 10H .0607 HUNTING PERMITS: FORMS
15A NCAC 10H .0608 APPLICATION OF STATE LAW
15A NCAC 10H .0609 RESPONSIBILITY OF HUNTERS

History Note: *Authority G.S. 113-134; 113-264; 113-291.2; 113-305; 113-306;*
Eff. September 25, 1976;
Repealed Eff. February 1, 1987.

SECTION .0700 - FISH PROPAGATION

15A NCAC 10H .0701 LICENSE REQUIRED

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1979;
Amended Eff. August 1, 1988;
Repealed Eff. January 1, 1996.

15A NCAC 10H .0702 APPLICATION FOR AND TERM OF LICENSE

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1979;
Amended Eff. January 1, 1981;
Repealed Eff. July 1, 1988.

15A NCAC 10H .0703 TYPE OF FACILITY
15A NCAC 10H .0704 DISPLAY OF LICENSE

15A NCAC 10H .0705 ACQUISITION OF FISH OR EGGS
15A NCAC 10H .0706 INSPECTION OF FACILITIES
15A NCAC 10H .0707 SALE OF FISH OR EGGS
15A NCAC 10H .0708 RECORDS

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1979;
Amended Eff. July 1, 1988; August 1, 1983;
Repealed Eff. January 1, 1996.

15A NCAC 10H .0709 REVOCATION AND NONRENEWAL OF LICENSE

History Note: *Authority G.S. 113-134; 113-273; 113-276.2;*
Eff. January 1, 1979;
Amended Eff. January 1, 1981;
Repealed Eff. July 1, 1988.

SECTION .0800 - FALCONRY

15A NCAC 10H .0801 DEFINITIONS

(a) In addition to the definitions contained in G.S. 113-130, as used in 15A NCAC 10B .0216 and in this Section, the following definitions apply:

(1) "Falconry permit" or "permit" means a falconry permit or license issued by another state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service, as meeting the federal falconry standards in 50 CFR 21.82.
(2) "Falconry license" means the annual special purpose falconry license required by G.S. 113-270.3(b)(4) and referenced in the rules of this Section.
(3) "State" means the State of North Carolina, except when the context indicates reference to another state of the United States.
(4) "Commission" means the North Carolina Wildlife Resources Commission.
(5) "Executive Director" means the Executive Director of the North Carolina Wildlife Resources Commission.
(6) "Bred in captivity" or "captive-bred" means raptors hatched in captivity from parents that mated or otherwise transferred gametes in captivity.
(7) "Raptor" means a live migratory bird of the Order Accipitriformes, Order Falconiformes, or the Order Strigiformes, other than a bald eagle (Haliaeetus leucocephalus).
(8) "Wild-caught" and "wild" raptors means any free-ranging wild raptor held in captivity regardless of its length of captivity or ownership changes in accordance with 50 CFR 21.82(f)(1).

(b) For this Section, 50 CFR 21.82. is hereby incorporated by reference, including all subsequent amendments and editions. 50 CFR 21.82. may be found free of charge at: www.ecfr.gov.

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; May 1, 2007; May 1, 1995; August 1, 1988; February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0802 PERMIT AND LICENSE REQUIREMENTS

(a) Non-residents of this State shall not take, possess, transport, or import a raptor for falconry purposes or practice falconry in this State without first obtaining the following:

(1) a falconry license or permit from a state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service as meeting federal falconry standards; and
(2) a North Carolina falconry license as required by G.S. 113-270.3(b)(4), unless traveling through North Carolina with no intention of practicing falconry while in North Carolina.

(b) Residents of this State shall not take, possess, transport, or import a raptor for falconry purposes or practice falconry in this State without having first obtained a North Carolina falconry license.
(c) A North Carolina resident who holds a falconry license issued by the Commission may transport his or her raptors into or through other states, tribal lands, and territories for use in falconry, and shall observe all laws and regulations of such states governing the possession and transportation of raptors and the practice of falconry.
(d) In addition to criminal penalties for violation provided by federal law and state statute, licenses shall be subject to suspension or revocation in accordance with applicable state and federal law.

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0803 APPLICATION FOR LICENSE
(a) Any individual who wishes to take raptors or to practice falconry in this State shall apply for a falconry license from the Commission, at www.ncwildlife.org, by providing the following information: applicant's name, residence address, date of birth, and facility address, if applicable. Applicants shall either have passed the examination as described in Rule .0804 of this Section, or provide proof of a valid falconry permit or license from another state, provided the state that issued the falconry permit or license has been approved by the U.S. Fish and Wildlife Service.
(b) Individuals who have relocated to North Carolina have 60 days from the date of relocation to apply for a North Carolina falconry license. Until his or her license is issued by the Commission, the individual may keep any lawfully obtained raptors in facilities described in Rule .0808 of this Section, and may practice falconry provided he or she has a permit or license from a state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service.
(c) Apprentice license applications shall include a letter from a sponsor as described in 50 CFR 21.82(c)(2)(i)(C).
(d) General license applications shall include a letter from a General or Master falconer as described in 50 CFR 21.82(c)(2)(ii)(C).
(e) Any application submitted by an individual less than 18 years of age shall be co-signed by that individual's parent or legal guardian. The parent or legal guardian is responsible for the underage falconer's activities.
(f) A falconer with an expired license may apply for a new license at his or her previous level, provided the license has not been expired for more than five years, and the falconer can show he or she has previously met the requirements for the level of license sought. A falconer whose license has been expired for more than five years may apply for a new license, but he or she shall pass the examination described in Rule .0804 of this Section and pass a facility inspection described in Rule .0808 of this Section, in order to be reinstated at his or her previous level. He or she shall provide records showing the requirements for the level of license sought have been previously met.
(g) Applications shall be accompanied by a fee in the amount of ten dollars ($10.00).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0804 EXAMINATION
(a) Prior to applying for a falconry license, an applicant shall successfully pass, with a score of at least 80 percent, a falconry examination administered by the Commission, as detailed in 50 CFR 21.82(c)(3).
(b) The examination is not required of any applicant who holds a valid permit from another state, tribe, or territory that has been approved by the U.S. Fish and Wildlife Service.
(c) The examination shall not be required for license renewal, provided the license has not been expired for more than five years.
(d) The cost for taking the examination is ten dollars ($10.00).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0805 DURATION OF LICENSE

A falconry license shall be valid upon issuance and expires on June 30 of each year.

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .0806 ACQUISITION, SALE AND STATUS CHANGE

(a) A licensee may transfer a wild-caught raptor to another licensee if no money, goods, or services are exchanged. A licensee may purchase, sell, trade, or barter any lawfully possessed raptor that is bred in captivity under a federal raptor propagation permit and banded with a numbered seamless marker issued by the Commission, provided that the parties involved in the transaction are authorized to possess the raptor under this Section, 50 CFR 21, or the foreign country of his or her residence or domicile, in accordance with 50 CFR 21.82(f)(15).
(b) A licensee may acquire a raptor from a permitted rehabilitator subject to the restrictions and conditions set forth in 50 CFR 21.82(e)(7).
(c) A licensee shall not take, possess, or transport a raptor in violation of the restrictions, conditions, and requirements of 50 CFR 21.82, G.S. 113-270.3, and this Section.
(d) Upon the death of a licensee, any lawfully held raptors shall be transferred in accordance with 50 CFR 21.82(f)(21).
(e) Any status change of a raptor, including death of the raptor or the licensee, loss due to theft, acquisition, sale, transfer, intentional release, and rebanding shall be reported to the U.S. Fish and Wildlife Service, as set forth in 5 50 CFR 21.82(e)(6).
(f) Dead birds shall be disposed of in a manner described in 50 CFR 21.82(f)(13).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; February 1, 1994; April 1, 1991; February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0807 LEVELS OF LICENSES

(a) Falconry licenses shall be issued at three levels based upon the age and experience of the falconer.
(b) Apprentice level falconry licenses shall be subject to the conditions, requirements, and limitations set forth in 50 CFR 21.82(c)(2)(i). In addition to the requirements of 50 CFR 21.82(c)(2)(i), the following conditions apply:

(1) the apprentice's sponsor shall live within 200 miles of the apprentice;
(2) a sponsor shall not have more than three apprentices at any one time; and
(3) a sponsor shall provide written notification to the Commission when he or she decides to stop sponsoring an apprentice. The Commission shall notify the apprentice, who must obtain another sponsor and notify the Commission within 90 days.
    (A) If after the 90-day period, the apprentice fails to obtain another sponsor, the disposition of the raptor(s) shall be determined on a case-by-case basis by the Commission and may include release or transfer to another licensed falconer, and the apprentice's license shall be suspended.
    (B) If after 180 days, the apprentice fails to obtain another sponsor, the Commission shall revoke his or her license and he or she shall be required to reapply for an apprentice license.

(c) General level falconry licenses shall be subject to the conditions, requirements, and limitations set forth in 50 CFR 21.82(c)(2)(ii).
(d) Master level falconry licenses shall be subject to conditions, requirements, and limitations set forth in 50 CFR 21.82(c)(2)(iii).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; May 1, 1995; May 1, 1991; February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0808 FACILITIES AND EQUIPMENT

(a) Prior to initial issuance of a North Carolina falconry license to a resident of North Carolina, the applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a representative of the Commission as meeting the standards set forth in this Rule. Applicants shall have indoor or outdoor holding facilities as described in Paragraph (b) of the Rule. Applicants may have both types of facilities.
(b) The applicant shall have holding facilities meeting the following standards, regardless of whether the facilities are located on property owned by the licensee or owned by another:

(1) All facilities shall conform to the standards in 50 CFR 21.82(d)(1)(ii)(A).
(2) Indoor facilities shall conform to the standards in 50 CFR 21.82(d)(1)(ii)(B). In addition to the incorporated CFR, the mew shall have a door that allows access for maintenance, that is securable inside and outside, and closes automatically. Mews shall be located away from disturbance and shade shall be provided. The floor of the mew shall allow for cleaning and drainage. The interior of the mew shall be free of obstructions that could be injurious to the raptor. Any lighting fixtures shall be shielded or otherwise protected.
(3) Outdoor facilities shall conform to the standards in 50 CFR 21.82(d)(1)(ii)(D). In addition to the incorporated CFR, covers or roofs shall not be less than seven feet high. The enclosed area shall be large enough to ensure the raptor cannot strike the sides, cover, or roof of the enclosure when flying from the perch. The floor of the weathering area shall allow for drainage to prevent standing water. At least two perches shall be provided for the raptor.
(4) Raptors may be brought inside a human dwelling as needed to address health, training, and safety issues. The residence shall conform to the standards in 50 CFR 21.82(d)(1)(ii)(C).

A licensee may have his or her raptors outside in the open under the conditions set forth in 50 CFR 21.82(d)(1)(iii).
(c) Licensees shall possess the equipment listed in 50 CFR 21.82(d)(3).
(d) All facilities and equipment shall be maintained at or above the standards contained in Paragraphs (b) and (c) of this Rule at all times.
(e) A raptor may be transported or held in temporary facilities as described in 50 CFR 21.82(d)(4) and (5).
(f) A licensee may leave his or her raptors in the care of another person subject to the restrictions in 50 CFR 21.82(d)(6) and (7).
(g) A licensee shall inform the Commission within five business days if he or she moves his or her facilities.

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; May 1, 1995; April 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0809 BANDING AND MARKING

(a) All peregrine falcons (Falco peregrinus), gyrfalcons (Falco rusticolus), Harris's hawks (Parabuteo unicinctus), and goshawks removed from the wild or acquired from a falconer or rehabilitator for falconry purposes shall be banded as set forth in 50 CFR 21.82(c)(6)(i).
(b) Raptors bred in captivity shall be banded as set forth in 50 CFR 21.82(c)(6)(ii).
(c) Loss or removal of any band shall be reported to the Commission within five days of the loss and shall be replaced as described in 50 CFR 21.82(c)(6)(iii).

(d) No person shall counterfeit, alter, or deface any band required by this Rule, except that licensees may remove the rear tabs on bands and may smooth any surface imperfections, provided the integrity of the bands and numbering are not affected.
(e) A raptor removed from the wild shall not be marked with a seamless numbered band.
(f) A falconer may request and receive a band exemption from the Commission for a raptor with documented health problems or injuries caused by a band, but shall adhere to the restrictions set forth in 50 CFR 21.82(c)(6)(v).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012; April 1, 1991; July 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0810 TAKING RAPTORS

(a) No raptor shall be taken from the wild in this State except by an individual holding a current falconry license as defined in Rule .0801 of this Section, or a falconry permit or license from the individual's state of residence if the individual is a non-resident of North Carolina. Falconers may only take species of raptors from the wild that are authorized under their level of permit or license. If a falconer captures an unauthorized species of raptor or other bird, he or she must release that bird immediately upon capture.
(b) All levels of licensees may take up to two raptors from the wild annually, subject to the conditions and restrictions set forth in 50 CFR 21.82(e)(2). Apprentices may keep only one bird at a time.
(c) Apprentices may take any species of raptor from the wild except for those species specified in 50 CFR 21.82(c)(2)(i)(E).
(d) Any raptor native to this State may be taken from the wild subject to the restrictions on species and license level as follows:

(1) Only persons holding General or Master level falconry licenses may take nestlings. Nestlings may only be taken from May 1 through June 30. No more than two nestlings may be taken by the same licensee. At least one nestling shall be left in the nest or aerie.
(2) First year (passage) birds may be taken from August 1 through the last day of February, except that marked raptors may be retrapped at any time.
(3) American kestrels (Falco sparverius) and great horned owls (Bubo Virginianus) may only be taken when over one year old. Only General and Master falconers may take this age class in accordance with 50 CFR 21.82(e)(3)(i). The time period for taking is from August 1 through the last day of February.
(4) Only General and Master falconers may take a federally threatened species and the falconer shall follow the restrictions in 50 CFR 21.82(e)(3)(ix).
(5) A falconer shall obtain a North Carolina endangered species permit before taking any raptors listed in 15A NCAC 10I .0103, 15A NCAC 10I .0104, or 15A NCAC 10I .0105. Furthermore, a falconer shall possess a special hunt permit to take a passage peregrine falcon (Falco peregrinus tundrius).

(e) Traps shall be designed to prevent injury to the raptor. All traps except box-type traps shall be attended and visible to the trapper at all times when in use. Box-type traps must be checked every 24 hours. Traps must be of one of the following types:

(1) Leg noose snare traps, the nooses of which shall be tied to prevent the noose from locking when under pressure. The trapper shall use a drag weight based on the species being trapped.
(2) Nets that collapse on and enclose around the raptor.
(3) Box-type traps with automatic closing entry doors or funnels.

(f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of banded birds, captive-bred birds, and birds wearing falconry equipment is as allowed in accordance with 50 CFR 21.82(e)(3)(iv)-(v).
(g) Licensees shall keep their license on their person when trapping raptors.
(h) Raptors injured due to falconry trapping efforts shall be treated humanely and in accordance with 50 50 CFR 21.82(e)(5).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

Eff. September 1, 1979;
Amended Eff. January 1, 2012; July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0811 OTHER RESTRICTIONS AND CONDITIONS

(a) Every falconer shall carry his or her license on his or her person when conducting any falconry activities away from approved facilities as described in Rule .0808 of this Section.
(b) Visitors to the United States may practice falconry under the conditions set forth in 50 CFR 21.82(f)(14).
(c) A licensee may take his or her raptors to another country to practice falconry under the conditions set forth in 50 CFR 21.82(f)(15).
(d) A licensee who practices falconry in the vicinity of a federally listed species shall avoid take of the listed species as described in 50 CFR 21.82(f)(17).
(e) If a licensee's raptor unintentionally takes a species, the licensee may allow his or her bird to feed on the prey, but shall not take the species into his or her possession.
(f) Feathers that are molted may be retained and exchanged by falconry licensees only for imping purposes or otherwise disposed of as set forth in 50 CFR 21.82(f)(12).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0812 INTERSTATE TRANSPORTATION

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. September 1, 1979;
Amended Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. February 1, 2018.

15A NCAC 10H .0813 RAPTOR PROPAGATION PERMIT

History Note: *Authority G.S. 113-134; 113-270.3(b)(5); 50 C.F.R. 21.29;*
Eff. February 1, 1994;
Amended Eff. July 1, 1994;
Repealed Eff. January 1, 2012.

15A NCAC 10H .0814 RELEASE OF RAPTORS AND MOVING RAPTORS TO ANOTHER LICENSE OR PERMIT

(a) Non-native and hybrid raptors shall not be released into the wild. Native, captive-bred birds may only be released upon written request and approval from the Commission and under the conditions set forth in . 50 CFR 21.82(e)(9)(ii).
(b) Native wild birds may be released into the wild under the conditions set forth in 50 CFR 21.82(e)(9)(iii).
(c) Wild-caught birds may be transferred to another type of license or permit under the conditions set forth in 50 CFR 21.82(f)(5).
(d) Captive-bred birds may be transferred to another type of license or permit under the conditions set forth in 50 CFR 21.82(f)(6).
(e) Hacking and other training and conditioning techniques are allowed under conditions set for in 50 CFR 21.82(f)(2) and (3).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

15A NCAC 10H .0815 OTHER USES AND ALLOWED ACTIVITIES

(a) Raptors may be used in captive propagation as allowed under 50 CFR 21.82(f)(7).
(b) General and Master falconers may use raptors in conservation education programs as set forth in 50 CFR 21.82(f)(8). Other educational uses of raptors are restricted to those allowed in . 50 CFR 21.82(f)(9).
(c) General and Master falconers may use raptors in abatement activities under the conditions set forth in 50 CFR 21.82(f)(11).
(d) General and Master falconers may assist in raptor rehabilitation under the conditions set forth in 50 CFR 21.82(f)(10).
(e) Licensees may take bird species for which there is a federal depredation order by means of falconry in accordance with 50 CFR 21.82(f)(20).

History Note: *Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*
Eff. January 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. June 1, 2022; February 1, 2018.

SECTION .0900 – GAME BIRD PROPAGATORS

15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE

(a) The game bird propagation license shall authorize the purchase, possession, propagation, sale, transportation, transfer, and release of propagated upland game birds, except wild turkey, and migratory game birds and their eggs, subject to the following limitations and conditions:

(1) The sale of dead pen-raised quail for food is governed by the regulations of the North Carolina Department of Agriculture; and
(2) The purchase, possession, sale, transportation, and transfer of migratory game birds and their eggs is subject to additional requirements in 50 CFR 21, which is hereby incorporated by reference, including subsequent amendments and editions. 50 CFR 21 may be found free of charge at: www.ecfr.gov.

(b) Application for a game bird propagation license shall be made on a form available from the Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include the applicant's:

(1) name;
(2) mailing address;
(3) residence address;
(4) telephone number; and
(5) date of birth.

(c) The game bird propagation license shall be posted and displayed at the propagation facility so that it is visible to visitors or patrons at all times.

History Note: *Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21;*
Eff. January 1, 1981;
Amended Eff. July 1, 1988; July 1, 1987;
Temporary Amendment Eff. July 1, 2001;
Amended Eff. June 1, 2005; July 18, 2002;
Readopted Eff. November 1, 2019.

15A NCAC 10H .0902 APPLICATION FOR AND TERM OF LICENSE

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1981;

Repealed Eff. July 1, 1988.

15A NCAC 10H .0903 ACQUISITION OF GAME BIRDS OR GAME BIRD EGGS

(a) A game bird propagation license holder shall not take game birds or game bird eggs from the wild for the purpose of propagation or sale.

(b) License holders may purchase or acquire live game birds or game bird eggs from other licensed game bird propagators.

(c) The license holder shall obtain a receipt of the transaction showing the date, names, and license numbers of both parties, as well as the species and quantity of the game birds or game bird eggs acquired. This receipt shall be retained by the license holder as provided by Rule .0906 of this Section.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1981;
Readopted Eff. November 1, 2019.

15A NCAC 10H .0904 DISPOSITION OF GAME BIRDS OR GAME BIRD EGGS

(a) Diseased Birds. It shall be unlawful for a game bird propagation license holder to knowingly sell or otherwise transfer possession of any live game bird that shows evidence of a communicable disease, except for transfers to a veterinarian or pathologist for examination and diagnostic purposes. Disposition of any game bird with a communicable disease not likely to infect wild game bird populations shall be the responsibility of the license holder.

(b) Sale of Live Birds or Eggs. Subject to the limitations set forth in Rule .0901 of this Section, any game birds that are authorized to be propagated under this Section, or the eggs thereof, may be sold or transferred alive by a licensed game bird propagator to another licensed game bird propagator or licensed controlled shooting preserve operator or to any person that holds a valid license or permit that authorizes possession.

(c) Receipt Required. Upon sale or transfer, a written receipt of the transaction shall be prepared in duplicate showing the date, the names and license or permit numbers of both parties, and the species and quantity of the game birds or game bird eggs transferred. A copy of the receipt shall be retained by each of the parties as provided by Rule .0906 of this Section.

(d) Bird Marking. Any live migratory waterfowl sold or transferred to any person for use in training retrievers or conducting retriever trials shall be marked by one of the methods provided by 50 CFR 21.45 which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost. All other domestically raised game birds sold or transferred for the same purposes shall be individually marked on one leg with a band imprinted with the propagator's license number.

(e) Sale of Dead Game Birds as Food. Subject to Rule .0901 of this Section and to any applicable laws and regulations relating to pure foods, public health, and advertising, game birds produced by licensed game bird propagators may be killed at any time in any manner, except by shooting during the closed season. Dead game birds, except for dead pen-raised quail, and game bird eggs may be sold for food purposes as follows:

(1) Sale Direct to Consumer. Unprocessed dead game birds may be sold directly to a consumer when accompanied by a receipt showing the name of the consumer, the name and license number of the propagator, and the quantity and species of the game birds sold. A copy of the receipt shall be retained by the propagator for one year after the transaction. It shall be unlawful for the consumer to resell unprocessed dead game birds.

(2) Sale to or Through a Processor.

(A) Unprocessed dead game birds may be sold to a commercial food processor that holds a permit to possess them or transferred to a commercial food processor for processing and packaging prior to sale. Sale or transfer shall be evidenced by written receipt retained by each party for a year after the sale or transfer, that includes the following information:

(i) the processor's name and permit number;

(ii) the propagator's name and license number; and

(iii) the number and species of game birds sold or transferred.

(B) Game bird carcasses processed by a commercial food processor for wholesale or retail sale shall be enclosed in a wrapper or container marked with the following:

(i) the number and species of game birds contained;

(ii) the license number of the propagator; and

(iii) the words "domestically raised."

(3) Propagated game bird eggs shall not be sold for food.

History Note: *Authority G.S. 113-134; 113-273; 50 CFR 21.45;*
Eff. January 1, 1981;
Amended Eff. August 1, 2010; May 1, 2008; June 1, 2005;
Readopted Eff. November 1, 2019;
Amended Eff. February 1, 2023.

15A NCAC 10H .0905 TRANSPORTATION

(a) Live Game Birds or Game Bird Eggs

(1) Private Carriers. Live propagated game birds or game bird eggs may be transported by private carrier when accompanied by a copy of the receipt specified in Rules .0903 or .0904 of this Section.

(2) Common Carriers. When live propagated game birds or game bird eggs are transported by common carrier, each separate container shall be tagged or labeled with the name, address, and license number of the shipping propagator; the name, address, and license or permit number of the consignee; and the number and species of game birds or game bird eggs contained therein.

(b) Dead Game Birds

(1) Private Consumers. Unprocessed dead game birds may be transported by consumers or hunters when accompanied by a receipt from a licensed game bird propagator required by Rule .0904(e)(1) of this Section or by a copy of the receipt from a controlled shooting preserve operator as required by 15A NCAC 10H .0105.

(2) Processed Game Birds. The carcasses of processed propagated game birds other than quail may be transported in any manner when packaged in a wrapper or container marked as required by Rule .0904(e)(2) of this Section.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

15A NCAC 10H .0906 RECORDS

(a) Licensed game bird propagators shall maintain a file of receipts by calendar year with the following information:

(1) The dates and sources of acquisition of game birds and game bird eggs;

(2) The species and quantities of the game birds and game bird eggs, as required by Rule .0903 of this Section; and

(3) Receipts showing all transfers of propagated game birds, except dead quail sold for food purposes, and game bird eggs as required by Rule .0904 of this Section.

(b) Records shall be made available for inspection at the request of the Commission.

(c) Records shall be retained for at least one year following the license year to which they pertain.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

15A NCAC 10H .0907 QUAIL CALL-PEN TRAPS

Licensed game bird propagators that raise and release pen-raised quail on his or her property for dog training shall be authorized to use quail call-pen traps to recover released quail, subject to the following requirements:

(1) All traps shall be marked with an attached, weather-resistant permanent tag that includes the propagator's name and address written legibly on it;

(2) No trap shall be located within 100 yards of any boundary of the property; and

(3) No trapped, unbanded quail shall be retained.

History Note: *Authority G.S. 113-134; 113-273; 113-291.1;*
Eff. January 1, 1981;
Amended Eff. May 1, 2009; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

SECTION .1000 - TAXIDERMY

15A NCAC 10H .1001 TAXIDERMY LICENSE

History Note: *Authority G.S. 113-134; 113-273;*
Eff. March 1, 1981;
Repealed Eff. July 1, 1988.

15A NCAC 10H .1002 DUTY OF A TAXIDERMIST

(a) Prior to a taxidermist accepting delivery of wildlife that has been taken in North Carolina or in any other state, he or she shall make a reasonable effort to determine that the wildlife was lawfully taken. The taxidermist may rely upon the statement of the person delivering the wildlife or upon any applicable license or permit that provides verification of entitlement to take or possess the wildlife in question.
(b) A taxidermist may accept delivery of wildlife resources killed accidentally or found dead of natural causes as specified by 15A NCAC 10B .0127 for taxidermy purposes.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. March 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

15A NCAC 10H .1003 RECORDS AND REPORTING REQUIREMENTS

(a) Licensed taxidermists shall keep records of each wildlife specimen delivered and contained within his or her place of business. Records shall include:

(1) the species and sex of the specimen;
(2) the date the specimen was delivered;
(3) the name and address of the person delivering the specimen;
(4) the name and address of the person responsible for take of the specimen, if different;
(5) the date and location of the take;
(6) the big game harvest authorization number, if applicable; and
(7) the date and disposition of the mounted specimen.

Records shall be maintained chronologically by the date the specimen was delivered. Records shall be retained by the taxidermist for one year following expiration of the taxidermy license and shall be made available for inspection by any agent of the Wildlife Resources Commission.
(b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for migratory game birds, as set forth in 50 CFR 21.63 which is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.
(c) Licensed taxidermists required by G.S. 113-273(k) to obtain the taxidermy cervid certification shall report the following information of each wildlife specimen of the family Cervidae delivered and contained within his or her place of business to the Wildlife Resources Commission on a form available at www.ncwildlife.org:

(1) the county or parish, state, Canadian province, or foreign country where the take occurred;
(2) the big game harvest authorization number or equivalent out-of-state number; and
(3) the species of each cervid.

(d) The information required to be reported in Paragraph (c) of this Rule shall be received by the Commission prior to the renewal of a taxidermy cervid certification.

History Note: *Authority G.S. 113-134; 113-273;*

Eff. March 1, 1981;
Amended Eff. September 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2023; January 1, 2023; November 1, 2020; February 1, 2018.

15A NCAC 10H .1004 PURCHASE AND SALE OF WILDLIFE

(a) Except as provided in this Rule, it shall be unlawful for any taxidermist to purchase or sell wildlife.

(b) Wildlife resources that have been lawfully killed and that may be lawfully bought, sold, and possessed may be purchased and sold by a taxidermist without any restriction other than the records required by Rule .1003 of this Section.

(c) Lawfully acquired specimens of fur-bearing animals, bobcats, opossum, and raccoon taken by hunting, may be purchased for taxidermy purposes and sold as mounted specimens. A Fur-Dealer License, as specified in G.S. 113-273, shall be required to purchase furs for resale.

(d) No game or game fish that has been mounted, other than bobcats, opossum, and raccoon taken by hunting, may be purchased or sold, except that a mounted specimen of game or game fish, for which a taxidermist has acquired a possessory lien by reason of labor or materials furnished in the mounting thereof, may be sold in satisfaction of the lien as provided by Article 1 of 44A of the General Statutes of North Carolina. Upon the sale of a mounted specimen authorized by this Paragraph, the taxidermist shall prepare a receipt showing the name and address of the purchaser. The receipt shall be provided to the purchaser as evidence of the transaction and right to possess the specimen, and a copy shall be retained by the taxidermist for his or her records in accordance with Rule .1003 of this Section.

(e) Nothing in this Rule shall prevent a taxidermist from obtaining parts of lawfully acquired game by gift, trade, or purchase from any other taxidermist or person, provided that a record is maintained of all such exchanges that identifies the article and includes the name and address of the taxidermist or person from whom the article was obtained. No part of any black bear shall be bought or sold under this Paragraph. Parts of game acquired under this Paragraph shall be used only for taxidermy purposes and shall not be resold.

(f) The mounted specimens of commercially-raised game fish or pen-raised game birds may be sold under authority of the taxidermy license, provided that records are maintained by the taxidermist showing the source of all commercially-raised game fish or pen-raised game birds that are to be mounted, including the name, address, and propagation license number of the supplier. Upon sale of a mounted specimen of a commercially-raised game fish or pen-raised game bird, the taxidermist shall prepare a receipt for the purchaser's records, as evidence of the transaction and right to possess the specimen. A copy of the receipt shall be maintained as a part of the taxidermist's records.

History Note: *Authority G.S. 113-134; 113-273; 113-291.3(b); 113-292;*
Eff. March 1, 1981;
Amended Eff. December 1, 1983;
Readopted Eff. February 1, 2018.

15A NCAC 10H .1005 TAXIDERMY PRESERVATION FACILITY

(a) A taxidermist may utilize an off-site preservation facility to provide storage for wildlife specimens accepted for taxidermy purposes.

(b) Individuals operating a preservation facility for a licensed taxidermist shall be listed on the taxidermist's annual license. The taxidermist shall provide the operator of each listed preservation facility with a copy of the annual taxidermy license to serve as a permit authorizing the facility to possess wildlife owned by another.

(c) Preservation facility operators shall not be authorized to process, skin, or conduct any taxidermy activities.

(d) Before a taxidermist delivers and stores wildlife in a preservation facility, he or she shall ascertain that the wildlife was lawfully taken in accordance with Rule .1002 of this Section and shall keep written records as specified in Rule .1003 of this Section.

(e) The preservation facility and its records shall be accessible for inspection by any agent of the Wildlife Resources Commission.

(f) It shall be the responsibility of the taxidermist to ensure that each preservation facility listed on his or her license is operated in compliance with this Section.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. September 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. February 1, 2018.

SECTION .1100 - FURBEARER PROPAGATION

15A NCAC 10H .1101 FURBEARER PROPAGATION LICENSE

(a) The furbearer propagation license shall authorize the propagation of furbearing animals and red foxes, including all color phases, for use as fur. Furbearer propagation license holders shall be authorized to do the following:

(1) Breed the species of animal designated on the license;
(2) Raise live specimens for the production of marketable fur;
(3) Sell domestically produced fur to a licensed fur dealer; and
(4) Buy and sell live specimens from or to a furbearer propagation license holder, a captivity license holder, or a licensed non-resident producer of ranch-raised breeding stock.

(b) Application for a furbearer propagation license shall be made on a form available from the Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

(1) The applicant's name;
(2) The applicant's residence or mailing address;
(3) The physical address of the propagation facility;
(4) The applicant's telephone number; and
(5) The species of animal to be propagated.

(c) The furbearer propagation license shall be posted and displayed at the propagation facility so that it is visible to visitors or patrons at all times.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

SECTION .1100 – FURBEARER PROPAGATION

15A NCAC 10H .1102 LICENSE AUTHORIZATION
15A NCAC 10H .1103 POSTING AND DISPLAY OF LICENSE

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. November 1, 2019.

15A NCAC 10H .1104 MINIMUM STANDARDS FOR CAGING AND CARE

(a) Breeder cages shall be used to hold a pair of animals for breeding and to hold the female and her litter from the time the litter is born until weaning.

(b) Pelter cages shall only be used to hold single animals.

(c) The minimum dimensions of cages in depth (d), width (w), and height (h) measured in feet shall be as follows depending on the species of animals being held:

SPECIES	BREEDER CAGE (d x w x h)	PELTER CAGE (d x w x h)
Beaver	3 x 6 x 2.5	3 x 4 x 2.5
Bobcat	3 x 6 x 2.5	3 x 4 x 2.5
Fox	5.0 x 3.0 x 3.0	2.5 x 3.0 x 3.0
Mink	2.0 x 0.8 x 1.0	2.0 x 0.5 x 1.0

Nutria	3 x 3 x 2.0	3 x 2 x 2.0
Opossum	3 x 3 x 2.0	3 x 2 x 2.0
Otter	3 x 5 x 1.5	3 x 3 x 1.5
Raccoon	3 x 4 x 2.0	3 x 2 x 2.0
Skunk	3 x 3 x 1.5	3 x 2 x 1.5
Weasel	2 x 2 x 1.5	1 x 2 x 1.5

(d) Each license holder shall comply with the following general cage requirements:

(1) cages shall be constructed of non-toxic, corrosion-resistant materials sufficient to retain animals without tethers or chains;

(2) cages shall have a den area large enough for all the animals in that cage to turn around and lie down;

(3) cages shall be housed in an area that provides protection from direct sunlight, precipitation, wind, and other weather conditions;

(4) cages shall be designed to minimize heat build-up and provide sufficient light to maintain the animal's circadian rhythms;

(5) caging shall be ventilated;

(6) cages shall be solidly based at least two feet above ground or floor level to facilitate cleaning;

(7) cages shall be arranged in rows to allow visual and physical inspection of all areas and all species and to allow space for operations and cleaning; and

(8) a perimeter fence shall be maintained around the housing area and shall include a dig barrier designed to prevent escape and access by domestic and wild animals.

(e) Each license holder shall comply with the following general care requirements:

(1) water: clean drinking water shall be provided. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff;

(2) sanitation: water disposal and waste disposal shall be in accordance with all applicable local, State, and federal laws;

(3) food: food shall be of a type and quantity that is appropriate for the particular species and shall be provided in an unspoiled and uncontaminated condition;

(4) waste: fecal and food waste shall be removed from inside, under, and around enclosures and disposed of in a manner that prevents noxious odors or pests;

(5) ectoparasites: a program for the control of ectoparasites and vermin shall be established and maintained. Methods to control insects shall be employed and only EPA-approved insecticides shall be used. Biological pest control methods may be used where appropriate.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

15A NCAC 10H .1105 SANITATION AND CARE

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. November 1, 2019.

15A NCAC 10H .1106 HUMANE TREATMENT

Animals shall be observed daily for signs of poor health or injury. Animals that are visibly sick, injured, in pain, or suffering shall be provided medical care or euthanized as soon as possible. The euthanization of the animal shall be by a method designed to cause minimal distress and pain as well as rapid, irreversible loss of consciousness and cardiac arrest. The license holder shall confirm death by ensuring respiration has ceased.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Readopted Eff. November 1, 2019.

15A NCAC 10H .1107 RECORDS AND INSPECTIONS

(a) Furbearer propagation license holders shall maintain records containing the following information:

(1) the numbers and species of furbearing animals or foxes acquired;
(2) the dates and sources of acquisition;
(3) the numbers of animals produced by breeding and the numbers raised for market; and
(4) the numbers of animals or pelts sold or otherwise disposed of, the dates of disposition, and the identities of the recipients, if the animals were sold alive.

(b) The records required by this Rule shall be maintained by calendar year and shall be retained for one year following the end of the calendar year to which they pertain. The records required pursuant to this Rule shall be available for inspection at the request of the Commission.

(c) Representatives of the Commission shall be permitted to enter the premises of a license holder's furbearer propagation facility upon request or during the facility's business hours for inspection, enforcement, or scientific purposes.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2019.

15A NCAC 10H .1108 INSPECTIONS

History Note: *Authority G.S. 113-134; 113-273;*
Eff. April 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. November 1, 2019.

SECTION .1200 - CONTROLLED FOX HUNTING PRESERVES

15A NCAC 10H .1201 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to all controlled hunting preserve operator licenses issued by the Wildlife Resources Commission (Commission) in accordance with G.S. 113-273(g) for controlled fox hunting preserves.

(b) The following definitions shall apply to all rules in this Section:

(1) "Acclimation" means an adjustment period to allow foxes and coyotes to become accustomed to the controlled fox hunting preserve.
(2) "Controlled fox hunting preserve" means an enclosed area where foxes and coyotes are pursued with dogs.
(3) "Escape den" means a stationary manmade structure that provides refuge for foxes and coyotes from dogs.
(4) "Dog proof fence" means a perimeter fence designed to prevent the ingress or egress of dogs, foxes, or coyotes over, under, or through the fence.
(5) "Fox" means red fox and gray fox, including their color morphs.

(c) Any individual wanting to operate a controlled fox hunting preserve shall first obtain a controlled hunting preserve operator license from the Commission.

(d) Applicants for a controlled hunting preserve operator license shall show proof of ownership or lease of the land contained in the proposed controlled fox hunting preserve.

(e) Application for a controlled hunting preserve operator license shall be made online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606. Information required from the applicant shall include:

(1) the applicant's name, address, telephone number, date of birth;
(2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and

(3) species within the preserve.

(f) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license to another operator or by relocating the site of the preserve.

(g) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled fox hunting preserve operator license, provided the rules in this Section regarding establishment of such areas have been complied with.

History Note: *Authority G.S. 113-134; 113-273(g);*
Eff. August 1, 1990;
Amended Eff. June 1, 2004;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION

(a) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and hydrology of the preserve, a controlled fox hunting preserve shall be enclosed with a dog-proof fence that meets the following requirements:

(1) is at least four feet high;
(2) has a top electrified wire at least three feet above the ground surface;
(3) has a bottom electrified wire no more than one foot above the ground surface; and
(4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals to enter or exit the preserve.

(b) Escape Dens. Controlled fox hunting preserves less than 106 acres shall have a minimum of three escape dens. Those preserves equal to or greater than 106 acres shall have one additional escape den per 1-35 acre interval thereafter.

(c) Stocking Preserve with Game. The following shall apply to foxes and coyotes released into a preserve:

(1) only foxes and coyotes may be released onto controlled fox hunting preserves;
(2) operators may purchase live foxes and coyotes from:
    (A) licensed trappers in accordance with G.S. 113-273(g);
    (B) other licensed controlled fox hunting preserves;
    (C) licensed fur propagators; or
    (D) persons holding foxes or coyotes legally under a captivity license;
(3) licensed controlled fox hunting preserve operators may hold legally obtained foxes and coyotes in accordance with food, sanitation, and enclosure requirements in 15A NCAC 10H .1404;
(4) licensed controlled fox hunting preserve operators may transport legally acquired foxes and coyotes from the place of purchase to the controlled fox hunting preserve;
(5) foxes and coyotes shall not be imported into North Carolina for release into controlled fox hunting preserves;
(6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a current and valid transportation permit; and
(7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a current and valid transportation permit or a copy of the operator's current controlled fox hunting preserve operator's license.

(d) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the nearest dog as follows:

(1) fox only preserve: .5 dog per 1 acre;
(2) fox and coyote preserve: .75 dog per 1 acre; and
(3) coyote only preserve: 1 dog per 1 acre.

History Note: *Authority G.S. 113-134; 113-273(g);*
Eff. August 1, 1990;
Amended Eff. June 1, 2004;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED

(a) All foxes and coyotes purchased, acquired, transferred, released, sold, or raised for release on controlled fox hunting preserves shall appear visibly healthy and free from disease.

(b) All dead foxes and coyotes, except those taken by lawful method(s) shall be reported to the Commission within 48 hours of discovery.
(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may include:

(1) temporarily prohibiting removal or introduction of foxes and coyotes except as provided by written permit issued by the Commission.
(2) notification to the county health department;
(3) cleaning or disinfection of the facility; or
(4) temporary license suspension.

(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of disease exposure to humans, foxes, coyotes, domestic dogs, or other animals.

History Note: *Authority G.S. 113-134; 113-273(g);*
Eff. August 1, 1990;
Amended Eff. June 1, 2004;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1204 RECORDS REQUIRED

(a) License holders shall keep an accurate record, on a form provided by the Commission, for all foxes and coyotes released into or removed from the preserve from licensed trappers, other licensed controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a captivity license. Records shall contain the following information:

(1) preserve operator license, propagator license, or captivity license number, if applicable;
(2) trapper identification number or name and address, if applicable;
(3) transportation permit number, if applicable;
(4) species and quantity of each;
(5) date of purchase or transfer; and
(6) county of origin.

(b) Records shall be available for inspection by representatives of the Commission upon request and during normal operating hours.
(c) Records shall be submitted to the Commission prior to the reissuance of the license.
(d) Records shall be retained by the license holder for 12 months following expiration of the license.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. August 1, 1990;
Amended Eff. June 1, 2004;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1205 HUNTING LICENSE REQUIRED

(a) Every person participating in the pursuit of wildlife on a controlled fox hunting preserve shall have a valid resident or nonresident hunting license or controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.
(b) Nonresidents participating in a Commission-sanctioned field trial, as defined in 15A NCAC 10B .0114, are exempt from licensing requirements in Paragraph (a) of this Rule, provided they have a valid hunting license from their state of residence in their possession.

History Note: *Authority G.S. 113-134; 113-273(g);*
Eff. August 1, 1990;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES

(a) Food and water shall be provided to foxes and coyotes as follows:

(1) food shall be of a type and quantity that is appropriate for the species; and
(2) a constant supply of drinking water shall be available.

(b) The following conditions shall apply to the acclimation of newly introduced foxes and coyotes:

(1) the acclimation period shall be at least seven days;

(2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area used for acclimation; and
(3) chase by dogs during the acclimation period shall be prohibited.

History Note: *Authority G.S. 113-134; 113-273(g);*
Eff. August 1, 1990;
Readopted Eff. February 1, 2021.

15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT

(a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting preserve upon request to the license holder or during the preserve's operating hours for inspection, enforcement, or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license holder's controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter IV of Chapter 113 of the North Carolina General Statutes, applicable provisions of G.S. 14-360, the rules of this Section, or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based upon the seriousness of the violation, which may include:

(1) felony animal abuse as specified in G.S. 14-360(a1) and (b);
(2) purposefully releasing foxes and coyotes into the wild;
(3) falsifying records; or
(4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

(c) The Commission shall give the license holder written notice in accordance with G.S. 113-276.2(e) before revoking a license.

(d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed animal(s), through seizure, release, relocation, or euthanasia.

(e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine disposition of the animals, through seizure, release, relocation, or euthanasia.

History Note: *Authority G.S. 113-134; 113-273;*
Eff. August 1, 1990;
Readopted Eff. February 1, 2021.

SECTION .1300 – REPTILES AND AMPHIBIANS

15A NCAC 10H .1301 SALE OF NATIVE TURTLES

(a) Buying or selling any native turtle species is prohibited except for snapping turtles (Chelydra serpentina) with a curved carapace length of 13 inches or greater as authorized by 15A NCAC 10B .0119.

(b) Violators shall be subject to a replacement cost per individual turtle that shall equal the replacement cost for "species with no open season" as set forth in 15A NCAC 10B .0117(c).

History Note: *Authority G.S. 113-333(a)(6);*
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. August 1, 2022; November 1, 2019.

15A NCAC 10H .1302 POSSESSION OF REPTILES AND AMPHIBIANS

(a) Possession permits are required for the possession, importation, transportation, purchase, and sale of:

(1) 25 or more individuals of any combination of native amphibian species; or
(2) five or more individuals of native reptile species.

(b) Possession permits are required for the rehabilitation of native reptiles and amphibians.

(c) Nothing in this Rule shall be construed to authorize the collection of any wildlife resources from the wild or the taking, possession, transportation, sale, purchase, or release to the wild of any wildlife resources or their parts in violation of State or federal laws or regulations.

(d) At no time shall permitted animals be released to the wild, except under situations of research or rehabilitation with written permission from the Wildlife Resources Commission.

(e) A possession permit shall not be issued for:

(1) holding reptiles and amphibians that were acquired unlawfully;
(2) holding reptiles and amphibians for unlawful sale or trade;
(3) individuals collecting snapping turtles under the collection license set forth in 15A NCAC 10B .0119;
(4) collection of native reptiles and amphibians from the wild;
(5) individuals in violation of the requirements of a collection license, as set forth in 15A NCAC 10B .0119, an endangered species permit, as set forth in 15A NCAC 10I .0100, or a possession permit as set forth in this Section; or
(6) individuals who do not first obtain possession permits prior to acquiring the following wildlife resources in Paragraph (a) of this Rule.

(f) Unless a more limited duration is designated on the permit, possession permits shall be valid from January 1 through December 31 of the applicable year.

(g) Individuals permitted under this Rule shall submit a report to the Wildlife Resources Commission within 15 days following the date of permit expiration. The report shall contain the numbers of each species held under the permit and the use or disposition thereof.

(h) Any individual engaged in the purchased transportation and sale of more than 100 snapping turtles is required to have a possession permit. Permitted individuals shall submit the numbers of snapping turtles taken under the permit and the use or disposition thereof to the Wildlife Resources Commission within 15 days of permit expiration.

History Note: *Authority G.S. 113-274(c)(1c);*
Eff. May 1, 2007;
Amended Eff. May 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. August 1, 2022; November 1, 2019; August 1, 2017.

SECTION .1400 – WILDLIFE CAPTIVITY AND REHABILITATION

15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES

(a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-549.97.

(b) The possession of any species of native wild animal or wild bird and any member of the family Cervidae is unlawful, unless the individual in possession obtains a captivity license from the Commission as provided by this Rule. This Rule shall not apply to any endangered, threatened, or special concern species as defined by 15A NCAC 10I .0100 or farmed cervids as defined by G.S. 106-549.97.

(c) Captivity licenses may be issued by the Commission to qualified individuals meeting the requirements for rehabilitation and captivity licenses detailed in this Section for holding of wild animals or wild birds alive in captivity for scientific, educational, exhibition, or other purposes, as specified in G.S. 113-272.5.

(d) The following definitions shall apply to all rules in this Section:

(1) "Animal" means a wild animal and wild bird, as defined in this Rule.
(2) "Category" means a designation on a captivity license for rehabilitation that defines a species or subset of species.
(3) "Educational institution" or "scientific research institution" means any public or private school, facility, organization, or institution of vocational, professional, or higher education that uses live animals as part of a course of training, or for research, or other experiments, and is at least 50 percent funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of federal, State, or local government. These terms do not include elementary or secondary schools.
(4) "Education" means providing instruction or information to the public about wild animals or wild birds.
(5) "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape, protects the animal from injury, and is equipped with structural barriers to prevent any physical contact between the animal and the public.

(6) "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or not-for-profit.
(7) "Facility" means a designated location in North Carolina where wild animals or wild birds are held for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.
(8) "Farmed cervid" means the term as defined in G.S. 106-549.97.
(9) "Foster" or "surrogate" means a bird held under a U.S. Fish and Wildlife Service federal migratory bird rehabilitation permit used to rear wild birds being held under a captivity license for rehabilitation.
(10) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted.
(11) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.
(12) "Migratory birds" means the term as defined in G.S. 113-129.
(13) "Native" means a wild animal or wild bird that occurs or historically occurred in the wild in North Carolina.
(14) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or adjacent to an enclosure.
(15) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.
(16) "Non-native" means a wild animal or wild bird that has not historically occurred in the wild in North Carolina.
(17) "Pet" means any animal kept or used for amusement or companionship.
(18) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the public, and that is operated by a federal, State, or local government agency.
(19) "Rabies species" are raccoon, skunk, fox, bat, bobcat, or coyote.
(20) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp, manufactured home, or any other place where people reside.
(21) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct sunlight and precipitation.
(22) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application of the scientific method to investigate any relationships amongst natural phenomena or to solve a biological or medical problem. This definition applies only to educational or scientific research institutions unless otherwise approved by the Commission.
(23) "Unfit" means wild animals or wild birds that are:
    (A) incapacitated by injury or other means to the extent that they cannot feed or care for themselves without human assistance;
    (B) rendered imprinted by proximity to humans, pets, or objects; or
    (C) a non-native species.
(24) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral swine or marine mammals found in coastal fishing waters.
(25) "Wild bird" means the term as defined in 15A NCAC 10B .0121.

(e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

(f) Applicants for either license shall meet the following requirements:
(1) Be 18 years of age or older at the time of application;
(2) Have no criminal convictions under G.S. 14, Article 47 of the North Carolina General Statutes within 10 years of the date of application; and
(3) Have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of application.

(g) No captivity license shall be transferable either by license holder or by site of a holding facility.

(h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is issued.

(i) Except as otherwise provided in this Section, no transportation permit shall be required to move wild animals or wild birds held under a captivity license within the State. Any person transporting an animal that is held under a captivity license shall have the captivity license in his or her possession. An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.

(j) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined by the North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov, and is incorporated by reference, including subsequent amendments and editions.

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
Eff. January 1, 2020.

15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

(a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, or orphaned native wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural habitat. A captivity license for rehabilitation shall not be issued for:

(1) endangered, threatened, or special concern species as defined by 15A NCAC 10I .0100. Rehabilitation of these species requires an endangered species permit from the Commission;
(2) domestic animals;
(3) feral swine;
(4) nutria;
(5) coyote;
(6) adult black bear;
(7) adult white-tailed deer or elk;
(8) nine-banded armadillo; or
(9) eggs of upland game birds.

(b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

(1) as pets;
(2) for education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;
(3) for dog training;
(4) for hunting; or
(5) acquired unlawfully.

(c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured, crippled, or orphaned wild animals or wild birds, provided they are surrendered to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

(d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable. Once medically stable, the wild animal or wild bird shall be transferred to an individual possessing a captivity license for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild animals or wild birds shall have a valid captivity license for rehabilitation.

(e) Individuals applying for a captivity license for rehabilitation that have never held this license in North Carolina or a similar license in another state shall be designated as an apprentice. The following requirements shall apply to an apprentice license:

(1) On the application, the apprentice shall designate a mentor with a valid captivity license for rehabilitation in NC, who has held that license for two or more years;
(2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a licensed rehabilitator; and
(3) An apprentice license shall only authorize the possession of squirrels, rabbits, and opossums.

(f) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements, including those in G.S. 113-272.5 and all applicable rules of this Section. Individuals seeking to rehabilitate migratory birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation permit for each category of migratory birds to be rehabilitated. The Commission shall state on the captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to possess.

(g) Required facilities.

(1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This

publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available at no cost at http://www.nwrawildlife.org/page/Minimum_Standards.

(2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.

(3) All wild animals shall be kept in separate enclosures by species.

(4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.

(5) Handling of animals shall be for treatment only.

(h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.

(i) Release of rehabilitated wild animals and wild birds.

(1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected to survive in the wild or has attained full recovery from illness or injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.

(2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.

(3) Wild animals and wild birds shall not be released on property owned by another unless the rehabilitator has written permission dated within the last 12 months from the landowner.

(4) Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized. However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.

(j) Transfer of Animals.

(1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.

(2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of rehabilitation or release after rehabilitation unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.

(3) It shall be unlawful for a license holder to sell any wild animal or wild bird being held under a license for rehabilitation.

(4) It shall be lawful for a license holder to transfer a wild animal or wild bird to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species or a wild bird to another individual with a valid permit for the given species.

(k) White-tailed Deer Fawn.

(1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.

(2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only Commission-provided tags.

(4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be considered an adult on December 31 of the birth year.

(5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.

(6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn on properties licensed for farmed cervids.

(l) Elk Calves.

(1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.

(2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.

(3) Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-provided tags.

(4) Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.

(5) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(6) Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license

(m) Black Bear Cubs.

(1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.

(2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.

(2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

(1) Only individuals holding a captivity license for rehabilitation with the rabies species category may possess, rehabilitate, or release rabies species. To become licensed to rehabilitate rabies species, an individual shall meet all requirements of the general captivity license for rehabilitation and shall:

(A) have held an active rehabilitation license within or outside of the State for at least the previous three years and have rehabilitated during that time;

(B) certify 12 hours of rabies or rabies species-specific training or a combination thereof;

(C) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any rehabilitator, staff member or volunteer, who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;

(D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being rehabilitated;

(E) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location. Contact information for these agencies shall be posted at the facility where the rabies species are being rehabilitated.

(F) have separate facilities from non-rabies species adequate for the species to be rehabilitated. Enclosures within the facility shall prevent escape of the animal and exposure to people, pets, livestock, and other captive or free-ranging wildlife. Exterior caging shall be locked and surrounded by double fencing or a solid wall barrier; and

(G) coordinate with appropriate local health department regarding euthanasia and testing of rabies species. A written protocol for testing shall be posted at the facility and made available for inspection by the Commission upon request.

(2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies

Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.

(3) Except as otherwise specified in this Section, rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.

(4) Rehabilitated rabies species must be released in either the county where they were rehabilitated or the county where they were found.

(5) All rabies species shall be considered potentially infected with the rabies virus. If any human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall contact the local Health Department immediately to report the incident. The local Health Department may require euthanasia of the animal and submission of the brain for rabies testing. Rehabilitators shall abide by all requests made by authorized public health department personnel, animal control, or Commission personnel regarding disposition of the animal. No rabies species that has scratched or bitten a human or domestic animal or dies in captivity can be released or disposed of until the local Health Department investigates the situation to determine if testing is necessary.

(6) Records of all rabies species rehabilitation shall be maintained on a form, as described in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
Eff. January 1, 2020;
Amended Eff. May 1, 2022.

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

(a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native wild animals or wild birds for education, exhibition, or scientific purposes. A captivity license for holding shall not be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of these species requires an endangered species permit from the Commission.

(b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

(1) As pets;

(2) For breeding unless approved by the Commission;

(3) For dog training;

(4) For hunting; or

(5) Acquired unlawfully.

(c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

(d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining the animal.

(e) No captivity license for holding shall be issued and no wild animals or wild birds shall be possessed until the applicant has constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies with the standards set forth in Rule .1404 of this Section, and the facility has been verified by a representative of the Commission or the individual has shown proof of a valid, concurrent, and applicable U.S. Department of Agriculture license or exemption from USDA licensing requirements. Any changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10 business days.

(f) The following conditions shall apply to captivity licenses for holding wild animals or wild birds:

(1) Wild animals and wild birds shall not comingle with pets, non-native animals, livestock, or wild animals or wild birds held under a captivity license for rehabilitation. This provision shall not apply to surrogate animals or wild animals or wild birds used to foster other wild animals and wild birds;

(2) Rabies species outside of their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it does not have physical contact with the public, domestic animals, non-native animals, livestock, or other wild animals or wild birds;

(3) Wild animals outside their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it presents no danger to the public; and

(4) Wild animals shall not roam free unrestrained outside of an enclosure.

(g) License holders with wild animals or wild birds used for education or exhibition outside of their facility, shall maintain records of all education and exhibition activities on a form, as described in Rule .1406 of this Section, and shall retain records for a period of 12 months following expiration of the license.

(h) It is unlawful for a license holder to sell, transfer, or release the wild animal or wild bird held under the license, except that such wild animal or wild bird may be surrendered to an agent of the Commission, or transferred to another individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy of the record shall be retained by the transferee for three years from the date of transfer.

(i) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule .1402 of this Section, except for white-tailed deer fawns and elk calves, may be transferred to a captivity license for holding under the following conditions:

(1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;

(2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird; and

(3) For imprinted animals, the individual with the captivity license for holding shall not be the same individual that rehabilitated that specific animal.

(j) Rabies Species

(1) License holders with rabies species shall:

(A) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any staff member or volunteer who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon request of the Commission and shall be kept at the license holder's facility;

(B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being held;

(C) certify notification to the appropriate animal control authority and their local health department prior to making application to the Commission, to inform them of their anticipated activities and location. Contact information for these agencies shall be posted at the facility where the rabies species are being held;

(D) have separate enclosures from non-rabies species. Enclosures shall prevent escape of the animal and exposure to people, pets, livestock and other captive or free-ranging wildlife. Enclosures shall be locked and surrounded by a secondary barrier to prevent unauthorized contact with the public; and

(E) coordinate with appropriate local health department regarding euthanasia and testing of rabies species. Written protocols for testing shall be posted at the facility and made available for inspection by the Commission upon request.

(2) All rabies species shall be considered potentially infected with the rabies virus. If any human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain and spinal cord material from any rabies species, he or she shall contact the local health department immediately to report the incident. The local health department may require euthanasia of the animal and submission of the brain for rabies testing. License holders shall abide by all requests made by authorized public health department personnel, animal control, or Commission personnel regarding disposition of the animal. No rabies species that has scratched or bitten a human or domestic animal or dies in captivity can be disposed of until the local Health Department investigates the situation to determine if testing is necessary.

(k) Black Bear:

(1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license may be issued for a black bear, except to:
  (A) a publicly operated zoo;
  (B) an educational institution; or
  (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule .1404(e) of this Section.
(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport black bear for any purpose without first obtaining a transportation permit from the Commission.

(l) Cougar:
(1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:
  (A) a publicly operated zoo;
  (B) an educational or scientific institution; or
  (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule .1404(f) of this Section.
(2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall transport cougar for any purpose without first obtaining a transportation permit from the Commission.

(m) Non-Farmed Cervids:
(1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding, except for animals being held under a valid captive cervid license issued prior to September 30, 2015 that are not farmed cervids, as specified by G.S. 106-549.97.
(2) The following conditions shall apply to non-farmed cervid licenses issued prior to September 30, 2015:
  (A) no reproduction within the existing herd;
  (B) no new non-farmed cervids shall be added to the existing herd from the wild or from farmed cervids held under the North Carolina Department of Agriculture and Consumer Services farmed cervid program;
  (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission within one hour of discovery. The license holder shall request a permit to take the escaped non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted by the license holder to a North Carolina Department of Agriculture (NCDA) approved laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines that the risk of CWD transmission as a result of this escape is negligible;
  (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian. All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD;
  (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be submitted by the license holder to a NCDA approved laboratory and tested for CWD within 48 hours of knowledge of the cervid's death, or by the end of the next business day, whichever is later. The Commission-issued ear tag shall not be removed from the cervid's head prior to submitting the head for CWD testing;
  (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;
  (G) the license holder shall make all licensed facilities, enclosures, and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) at each licensed facility available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;
  (H) the fence surrounding the enclosure shall be inspected by the license holder once a week to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents

potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection and inspections shall resume as soon as possible.

(i) a record-book shall be maintained to record the time and date of each inspection of the fence, the name of the person who performed the inspection of the fence, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If the fence is damaged, the license holder shall record a description of measures taken to prevent ingress or egress by non-farmed cervids. Each record-book entry shall bear the signature or initials of the license holder attesting to the veracity of the entry. The record-book shall be made available for inspection by a representative of the Commission upon request, or during the facility's business hours; and

(ii) any opening or passage through the enclosure fence shall, within one hour of detection, be sealed or otherwise secured to prevent a non-farmed cervid from entry or escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection;

(I) each non-farmed cervid held under this license shall be tagged as follows:

(i) a single button ear tag provided by the Commission shall be permanently affixed by the license holder onto either the right or left ear of each non-farmed cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag;

(ii) a single bangle ear tag provided by the Commission shall be permanently affixed by the license holder onto the right or left ear of each non-farmed cervid, provided that the ear bearing the bangle tag does not also bear the button tag; and

(iii) once a tag is affixed in the manner required by this Rule, it shall not be removed;

(J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD. Application for a transportation permit shall be made to the Commission by completing and submitting the non-farmed cervid transportation form detailed in Rule .1406 of this Section. Any person transporting a non-farmed cervid shall present the transportation permit to any law enforcement officer or representative of the Commission upon request, except that a person transporting a non-farmed cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or representative of the Commission upon request.

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274; Eff. January 1, 2020.*

15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING

(a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for holding:

(1) General Sanitation and Food Requirements. Each license holder shall comply with the following general requirements in addition to any requirements specified by species:

(A) water: clean drinking water shall be provided. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff;

(B) sanitation: water disposal and waste disposal shall be in accordance with all applicable local, State, and federal laws;

(C) food: food shall be of a type and quantity that is appropriate for the particular species and shall be provided in an unspoiled and uncontaminated condition; and

(D) waste: fecal and food waste shall be removed from inside, under, and around enclosures and disposed of in a manner that prevents noxious odors or pests.

(2) General Enclosure Requirements. Each license holder shall comply with the following general requirements in addition to any requirements specified by species:

(A) all enclosures constructed of chain link or other approved materials shall be braced and securely anchored;

(B) enclosures shall be ventilated;

(C) enclosures with a natural substrate shall have a dig barrier that prevents escape;

(D) the young of any animal may be kept with the parent or foster animal of the same species in a single-animal enclosure until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures shall apply;

(E) chains or tethers shall not be used as a method of confinement for wild animals inside the enclosure;

(F) each enclosure shall be equipped with at least one shelter, nest box, or den large enough to accommodate all animals in the enclosure at the same time; and

(G) each enclosure shall have at least one elevated area large enough to accommodate all animals in the enclosure at the same time.

(3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or dimensional equivalents:

Animal	Length (ft.)	Width (ft.)	Height (ft.)	Total Square Footage
Wild Turkey	6	4	8	24
Coyote	8	8	6	64
Fox (Red and Gray)	8	4	4	32
Raccoon	8	4	4	32
Bobcat	10	5	5	50
Otter	10	5	5	50
Squirrel	4	2	2	8
Groundhog	8	4	4	32
Rabbit	6	3	3	18
Opossum	6	3	3	18
Skunk	6	3	3	18
Armadillo	8	6	4	48

For animals not mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least two times nose-rump length of the animal. The vertical dimensions shall be at least two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or eight square feet.

(4) The minimum square footage for multiple animal enclosures shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

(b) Non-farmed Cervids.

(1) the minimum size of the enclosure shall not be less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal. No more than 25 percent of the enclosure shall be covered with water;

(2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;

(3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and

(4) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been approved to hold cervids by the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.

(c) Alligators.

(1) the minimum size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions at least as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land area;

(2) the enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall prevent contact between the observer and alligator(s);

(3) in addition to the land area, the enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid;

(4) steps shall be taken to provide opportunities for the alligator to regulate its body temperature;

(5) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all animals in the enclosure at the same time; and

(6) the facility shall have a perimeter boundary to prevent unauthorized entry and confine the animals. This boundary should be located at least 3 feet from the primary enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge chain link or equivalent.

(d) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is built to the standards specified below and permitted by the U.S. Fish and Wildlife Service.

(1) enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors in Captivity: Guidelines for Care and Management," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at https://bookstores.umn.edu/product/gift/raptors-captivity-0.

(2) enclosure for all other wild birds shall be designed using the standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program Animals," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at https://www.nwrawildlife.org/store/default.aspx.

(e) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-11.

(f) Cougar. Cougars held in captivity by facilities other than publicly operated zoos, educational, or scientific research institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 113-272.5(e)(4).

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
Eff. January 1, 2020.

15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT

(a) Representatives of the Commission shall be permitted to enter the premises of any license holder's facility upon request or during the facility's business hours for inspection or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's captivity license, if the license holder violates any provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, or any rules promulgated by the Commission in this Chapter or any conditions of the license. The determination whether to warn, cite, or revoke a captivity license for rehabilitation or holding shall be based upon the seriousness of the violation, and may include:

(1) Failing to provide required facilities for the housing of wild animals and wild birds as specified in Rule .1402(g) and Rule .1404 of this Section;

(2) Providing false or inaccurate information on license applications or reports submitted to the Commission;

(3) Possessing wild animals or wild birds not permitted by the captivity license for rehabilitation, or the captivity license for holding;

(4) Using animals undergoing rehabilitation for education, exhibition, profit, or science involving contact with or proximity to the public;

(5) Failing to comply with monitoring or record-keeping requirements as provided by the rules of this Section;
(6) Taming, imprinting, or otherwise improperly handling animals held for rehabilitation;
(7) Failing to treat conditions that warrant medical attention;
(8) Failing to notify the appropriate agencies after a rabies exposure as described in this Section;
(9) Allowing a wild animal held under a captivity license for holding to roam free unrestrained outside of its enclosure; or
(10) The license holder of a facility holding captive cervid(s) failing to:
(A) comply with tagging requirements as provided by rules of this Section; or
(B) comply with requirements for maintaining the enclosure fence as provided by rules of this Section.

(c) An individual holding a captivity license for rehabilitation with the apprentice designation shall notify the Commission within 10 business days if he or she no longer has a mentor. The apprentice shall obtain another mentor within 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor within 60 days, the Commission shall revoke his or her license and he or she shall be required to reapply for an apprentice license.

(d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for rehabilitation or holding, then the Commission may seize and determine future treatment of the wild animal or wild bird, to include release, relocation, or euthanasia.

(e) The Commission shall revoke a non-farmed cervid license, and the holder of that license shall forfeit the right to keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request of the Commission, under any of the following circumstances or conditions:
(1) The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next business day, whichever is later, as provided by Rule .1403(m) in this Section;
(2) A cervid has been transported without a permit; or
(3) Chronic Wasting Disease has been confirmed in a cervid at that facility.

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
Eff. January 1, 2020.

15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

(a) Individuals interested in obtaining a captivity license for rehabilitation shall apply to the Commission using the Captivity License for Rehabilitation Form available at www.ncwildlife.org. Information required by the applicant shall include:
(1) The applicant's name, mailing address, residence address, telephone number, and date of birth;
(2) The facility site address;
(3) Any organizational affiliation, if applicable;
(4) The categories of wild animals and wild birds to be rehabilitated;
(5) A copy of a valid Federal Migratory Bird Permit, if applicable;
(6) The name and signature of mentor, if applicable; and
(7) Certification of at least 12 hours of rehabilitation related training, if applicable.

(b) Individuals interested in obtaining a captivity license for holding shall apply to the Commission using the Captivity License for Holding Form available at www.ncwildlife.org. Information supplied by the applicant shall include:
(1) The Applicant's name, mailing address, residence address, telephone number, and date of birth;
(2) The facility site address;
(3) Any organizational affiliation, if applicable;
(4) The species information including quantity and source for all animals to be held; and
(5) The purpose for holding animals in captivity.

(c) Individuals requesting a transportation permit for non-farmed cervids shall apply to the Commission using the Non-farmed Cervid Transportation Form available at www.ncwildlife.org. Information supplied by the applicant shall include:
(1) The applicant's name, mailing address, residence address, and telephone number;
(2) The facility site address;
(3) The captivity license number;

(4) The species and sex of each non-farmed cervid transported;
(5) The tag number(s) for each non-farmed cervid transported;
(6) The date of transportation;
(7) The vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the non-farmed cervid;
(8) The name, address, county and phone number of the destination facility to which the non-farmed cervid will be transported;
(9) The symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;
(10) The date of slaughter, if applicable;
(11) The name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the non-farmed cervid is to be submitted for CWD testing, if applicable.

(d) Individuals rehabilitating white-tailed deer fawns or elk calves shall record the following information on the White-tailed Deer Fawn / Elk Calf Rehabilitation Activity Form available at www.ncwildlife.org:
(1) The captivity license number;
(2) The date of acceptance;
(3) The species and sex;
(4) The tag number;
(5) The disposition; and
(6) The date and location of release, if applicable.

(e) Individuals rehabilitating rabies species shall record the following information on the Rabies Species Rehabilitation Activity Form available at www.ncwildlife.org:
(1) The captivity license number;
(2) The date of acceptance;
(3) The species and sex;
(4) The location of origin, if known;
(5) The disposition; and
(6) The date of transfer to other appropriately licensed captivity license holder, if applicable; or
(7) The date and location of release, if applicable.

(f) Individuals holding species under a Captivity License for Holding, for educational and exhibition purposes shall record the following information on the Captivity License for Holding Education and Exhibition Form available at www.ncwildlife.org:
(1) The captivity license number;
(2) The date of educational or exhibition activity;
(3) The species and numbers of wild animals or wild birds used in the educational or exhibition activity;
(4) The organization or group involved in the educational or exhibition activity; and
(5) The description of educational or exhibition activity, if applicable;

(g) All forms shall be signed, dated, and submitted to the Wildlife Resources Commission with applicable fees mandated by G.S. 113-272.5 and G.S. 113-270.1B.

History Note: *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
Eff. January 1, 2020.

SECTION .1500 – WILDLIFE AND ALLIGATOR CONTROL AGENTS

15A NCAC 10H .1501 WILDLIFE CONTROL AGENT LICENSE ELIGIBILITY AND REQUIREMENTS

(a) The following definitions shall apply in this Section:
(1) "Wildlife control agent" or "WCA" means an individual that holds a current and valid wildlife control agent license issued by the Commission.
(2) "Wildlife control agent license" or "WCA license" means a license issued by the Commission that authorizes an individual to engage in wildlife damage control or wildlife removal activities by means of a depredation permit.

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, including eviction or exclusion activities, without first obtaining a wildlife control agent (WCA) license from the

Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCA license.

(c) Individuals meeting the following requirements shall qualify for a WCA license:

(1) completion of a Commission-approved, WCA training course, that reviews the following:
  (A) wildlife laws and rules, including methods of take, trapping, and depredation; and
  (B) safe, humane wildlife handling techniques.
(2) a passing score of at least 80 percent on the WCA examination as specified in Paragraph (e) of this Rule.
(3) no wildlife misdemeanor convictions, as specified in G.S. 113-294 or G.S. 14, Article 47, that resulted in a license suspension or revocation within the five years preceding completion of the WCA training course.

(d) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:

(1) the applicant's name, mailing address, email address, residence address, telephone number, driver's license number, and date of birth; and
(2) organizational affiliation, if applicable.

(e) Individuals scoring at least an 80 percent on the WCA examination provided by the Commission shall be deemed to have received a passing score and to have successfully demonstrated knowledge of wildlife laws and safe, humane wildlife handling techniques. Individuals failing to obtain a passing score on the WCA examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the WCA training course.

(f) A WCA license shall not be transferable between individuals.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1502 DEPREDATION PERMITS ISSUED BY WILDLIFE CONTROL AGENTS

(a) WCAs may issue depredation permits to landholders and may be listed as a second party on the permit to provide wildlife damage control or wildlife removal services. Depredation permits shall be issued and administered in accordance with the applicable provisions and requirements of 15A NCAC 10B .0106.

(b) WCAs shall not issue depredation permits for the following:

(1) any endangered, threatened, or special concern species listed in 15A NCAC 10I .0103 - .0105;
(2) coyotes in Beaufort, Dare, Hyde, Tyrrell, or Washington counties;
(3) big game animals, including Black Bear, White-tail Deer, and Wild Turkey;
(4) elk; and
(5) bats.

(c) WCAs shall be authorized to issue depredation permits for the taking of wildlife not prohibited in Paragraph (b) of this Rule, provided there is evidence that the wildlife is or has been damaging or destroying property.

(d) Depredation permits shall not be issued for the taking of migratory birds unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit, as required by 50 CFR 21.100 has been obtained, if required.

(e) WCAs shall not receive compensation for the issuance of depredation permits; however, nothing in this Section shall be construed to limit the ability of a WCA to receive compensation for investigations or wildlife damage control and removal services.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021;
Amended Eff. February 1, 2023.

15A NCAC 10H .1503 MANNER OF TAKE

(a) WCAs shall comply with applicable manner of taking and disposition of wildlife requirements specified in 15A NCAC 10B .0106.

(b) A WCA license number shall be equivalent to a trapper identification number for the purpose of meeting trap identification requirements specified in G.S. 113-291.6(b)(4) for all trap types used.

(c) WCAs shall only engage in bat eviction and exclusion activities from August 1 through April 30 of the next calendar year unless otherwise approved by the Commission, on a case-by-case basis, for reasons of public health and safety, species conservation, or animal health.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1504 RECORDS AND REPORTING REQUIREMENTS

(a) WCAs shall maintain the following records:
- (1) a copy of each depredation permit issued; and
- (2) the species, number, and disposition of each animal taken, organized by county.

(b) WCAs shall submit the following information to the Commission each calendar quarter for each animal taken pursuant to a depredation permit:
- (1) depredation permit number and date of issue of the permit that authorized take;
- (2) WCA license number;
- (3) county where permit issued;
- (4) type of damage;
- (5) species;
- (6) number of animals estimated to be taken;
- (7) number of animals taken;
- (8) method of take; and
- (9) disposition of animal.

(c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission's business hours.

(d) Records shall be retained by the WCA for 12 months following expiration of the WCA license.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1505 WILDLIFE CONTROL AGENT LICENSE RENEWAL AND REVOCATION

(a) A WCA may renew his or her WCA license by completing at least one Commission-approved continuing education course within the previous year. A list of Commission-approved continuing education courses may be found at www.ncwildlife.org/wca.

(b) WCAs that do not renew their license for two consecutive calendar years shall be ineligible for renewal and shall be required to repeat the requirements specified in 15A NCAC 10H .1501, prior to obtaining a new WCA license.

(c) The Executive Director or his or her designee may warn, cite, or revoke a WCA's license, if the WCA violates any provision of G.S. 14, Article 47; G.S. 113, Subchapter IV; any rules promulgated by the Commission; conditions of the WCA license; or standards taught in a Commission-approved WCA training course. The determination whether to warn, cite, or revoke a WCA's wildlife control agent license shall be based upon the seriousness of the violation.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS

(a) The following definitions shall apply in this Section:
- (1) "Alligator control agent" or "ACA" means a licensed WCA that holds a current and valid alligator control agent certification issued by the Commission.
- (2) "Alligator control agent certification" or "ACA certification" means a certification issued by the Commission that authorizes a WCA to engage in alligator damage control or alligator removal activities with a Commission-issued depredation permit.

(b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without first obtaining an ACA certification from the Commission.

(c) Only individuals with a valid WCA license shall be eligible for ACA certification.

(d) WCAs meeting the following requirements shall qualify for ACA certification:
- (1) completion of a Commission-approved ACA training course that reviews the following:
  - (A) alligator rules;

(B) procedures for alligator data collection activities; and
(C) safe, humane alligator capture, handling, and transporting techniques.

(2) a passing score on the ACA written examination as specified in Paragraph (f) of this Rule.

(3) possession of equipment to safely and humanely capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag reader, and an alligator transport device, as verified through inspection by the Commission.

(e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca

(f) WCAs shall score a minimum of 80 percent on the ACA examination provided by the Commission. WCAs failing to obtain a passing score on the examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the ACA training course.

(g) An ACA certification shall not be transferable between individuals.

(h) All equipment used in captive facilities or on captive alligators shall not be used for ACA operations.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021;
Amended Eff. August 1, 2023.

15A NCAC 10H .1507 ADDITIONAL PERMIT REQUIREMENTS FOR ALLIGATOR CONTROL AGENTS

(a) ACAs shall obtain an endangered species permit from the Commission each calendar year prior to conducting any alligator handling and relocation activities.

(b) ACAs shall only handle alligators after a separate depredation permit for each alligator has been issued by the Executive Director or his or her designee.

(c) In emergency situations, where an alligator must be moved without delay due to a current or imminent threat to human safety, the safety of the alligator, or disruption of traffic, ACAs shall obtain an authorization code from a representative of the Commission prior to conducting any alligator handling and relocation activities. Authorization codes may be obtained from Commission District Biologists or by contacting the Commission's communications center at 1-800-662-7137 to be directed to an appropriate Commission representative.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1508 ALLIGATOR CONTROL AGENT RECORDS AND REPORTING REQUIREMENTS

(a) ACAs shall maintain alligator datasheets for each alligator handled or relocated, which shall include the following information:

(1) dates and times of capture and release;

(2) the GPS locations of the capture and release sites;

(3) PIT tag number inserted or found upon scanning;

(4) scute numbers removed;

(5) total length and snout-to-vent length measurements;

(6) gender as determined by cloacal examination;

(7) general observations on physical condition including any injuries observed; and

(8) the Commission-issued depredation permit number or authorization code.

(b) ACAs shall follow the reporting requirements on the endangered species permit.

(c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission's business hours.

(d) Records shall be retained by the ACA for 12 months following expiration of the ACA certification.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1509 ALLIGATOR CONTROL AGENT CERTIFICATION RENEWAL AND REVOCATION

(a) An ACA may renew his or her alligator control agent certification by certifying proof of attending at least one Commission-approved alligator-specific continuing education course within the previous year. A list of Commission-approved renewal courses may be found at www.ncwildlife.org.
(b) ACAs shall maintain a valid WCA license at all times.
(c) The Executive Director or his or her designee may warn, cite, suspend, or revoke an ACA's certification, if the ACA violates any provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, or any rules promulgated by the Commission; conditions of the certification; or standards taught in a Commission-approved ACA training course. The determination whether to warn, cite, suspend, or revoke an ACA's certification shall be based upon the seriousness of the violation.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. May 1, 2021.

15A NCAC 10H .1510 WILDLIFE CONTROL TECHNICIAN CERTIFICATION ELIGIBILITY AND REQUIREMENTS

(a) The following definitions shall apply in this Section:
- (1) "Wildlife control technician" or "WCT" means an individual that holds a current and valid wildlife control technician certification issued by the Commission.
- (2) "Wildlife control technician certification" or "WCT certification" means a certification issued by the Commission that authorizes an individual to engage in wildlife control or wildlife removal activities, for compensation, including reimbursement for the cost of materials, under the supervision of a licensed wildlife control agent.
- (3) "Direct supervision" means to physically be within one's presence while maintaining visual and verbal contact.
- (4) "Wildlife damage control" and "wildlife removal activities" means and includes:
  - (A) bat eviction and alligator damage control or removal activities;
  - (B) setting and moving traps;
  - (C) euthanasia; and
  - (D) issuing depredation permits in accordance with the applicable provision and requirements of 15A NCAC 10H .1502.

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, without first obtaining a WCT certification from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCT certification.
(c) Wildlife control technicians may only perform the following wildlife control or removal activities under direct supervision of a licensed WCA, or certified Alligator Control Agent if applicable:
- (1) placement of traps;
- (2) euthanasia of wildlife;
- (3) bat evictions; and
- (4) alligator removal or relocation.

(d) Wildlife control technicians shall not issue depredation permits.
(e) Individuals shall complete a Commission-approved, WCT training course, that reviews wildlife laws and rules, including methods for trapping, capture, and safe and humane wildlife handling to qualify for a WCT certification.
(f) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:
- (1) the applicant's name, mailing address, email address, residence address, telephone number, driver's license number, and date of birth; and
- (2) organizational affiliation, if applicable.

(g) A WCT certification shall not be transferable between individuals.

History Note: *Authority G.S. 113-134; 113-273; 113-274;*
Eff. October 1, 2022.

SECTION .1600 - CONTROLLED RABBIT HUNTING PRESERVES

15A NCAC 10H .1601 CONTROLLED RABBIT HUNTING PRESERVES

(a) For the purposes of this Rule, a controlled rabbit hunting preserve ("preserve") shall mean an area of any size that is completely and permanently enclosed with a fence designed to prevent the escape or entry of wild rabbits at any time, where wild rabbits are pursued with dogs.
(b) For the purpose of this Rule, "wild rabbits" means eastern cottontail (Sylvilagus floridanus), Appalachian cottontail (Sylvilagus obscurus), marsh rabbits (Sylvilagus palustris), and species indistinguishable from these species.
(c) The following conditions shall apply to the take of wild rabbits on controlled rabbit hunting preserves:

(1) take of wild rabbits shall be authorized year-round;
(2) dogs shall be the only authorized manner of take; and
(3) unless otherwise exempt from license requirements, every person participating in the pursuit of rabbits on a controlled rabbit hunting preserve shall have a valid resident or nonresident hunting license or a controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.

(d) Any individual wanting to operate a controlled rabbit hunting preserve shall first obtain a controlled rabbit hunting preserve operator license from the Commission.
(e) One controlled hunting preserve operator license is required for each enclosure, except that one license is permitted for the same operator on properties not greater than 100 acres of contiguous acres of land regardless of the number of enclosures.
(f) Applicants for a controlled hunting preserve operator license shall show proof of ownership or lease of the land contained in the proposed controlled rabbit hunting preserve.
(g) Application for a controlled rabbit hunting preserve operator license shall be made online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

(1) the applicant's name, address, telephone number, date of birth; and
(2) the preserve name, address, county, acreage, and number of enclosures.

(h) License holders shall keep an accurate record of all rabbits released into or removed from the preserve on a form provided by the Commission. Records shall contain the following information:

(1) the number of rabbits released into the preserve;
(2) the county of origin; and
(3) name, address, and applicable hunting license number of the individual that provided the rabbits to the preserve.

(i) Records required in Paragraph (h) of this Rule shall be:

(1) available for inspection by representatives of the Commission upon request; and
(2) submitted to and received by the Commission annually by May 1.

(j) In accordance with season and bag limits in 15A NCAC 10B .0207, rabbits may be box trapped inside an enclosure and moved between enclosures with a valid controlled rabbit hunting preserve operator license or valid hunting license.
(k) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by relocating the site of the preserve.
(l) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled rabbit hunting preserve operator license, provided the rules in this Section regarding establishment of such areas have been complied with.
(m) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled rabbit hunting preserve upon request or during the preserve's operating hours for inspection, enforcement, or scientific purposes.

History Note: *Authority G.S. 113-134; 113-273(g); 113-276(k);*
Eff. February 1, 2022.