

15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN

(a) No Open Season. There is no open season for taking any of the species listed as endangered in Rule .0103, or threatened in Rule .0104 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in the rules of this Chapter. Unless otherwise provided in North Carolina General Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any animal listed in Rules .0103, .0104, or .0105 of this Section at any time.

(b) Permits. The Executive Director may issue permits to take or possess an endangered, threatened, or special concern species:

- (1) to an individual or institution with experience and training in handling, and caring for the wildlife and in conducting a scientific study, for the purpose of scientific investigation relevant to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration effort;
- (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the specimen or specimens in his or her possession, possesses the requisite equipment and expertise to care for such specimen or specimens, and abides by the caging requirements for the species set forth in 15A NCAC 10H .0302;
- (3) to a person who lawfully possessed any such species for more than 90 days immediately prior to the date that such species was listed and who abides by the caging requirements for the species set forth in 15A NCAC 10H .0302, provided however, that no permit shall be issued more than 90 days after the effective date of the initial listing for that species; or
- (4) to a person with demonstrable depredation from a Special Concern Species, or the American alligator (*Alligator mississippiensis*).

(c) Taking Without a Permit:

- (1) An individual may take an endangered, threatened, or special concern species in defense of his own life or the lives of others.
- (2) A state or federal conservation officer or employee who is designated by his agency to do so may, when acting in the course of his official duties, take, possess, and transport endangered, threatened, or special concern species if the action is necessary to:
 - (A) aid a sick, injured, diseased, or orphaned specimen;
 - (B) dispose of a dead specimen;
 - (C) salvage a dead specimen that may be useful for scientific study; or
 - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not possible to eliminate the threat by live-capturing and releasing the specimen unharmed, in a habitat that is suitable for the survival of that species.

(d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Paragraphs (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations, and the reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).

(e) Exceptions.

- (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators that have been lawfully taken in a state in which there is an open season for harvesting alligators may be possessed, bought, and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.
- (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.
- (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered, or traded as provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.
- (4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 CFR 17.84(c). 50 CFR 17.84(c) is incorporated

by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov at no cost.

- (5) Importation, possession, sales, transportation, and exportation of species listed as special concern species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research, provided that:
- (A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;
 - (B) they are possessed in indoor facilities;
 - (C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and
 - (D) importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.

(f) A written application to the Commission shall be required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.

(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions, provided that:

- (1) sales are permitted to out of state consumers;
- (2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;
- (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and
- (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333;
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