

1 15A NCAC 10H .0301 General Requirements is proposed for temporary amendment as follows:

2
3 **15A NCAC 10H .0301 GENERAL REQUIREMENTS**

4 (a) Captivity Permit or License Required

5 (1) Requirement. The possession of any species of wild animal that is or once was native to this State
6 or any species of wild bird, native or migratory, that naturally occurs or historically occurred in
7 this State or any member of the family Cervidae is unlawful unless the institution or individual in
8 possession obtains from the North Carolina Wildlife Resources Commission (Commission) a
9 captivity permit or a captivity license as provided by this Rule.

10 (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured,
11 crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within
12 24 hours of taking possession in order to apply for a captivity permit, provided, however, that
13 under no circumstances shall an individual take possession of an injured, crippled or orphaned
14 wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described
15 in Subparagraph (3) of this Paragraph.

16 (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become
17 a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals
18 deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may
19 receive a captivity permit to possess fawns only for such a period of time as may be required for
20 the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild
21 white-tailed deer fawns and are available only to individuals recognized by the Commission as
22 white-tailed deer fawn rehabilitators.

23 (b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or
24 in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be
25 required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as
26 provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal
27 or bird if the application for such license is denied, or when an existing captivity license is not renewed or is
28 terminated. Captivity permits shall not be issued for wild ~~turkey or black bear, turkey, black bear, deer, elk or any~~
29 ~~other member of the family Cervidae except as described in Subparagraph (a)(3) of this Rule.~~

30 (c) Captivity License.

31 (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that
32 are unfit for ~~release or for possession of cervids. release.~~ For purposes of this Rule, wild animals
33 are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native
34 species that poses a risk to the habitat or to other species in that habitat; or if they have been
35 rendered tame by proximity to humans to the extent that they cannot feed or care for themselves
36 without human assistance. Persons interested in obtaining a captivity license shall contact the
37 Commission for an application.

- 1 (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be
 2 issued include the following:
- 3 (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
- 4 (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this
 5 Rule, the term "pet" means an animal kept for amusement or companionship. The term
 6 shall not be construed to include cervids held in captivity for breeding for sale to another
 7 licensed operator.
- 8 (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
- 9 (D) For the purpose of holding wild turkey or black bear.
- 10 ~~(E) For the purpose of holding deer, elk or any other member of the family Cervidae, except~~
 11 ~~current licenses which may be renewed as specified in Subparagraph (6) of this~~
 12 ~~Paragraph.~~
- 13 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or
 14 acquired a facility for keeping the animal or bird in captivity that complies with the standards set
 15 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on
 16 inspection by a representative of the Commission.
- 17 (4) Term of License
- 18 (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered
 19 incapable of subsisting in the wild, the license authorizing its retention in captivity shall
 20 be an annual license terminating on December 31 of the year for which issued.
- 21 (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated,
 22 and may be rehabilitated for release to the wild, any captivity license that is issued shall
 23 be for a period less than one year as rehabilitation may require.
- 24 (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened
 25 species or a migratory bird, regardless of the term specified, shall operate to authorize
 26 retention thereof for a longer period than is allowed by any concurrent federal permit that
 27 may be required for retention of the bird or animal.
- 28 (5) Holders of Captivity License for cervids.
- 29 (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or
 30 permits issued by the Commission available for inspection by the Commission at any
 31 time during normal business hours, or at any time an outbreak of Chronic Wasting
 32 Disease (CWD) is suspected or confirmed within five miles of the facility or within the
 33 facility itself.
- 34 (B) Inspection. The licensee shall make all enclosures at each licensed facility and the
 35 record-book(s) documenting required monitoring of the outer fence of the enclosure(s)
 36 available for inspection by the Commission at any time during normal business hours, or

- 1 at any time an outbreak of CWD is suspected or confirmed within five miles of the
2 facility or within the facility itself.
- 3 (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected
4 by the licensee or licensee's agent once a week during normal weather conditions to
5 verify its stability and to detect the existence of any conditions or activities that threaten
6 its stability. In the event of severe weather or any other condition that presents potential
7 for damage to the fence, inspection shall occur every three hours until cessation of the
8 threatening condition, except that no inspection is required under circumstances that
9 threaten the safety of the person conducting the inspection.
- 10 (D) A record-book shall be maintained to record the time and date of the inspection, the name
11 of the person who performed the inspection, and the condition of the fence at time of
12 inspection. The person who performs the inspection shall enter the date and time of
13 detection and the location of any damage threatening the stability of the fence. If damage
14 has caused the fence to be breachable, the licensee shall enter a description of measures
15 taken to prevent ingress or egress by cervids. Each record-book entry shall bear the
16 signature or initials of the licensee attesting to the veracity of the entry. The record-book
17 shall be made available to inspection by a representative of the Commission upon request
18 during normal business operating hours.
- 19 (E) Maintenance. Any opening or passage through the enclosure fence that results from
20 damage shall, within one hour of detection, be sealed or otherwise secured to prevent a
21 cervid from escape. Any damage to the enclosure fence that threatens its stability shall
22 be repaired within one week of detection.
- 23 (F) Escape. When a licensee discovers the escape of any cervid from the facility, the
24 licensee or designee shall report within 24 hours the escape to the Commission. If
25 possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the
26 licensee shall request a wildlife take permit and take the escaped cervid pursuant to the
27 terms of the permit. A recaptured live cervid shall be submitted to the Commission for
28 CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease
29 Study unless the executive director determines that the risk of CWD transmission as a
30 result of this escape is negligible based upon:
- 31 (i) amount of time the escaped cervid remained out of the facility;
32 (ii) proximity of the escaped cervid to wild populations;
33 (iii) known susceptibility of the escaped cervid species to CWD;
34 (iv) nature of the terrain in to which the cervid escaped.
- 35 (G) Chronic Wasting Disease (CWD)
- 36 (i) Detection. Each licensee shall notify the Commission within 24 hours if any
37 cervid within the facility exhibits clinical symptoms of CWD or if a quarantine

1 is placed on the facility by the State Veterinarian. All captive cervids that
2 exhibit symptoms of CWD shall be tested for CWD.

3 (ii) Cervid death. The carcass of any captive cervid that was 12 ~~six~~ months or older
4 at time of death shall be transported and submitted by the licensee or his
5 designee to a North Carolina Department of Agriculture diagnostic lab for CWD
6 evaluation within 48 hours of the cervid's death, or by the end of the next
7 business day, whichever is later. Ear tags distributed by the Commission and
8 subsequently affixed to the cervids as required by this Rule, may not be removed
9 from the cervid's head prior to submitting the head for CWD evaluation.

10 (iii) The Commission shall require testing or forfeiture of cervids from a facility
11 holding cervids in this state should the following circumstances or conditions
12 occur:

13 (I) The facility has transferred a cervid that is received by a facility in
14 which CWD is confirmed within five years of the cervid's transport
15 date and that transferred cervid has tested positive for CWD or the test
16 for CWD was inconclusive or the transferred cervid was no longer
17 available for testing.

18 (II) The facility has received a cervid that originated from a facility in
19 which CWD has been confirmed within five years of the cervid's
20 transport date and that received cervid has tested positive for CWD or
21 the test for CWD was inconclusive or the received cervid was no longer
22 available for testing.

23 (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee
24 shall implement the tagging requirement using only the tags provided by the Commission
25 as follows:

26 (i) All cervids born within a facility shall be tagged by March 1 following the
27 birthing season each year.

28 (ii) All cervids transferred to a facility shall be tagged within five days of the
29 cervid's arrival at the licensee's facility. However, no cervids shall be
30 transported from one facility to another unless both sending and receiving herds
31 are certified according to 15A NCAC 10H .0304, or the sending herd is a
32 Certified herd and the receiving herd is a licensed facility. ~~However, no cervids~~
33 ~~shall be transported from one facility to another unless both sending and~~
34 ~~receiving herds are certified according to 15A NCAC 10H .0304.~~

35 (I) Application for Tags.

36 (i) Application for tags for calves and fawns. Application for tags for cervids born
37 within a facility shall be made by the licensee by December 1 following the

1 birthing season of each year. The licensee shall provide the following
 2 information, along with a statement and licensee's signature verifying that the
 3 information is accurate:

- 4 (I) Applicant name, mailing address, and telephone number;
- 5 (II) Facility name and site address;
- 6 (III) Captivity license number;
- 7 (IV) Species of each cervid; and
- 8 (V) Birth year of each cervid.

- 9 (ii) Application for tags for cervids that were not born at the facility site shall be
 10 made by written request for the appropriate number of tags along with the
 11 licensee's application for transportation of the cervid, along with a statement and
 12 licensee's signature verifying that the information is accurate. These tag
 13 applications shall not be processed unless accompanied by a completed
 14 application for transportation. However, no transportation permits shall be
 15 issued nor shall cervids be transported from one facility to another unless both
 16 sending and receiving herds are certified according to 15A NCAC 10H .0304,
 17 or the sending herd is a Certified Herd and the receiving herd is a licensed
 18 facility. ~~15A NCAC 10H .0304.~~

19 (J) Placement of Tags.

- 20 (i) A single button ear tag provided by the Commission shall be permanently
 21 affixed by the licensee onto either the right or left ear of each cervid, provided
 22 that the ear chosen to bear the button tag shall not also bear a bangle tag, so that
 23 each ear of the cervid bears only one tag.
- 24 (ii) A single bangle ear tag provided by the Commission shall be permanently
 25 affixed by the licensee onto the right or left ear of each cervid except Muntjac
 26 deer, provided that the ear bearing the bangle tag does not also bear the button
 27 tag, so that each ear of the cervid bears only one tag. Muntjac deer are not
 28 required to be tagged with the bangle tag.
- 29 (iii) Once a tag is affixed in the manner required by this Rule, it shall not be
 30 removed.

31 (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall
 32 submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae
 33 Tagging Reports for calves and fawns shall be submitted by March 1 following the
 34 birthing season each year. A Cervidae Tagging Report shall provide the following
 35 information and be accompanied by a statement and licensee's signature verifying that the
 36 information is accurate:

- 37 (i) Licensee name, mailing address, and telephone number;

- 1 (ii) Facility name and site address, including the County in which the site is located;
- 2 (iii) Captivity license number;
- 3 (iv) Species and sex of each cervid;
- 4 (v) Tag number(s) for each cervid; and
- 5 (vi) Birth year of each cervid.
- 6 (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and
7 shall extend the time within which a licensee shall tag cervids consistent with time
8 required to issue a replacement.
- 9 (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee
10 and application shall be made for a replacement upon discovery of the loss.
11 Application for a replacement shall include the information required by Part
12 (c)(5)(I) of this Rule along with a statement and applicant's signature verifying
13 that the information is accurate. Lost tags shall be replaced on the animal by the
14 licensee within 30 days of receipt of the replacement tag.
- 15 (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or
16 that cannot be read because of malformation or damage to the tags or
17 obscurement of the tag numbers shall be returned to the Commission along with
18 an application for a replacement tag with a statement and applicant's signature
19 verifying that the information in the application is accurate.
- 20 (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids
21 at existing facilities shall be renewed as long as the applicant for renewal ~~has live cervids~~ and
22 continues to meet the requirements of this Section for the license. Only licensees with Certified
23 Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand
24 pen size or the number of pens on the licensed facility to increase the holding capacity of that
25 facility. A licensee whose license has lapsed shall not be eligible to renew his or her license, but
26 may apply for a new license. ~~No renewals shall be issued for a license that has been allowed to~~
27 ~~lapse due to the negligence of the former licensee.~~
- 28 (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall
29 only be issued to an individual who is 18 years of age or older. If the licensee of an existing
30 facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally
31 incompetent, or dies, a person who has obtained lawful possession of the facility from the previous
32 licensee or that licensee's estate, may request that the existing captivity license be transferred to
33 him or her to operate the existing facility. Any license transferred under this provision shall be
34 subject to the same terms and conditions imposed on the original licensee at the time of his or her
35 surrender or death and shall be valid only for the purpose of holding the cervids of the existing
36 facility within that existing facility. In addition, any actions pending from complaint,

1 investigation or other cause shall be continued notwithstanding the termination of the original
 2 license.

3 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or
 4 the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.

5 (e) Sale, Transfer or Release of Captive Wildlife.

6 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held
 7 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or
 8 bird may be surrendered to an agent of the Commission. This Subparagraph does not apply to
 9 persons holding cervids under a captivity permit.

10 (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to
 11 sell or transfer the animal or bird held under such license, except that such animal or bird may be
 12 surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal
 13 or bird (except members of the family Cervidae) to another person who has obtained a license to
 14 hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only
 15 between Certified Herds, as defined in 15A NCAC 10H .0304, or from a Certified Herd to a
 16 licensed facility. ~~15A NCAC 10H .0304.~~ Upon such a sale or transfer, the seller or transferor shall
 17 obtain a receipt for the animal or bird showing the name, address, and license number of the buyer
 18 or transferee, a copy of which shall be provided to the Commission.

19 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:
 20 (A) any species of deer, elk or other members of the family Cervidae, or
 21 (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or
 22 (C) any member of the family Suidae.

23 (f) Transportation Permit.

24 (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully
 25 held wild animal or wild bird within the State.

26 (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a
 27 transportation permit from the Commission.

28 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued
 29 for deer, elk, or other species in the family Cervidae ~~except~~ ~~except~~

30 (A) into and between Certified Herds as defined in 15A NCAC 10H .0304. ~~15A NCAC 10H~~
 31 .0304; or

32 (B) from a Certified Herd to a licensed facility.

33 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae
 34 may be issued by the Commission to an applicant for the purpose of transporting the animal or
 35 animals for export out of state, to a slaughterhouse for slaughter, from a Certified Herd to another
 36 Certified Herd as defined in 15A NCAC 10H .0304, from a Certified Herd to a licensed facility,
 37 15A NCAC 10H .0304, or to a veterinary medical facility for treatment provided that the animal

1 for which the permit is issued does not exhibit clinical symptoms of Chronic Wasting Disease. No
2 person shall transport a cervid to slaughter or export out of state without bearing a copy of the
3 transportation permit issued by the Commission authorizing that transportation. No person shall
4 transport a cervid for veterinary treatment without having obtained approval from the Commission
5 as provided by Part (f)(4)(D) of this Rule. Any person transporting a cervid shall present the
6 transportation permit to any law enforcement officer or any representative of the Commission
7 upon request, except that a person transporting a cervid by verbal authorization for veterinary
8 treatment shall provide the name of the person who issued the approval to any law enforcement
9 officer or any representative of the Commission upon request.

10 (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be
11 submitted in writing to the Commission and shall include the following information along
12 with a statement and applicant's signature verifying that the information is accurate:

- 13 (i) Applicant name, mailing address, and telephone number;
- 14 (ii) Facility site address;
- 15 (iii) Captivity license number;
- 16 (iv) Name, address, county and phone number of the slaughter house to which the
17 cervid will be transported;
- 18 (v) Vehicle or trailer license plate number and state of issuance of the vehicle or
19 trailer used to transport the cervid;
- 20 (vi) Name and location of the North Carolina Department of Agriculture Diagnostic
21 lab where the head of the cervid is to be submitted for CWD testing;
- 22 (vii) Date of transportation;
- 23 (viii) Species and sex of each cervid; and
- 24 (ix) Tag number(s) for each cervid.

25 (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of
26 a member of the family Cervidae for sale out of state. Application for a transportation
27 permit for purpose of exportation out of state shall be submitted in writing to the
28 Commission and shall include the following information along with a statement and
29 applicant's signature verifying that the information is accurate:

- 30 (i) Applicant's name, mailing address and telephone number;
- 31 (ii) Facility site address;
- 32 (iii) Captivity license number;
- 33 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
34 trailer used to transport the cervid;
- 35 (v) Name, site address, county, state and phone number of the destination facility to
36 which the cervid is exported;

- 1 (vi) A copy of the importation permit from the state of the destination facility that
 2 names the destination facility to which the animal is to be exported;
- 3 (vii) Date of departure;
- 4 (viii) Species and sex of each cervid; and
- 5 (ix) Tag number(s) for each cervid.
- 6 (C) Between herds. Application for a transportation permit for purpose of moving a cervid
 7 from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304,
 8 or from a Certified Herd to a licensed facility, ~~15A NCAC 10H .0304~~, shall be submitted
 9 in writing to the Commission and shall include the following information along with a
 10 statement and applicant's signature verifying that the information is accurate:
- 11 (i) Applicant's name, mailing address and telephone number;
- 12 (ii) Facility site address;
- 13 (iii) Captivity license number;
- 14 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
 15 trailer used to transport the cervid;
- 16 (v) Name, site address, county, and phone number of the destination facility to
 17 which the cervid is moved;
- 18 (vi) Date of departure;
- 19 (vii) Species and sex of each cervid; and
- 20 (viii) Tag number(s)for each cervid.
- 21 (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a
 22 veterinary clinic out of the state of North Carolina, or for transportation from a facility
 23 out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant
 24 from a North Carolina facility seeking to transport a cervid for veterinary treatment to a
 25 facility within North Carolina shall contact the Wildlife Telecommunications Center or
 26 the Wildlife Management Division of the Commission to obtain verbal authorization to
 27 transport the cervid to a specified veterinary clinic and to return the cervid to the facility.
 28 Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only
 29 to the specified veterinary clinic and directly back to the facility, and shall not be
 30 construed to permit intervening destinations. To obtain verbal authorization to transport,
 31 the applicant shall provide staff of the Commission the applicant's name and phone
 32 number, applicant's facility name, site address and phone number, the cervid species, sex
 33 and tag numbers, and the name, address and phone number of the veterinary facility to
 34 which the cervid shall be transported. Within five days of transporting the cervid to the
 35 veterinary facility for treatment, the licensee shall provide the following information in
 36 writing to the Commission, along with a statement and applicant's signature verifying that
 37 the information is correct:

- 1 (i) Applicant's name, mailing address and telephone number;
- 2 (ii) Facility name and site address;
- 3 (iii) Captivity license number;
- 4 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
- 5 trailer used to transport the cervid;
- 6 (v) Date of transportation;
- 7 (vi) Species and sex of each cervid;
- 8 (vii) Tag number(s) for each cervid;
- 9 (viii) Name, address and phone number of the veterinarian and clinic that treated the
- 10 cervid;
- 11 (ix) Symptoms for which cervid received treatment; and
- 12 (x) Diagnosis of veterinarian who treated the cervid.

13 (g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be
14 submitted in writing to the Commission and shall include the following information along with a statement and
15 applicant's signature verifying that the information is accurate:

- 16 (1) Applicant name, mailing address, and telephone number;
- 17 (2) Facility site address;
- 18 (3) Captivity license number;
- 19 (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the
- 20 head of the cervid is to be submitted for CWD testing;
- 21 (5) Date of slaughter;
- 22 (6) Species and sex of each cervid; and
- 23 (7) Tag number(s) for each cervid.

24 Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of
25 captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

26 (h) As used in this Rule, Certified Herd means a captive cervid herd certified in North Carolina according to the
27 procedure set forth rule 10H .0304 of this Section available to North Carolina licensees only.

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29 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*
32 *Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the*
33 *permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,*
34 *2001;*
35 *Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*
36 *Temporary Amendment Effective December 1, 2014*