

1 15A NCAC 10I .0102 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 10I .0102 PROTECTION OF ~~ENDANGERED/THREATENED/SPECIAL~~ ENDANGERED,**
4 **THREATENED, AND SPECIAL CONCERN SPECIES**

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

12 (b) ~~Permits.~~ The Executive Director or his or her designee may issue permits to ~~take or possess an~~ take, possess, sell,
13 propagate, transport, import, export, transfer, barter, trade, or stock endangered, threatened, or special concern species:

14 (1) to an individual or institution ~~with experience and training in handling, and caring for the wildlife~~
15 ~~and in conducting a scientific study, investigation for the purpose of scientific investigation relevant~~
16 ~~to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration~~
17 ~~effort; perpetuation, restoration, or management of a species;~~

18 (2) to a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained
19 the ~~specimen or specimens~~ in his or her possession, possesses the ~~requisite~~ equipment and expertise
20 to care for ~~such specimen or the specimens,~~ and abides by ~~the applicable~~ caging requirements for
21 the species set forth in 15A NCAC 10H ~~.0302; .1404;~~

22 (3) to a person who lawfully possessed ~~any such~~ the species for ~~more than~~ 90 days immediately prior
23 to the date that ~~such~~ the species was listed and who abides by ~~the applicable~~ caging requirements
24 for the species set forth in 15A NCAC 10H ~~.1404; .0302, provided however, that no permit shall be~~
25 ~~issued more than 90 days after the effective date of the initial listing for that species; or~~

26 (4) to a person with demonstrable depredation from a Special Concern Species, or ~~the~~ American
27 alligator (Alligator ~~mississippiensis~~); mississippiensis);

28 (5) to a licensed falconer;

29 (6) to a retail or wholesale establishment whose primary function is providing scientific supplies,
30 provided that:

31 (A) the specimens were lawfully obtained from captive populations or wild populations outside
32 of North Carolina;

33 (B) the specimens are possessed in indoor facilities; and

34 (C) safeguards are provided during transportation to prevent accidental escape of the
35 specimens.

36 (7) to state and federal government agencies, corporate research entities, and research institutions within
37 North Carolina provided that:

- 1 (A) the specimens are possessed in indoor facilities;
- 2 (B) safeguards are provided during transportation to prevent accidental escape of the
- 3 specimens;
- 4 (C) the agency's or institution's Animal Care and Use Committee has approved the research
- 5 protocol for the species;
- 6 (D) no specimens shall be stocked or released in the public or private waters or lands of North
- 7 Carolina; and
- 8 (E) specimens shall not be transferred to any private individual.

9 (c) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by
10 providing the following information:

- 11 (1) name, address, phone number, and email;
- 12 (2) species name and quantity;
- 13 (3) proposed activities;
- 14 (4) map with specific location of activities identified, if applicable;
- 15 (5) the source of the specimens and documentation of lawful acquisition;
- 16 (6) caging or confinement plans for specimens, if applicable;
- 17 (7) applicant's qualifications and explanation of experience;
- 18 (8) research proposal, if applicable;
- 19 (9) acknowledgement that additional federal permits may be required;
- 20 (10) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if
- 21 applicable; and
- 22 (11) plans for final disposition of specimens.

23 ~~(e)~~(d) Taking Without a Permit: The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or
24 possessed without a permit when:

- 25 (1) ~~An~~ an individual may take an endangered, threatened, or special concern takes the species in defense
26 of his or her own life or the lives of others.
- 27 (2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC
28 10B .0224.
- 29 (3) an individual possesses meat or other parts of American alligators that have been lawfully taken,
30 possessed, or bought in a state where there is an open season for harvesting alligators and the
31 products are marketed in packages or containers that are labeled to indicate the state in which the
32 animals were taken and the identity, address, and lawful authority of the processor or distributor.
- 33 (4) an individual is taking or harassing a red wolf (Canis rufus) pursuant to the conditions in 50 CFR
34 17.84(c), hereby incorporated by reference, including subsequent amendments and editions,
35 available free of charge at www.ecfr.gov.
- 36 ~~(2)~~(5) ~~A state or federal conservation officer or employee~~ an individual who is designated by his agency
37 to do so may, meets the requirements of G.S. 113-261, who, when acting in the course of his or her

1 official duties, ~~take, possess, and transport~~ takes, possesses, or transports endangered, threatened, or
2 special concern species if the action is necessary to:

- 3 (A) aid a sick, injured, diseased, or orphaned specimen;
- 4 (B) dispose of a dead specimen;
- 5 (C) salvage a dead specimen that may be useful for scientific study; or
- 6 (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety
7 safety, provided the taking is done in a humane and noninjurious manner. The taking may
8 involve injuring or killing endangered, threatened, or special concern species only if it is
9 not possible to eliminate the threat by live capturing and releasing release the specimen
10 unharmed, in a habitat that is suitable for ~~the survival of that species.~~ survival.

11 ~~(d)(e)~~ Reporting. Any taking or possession of an Take, possession, sale, propagation, transportation, importation,
12 exportation, transfer, barter, trade, or stocking of endangered, threatened, or special concern species under Paragraphs
13 (b) and ~~(e)(d)~~ of this Rule is subject to applicable federal reporting requirements, requirements of federal law and
14 regulations, and the reporting requirements of the permit issued by the Executive Director or permit, and applicable
15 requirements of 15A NCAC 10B .0106(e).

16 ~~(e) Exceptions.~~

- 17 (1) ~~Notwithstanding any other provisions of this Rule, processed meat and other parts of American~~
18 ~~alligators that have been lawfully taken in a state in which there is an open season for harvesting~~
19 ~~alligators may be possessed, bought, and sold when such products are marketed in packages or~~
20 ~~containers that are labeled to indicate the state in which they were taken and the identity, address,~~
21 ~~and lawful authority of the processor or distributor.~~
- 22 (2) ~~Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild~~
23 ~~for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered~~
24 ~~species permit has been obtained as required in Paragraph (b) of this Rule.~~
- 25 (3) ~~Captive bred raptors listed as special concern species may be bought, sold, bartered, or traded as~~
26 ~~provided in 50 CFR 21.85 when marked as required under those regulations. 50 CFR 21.85 is~~
27 ~~incorporated by reference, including subsequent amendments and editions. This document may be~~
28 ~~accessed at www.ecfr.gov at no cost.~~
- 29 (4) ~~Red Wolves (Canis rufus) listed as threatened in Rule .0104 in this Section may be taken or harassed~~
30 ~~pursuant to the conditions provided in 50 CFR 17.84(e). 50 CFR 17.84(e) is incorporated by~~
31 ~~reference, including subsequent amendments and editions. This document may be accessed at~~
32 ~~www.ecfr.gov at no cost.~~
- 33 (5) ~~Importation, possession, sales, transportation, and exportation of species listed as special concern~~
34 ~~species in Rule .0105 of this Section shall be allowed under permit by retail and wholesale~~
35 ~~establishments whose primary function is providing scientific supplies for research, provided that:~~
 - 36 (A) ~~the specimens were lawfully obtained from captive or wild populations outside of North~~
37 ~~Carolina;~~

1 ~~(B) — they are possessed in indoor facilities;~~

2 ~~(C) — all transportation of specimens provides safeguards adequate to prevent accidental escape;~~
3 ~~and~~

4 ~~(D) — importation, possession, and sale or transfer is permitted only as listed in Parts (e)(4)(A)~~
5 ~~and (B) of this Rule.~~

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

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

13 ~~(1) — sales are permitted to out of state consumers;~~

14 ~~(2) — the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental~~
15 ~~escape are provided during all transportation of the specimens;~~

16 ~~(3) — the agency's or institution's Animal Use and Care Committee has approved the research protocol for~~
17 ~~this species; and~~

18 ~~(4) — no specimens may be stocked or released in the public or private waters or lands of North Carolina~~
19 ~~and specimens may not be transferred to any private individual.~~

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

22 *Eff. June 11, 1977;*

23 *Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April*
24 *1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

25 *Temporary Amendment Eff. February 27, 2015;*

26 *Amended Eff. February 1, 2023; July 1, 2016.*

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