

1 **15A NCAC 10H .0304 is proposed for adoption as follows:**

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3 **15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM**

4 (a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to  
5 prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread  
6 of CWD while allowing transportation of cervids from herds in which CWD has not been detected for at least five  
7 years, in accordance with the requirements in this Section. Only licensees with Certified Herds as defined in  
8 paragraph (e) of this Rule may request to expand their pen size to accommodate additional cervids and transport  
9 cervids within North Carolina for purposes other than those specified in 15A NCAC10H .0301(f)(4). Licensees  
10 with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years  
11 and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC  
12 10H .0301 and 15A NCAC 10H .0302. The individual state, Canadian province or country of origin must have  
13 CWD monitoring requirements that are at least as stringent as those described in this Section. The originating  
14 individual state's, Canadian province's or country's CWD monitoring program must be jointly reviewed by Wildlife  
15 Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any  
16 importation of cervids into North Carolina. There shall be no importation from individual states, Canadian provinces  
17 or countries in which CWD has been detected.

18 (b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for  
19 enrollment in the Captive Cervid Herd Certification Program. Licensees are required to comply with all captivity  
20 license requirements outlined in this Section and the rules and laws regulating possession, transportation and  
21 importation of cervids in order to remain in the Captive Cervid Herd Certification Program.

22 (c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply in  
23 writing to the Commission to enroll in the Captive Cervid Herd Certification Program. The Commission may deny  
24 an application if:

- 25 (1) the licensee has not complied with all the requirements under the captivity license statutes and all  
26 rules pertaining to the holding of cervids in captivity and the transportation or importation of  
27 cervids resulting in a failed inspection report, citation or conviction; or  
28 (2) the licensee has provided false information; or  
29 (3) CWD has been confirmed in a cervid at the licensee's facility.

30 (d) Enrollment dates. The enrollment date is:

- 31 (1) the first date upon official inspection, documented by Wildlife Resources Commission and  
32 Department of Agriculture and Consumer Services personnel, on which the licensee has fully  
33 complied with all captivity rules and statutes that pertain to cervids, including tagging, provided  
34 that the licensee has continued to comply with these regulations; or  
35 (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director  
36 that brought the facility into full compliance assuming that there were no other compliance

1 actions pending, provided that the licensee has continued to comply with the captive cervid  
2 regulations.

3 This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and  
4 Department of Agriculture and Consumer Services personnel documented that the licensee came into full  
5 compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all  
6 cervids.

7 (e) Certified herd. When a herd is enrolled in the Captive Cervid Herd Certification Program, it will be placed in  
8 First Year status. If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program,  
9 each year on the anniversary of the enrollment date the herd status will be upgraded by one year. One year from the  
10 date a herd is placed in Fifth Year status, the herd status will be changed to Certified, and the herd will remain in  
11 Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not  
12 lost or suspended without reinstatement as described in paragraph (f).

13 (f) Herd status

14 (1) A Certified Herd or any herd enrolled in the program may have its status suspended or reduced if:

15 (A) the licensee fails to comply with any of the ongoing requirements for captive cervid  
16 licenses as identified in 15A NCAC 10H .0301; or

17 (B) the licensee violates any other North Carolina law or rule related to captive cervids; or

18 (C) an animal in the herd exhibits clinical signs of CWD; or

19 (D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs  
20 of CWD; or

21 (E) the herd is quarantined by the State Veterinarian.

22 (2) A Certified Herd or any herd enrolled in the program shall lose its status if:

23 (A) an animal in the herd can be traced back to a herd in which CWD has been detected; or

24 (B) CWD is detected in an animal in the herd; or

25 (C) the licensee loses his or her license.

26 The Wildlife Resources Commission will review cases of suspended status upon request. A Certified Herd with  
27 suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status  
28 was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.

29 (g) Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a  
30 suspended status, the licensee will be responsible for assembling, handling and restraining the captive cervids and all  
31 costs incurred to present the animals for inspection.

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33 History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292

34 Eff. April 1, 2010;