

1 **15A NCAC 10H .0302 is proposed for amendment as follows:**

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3 **15A NCAC 10H .0302 MINIMUM STANDARDS**

4 (a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher  
5 education that were granted an exemption by the Commission from the standards of this Rule prior to December 1,  
6 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as  
7 the captivity license in effect on that date has not expired or been revoked.

8 (b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the  
9 Commission, all holders of captivity licenses shall comply with the following requirements:

10 (1) Deer, Elk and other species of the family Cervidae

11 (A) Enclosure. The enclosure shall be on a well-drained site containing natural or manmade  
12 shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer  
13 shall be not less than one-half acre for the first three animals and an additional one-fourth  
14 acre for each additional animal held provided that no more than 25% shall be covered  
15 with water. At no time shall the number of cervids in the enclosure exceed the number  
16 allowed by the captivity license, except that fawns and calves shall not count towards the  
17 total number of cervids in a facility from the time they are born until March 1 of the  
18 following year. ~~license.~~ The enclosure shall be surrounded by a fence of sufficient  
19 strength and design to contain the animal under any circumstances, at least eight feet  
20 high, and dog-proof to a height of at least six feet. For enclosures exclusively holding  
21 Muntjac deer, the minimum pen size shall be 800 square feet for the first three animals  
22 and 200 square feet for each additional animal. No exposed barbed wire, nails, or other  
23 protrusions that may cause injury to the animal shall be permitted within the enclosure.  
24 Captive cervids shall not be contained within or allowed to enter a place of residence.

25 (B) Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at  
26 all times. Food shall be placed in the enclosure as needed, but not less than three times  
27 weekly. An effective program for the control of insects, ectoparasites, disease, and odor  
28 shall be established and maintained. The animal(s) shall be protected against fright or  
29 harm from other animals.

30 (2) Wild Boars

31 (A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The  
32 minimum size of the enclosure shall be not less than one-half acre for the first three  
33 animals and an additional one-fourth acre for each additional animal held. The enclosure  
34 shall be surrounded by a fence at least five feet high and of sufficient strength to contain  
35 the animals. No exposed barbed wire or protruding nails shall be permitted within the  
36 enclosure. A roofed building large enough to provide shelter in both a standing or a lying  
37 position for each boar must be provided. This building shall be closed on three sides. A

1 pool of water for wallowing or a sprinkler system shall be provided on days when heat  
2 could cause stress to the animal(s).

- 3 (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times.  
4 Food shall be placed in the enclosure as needed, but in any case, not less than three times  
5 weekly. An effective program for the control of insects, ectoparasites, disease, and odor  
6 shall be established and maintained.

7 (3) Wild Birds

- 8 (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural  
9 postures. The enclosure shall be designed in such a way that the birds cannot injure  
10 themselves and are able to maintain a natural plumage. Protection from sun, weather,  
11 and predators shall also be provided.

- 12 (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp  
13 feed. Ample food and clean water shall be available at all times.

14 (4) Alligators

- 15 (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain  
16 the animals and that shall prevent contact between the observer and alligator. The  
17 enclosure shall contain a pool of water large enough for the animal to completely  
18 submerge itself. If more than one animal is kept, the pool must be large enough for all  
19 animals to be able to submerge themselves at the same time. A land area with both  
20 horizontal dimensions at least as long as the animal shall also be provided. In case of  
21 more than one animal, the land area shall have both horizontal dimensions at least as long  
22 as the longest animals to occupy the land area at the same time without overlap.

- 23 (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain  
24 good health provided. Protection shall be provided at all times from extremes in  
25 temperature that could cause stress to the animal.

26 (5) Black Bear

- 27 (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies

- 28 (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12  
29 feet long by six feet high and located in the shade or where shaded during the  
30 afternoon hours of summer, is required. The cage shall have a concrete floor in  
31 which a drainable pool one and one-half feet deep and not less than four by five  
32 feet has been constructed. The bars of the cage shall be of iron or steel at least  
33 one-fourth inch in diameter, or heavy gauge steel chain link fencing may be  
34 used. The gate shall be equipped with a lock or safety catch, and guard rails  
35 shall be placed outside the cage so as to prevent contact between the observer  
36 and the caged animal. The cage must contain a den at least five feet long by five  
37 feet wide by four feet high and so constructed as to be easily cleaned. A

1 "scratch log" shall be placed inside the cage. The cage shall be equipped with a  
2 removable food trough. Running water shall be provided for flushing the floor  
3 and changing the pool.

- 4 (ii) Sanitation and Care. Food adequate to maintain good health shall be provided  
5 daily; and clean, clear drinking water shall be available at all times. The floor of  
6 the cage and the food trough shall be flushed with water and the water in the  
7 pool changed daily. The den shall be flushed and cleaned at least once each  
8 week in hot weather. An effective program for the control of insects,  
9 ectoparasites, disease, and odor shall be established and maintained. Brush,  
10 canvas, or other material shall be placed over the cage to provide additional  
11 shade when necessary for the health of the animal. The use of collars, tethers or  
12 stakes to restrain the bear is prohibited, except as a temporary safety device.

13 (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than  
14 educational institutions or governmental zoos shall be held without caging under  
15 conditions simulating a natural habitat. All of the following conditions must exist to  
16 simulate a natural habitat in a holding facility:

- 17 (i) The method of confinement is by chain link fence, wall, moat, or a combination  
18 of such, without the use of chains or tethers.
- 19 (ii) The area of confinement is at least one acre in extent for one or two bears and an  
20 additional one-eighth acre for each additional bear.
- 21 (iii) Bears are free, under normal conditions, to move throughout such area.
- 22 (iv) At least one-half of the area of confinement is wooded with living trees, shrubs  
23 and other perennial vegetation capable of providing shelter from sun and wind.
- 24 (v) The area of confinement contains a pool not less than one and one-half feet deep  
25 and not less than four by five feet in size.
- 26 (vi) Provision is made for a den for each bear to which the bear may retire for rest,  
27 shelter from the elements, or respite from public observation.
- 28 (vii) The area of confinement presents an overall appearance of a natural habitat and  
29 affords the bears protection from harassment or annoyance.
- 30 (viii) Provisions are made for food and water that are adequate to maintain good  
31 health and for maintenance of sanitation.
- 32 (ix) The applicant shall document that the applicant owns or has a lease of the real  
33 property upon which the holding facility is located, provided that if the applicant  
34 is a lessee, the lease is for a duration of at least five years from the point of  
35 stocking the facility.

36 (6) Cougar

37 (A) Educational or scientific research institutions and zoos supported by public funds.

1 (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet  
2 long by nine feet high and located in the shade or where shaded during the  
3 afternoon hours of summer, is required. The cage shall have a concrete floor.  
4 The bars of the cage shall be of iron or steel at least one-fourth inch in diameter,  
5 or heavy gauge steel chain link fencing may be used. The gate shall be equipped  
6 with a lock or safety catch, and guard rails shall be placed outside the cage so as  
7 to prevent contact between the observer and the caged animal. The cage shall  
8 contain a den at least five feet long by five feet wide by four feet high and so  
9 constructed as to be easily cleaned. A "scratch log" shall be placed inside the  
10 cage. The cage shall be equipped with a removable food trough. Running water  
11 shall be provided for flushing the floor and changing the pool.

12 (ii) Sanitation and Care. Food adequate to maintain good health shall be provided  
13 daily; and clean, clear drinking water shall be available at all times. The floor of  
14 the cage and the food trough shall be flushed with water and the water in the  
15 pool changed as necessary to maintain good health of the animal. The den shall  
16 be flushed and cleaned at least once each week. An effective program for the  
17 control of insects, ectoparasites, disease, and odor shall be established and  
18 maintained. Brush, canvas, or other material shall be readily available to be  
19 placed over the cage to provide additional shade when necessary. The use of  
20 collars, tethers or stakes to restrain the cougar is prohibited, except as a  
21 temporary safety device.

22 (B) Cougars held in captivity by other than educational or scientific institutions or publicly  
23 supported zoos shall be held without caging under conditions simulating a natural habitat.  
24 Applicants for a captivity license to hold cougar shall apply to the Commission on forms  
25 provided by the Commission, and shall provide plans that describe how the applicant's  
26 facility will comply with the requirement to simulate a natural habitat. All of the  
27 following conditions must exist to simulate a natural habitat in a holding facility.

28 (i) The method of confinement is by chain link fence, without the use of chains or  
29 tethers, provided that:

30 (I) Nine gauge chain link fencing shall be at least 12 feet in height with a  
31 four foot fence overhang at a 45 degree angle on the inside of the pen to  
32 prevent escape from climbing and jumping.

33 (II) Fence posts and at least six inches of the fence skirt shall be imbedded  
34 in a six inch wide by one foot deep concrete footer to prevent escape by  
35 digging.

36 (ii) The area of confinement shall be at least one acre for two cougars with an  
37 additional one-eighth acre for each additional cougar. If, following a site

1 evaluation, the Commission determines that terrain and topographical features  
2 offer sufficient escape, cover and refuge, and meet all other specifications, and  
3 that the safety and health of the animal(s) will not be compromised, smaller areas  
4 shall be permitted.

5 (iii) Cougars shall be free under normal conditions to move throughout the area of  
6 confinement.

7 (iv) At least one-half of the area of confinement shall be wooded with living trees,  
8 shrubs and other perennial vegetation capable of providing shelter from sun and  
9 wind; and a 20 foot wide strip along the inside of the fence shall be maintained  
10 free of trees, shrubs and any other obstructions which could provide a base from  
11 which escape through leaping could occur.

12 (v) The area of confinement shall contain a pool not less than one and one-half feet  
13 deep and not less than four by five feet in size.

14 (vi) Each cougar shall be provided a den to which the cougar may retire for rest,  
15 shelter from the elements, or respite from public observation. Each den shall be  
16 four feet wide by four feet high by four feet deep. Each den shall be enclosed  
17 entirely within at least an eight feet wide by ten feet deep by 12 feet high  
18 security cage. The security cage shall be completely within the confines of the  
19 facility, cement-floored, shall have nine gauge fencing on all sides and the top,  
20 and shall have a four foot, 45 degree fence overhang around the outside top edge  
21 to prevent cougar access to the top of the security cage.

22 (vii) The area of confinement shall protect the cougar from harassment or annoyance.

23 (C) Provisions shall be made for maintenance of sanitation and for food and water adequate  
24 to maintain good health of the animal(s).

25 (D) The applicant shall document that the applicant owns or has a lease of the real property  
26 upon which the holding facility is located, provided that if the applicant is a lessee, the  
27 lease is for a duration of at least five years from the point of stocking the facility.

28 (7) Other Wild Animal Enclosures.

29 (A) General Enclosure Requirements.

30 (i) The enclosure shall provide protection from free ranging animals and from sun  
31 or weather that could cause stress to the animals.

32 (ii) A den area in which the animal can escape from view and large enough for the  
33 animal to turn around and lie down shall be provided for each animal within the  
34 enclosure.

35 (iii) No tethers or chains shall be used to restrain the animal.

36 (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the  
37 animal shall be provided to allow for exercise and climbing.

1 (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be  
2 available at all times.

3 (vi) An effective program for the control of insects, ectoparasites, disease, and odor  
4 shall be established and maintained.

5 (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the  
6 animals listed in this Subparagraph shall be a cage with the following minimum  
7 dimensions and horizontal areas:

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9 Dimensions in Feet

10 Animal	11 Length	12 Width	13 Height	14 Per Animal
15 Bobcat, Otter	10	5	5	50
16 Raccoon, Fox, Woodchuck	8	4	4	32
17 Opossum, Skunk, Rabbit	6	3	3	18
18 Squirrel	4	2	2	8

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20 (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For  
21 animals not listed above or mentioned elsewhere in this Rule, single animal enclosures  
22 shall be a cage with one horizontal dimension being at least four times the nose-rump  
23 length of the animal and the other horizontal dimension being at least twice the nose-  
24 rump length of the animal. The vertical dimensions shall be at least twice the nose-rump  
25 length of the animal. Under no circumstances shall a cage be less than four feet by two  
26 feet by two feet.

27 (D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined  
28 by multiplying the required square footage for a single animal by a factor of 1.5 for one  
29 additional animal and the result by the same factor, successively, for each additional  
30 animal. The vertical dimension for multiple animal enclosures shall remain the same as  
31 for single animal enclosures.

32 (E) Young animals. The young of any animal may be kept with the parent in a single-animal  
33 enclosure only until weaning. After weaning, if the animals are kept together, the  
34 requirements for multiple-animal enclosures shall apply.

35 *History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6.*

36 *Eff. February 1, 1976;*

37 *Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980;*

*Temporary Amendment Eff. October 8, 2002;*

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*Amended Eff. December 1, 2005; August 1, 2004.*

*Amended Eff. Apr. 1, 2010*

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