

1 **15A NCAC 10H .0301 is proposed for 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 these Rules 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 shall apply only to
21 wild white-tailed deer fawns and are available only to individuals recognized by the Commission
22 as 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 shall authorize 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, black bear, deer, elk or any other member of the
29 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. For purposes of this Rule, wild animals are considered "unfit" if they are
33 incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat
34 or to other species in that habitat; or if they have been rendered tame by proximity to humans to
35 the extent that they cannot feed or care for themselves without human assistance. Persons
36 interested in obtaining a captivity license shall contact the 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 Part (K)(6) of this paragraph.~~
12 ~~Cervidae on a facility licensed after May 17, 2002 until the U.S. Department of~~
13 ~~Agriculture (USDA) establishes a Chronic Wasting Disease (CWD) program that~~
14 ~~includes a test to detect Chronic Wasting Disease along with requirements for~~
15 ~~monitoring cervids that shall establish a basis for determining whether a cervid and any~~
16 ~~cervid herd or farm with which the tested cervid has resided has been free of CWD for~~
17 ~~five years, provided that the program, test and monitoring requirements are recommended~~
18 ~~for application to wild animals by the Southeastern Cooperative Wildlife Disease Study.~~
- 19 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or
20 acquired a facility for keeping the animal or bird in captivity that complies with the standards set
21 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on
22 inspection by a representative of the Commission.
- 23 (4) Term of License
- 24 (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered
25 incapable of subsisting in the wild, the license authorizing its retention in captivity shall
26 be an annual license terminating on December 31 of the year for which issued.
- 27 (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated,
28 and may be rehabilitated for release to the wild, any captivity license that is issued shall
29 be for a period less than one year as rehabilitation may require.
- 30 (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened
31 species or a migratory bird, regardless of the term specified, shall operate to authorize
32 retention thereof for a longer period than is allowed by any concurrent federal permit that
33 may be required for retention of the bird or animal.
- 34 (5) Holders of Captivity License for cervids.
- 35 (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or
36 permits issued by the Commission available for inspection by the Commission at any
37 time during normal business hours, or at any time an outbreak of Chronic Wasting

1 Disease (CWD) CWD is suspected or confirmed within five miles of the facility or within
2 the facility itself.

3 (B) Inspection. The licensee shall make all enclosures at each licensed facility and the
4 record-book(s) documenting required monitoring of the outer fence of the enclosure(s)
5 available for inspection by the Commission at any time during normal business hours, or
6 at any time an outbreak of CWD is suspected or confirmed within five miles of the
7 facility or within the facility itself.

8 (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected
9 by the licensee or licensee's agent once a week during normal weather conditions to
10 verify its stability and to detect the existence of any conditions or activities that threaten
11 its stability. In the event of severe weather or any other condition that presents potential
12 for damage to the fence, inspection shall occur every three hours until cessation of the
13 threatening condition, except that no inspection shall be required under circumstances
14 that threaten the safety of the person conducting the inspection.

15 (D) A record-book shall be maintained to record the time and date of the inspection, the name
16 of the person who performed the inspection, and the condition of the fence at time of
17 inspection. The person who performs the inspection shall enter the date and time of
18 detection and the location of any damage threatening the stability of the fence. If damage
19 has caused the fence to be breachable, the licensee shall enter a description of measures
20 taken to prevent ingress or egress by cervids. Each record-book entry shall bear the
21 signature or initials of the licensee attesting to the veracity of the entry. The record-book
22 shall be made available to inspection by a representative of the Commission upon request
23 during normal business operating hours.

24 (E) Maintenance. Any opening or passage through the enclosure fence that results from
25 damage shall, within one hour of detection, be sealed or otherwise secured to prevent a
26 cervid from escape. Any damage to the enclosure fence that threatens its stability shall
27 be repaired within one week of detection.

28 (F) Escape. The licensee or designee shall immediately upon discovery report any cervid
29 escape from the facility to the Commission. If possible, the escaped cervid shall be
30 recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take
31 permit and take the escaped cervid pursuant to the terms of the permit. A recaptured live
32 cervid shall be submitted to the Commission for ~~Chronic Wasting Disease (CWD)~~ CWD
33 testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study
34 unless the executive director determines that the risk of CWD transmission as a result of
35 this escape is ~~negligible~~ negligible based upon:

- 36 (i) amount of time the escaped cervid remained out of the facility;
37 (ii) proximity of the escaped cervid to wild populations;

1 (iii) known susceptibility of the escaped cervid species to CWD;

2 (iv) nature of the terrain in to which the cervid escaped.

3 (G) Chronic Wasting Disease (CWD)

4 (i) Detection. Each licensee shall immediately notify the Commission if any cervid
5 within the facility exhibits clinical symptoms of CWD or if a quarantine is
6 placed on the facility by the State Veterinarian. All captive cervids that exhibit
7 symptoms of CWD shall be tested for CWD.

8 (ii) Cervid death. The carcass of any captive cervid that was six months or older at
9 time of death shall be transported and submitted by the licensee to a North
10 Carolina Department of Agriculture diagnostic lab for CWD evaluation within
11 48 hours of the cervid's death, or by the end of the next business day, whichever
12 is later. Ear tags distributed by the Commission and subsequently affixed to the
13 cervids as required by this Rule, may not be removed from the cervid's head
14 prior to submitting the head for CWD evaluation.

15 (iii) The Commission may require testing or forfeiture of cervids from a facility
16 holding cervids in this state should the following circumstances or conditions
17 occur:

18 (I) The facility has transferred a cervid that is received by a facility in
19 which CWD is confirmed within five years of the cervid's transport
20 date.

21 (II) The facility has received a cervid that originated from a facility in
22 which CWD has been confirmed within five years of the cervid's
23 transport date.

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

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

29 (ii) All cervids transferred to a facility shall be tagged within five days of the
30 cervid's arrival at the licensee's facility. However, no cervids shall be
31 transported from one facility to another unless both sending and receiving herds
32 are certified according to 15A NCAC 10H .0304. ~~until restrictions on~~
33 ~~importation (10B .0101) and transportation (Paragraph (f) of this Rule) no~~
34 ~~longer apply.~~

35 ~~(iii) All cervids in the possession of a licensee as of October 8, 2002 shall be tagged~~
36 ~~within six months of the licensee's receipt of the tags.~~

37 (I) Application for Tags.

1 (i) Application for tags for calves and fawns ~~newborn cervid~~. Application for tags
2 for cervids born within a facility shall be made by the licensee by December
3 following the birthing season of each year. The licensee shall provide the
4 following information, along with a statement and licensee's signature verifying
5 that the information is accurate:

6 (I) Applicant name, mailing address, and telephone number;

7 (II) Facility name and site address;

8 (III) Captivity license number;

9 (IV) Species of each cervid; and

10 (V) Birth year of each cervid.

11 (ii) Application for tags for cervids that were not born at the facility site shall be
12 made by written request for the appropriate number of tags along with the
13 licensee's application for transportation of the cervid, along with a statement and
14 licensee's signature verifying that the information is accurate. These tag
15 applications shall not be processed unless accompanied by a completed
16 application for transportation. However, no transportation permits shall be
17 issued nor shall cervids be transported from one facility to another unless both
18 sending and receiving herds are certified according to 15A NCAC 10H .0304.
19 until restrictions on importation (10B .0101) and transportation (Paragraph (f) of
20 this Rule) no longer apply.

21 (J) Placement of Tags.

22 (i) A single button ear tag provided by the Commission shall be permanently
23 affixed by the licensee onto either the right or left ear of each cervid, provided
24 that the ear chosen to bear the button tag shall not also bear a bangle tag, so that
25 each ear of the cervid bears only one tag.

26 (ii) A single bangle ear tag provided by the Commission shall be permanently
27 affixed by the licensee onto the right or left ear of each cervid except Muntjac
28 deer, provided that the ear bearing the bangle tag does not also bear the button
29 tag, so that each ear of the cervid bears only one tag. Muntjac deer are not
30 required to be tagged with the bangle tag.

31 (iii) Once a tag is affixed in the manner required by this Rule, it shall not be
32 removed.

33 (K) Reporting Tags Requirement. For all cervids, except calves and fawns, ~~cervids not in the~~
34 ~~possession of a licensee as of October 8, 2002,~~ the licensee shall submit a Cervidae
35 Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for
36 calves and fawns shall be submitted by March 1 following the birthing season each year.
37 ~~With regard to all cervids in the possession of a licensee as of October 8, 2002, the~~

1 ~~licensee shall submit a Cervidae Tagging report to the Commission within seven months~~
2 ~~of the licensee's receipt of the tags.~~ A Cervidae Tagging Report shall provide the
3 following information and be accompanied by a statement and licensee's signature
4 verifying that the information is accurate:

- 5 (i) Licensee name, mailing address, and telephone number;
- 6 (ii) Facility name and site address, including the County in which the site is located;
- 7 (iii) Captivity license number;
- 8 (iv) Species and sex of each cervid;
- 9 (v) Tag number(s) for each cervid; and
- 10 (vi) Birth year of each cervid.

11 (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and
12 shall extend the time within which a licensee shall tag cervids consistent with time
13 required to issue a replacement.

14 (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee
15 and application shall be made for a replacement upon discovery of the loss.
16 Application for a replacement shall include the information required by
17 Subparagraph ~~(e)(5)(C)~~ (c)(5)(I) of this Rule along with a statement and
18 applicant's signature verifying that the information is accurate. Lost tags shall be
19 replaced on the animal by the licensee within 30 days of receipt of the
20 replacement tag.

21 (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or
22 that cannot be read because of malformation or damage to the tags or
23 obscurement of the tag numbers shall immediately be returned to the
24 Commission along with an application for a replacement tag with a statement
25 and applicant's signature verifying that the information in the application is
26 accurate.

27 (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids
28 at existing facilities shall be renewed as long as the applicant for renewal continues to meet the
29 requirements of this Section for the license. Only licensees with Certified Herds, as defined in
30 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the
31 number of pens on the licensed facility to increase the holding capacity of that facility. ~~license,~~
32 ~~provided however, no renewal of an existing license shall permit the expansion of pen size or~~
33 ~~number of pens on the licensed facility to increase the holding capacity of that facility.~~ No
34 renewals shall be issued for a license that has been allowed to lapse due to the negligence of the
35 former licensee.

36 (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall
37 only be issued to an individual who is 18 years of age or older. If the licensee of an existing

1 facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally
2 incompetent, or dies, a person who has obtained lawful possession of the facility from the previous
3 licensee or that licensee's estate, may ~~apply for request that the existing captivity license be~~
4 ~~transferred to them and may receive a captivity license~~ to operate the existing facility. Any license
5 ~~issued~~ transferred under this provision shall be subject to the same terms and conditions imposed
6 on the original licensee at the time of his or her surrender or death and shall be valid only for the
7 purpose of holding the cervids of the existing facility within that existing facility. In addition, any
8 actions pending from complaint, investigation or other cause shall be continued notwithstanding
9 the termination of the original license.

10 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule shall be transferable, either as to the
11 holder or the site of a holding ~~facility.~~ facility, except as provided in subparagraph (c)(7).

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

13 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held
14 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or
15 bird may be surrendered to an agent of the Commission.

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

24 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:

25 (i) any species of deer, elk or other members of the family Cervidae, or

26 (ii) any wolf, coyote, or other non-indigenous member of the family Canidae, or

27 (iii) any member of the family Suidae.

28 (f) Transportation Permit.

29 (1) Except as otherwise provided herein, no transportation permit shall be required to move any
30 lawfully held wild animal or wild bird within the State.

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

33 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued
34 for deer, elk, or other species in the family Cervidae except into and between Certified Herds as
35 defined in 15A NCAC 10H .0304. ~~until the U.S. Department of Agriculture (USDA) establishes a~~
36 ~~Chronic Wasting Disease (CWD) program that includes a test to detect Chronic Wasting Disease,~~
37 ~~along with requirements for monitoring cervids that shall establish a basis for determining whether~~

1 a cervid and any cervid herd or farm on which the tested animal has resided has been free of CWD
2 for five years, provided that the program, test and monitoring requirements are recommended for
3 application to wild animals by the Southeastern Cooperative Wildlife Disease Study.

4 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae may
5 be issued by the Commission to an applicant for the purpose of transporting the animal or animals
6 for export out of state, to a slaughterhouse for slaughter, from a Certified Herd to another Certified
7 Herd as defined in 15A NCAC 10H .0304, or to a veterinary medical facility for treatment
8 provided that the animal for which the permit is issued does not exhibit clinical symptoms of
9 Chronic Wasting Disease. No person shall transport a cervid to slaughter or export out of state
10 without bearing a copy of the transportation permit issued by the Commission authorizing that
11 transportation. No person shall transport a cervid for veterinary treatment without having obtained
12 approval from the Commission as provided by Subparagraph ~~(f)(4)(D)~~ ~~(f)(4)(C)~~ of this Rule. Any
13 person transporting a cervid shall present the transportation permit to any law enforcement officer
14 or any representative of the Commission upon request, except that a person transporting a cervid
15 by verbal authorization for veterinary treatment shall provide the name of the person who issued
16 the approval to any law enforcement officer or any representative of the Commission upon
17 request.

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

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

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

- 1 (i) Applicant's name, mailing address and telephone number;
- 2 (ii) Facility 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) Name, site address, county, state and phone number of the destination facility to
- 7 which the cervid is exported;
- 8 (vi) A copy of the importation permit from the state of the destination facility that
- 9 names the destination facility to which the animal is to be exported;
- 10 (vii) Date of departure;
- 11 (viii) Species and sex of each cervid; and
- 12 (ix) Tag number(s)for each cervid.

13 (C) Between herds. Application for a transportation permit for purpose of moving a cervid
14 from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304,
15 shall be submitted in writing to the Commission and shall include the following
16 information along with a statement and applicant's signature verifying that the
17 information is accurate:

- 18 (i) Applicant's name, mailing address and telephone number;
- 19 (ii) Facility site address;
- 20 (iii) Captivity license number;
- 21 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
- 22 trailer used to transport the cervid;
- 23 (v) Name, site address, county, and phone number of the destination facility to
- 24 which the cervid is moved;
- 25 (vi) Date of departure;
- 26 (vii) Species and sex of each cervid; and
- 27 (viii) Tag number(s)for each cervid.

28 ~~(C)~~(D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a
29 veterinary clinic out of the state of North Carolina, or for transportation from a facility
30 out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant
31 from a North Carolina facility seeking to transport a cervid for veterinary treatment to a
32 facility within North Carolina shall contact the Wildlife Telecommunications Center or
33 the Wildlife Management Division of the Commission to obtain verbal authorization to
34 transport the cervid to a specified veterinary clinic and to return the cervid to the facility.
35 Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only
36 to the specified veterinary clinic and directly back to the facility, and shall not be
37 construed to permit intervening destinations. To obtain verbal authorization to transport,

1 the applicant shall provide staff of the Commission the applicant's name and phone
2 number, applicant's facility name, site address and phone number, the cervid species, sex
3 and tag numbers, and the name, address and phone number of the veterinary facility to
4 which the cervid shall be transported. Within five days of transporting the cervid to the
5 veterinary facility for treatment, the licensee shall provide the following information in
6 writing to the Commission, along with a statement and applicant's signature verifying that
7 the information is correct:

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

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

- 23 (A) Applicant name, mailing address, and telephone number;
- 24 (B) Facility site address;
- 25 (C) Captivity license number;
- 26 (D) Name and location of the North Carolina Department of Agriculture Diagnostic lab
27 where the head of the cervid is to be submitted for CWD testing;
- 28 (E) Date of slaughter;
- 29 (F) Species and sex of each cervid; and
- 30 (G) Tag number(s) for each cervid.

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

33 ~~(h) No provision within this Rule other than those that permit transport for export, slaughter or veterinary treatment~~
34 ~~shall be construed to permit transportation of cervids until restrictions on transportation provided within this~~
35 ~~Subchapter, and 15A NCAC 10B .0101 no longer apply.~~

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

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Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;
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permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,
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