

1 15A NCAC 10B .0106 Wildlife Taken for Depredations is proposed for amendment as follows:

2
3 **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDACTIONS**

4 (a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs
5 (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission and Wildlife Damage Control
6 Agents may issue depredation permits. Each permit shall be written on a form supplied by the Commission. No permit
7 is needed for the owner or lessee of a property to take wildlife while committing depredations on the property; however
8 the manner of taking, disposition of dead wildlife, and reporting requirements as described in this Rule still apply.

9 No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except
10 alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for
11 Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may take an endangered or
12 threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or
13 threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to
14 a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen
15 as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following
16 conditions:

17 (1) for taking wildlife that is or has been damaging or destroying property provided there is evidence
18 of property damage. No permit may be issued for the taking of any migratory birds and other
19 federally-protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation
20 permit, if required, has been issued. The permit shall name the species allowed to be taken and may
21 contain limitations as to age, sex, or any other condition within the species so named. The permit
22 shall be issued to a landholder or an authorized representative of a unit of local government for
23 depredations on public property; and the permit shall be used only by individuals named on the
24 permit.

25 (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources
26 present a danger to human safety. Cities as defined in G.S. 160A-1(2) seeking such a depredation
27 permit shall apply to the Executive Director using a form supplied by the Commission requesting
28 the following information:

- 29 (A) the name and location of the city;
- 30 (B) the acreage of the affected property;
- 31 (C) a map of the affected property;
- 32 (D) the signature of an authorized city representative;
- 33 (E) the nature of the overabundance or the threat to public safety; and
- 34 (F) a description of previous actions taken by the city to ameliorate the problem.

35 (b) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing
36 and updating information on wildlife laws and safe, humane wildlife handling techniques, and demonstration of a
37 knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife

1 law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control
2 Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling
3 techniques by a passing score of 85 percent or better on a written examination provided by a representative of the
4 Wildlife Resources Commission, in cooperation with the training course provider, shall be approved. Those persons
5 failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons
6 approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph
7 (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue
8 depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game animals; bats;
9 or species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this
10 Chapter. WDCAs shall report to the Wildlife Resources Commission the number and disposition of animals taken,
11 by county, annually. Records shall be available for inspection by a Wildlife Enforcement officer at any time during
12 normal business hours. WDCA status shall be revoked at any time by the Executive Director when there is evidence
13 of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not
14 charge for the permit, but may charge for his or her investigations and control services. In order to maintain a
15 knowledge of current laws, rules, and techniques, each WDCA shall renew his or her agent status every three years
16 by showing proof of having attended at least one training course provided for the purpose of reviewing and updating
17 information on wildlife laws, and safe, humane wildlife handling techniques within the previous 12 months or agency
18 approved continuing education credits.

19 (c) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer
20 valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be
21 retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources
22 under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements
23 specified in this Rule.

24 (d) Manner of Taking:

25 (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to
26 property may, during the open season on the species, be taken by the landholder by any lawful
27 method. During the closed season, such depredating wildlife may be taken without a permit only
28 by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.

29 (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method
30 or methods authorized by the permit. When trapping is authorized, in order to limit the taking to
31 the intended purpose, the permit may specify a reasonable distance from the property sought to be
32 protected, according to the particular circumstances, within which the traps shall be set. The
33 Executive Director or agent may also state in a permit authorizing trapping whether or not bait may
34 be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that
35 may be contained in the permit, the method of trapping shall be in accordance with the requirements
36 and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly.
37 No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in

1 accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52,
 2 the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No
 3 depredation permit shall authorize the taking of wildlife by any method by any landholder upon the
 4 lands of another except when the individual is listed as a second party on a depredation permit.

- 5 (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit,
 6 intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly
 7 and humanely as the circumstances permit.

8 (e) Disposition of Wildlife Taken:

- 9 (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife
 10 killed without a permit while committing depredations shall be buried or otherwise disposed of in a
 11 safe and sanitary manner on the property. Wildlife killed under a depredation permit may be
 12 transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals
 13 being transported under a depredation permit shall have the depredation permit in his or her
 14 possession. Except as provided by Subparagraphs of (e)(2) through (5) of this Rule, all wildlife
 15 killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.

- 16 (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder
 17 for consumption but shall not be transported from the property where the depredations took place
 18 without a valid depredation permit. The landholder may give a second party the edible portions of
 19 the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall
 20 hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head,
 21 hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or
 22 turned over to a wildlife enforcement officer for disposition.

- 23 (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph
 24 (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B
 25 .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.

- 26 (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for
 27 taking such furbearing animal for control of depredations to property, whether with or without a
 28 permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt
 29 for sale has a valid hunting or trapping license; provided further that, bobcats and otters may only
 30 be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B
 31 .0400.

- 32 (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and
 33 beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely
 34 handle the euthanasia or released on the property where captured. Feral swine shall be euthanized
 35 while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the
 36 animal shall be euthanized or released on property with permission of the landowner. When the
 37 relocation site is public property, written permission shall be obtained from an appropriate local,

1 state, or federal official before any animal may be released. Animals transported or held for
 2 euthanasia shall be euthanized within 12 hours of capture. Anyone in possession of live animals
 3 being transported for relocation or euthanasia under a depredation permit shall have the depredation
 4 permit in his or her possession.

5 (f) Reporting Requirements. Any landholder who kills an alligator; a coyote in the counties of Beaufort, Dare, Hyde,
 6 Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report
 7 such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources
 8 Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington
 9 shall report such kill as directed on the form provided with the depredation permit. The killing and method of
 10 disposition of every alligator; ~~alligator and bear~~, or coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or
 11 ~~Washington~~ Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources Commission
 12 within 24 hours following the time of such killing.

13
 14 *History Note:* Authority *G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-*
 15 *307; 113-331; 113-333; 113-334(a); 113-337;*
 16 *Eff. February 1, 1976;*
 17 *Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008;*
 18 *August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990.*
 19 *Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as*
 20 *specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North*
 21 *Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever*
 22 *date is earlier. The court order is available at www.ncwildlife.org;*
 23 *Temporary Amendment Eff. February 27, 2015;*
 24 *Amended Eff. December 1, 2016; July 1, 2016; May 1, 2016.*