15A NCAC 10H .0301 General Requirements is proposed for temporary amendment as follows:

15A NCAC 10H .0301 GENERAL REQUIREMENTS

(a) Captivity Permit or License Required

(1) Requirement. The possession of any species of wild animal that is or once was native to this State or any species of wild bird, native or migratory, that naturally occurs or historically occurred in this State or any member of the family Cervidae is unlawful unless the institution or individual in possession obtains from the North Carolina Wildlife Resources Commission (Commission) a captivity permit or a captivity license as provided by this Rule.

(2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured, crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within 24 hours of taking possession in order to apply for a captivity permit, provided, however, that under no circumstances shall an individual take possession of an injured, crippled or orphaned wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (3) of this Paragraph.

(3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may receive a captivity permit to possess fawns only for such a period of time as may be required for the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild white-tailed deer fawns and are available only to individuals recognized by the Commission as white-tailed deer fawn rehabilitators.

(b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal or bird if the application for such license is denied, or when an existing captivity license is not renewed or is terminated. Captivity permits shall not be issued for wild turkey or black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (a)(3) of this Rule.

(c) Captivity License.

(1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that are unfit for release or possession of cervids. For purposes of this Rule, wild animals are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat or to other species in that habitat; or if they have been rendered tame by proximity to humans to the extent that they cannot feed or care for themselves without human assistance. Persons interested in obtaining a captivity license shall contact the Commission for an application.
(2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be issued include the following:

(A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.

(B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this Rule, the term "pet" means an animal kept for amusement or companionship. The term shall not be construed to include cervids held in captivity for breeding for sale to another licensed operator.

(C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.

(D) For the purpose of holding wild turkey or black bear.

(E) For the purpose of holding deer, elk, or any other member of the family Cervidae, except current licenses which may be renewed as specified in Subparagraph (6) of this Paragraph.

(3) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity that complies with the standards set forth in Rule .0302 of this Section and the adequacy of such facility has been verified on inspection by a representative of the Commission.

(4) Term of License

(A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.

(B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.

(C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.

(5) Holders of Captivity License for cervids.

(A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.

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

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

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

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

(F) Escape. When a licensee discovers the escape of any cervid from the facility, the
licensee or designee shall report within 24 hours the escape to the Commission. If
possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the
licensee shall request a wildlife take permit and take the escaped cervid pursuant to the
terms of the permit. A recaptured live cervid shall be submitted to the Commission for
CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease
Study unless the executive director determines that the risk of CWD transmission as a
result of this escape is negligible based upon:
(i) amount of time the escaped cervid remained out of the facility;
(ii) proximity of the escaped cervid to wild populations;
(iii) known susceptibility of the escaped cervid species to CWD;
(iv) nature of the terrain in to which the cervid escaped.

(G) Chronic Wasting Disease (CWD)
(i) Detection. Each licensee shall notify the Commission within 24 hours if any
cervid within the facility exhibits clinical symptoms of CWD or if a quarantine
is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.

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

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

(I) The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.

(II) The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.

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

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

(ii) All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304, or the sending herd is a Certified herd and the receiving herd is a licensed facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.

(I) Application for Tags.

(i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the
The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:

(I) Applicant name, mailing address, and telephone number;
(II) Facility name and site address;
(III) Captivity license number;
(IV) Species of each cervid; and
(V) Birth year of each cervid.

(ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304, or the sending herd is a Certified Herd and the receiving herd is a licensed facility. 15A NCAC 10H .0304.

(J) Placement of Tags.

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

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

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

(K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:

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

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

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

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

(6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal has live cervids and continues to meet the requirements of this Section for the license. Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility. A licensee whose license has lapsed shall not be eligible to renew his or her license, but may apply for a new license. No renewals shall be issued for a license that has been allowed to lapse due to the negligence of the former licensee.

(7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint,
investigation or other cause shall be continued notwithstanding the termination of the original license.

(d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.

e) Sale, Transfer or Release of Captive Wildlife.

(1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or bird may be surrendered to an agent of the Commission. This Subparagraph does not apply to persons holding cervids under a captivity permit.

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

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

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

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

(C) any member of the family Suidae.

(f) Transportation Permit.

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

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

(3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued for deer, elk, or other species in the family Cervidae except:

(A) into and between Certified Herds as defined in 15A NCAC 10H .0304; or

(B) from a Certified Herd to a licensed facility.

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

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

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

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

(i) Applicant's name, mailing address and telephone number;
(ii) Facility site address;
(iii) Captivity license number;
(iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
trailer used to transport the cervid;
(v) Name, site address, county, state and phone number of the destination facility to
which the cervid is exported;
Between herds. Application for a transportation permit for purpose of moving a cervid from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304, or from a Certified Herd to a licensed facility, 15A NCAC 10H .0304, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

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

Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
Applicant's name, mailing address and telephone number;

Facility name and site address;

Captivity license number;

Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;

Date of transportation;

Species and sex of each cervid;

Tag number(s) for each cervid;

Name, address and phone number of the veterinarian and clinic that treated the cervid;

Symptoms for which cervid received treatment; and

Diagnosis of veterinarian who treated the cervid.

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

(1) Applicant name, mailing address, and telephone number;

(2) Facility site address;

(3) Captivity license number;

(4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;

(5) Date of slaughter;

(6) Species and sex of each cervid; and

(7) Tag number(s) for each cervid.

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

(h) As used in this Rule, Certified Herd means a captive cervid herd certified in North Carolina according to the procedure set forth rule 10H .0304 of this Section available to North Carolina licensees only.

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

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