

Committee of the Whole



Meeting Agenda **Wednesday, August 26, 2020**

3:00 – 5:00 pm
Webinar Meeting

Call to Order – *Chairman David Hoyle*

Financial Updates

- **Review of Revenue/Expenditures in Operating Fund** – *Dr. DP Singla, CFO*
- **Review of Financial Status – Wildlife Endowment Fund** – *DP Singla*

NC's Controlled Fox Hunting Preserves History and Status – *Colleen Olfenbuttel, Black Bear and Furbearer Biologist*

Rulemaking

- **Permanent Rulemaking Fiscal Note Review and Notice of Text – Controlled Fox Hunting Preserves – 15A NCAC 10H .1200** – Consider approval to publish Notice of Text in the NC Register, open the public comment period, and hold one virtual public hearing for proposed amendments to rules for the licensing and regulation of controlled fox hunting preserves (**Exhibits C-1, C-2**) – *Carrie Ruhlman, Rule-making Coordinator*
- **Permanent Rulemaking Fiscal Note Review and Notice of Text – Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves – 15A NCAC 10B .0409** – Consider approval to publish Notice of Text in the NC Register, open the public comment period, and hold one virtual public hearing for proposed amendments to the rule for trapping and live sale of foxes and coyotes to controlled fox hunting preserves (**Exhibits D-1, D-2**) – *Carrie Ruhlman*

Rule Proposal Review

- **Fisheries Rule Proposals** – *Christian Waters, Inland Fisheries Division Chief*
- **Lands Management Rule Proposals** – *Brian McRae, Land and Water Access Division Chief*
- **Wildlife Management Rule Proposals** – *Brad Howard, Wildlife Management Division Chief*
- **Wildlife and Alligator Control Agents & Wildlife Taken for Depredation** – *Michael Smallwood, Policy Analyst for Rules, and Daron Barnes, Program Manager, RAPS*

Sunday Hunting on Game Lands Update and Discussion – *Brian McRae, Land and Water Division Chief*

Great American Outdoors Act Update – *Jessie Birckhead, Land Acquisition and Grants Manager*

Estuarine Striped Bass Fishery Management Plan Update – *Christian Waters, Inland Fisheries Division Chief*

2021 Statewide Public Hearing Update – *Cameron Ingram, Executive Director*

Consider Addition of a Webinar Wildlife Commission Meeting on Thursday, September 10, 2020 – Consider a webinar Wildlife Resources Commission meeting at 10:00 am on September 10, 2020 to review public comments and consider adoption of temporary rulemaking revisions to 15A NCAC 10D .0103 to correct the primitive weapons season dates on Nicholson Creek Game Land – *Cameron Ingram*

Other Business – *Chairman Hoyle*

Adjourn

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

CAFR 52G - STATEMENT OF REVENUES, EXPENDITURES and CHANGES in FUND BALANCES

GOVERNMENTAL FUNDS

AS OF JUNE 30, 2020

	FY 2020	FY 2019	\$ Change	% Change	FY 2020	FY 2019	\$ Change	% Change
	General	General			Capital Improvement	Capital Improvement		
REVENUES								
Federal funds	\$ 29,643,801.06	\$ 29,093,661.03	\$ 550,140.03		\$ 8,772,514.00	\$ 1,992,561.32	\$ 6,779,952.68	340.3%
Local funds	\$ 4,863.65	\$ 4,071.48	\$ 792.17					
Investment earnings	\$ 165,224.95	\$ 146,803.49	\$ 18,421.46					
Sales and services	\$ 8,309,459.73	\$ 9,746,883.79	\$ (1,437,424.06)	-14.7%				
Rental and lease of property	\$ 46,966.95	\$ 68,943.96	\$ (21,977.01)					
Fees, licenses and fines	\$ 36,635,864.29	\$ 32,880,728.48	\$ 3,755,135.81	11.4%				
Contributions, gifts and grants	\$ 1,642,493.22	\$ 1,105,642.10	\$ 536,851.12		\$ 5,218,151.56	\$ 458,229.82	\$ 4,759,921.74	1038.8%
Miscellaneous	\$ 509,719.23	\$ 547,907.45	\$ (38,188.22)					
Appropriations	\$ 11,980,559.45	\$ 10,625,979.26	\$ 1,354,580.19	12.7%				
TOTAL REVENUES	\$ 88,938,952.53	\$ 84,220,621.04	\$ 4,718,331.49	5.6%	\$ 13,990,665.56	\$ 2,450,791.14	\$ 11,539,874.42	470.9%
EXPENDITURES								
Personal services	\$ 35,161,960.89	\$ 34,280,248.85	\$ 881,712.04					
Employee benefits	\$ 15,166,091.37	\$ 14,397,110.72	\$ 768,980.65					
Contracted personal services	\$ 9,984,593.00	\$ 9,030,569.39	\$ 954,023.61		\$ 365,374.71	\$ 275,050.67	\$ 90,324.04	
Supplies and materials	\$ 7,327,651.49	\$ 7,776,009.69	\$ (448,358.20)		\$ 126,199.23	\$ 311,070.77	\$ (184,871.54)	
Travel	\$ 420,942.92	\$ 551,957.91	\$ (131,014.99)		\$ -	\$ -	\$ -	
Communication	\$ 799,768.13	\$ 802,180.83	\$ (2,412.70)		\$ 23,469.00	\$ 33,470.26	\$ (10,001.26)	
Utilities	\$ 659,831.67	\$ 646,710.68	\$ 13,120.99		\$ 681.58	\$ -	\$ 681.58	
Data processing services	\$ 649,007.45	\$ 1,045,923.63	\$ (396,916.18)		\$ -	\$ -	\$ -	
Other services	\$ 3,763,136.62	\$ 3,961,938.28	\$ (198,801.66)		\$ 14,754.00	\$ 3,747.16	\$ 11,006.84	
Claims and benefits	\$ 1,439,255.32	\$ 1,367,946.92	\$ 71,308.40		\$ -	\$ -	\$ -	
Other fixed charges	\$ 286,581.54	\$ 399,453.14	\$ (112,871.60)		\$ 44,207.31	\$ 1,190.00	\$ 43,017.31	
Capital outlay	\$ 5,894,792.10	\$ 4,635,149.44	\$ 1,259,642.66	27.2%	\$ 15,403,939.20	\$ 2,851,922.98	\$ 12,552,016.22	440.1%
Grants, state aid and subsidies	\$ 2,160,331.67	\$ 1,713,443.11	\$ 446,888.56					
Insurance and bonding	\$ 314,620.20	\$ 296,220.53	\$ 18,399.67					
Other expenditures	\$ 1,362,235.64	\$ 1,254,554.36	\$ 107,681.28		\$ 12,413.11	\$ 16,965.00	\$ (4,551.89)	
Reimbursements	\$ (1,095,708.94)	\$ (829,088.84)	\$ (266,620.10)					
TOTAL EXPENDITURES	\$ 84,295,091.07	\$ 81,330,328.64	\$ 2,964,762.43	3.6%	\$ 15,991,038.14	\$ 3,493,416.84	\$ 12,497,621.30	358%
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ 4,643,861.46	\$ 2,890,292.40	\$ 1,753,569.06	60.7%	\$ (2,000,372.58)	\$ (1,042,625.70)	\$ (957,746.88)	91.9%
OTHER FINANCING SOURCES (USES)								
Sale of capital assets	\$ 205,674.44	\$ 240,144.89	\$ (34,470.45)					
Insurance recoveries	\$ 15,640.45	\$ 60,000.00	\$ (44,359.55)					
Transfers in	\$ 3,687,925.45	\$ 4,187,159.97	\$ (499,234.52)		\$ 1,332,009.85	\$ 1,039,400.00	\$ 292,609.85	
Transfers out	\$ (8,470,551.85)	\$ (6,897,747.53)	\$ (1,572,804.32)	22.8%				
TOTAL OTHER FINANCING SOURCES (USES)	\$ (4,561,311.51)	\$ (2,410,442.67)	\$ (2,150,868.84)		\$ 1,332,009.85	\$ 1,039,400.00	\$ 292,609.85	
EXCESS OF REVENUES AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	\$ 82,549.95	\$ 479,849.73	\$ (397,299.78)		\$ (668,362.73)	\$ (3,225.70)		
FUND BALANCE - JULY 1, As previously stated	\$ 15,317,893.28	\$ 14,838,043.55	\$ 479,849.73		\$ 3,983,533.15	\$ 3,986,758.85		
FUND BALANCE - JUNE 30	\$ 15,400,443.23	\$ 15,317,893.28	\$ 82,549.95		\$ 3,315,170.42	\$ 3,983,533.15		

52G Review

Variance analysis performed on those account categories having a \$1m positive or negative change when comparing FY 2020 to FY 2019

Revenue – General Fund

- Sales & Service, **decrease** of \$1.4m (14%) year over year (fiscal year to date June 2020), reason is that timber sales were down due to weather, COVID19 impact on lumber and end product markets
- License Fees, **increase** of \$3.7m (11%) year over year (fiscal year to date June 2020), reason is license fee increase January 1, 2020 6%, COVID19 impact (fishing license purchases accelerated as people had time to go fishing due to COVID19, and potential for new and/or reactivated license holders due again to having time to go fishing)
- Appropriations **increase** of \$1.3m (12%) as authorized by the legislature

Expenditures – General Fund

- Capital Outlay **increase** of \$1.2m (27%) year over year (fiscal year to date June 2020) reason is Boating Access Area paving projects, Beaufort BAA, Hanging Dog BAA, Odom and the Butner Depot, total of \$1.1m

Other Financing Sources (Uses)

- Transfers Out **increase** of \$1.3m (22%) for a bond payment for the Headquarters building

Revenue – Capital Improvement

- Federal Funds **increase** of \$6.7m (340%) which includes a \$3.3m drawdown of funds for the purchase of the Alcoa Tract
- Contributions **increase** \$4.7m (1038%) which includes the amount received from Alcoa Tract funding partners \$4.2m

Expenditures – Capital Improvement

- Capital Outlay **increase** of \$12m (440%) which is the purchase of the Alcoa Tract purchase

Endowment Fund Review

Bond Index Fund – Equity Index Fund portfolio balancing – currently 66% BIF, 34% EIF, (based on market value at June 30, 2020), we are doing the \$1.5m transfer from BIF to EIF for portfolio balancing, should we continue? (see Endowment Fund rollforward)

EXHIBIT C-1
August 27, 2020



Fiscal Note for Proposed Changes to Controlled Fox Hunting Preserve Rules and Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves Rule

Rule Amendments: 15A NCAC 10H .1201 Definitions and General Requirements
15A NCAC 10H .1202 Establishment and Operation
15A NCAC 10H .1203 Quality of Foxes and Coyotes Released
15A NCAC 10H .1204 Records Required
15A NCAC 10H .1205 Hunting License Required
15A NCAC 10H .1206 Minimum Standards for Care of Foxes and Coyotes
15A NCAC 10H .1207 License Revocation and Enforcement
15A NCAC 10B .0409 Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves

Agency Contact: Carrie Ruhlman
Sr. Policy Analyst
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC
(919) 707-0011
carrie.ruhlman@ncwildlife.org

Impact Summary: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Impact: No

Authority: G.S. 14-418(c), 19A-11, 106-549.97(b), 113-131, 113-134, 113-140, 113-272.5, 113-272.6, 113-274, 113-276.2, 113-274, 150B-3

Background

The wildlife resources of the State belong to the people of the State, including the enjoyment of these resources (G.S. 113-131(a)). The Wildlife Resources Commission (hereinafter WRC or Commission) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

Controlled hunting preserves (CFHPs) are authorized by G.S. 113-273(g) and the Commission is authorized by rule, to set standards for and to license the operation of these preserves by private persons. This same statute also authorizes CFHP operators to purchase live foxes and coyotes from licensed trappers who live-trap foxes and coyotes during open seasons, and sale of live foxes from one licensed preserve to another.

There are currently 134 licensed controlled fox hunting preserves (CFHP) in North Carolina. According to a 2018 study by The Wildlife Management Institute, these preserves (133 at that time) were located in 46 counties and ranged in size from five acres to 1,250 acres.

I. Introduction and Purpose of Rule Change

The rules in 15A NCAC 10H .1200 were part of the agency's 2016 periodic review of rules package. All rules in this Section were determined to be necessary with substantive public interest and are thus required to be readopted.

Because these rules have only been amended once since 1990, for the addition of coyotes, revisions were necessary to update language, clarify requirements and improve regulatory oversight. Additionally, due to the proposed changes to the CFHP rules, the rule regulating live sale of foxes and coyotes to fox preserves also needed to be updated. Agency staff have worked with both licensed CFHP owners/operators and licensed trappers to propose revisions to these rules. The proposed rules can be found in Appendix A.

II. Quantifiable Impacts - Costs

State Impact

The proposed amendments to the CFHP rules and trapping rule are anticipated to have minimal economic impacts to the state.

CFHP Rules

License holders will be required to keep records of all foxes and coyotes released into and removed from their preserve on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in fox enclosures and aid in understanding the impacts that this activity has (or not) on wild populations. It will also provide information on the movement of foxes and coyotes between preserves to improve understanding of the demand for these animals in preserves. The records will need to be submitted to the Commission prior to the reissuance of a CFHP operator license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$5,334 per year related to review of records and reissuance of licenses associated with approximately 135 licensed CFHPs ($\$66.67/\text{hr} \times 80 \text{ hrs/yr} = \$5,334/\text{yr}$).

Trapping Rule

Licensed trappers selling live foxes and/or coyotes to CFHPs will be required to keep records of all foxes and coyotes sold on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in preserves and aid in understanding the impacts that this activity has (or not) on wild populations. These forms will need to be submitted to the Commission prior to the reissuance of the individual's trapping license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$2,667 per year related to review of records and reissuance of licenses for approximately 126 trappers ($\$66.67/\text{hr} \times 40 \text{ hrs/yr} = \$2,667/\text{yr}$).¹

Local Impact

The proposed revisions to the CFHP rules and trapping rule are anticipated to have no local government economic impacts.

Private Impact

The proposed revisions to the CFHP rules and trapping rule are expected to have minimal private impacts.

CFHP Rules

Fencing²

The proposed CFHP rules require that preserve boundaries have a minimum four-foot high fence with electrified wires on both the top and bottom to prevent ingress and egress of wildlife and dogs. While the requirement of a dog-proof fence is not new, the details of this requirement are and could create a cost for CFHP owners.

The agency is unaware of any currently licensed CFHPs with fences that are less than four feet high. However, should one exist, there are two options for the preserve to meet the new height requirement - either add a section of fencing to the top of the existing fencing, or fence/re-fence the perimeter of the preserve.

Currently, licensed CFHPs range in size from five acres to approximately 1,250 acres. The actual amount of fencing required to enclose a preserve is dependent on the layout and topography of the property. However, assuming a flat, square, five-acre preserve needing to be completely fenced or re-fenced, a minimum of approximately 1/8 mile, or 1,980 feet, of fencing would be required. A 1,200-acre preserve would require approximately 19 miles, or 100,600 feet, of fencing to encompass a flat, square boundary. Assuming the operator used 16-gauge wire, 2"x 2" mesh, 4-foot fence around the entire perimeter of the preserve, fencing alone could cost anywhere from \$2,220 (20 rolls x \$111/100ft roll = \$2,220) to approximately \$111,666 (1,006 rolls x \$111/100ft roll = \$111,666).

¹ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

² Estimated material costs obtained from tractorsupply.com.

Fence posts (6-foot studded T-posts at approximately \$4 each placed every 10 feet around the perimeter of the enclosure) could add approximately \$792 to the expense on a 5 acre property (1,980 feet/10 feet/post = 198 posts x \$4/post = \$792) and approximately \$40,240 to the cost of fencing a 1,200 acre property (100,600 feet/10 ft/post = 10,060 posts x \$4/post = \$40,240). Post knob insulators (two per post) would be an additional \$96 for the 5-acre preserve (396 insulators/25 insulators/package = 16 packages x \$6/package = \$96) and approximately \$4,830 for a 1,200 acre preserve (20,120 insulators/25 insulators/package = 805 packages x \$6/package = \$4,830).

Approximate ¼ mile or 4,000 feet of electric wire and 38 miles or 201,200 feet of electric wire would be required to electrify the top and bottom of the fences of a 5-acre and 1,200-acre facility respectively. Assuming use of 4,000 feet of 14-gage, galvanized electric fence wire connected to a 5-mile electric fence charger, the additional cost for electrifying the fence at a five acre preserve would be approximately \$140 (4,000 feet/1,320 feet/spool = 3 spools x \$30/spool = \$90 + \$50 charger = \$140). Use of 201,200 feet of the same wire and a 60-mile charger, the estimated cost for electrified fencing at a 1,200-acre preserve would be approximately \$3,935 (201,200 feet/ 2,640 feet/spool = 76 spools x \$50/spool = \$3,800 + \$135 charger = \$3,935).

The total estimated cost for fencing a 5-acre CFHP to comply with proposed requirements is approximately \$3,248 (\$2,220 + \$792 + \$96 + \$140 = \$3,248). The total estimated cost for fencing a 1,200-acre CFHP to comply with proposed requirements is approximately \$158,259 (\$111,666 + \$40,240 + \$4,830 + \$3,935 = \$160,671).

Dog Densities

Some CFHPs charge a fee per dog for training events and field trials. The 2018 WMI study found that, of the operators responding, the average fee per dog for paid training events was \$10.50, paid unsanctioned field trials was \$30.80, and paid sanctioned field trials was \$34.02. However, over 90% of these same respondents indicated that the income earned from CFHPs was not important to their households.³

The WRC does not currently regulate the number of dogs on preserves. However, the proposed rule changes will include a maximum number of dogs per acre. Thus, some CFHPs may need to put a limit on the number of dogs they allow into their preserves for training and field trial events. While the agency knows this proposed change has the potential to financially impact some CFHP operators, there is no way, based on available data, to accurately estimate the potential loss of revenue or opportunity for CFHP operators.

III. Quantifiable Impacts - Benefits

State Impact

The proposed changes are expected to have no quantifiable state benefits.

Local Impact

³ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

The proposed changes are expected to have no quantifiable local benefits.

Private Impact

The proposed changes are expected to have no quantifiable private benefits.

IV. Unquantifiable Impacts - Costs

Private Impact

CFHP Rules

Acreage

Currently, the smallest licensed CFHP is five acres. The proposed minimum size limit for all CFHPs is five acres. The Commission feels that this minimum standard, in conjunction with other proposed standards, is necessary for the welfare of foxes and coyotes in the preserve. While it is unlikely anyone would want to open a CFHP less than five acres (according to the WMI report, in 2018, only 3.8% of licensed CFHPs were less than 10 acres), it is possible that this proposed size limit could limit opportunities.

Escape Dens

Escape dens for foxes and coyotes are currently required in rule (1 per 35 acres). However, the proposed rule requires a minimum of 3 escape dens regardless of CFHP size to ensure adequate escape for foxes and coyotes regardless of natural habitat in the preserve. It is the agency's understanding that many CFHPs already have more escape dens than are required by rule. However, for smaller preserves impacted by the proposed minimum, there would be a cost associated with compliance, though it would likely only be the addition of one or two escape dens.

Because there is no prescribed way to build an escape den, a stationary manmade structure providing refuge from dogs, there are a variety of structures that could be built to accomplish this purpose. Thus, it is not feasible for the agency to estimate a cost associated with this proposed requirement.

Quarantine

Proposed changes to Rule 10H .1203 include specific details on quarantining facilities when contagious diseases are identified. It is likely that if quarantine is necessary, it would last for a minimum of 30 days. However, because the quarantine could be as a result of anything from a rabies outbreak to a parasite or other disease that persists in the environment, and depopulation of the preserve or contract tracing may be required, it is not feasible to speculate the upper time limit of a potential CFHP quarantine.

While specific costs cannot be attributed or estimated for potential requirements of quarantine, the affected CFHP would be prohibited from removing or introducing foxes and coyotes, may be required to clean or disinfect parts of the facility and may be prohibited from normal operation

by way of temporary license suspension. In addition to the unquantifiable monetary cost of quarantine, a preserve would also lose the opportunity to operate and potentially generate revenue due to the specific requirements added to the rule.

Acclimation

Acclimation is currently required by rule but there are no specific requirements for acclimating newly introduced foxes and coyotes. Proposed changes to 10H .1206 will require new foxes and coyotes be held in an area with no chase by dogs for seven days. This could be a separate area from the preserve where dogs run so the CFHP could still operate while new foxes and/or coyotes are acclimating, or it could be in the CFHP itself. Because all CFHPs are set-up and configured differently, the agency has no way to accurately determine if any monetary or opportunity costs are associated with the proposed acclimation requirements.

Trapping Rule

Record Keeping

Proposed changes to the trapping rule require trappers to keep records of all foxes and coyotes sold, transferred, or exchanged to controlled fox hunting preserves on a form provided by the Commission. These records must be submitted annually prior to reissuance of their trapping license and retained for 12 months. While these record-keeping requirements will not be a cost to the trappers, they will require minimal additional time and effort.

Minimum Standards for Care

The proposed amendments will also limit the holding time for foxes and coyotes trapped for live sale to 30-days after capture to ensure that they are not being held in long-term captivity because they are exempt from long-term holding requirements of a captivity license. Additionally, specific requirements for the trapper to provide food, drinking water and shelter have been proposed. It is unlikely these proposed requirements will introduce any new costs to licensed trappers, as they are already doing these things. However, limiting the holding time could introduce a burden or opportunity cost to trappers wanting to hold the animal longer.

V. Unquantifiable Impacts – Benefits

State Impact

The proposed changes are expected to benefit the state by improving regulatory oversight on fox preserves and fox and coyote trappers selling to preserves. Specifically, the proposed changes will provide information to help the Commission regulate the trapping of foxes and coyotes, regulate transfer of foxes and coyotes to and between preserves, and make more informed decisions on fox and coyote trapping in the future.

Private Impact

The proposed changes are expected to have no quantifiable private benefits to individuals but will provide licensed operators and trappers with clearer, better defined standards and requirements.

VI. Economic Impact Summary

Quantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, few costs identified were quantifiable. These include the following:

State

CFHP

- Form development, annual review, and license administration: Year 1 = \$5,867;
Recurring = \$5,334/year

Trapping

- Form development, annual review, and license administration: Year 1 = \$3,200;
Recurring = \$2,667/year

Based on these estimates, the agency expects a cost of approximately \$9,067 in year one, and a recurring cost of approximately \$8,001 each year thereafter.

Private

CFHP

- Fencing:
 - 5-acre CFHP = \$3,248
 - 1,200-acre CFHP = \$160,671
- Dog Density: Potential loss of \$10.50 to \$30.80 per dog, per training or field trial event

Potential quantifiable private costs range from an estimated one-time cost of \$3,245 to \$160,671 for fencing, to a recurring opportunity cost of \$10.50 - \$30.80 per dog, per event.

Unquantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several costs and benefits identified were unquantifiable. These include the following:

State

Private

CFHP Costs

- Escape dens
- Minimum acreage restriction
- Quarantine requirements
- Acclimation requirements

Trapping Costs

- Value of trapper's time for record-keeping
- Maximum holding time and care requirements

Unquantifiable Benefits

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several unquantifiable benefits were identified. These include the following:

State

- Improved regulatory oversight
 - Information to help the Commission regulate the trapping of foxes and coyotes,
 - Information to help the Commission regulate transfer of foxes and coyotes to and between preserves.

Private

- Clear, unambiguous standards and requirements for license holders.

Although several proposed changes are accompanied by anticipated fiscal impacts and/or may limit opportunities, the agency does not anticipate significant impact to currently licensed preserves operators or trappers, not does the Commission anticipate fewer opportunities for new licensees. Thus, the anticipated benefits of the proposed rule changes, though unquantifiable, are expected to outweigh the estimated costs.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1201 ~~LICENSE TO OPERATE~~ DEFINITIONS AND GENERAL REQUIREMENTS

(a) The Rules in this section apply to all controlled hunting preserve operator licenses issued by the Wildlife Resources Commission (Commission) in accordance with G.S. 113-273(g) for controlled fox hunting preserves.

(b) The following definitions shall apply to all rules in this Section:

- (1) “Acclimation” means an adjustment period to allow foxes and coyotes to become accustomed to the controlled fox hunting preserve.
- (2) “Controlled fox hunting preserve” means an enclosed area where foxes and coyotes are pursued with dogs.
- (3) “Escape den” means a stationary manmade structure that provides refuge for foxes and coyotes from dogs.
- (4) “Dog proof fence” means a perimeter fence designed to prevent the ingress or egress of dogs, foxes, or coyotes over, under, or through the fence.
- (5) “Fox” means red fox and gray fox including their color morphs.

~~(c) It shall be unlawful for any individual, firm, association or corporation~~ Any individual wanting to operate a controlled fox hunting preserve without shall first obtain a controlled hunting preserve operator license from the Commission. ~~North Carolina Wildlife Resources Commission a license for this purpose.~~

~~(b) A controlled fox hunting preserve license shall entitle the holder or holders and their guests, to hunt foxes and coyotes at any time within the fenced area. Controlled fox hunting preserve licenses shall not be transferable, either as to operator or as to site of operation.~~

~~(e)(d) Applicants for a controlled hunting preserve operator license shall be prepared to show proof of ownership or lease of the land contained in the proposed controlled fox hunting preserve, preserve or that they have this land under lease for the duration of the license period.~~

~~(e) Application for a controlled fox hunting preserve operator licenses shall be made on forms obtained from the Commission.~~ online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606. Information required by the applicant shall include:

- (1) the applicant’s name, address, telephone number, date of birth;
- (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and
- (3) species within the preserve.

(f) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by relocating the site of the preserve.

~~(d) Upon receipt of an application accompanied by the statutory fee, the Commission shall issue a license, provided it is determined that the location and operation of such a hunting preserve is consistent with the wildlife conservation program and in the public interest; and further provided that all regulations herein regarding establishment of such areas have been complied with.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION

~~(a) Size of Preserve. Controlled fox hunting preserves operated for commercial purposes shall be an area of not less than 500 acres except that smaller areas containing terrain and topographical features which offer escape cover to the fox and coyote populations are allowed under specific approval by the Wildlife Resources Commission. Controlled fox hunting preserves shall be at least five (5) acres in size.~~

~~(b) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and hydrology of the preserve, A a controlled fox hunting preserve must preserve shall be enclosed with a dog-proof fence that is also designed to prevent the escape of foxes and coyotes released within the pen. This fencing must be maintained at all times. meets the following minimum requirements:~~

- ~~(1) is at least four (4) feet high;~~
- ~~(2) has a top electrified wire at least three (3) feet above the ground surface;~~
- ~~(3) has a bottom electrified wire no more than one (1) foot above the ground surface; and~~
- ~~(4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals to enter or exit the preserve.~~

~~(c) Escape Dens. A controlled fox hunting preserves shall have a minimum of one escape den per 35 acres with no less than three escape dens.~~

~~(d) Stocking Preserve With with Game. Game: The following shall apply to foxes and coyotes released into a preserve:~~

- ~~(1) only foxes and coyotes may be released onto controlled fox hunting preserves;~~
- ~~(2) In addition to purchasing operators may purchase live foxes and coyotes as provided in from:
 - ~~(A) licensed trappers in accordance with G.S. 113-273(g); operators of controlled fox hunting preserves may also purchase live foxes and coyotes from~~
 - ~~(B) other licensed controlled fox hunting preserves, preserves;~~
 - ~~(C) licensed North Carolina fur propagators, propagators; or~~
 - ~~(D) persons holding foxes or coyotes legally under a North Carolina wildlife captivity license. license.~~~~
- ~~(2)(3) Licensed licensed controlled fox hunting preserve operators may hold legally obtained foxes and coyotes under rules that apply to a captivity license in accordance with food, sanitation, and enclosure requirements in 15A NCAC 10H .1404;~~
- ~~(4) licensed controlled fox hunting preserve operators and may transport legally acquired foxes and coyotes from the place of purchase to the controlled fox hunting preserve. preserve; and~~
- ~~(3)(5) Foxes foxes and coyotes may shall not be imported into North Carolina for release into controlled fox hunting preserves.~~
- ~~(4) The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.~~
- ~~(5) The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.~~
- ~~(6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a valid transportation permit.~~
- ~~(7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a valid transportation permit or a copy of the operator's current license.~~

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

(e) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the nearest dog as follows:

- (1) fox only preserve: .5 dog per 1 acre;
- (2) fox and coyote preserve: .75 dog per 1 acre; and
- (3) coyote only preserve: 1 dog per 1 acre

*History Note: Authority G.S. 113-134; 113-273(g); 113-291.3(a)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED

~~(a) All foxes and coyotes purchased-purchased, acquired, transferred, released, sold, or raised for release on controlled fox hunting preserves shall be appear visibly healthy and free from disease. disease of any kind. An examination and inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time.~~

~~(b) All dead foxes and coyotes, except those killed taken by lawful method(s) dogs during a hunt, or diseased foxes and coyotes found within the pen shall be reported to the Commission within 48-hours of discovery. submitted to a North Carolina Department of Agriculture diagnostic lab for diagnosis. A copy of the diagnostic report shall be mailed to the Wildlife Resources Commission. Possession of unhealthy or diseased foxes and coyotes shall be grounds for revocation or denial of a controlled fox hunting preserve license.~~

~~(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located- identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may include:~~

- ~~(1) temporarily prohibiting removal or introduction of foxes and coyotes except as specifically provided by written permit issued by the Commission.~~
- ~~(2) notification to the county health department;~~
- ~~(3) cleaning or disinfection of the facility; and~~
- ~~(4) temporary license suspension.~~

~~(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of disease exposure to foxes, coyotes, domestic dogs or other animals.~~

*History Note: Authority G.S. 113-134; 113-273(g);113-132(b)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1204 RECORDS REQUIRED

(a) License holders shall keep an accurate record, on a form provided by the Commission, including bill of sale for all foxes and coyotes released into and or removed from the preserve from licensed trappers, other licensed controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a captivity license. released into the controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license, propagator license, or captivity license number, if applicable;
- (2) trapper identification number or name and address, if applicable;
- (3) transportation permit number, if applicable;
- (4) species and quantity of each;
- (5) date of purchase or transfer; and
- (6) county of origin.

(b) Records shall be maintained and available for inspection by officials of representatives of the North Carolina Wildlife Resources Commission at all times, upon request and during normal operating hours.

(c) Records shall be submitted to the Commission prior to the reissuance of the license.

(d) Records shall be retained by the license holder for 12 months following expiration of the license.

History Note: Authority G.S. 113-134; 113-273(g);

Eff. August 1, 1990;

Amended Eff. June 1, 2004.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1205 HUNTING LICENSE REQUIRED

(a) ~~Every person hunting-participating in the pursuit of wildlife on a controlled fox hunting preserve shall have in his possession a proper-valid~~ resident or nonresident hunting license or ~~special-controlled hunting preserve~~ hunting license for the current year as required by law. in his or her possession, in accordance with 15A NCAC 10B .0114.

(b) ~~Nonresidents participating in a Commission-sanctioned field trial-trial, as defined in 15A NCAC 10B .0114, properly approved in advance by a Wildlife Enforcement Officer are exempt from North Carolina licensing requirements in section (a) of this Rule, provided providing they possess-have~~ a valid hunting license from their state of ~~residence-residence in their possession.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES

~~(a) A minimum of one dog proof escape den for each 35 acres contained in the controlled fox hunting preserve must be provided and maintained.~~

~~(b)(a) Adequate food, Food and clean water water, and cover shall be provided to foxes and coyotes. provided to maintain a viable population of foxes within the controlled fox hunting preserve as follows:~~

- ~~(1) food shall be of a type and quantity that is appropriate for the species; and~~
- ~~(2) a constant supply of drinking water shall be available or provided.~~

~~(c) Since the intent of these rules is to promote a fair chase situation involving a resident population of foxes, the~~

~~(b) operator should make provisions. The following conditions shall apply to acclimate the acclimation of newly introduced foxes and coyotes: to the escape mechanisms located within the pen prior to pursuing the foxes with dogs.~~

- ~~(1) the acclimation period shall be at least seven (7) days;~~
- ~~(2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area used for acclimation; and~~
- ~~(3) chase by dogs during the acclimation period shall be prohibited.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE

(a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting preserve upon request to the license holder or during the preserve’s operating hours for inspection, enforcement, or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license holder’s controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter IV of Chapter 113 of the North Carolina General Statutes, certain provisions of G.S. 14-360, the Rules of this Section, or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based upon the seriousness of the violation, which may include:

- (1) felony animal abuse as specified in G.S. 14-360(a1) and (b) of the North Carolina General Statutes;
- (2) purposefully releasing foxes and coyotes into the wild;
- (3) falsifying records; or
- (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

In accordance with provisions of G.S. 113-273(g) the Wildlife Resources Commission may revoke or suspend the license of any controlled fox hunting preserve operator upon violation of these rules.

(c) ~~Where there is evidence of such a violation, the Executive Director or his designee~~ The Commission shall give the ~~operator~~ license holder written notice in accordance with G.S. 113-276.2(e) before revoking a license. ~~20 days notice in writing to show cause to the Executive Director or his designee why his license should not be suspended or revoked.~~

(d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed animal(s), which may include seizure, release, relocation, or euthanasia.

(e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine disposition of the animals, which may include seizure, release, relocation, or euthanasia.

*History Note: Authority G.S. 113-134; 113-273(g); 113-276.2;
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING PRESERVES

(a) In counties with a trapping season for foxes and coyotes that do not prohibit live sale, Licensed licensed trappers may, subject to the restrictions on taking foxes in G.S.113- 291.4, live-trap foxes and coyotes during ~~any open trapping~~ that season for foxes and coyotes, and sell them to licensed controlled fox hunting preserves in accordance with the following conditions: conditions set forth in this rule.

(1)(b) Licensed trappers are exempt from ~~eaging~~, captivity permit ~~or and~~ captivity license requirements set forth in 15A NCAC 10H .0300 for any live-trapped foxes or coyotes trapped for the purpose of sale to controlled fox hunting preserves. This exemption shall apply during the trapping season for foxes and coyotes, and for no more than ~~40-30~~ days after the trapping season.

(c) Live-trapped foxes and coyotes shall not be held for more than 30 days after capture.

(d) Licensed trappers shall provide drinking water, food of a type and quantity appropriate for the species, and shelter that protects the foxes and coyotes from direct sunlight and precipitation.

(2)(e) Licensed trappers ~~are~~ shall be exempt from tagging requirements set forth in this Section so long as the foxes are kept alive.

(f) Licensed trappers and any individual(s) transporting live foxes and coyotes shall have a current and valid transportation permit prior to taking possession of the live foxes and coyotes.

(g) Licensed trappers shall keep accurate written records, on a form provided by the Commission, for all foxes and coyotes sold or transferred to a controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license number, if applicable;
- (2) transportation permit number;
- (3) county of origin;
- (4) number of animals of each species;
- (5) date of capture; and
- (6) date of sale or transfer.

(h) Records required pursuant to this Rule shall meet the following requirements:

- (1) available for inspection by representatives of the Commission upon request;
- (2) submitted to and received by the Commission annually by May 1; and
- (3) retained by the trapper for 12 months following transportation permit expiration.

*History Note: Authority G.S. 113-274; 113-291.3(4); 113-134; 113-273(g);113-291.4;
Eff. January 1, 1992;
Amended Eff. July 10, 2010; June 1, 2004.*

EXHIBIT C-2

August 27, 2020



Proposed Amendments to 15A NCAC 10H .1200 - Controlled Fox Hunting Preserves Recommended by Agency Staff for Public Notice, Comment, and Presentation at Public Hearing

The rules in 15A NCAC 10H .1200 were part of the agency's 2016 periodic review of rules package. All rules in this Section were determined to be necessary with substantive public interest. Because these rules have only been amended once since 1990, for the addition of coyotes, revisions were necessary to update language, clarify requirements and improve regulatory oversight.

The agency requested and received an extension to the readoption deadline for 10H .1200 rules in March 2019 allowing staff to engage with licensed fox preserve owners/operators to amend the rules. The current readoption deadline is December 31, 2020.

10H .1201

Establishes definitions used throughout 10H .1200 and details standard conditions of controlled hunting preserve operator licenses, including applicant requirements. Proposed changes include the following:

- Updated title of Rule to reflect content;
- Added definitions for terms used throughout the controlled fox hunting preserve rules;
- Detailed application requirements; and
- Removal of vague and unclear language.

10H .1201 Definitions and General Requirements (page 4)

10H .1202

Provides clarification on size and boundary requirements, features within the preserve, stocking and dog densities. Specific changes include the following:

- Minimum preserve size limit;
- Specific fencing requirements to qualify as "dog-proof";
- Minimum escape den requirements;
- Detailed purchase, transfer and transportation requirements for foxes and coyotes; and
- Dog density requirements based on acreage.

10H .1202 Establishment and Operation (pages 5-6)

10H .1203

Provided details on and clarified animal health, reporting, and quarantine requirements. Specific changes include the following:

- Specified that all foxes and coyotes released on the preserve must appear healthy and free from disease;
- Removed redundant language;
- Specified that all dead foxes and coyotes, except those taken by lawful methods, must be reported to the Commission within 48-hours of discovery; and
- Detailed possible quarantine scenarios and lift requirements.

10H .1203 Quality of Foxes and Coyotes Released (page 7)

10H .1204

Provided details on record-keeping requirements for all foxes and coyotes released into or removed from the preserve. Specific changes include the following:

- Commission will provide a form for record-keeping;
- Records must be available to the Commission upon request during normal preserve operating hours;
- Records must be submitted prior to reissuance of the license; and
- Records must be retained by the license holder for 12 months following license expiration.

10H .1204 Records Required (page 8)

10H .1205

Updated language, included references, and provided details on hunting license requirements.

10H .1205 Hunting License Required (page 9)

10H .1206

Updated language and provided details on minimum standards of care. Specific changes include the following:

- Updated title of Rule to reflect content;
- Detailed food and water requirements for foxes and coyotes; and
- Provided details on new fox and coyote acclimation requirements.

10H .1206 Minimum Standards for Care of Foxes and Coyotes (page 10)

10H .1207

Updated language for consistency with other licenses subject to administrative control. Specific changes include the following:

- Updated title of Rule to reflect content;
- Establishes Commission inspection of license holder preserves

- Details criteria under which the Commission may issue warnings, modify, revoke, or suspend licenses;
- Reference to statute regarding notice to revoke; and
- Presents options for disposition of unlawfully possessed and seized wildlife.

10H .1207 License Revocation and Enforcement (page 11)

1 **15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION**

2 (a) Size of Preserve. ~~Controlled fox hunting preserves operated for commercial purposes shall be an area of not less~~
3 ~~than 500 acres except that smaller areas containing terrain and topographical features which offer escape cover to the~~
4 ~~fox and coyote populations are allowed under specific approval by the Wildlife Resources Commission. Controlled~~
5 ~~fox hunting preserves shall be at least five (5) acres in size.~~

6 (b) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and hydrology
7 of the preserve, A a controlled fox hunting preserve must preserve shall be enclosed with a dog-proof fence that is
8 also designed to prevent the escape of foxes and coyotes released within the pen. ~~This fencing must be maintained at~~
9 ~~all times.~~ meets the following minimum requirements:

- 10 (1) is at least four (4) feet high;
- 11 (2) has a top electrified wire at least three (3) feet above the ground surface;
- 12 (3) has a bottom electrified wire no more than one (1) foot above the ground surface; and
- 13 (4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals
14 to enter or exit the preserve.

15 (c) Escape Dens. Controlled fox hunting preserves less than 106 acres shall have a minimum of three escape dens.
16 Those preserves equal to or greater than 106 acres shall have one additional escape den per 1-35 acre interval
17 thereafter.

18 (d) Stocking Preserve ~~With~~ with Game. Game: The following shall apply to foxes and coyotes released into a preserve:

- 19 (1) only foxes and coyotes may be released onto controlled fox hunting preserves;
- 20 (2) In addition to purchasing operators may purchase live foxes and coyotes as provided in from:
 - 21 (A) licensed trappers in accordance with G.S. 113-273(g), 113-273(g); operators of
22 controlled fox hunting preserves may also purchase live foxes and coyotes from
 - 23 (B) other licensed controlled fox hunting preserves, preserves;
 - 24 (C) licensed North Carolina fur propagators, propagators; or
 - 25 (D) persons holding foxes or coyotes legally under a North Carolina wildlife captivity
26 license.
- 27 ~~(2)(3)~~ Licensed licensed controlled fox hunting preserve operators may hold legally obtained foxes and
28 coyotes under rules that apply to a captivity license in accordance with food, sanitation, and
29 enclosure requirements in 15A NCAC 10H .1404;
- 30 (4) licensed controlled fox hunting preserve operators and may transport legally acquired foxes and
31 coyotes from the place of purchase to the controlled fox hunting ~~preserve.~~ preserve; and
- 32 ~~(3)(5)~~ Foxes foxes and coyotes may shall not be imported into North Carolina for release into controlled
33 fox hunting preserves.
- 34 ~~(4)~~ The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.
- 35 ~~(5)~~ The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.
- 36 (6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a valid
37 transportation permit.

1 (7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a valid
2 transportation permit or a copy of the operator's current license.

3 (e) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the nearest
4 dog as follows:

5 (1) fox only preserve: .5 dog per 1 acre;

6 (2) fox and coyote preserve: .75 dog per 1 acre; and

7 (3) coyote only preserve: 1 dog per 1 acre

8

9

1 **15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED**

2 ~~(a) All foxes and coyotes purchased~~ purchased, acquired, transferred, released, sold, or raised for release on controlled
3 fox hunting preserves shall be appear visibly healthy and free from disease. ~~disease of any kind. An examination and~~
4 ~~inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time.~~

5 ~~(b) All dead foxes and coyotes, except those killed~~ taken by lawful method(s) dogs during a hunt, or diseased foxes
6 ~~and coyotes found within the pen shall be reported to the Commission within 48-hours of discovery.~~ submitted to a
7 North Carolina Department of Agriculture diagnostic lab for diagnosis. A copy of the diagnostic report shall be mailed
8 ~~to the Wildlife Resources Commission. Possession of unhealthy or diseased foxes and coyotes shall be grounds for~~
9 ~~revocation or denial of a controlled fox hunting preserve license.~~

10 ~~(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located.~~
11 identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may
12 include:

- 13 (1) temporarily prohibiting removal or introduction of foxes and coyotes except as specifically provided
14 by written permit issued by the Commission.
- 15 (2) notification to the county health department;
- 16 (3) cleaning or disinfection of the facility; and
- 17 (4) temporary license suspension.

18 ~~(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of~~
19 disease exposure to humans, foxes, coyotes, domestic dogs or other animals.
20
21

1 **15A NCAC 10H .1204 RECORDS REQUIRED**

2 ~~(a) License holders shall keep an accurate record~~ record, on a form provided by the Commission, ~~including bill of sale~~
3 for all foxes and coyotes ~~released into and~~ or removed from the preserve from licensed trappers, other licensed
4 ~~controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a~~
5 ~~captivity license. released into the controlled fox hunting preserve~~ Records shall contain the following information:

- 6 (1) preserve operator license, propagator license, or captivity license number, if applicable;
- 7 (2) trapper identification number or name and address, if applicable;
- 8 (3) transportation permit number, if applicable;
- 9 (4) species and quantity of each;
- 10 (5) date of purchase or transfer; and
- 11 (6) county of origin.

12 ~~(b) Records shall be maintained and~~ available for inspection by ~~officials of~~ representatives of the ~~North Carolina~~
13 ~~Wildlife Resources Commission at all times.~~ upon request and during normal operating hours.

14 (c) Records shall be submitted to the Commission prior to the reissuance of the license.

15 (d) Records shall be retained by the license holder for 12 months following expiration of the license.

1 **15A NCAC 10H .1205 HUNTING LICENSE REQUIRED**

2 (a) Every person ~~hunting-participating in the pursuit of wildlife~~ on a controlled fox hunting preserve shall have ~~in his~~
3 ~~possession a proper-valid~~ resident or nonresident hunting license or ~~special-controlled hunting preserve~~ hunting license
4 ~~for the current year as required by law.~~ in his or her possession, in accordance with 15A NCAC 10B .0114.

5 (b) Nonresidents participating in a Commission-sanctioned field trial-trial, as defined in 15A NCAC 10B .0114,
6 ~~properly approved in advance by a Wildlife Enforcement Officer~~ are exempt from ~~North Carolina~~ licensing
7 requirements ~~in section (a) of this Rule, provided~~ providing they possess-have a valid hunting license from their state
8 of ~~residence-residence~~ in their possession.

9

1 **15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES**

2 ~~(a) A minimum of one dog proof escape den for each 35 acres contained in the controlled fox hunting preserve must~~
3 ~~be provided and maintained.~~

4 ~~(b)(a) Adequate food, Food and clean water, and cover shall be provided to foxes and coyotes. provided to~~
5 ~~maintain a viable population of foxes within the controlled fox hunting preserve as follows:~~

6 (1) food shall be of a type and quantity that is appropriate for the species; and

7 (2) a constant supply of drinking water shall be available or provided.

8 ~~(c) Since the intent of these rules is to promote a fair chase situation involving a resident population of foxes, the~~

9 ~~(b) operator should make provisions. The following conditions shall apply to acclimate~~ the acclimation of newly
10 introduced foxes and coyotes: to the escape mechanisms located within the pen prior to pursuing the foxes with dogs.

11 (1) the acclimation period shall be at least seven (7) days;

12 (2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area
13 used for acclimation; and

14 (3) chase by dogs during the acclimation period shall be prohibited.

15

16

1 **15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE**

2 (a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting
3 preserve upon request to the license holder or during the preserve's operating hours for inspection, enforcement, or
4 scientific purposes.

5 (b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license
6 holder's controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter
7 IV of Chapter 113 of the North Carolina General Statutes, certain provisions of G.S. 14-360, the Rules of this Section,
8 or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based
9 upon the seriousness of the violation, which may include:

10 (1) felony animal abuse as specified in G.S. 14-360(a1) and (b) of the North Carolina General Statutes;

11 (2) purposefully releasing foxes and coyotes into the wild;

12 (3) falsifying records; or

13 (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

14 ~~In accordance with provisions of G.S. 113-273(g) the Wildlife Resources Commission may revoke or suspend the~~
15 ~~license of any controlled fox hunting preserve operator upon violation of these rules.~~

16 ~~(c) Where there is evidence of such a violation, the Executive Director or his designee~~ The Commission shall give the
17 operator license holder written notice in accordance with G.S. 113-276.2(e) before revoking a license. 20 days notice
18 in writing to show cause to the Executive Director or his designee why his license should not be suspended or revoked.

19 (d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed
20 animal(s), which may include seizure, release, relocation, or euthanasia.

21 (e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine
22 disposition of the animals, which may include seizure, release, relocation, or euthanasia.

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EXHIBIT D-1
August 27, 2020



Fiscal Note for Proposed Changes to Controlled Fox Hunting Preserve Rules and Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves Rule

Rule Amendments: 15A NCAC 10H .1201 Definitions and General Requirements
15A NCAC 10H .1202 Establishment and Operation
15A NCAC 10H .1203 Quality of Foxes and Coyotes Released
15A NCAC 10H .1204 Records Required
15A NCAC 10H .1205 Hunting License Required
15A NCAC 10H .1206 Minimum Standards for Care of Foxes and Coyotes
15A NCAC 10H .1207 License Revocation and Enforcement
15A NCAC 10B .0409 Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves

Agency Contact: Carrie Ruhlman
Sr. Policy Analyst
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC
(919) 707-0011
carrie.ruhlman@ncwildlife.org

Impact Summary: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Impact: No

Authority: G.S. 14-418(c), 19A-11, 106-549.97(b), 113-131, 113-134, 113-140, 113-272.5, 113-272.6, 113-274, 113-276.2, 113-274, 150B-3

Background

The wildlife resources of the State belong to the people of the State, including the enjoyment of these resources (G.S. 113-131(a)). The Wildlife Resources Commission (hereinafter WRC or Commission) is tasked with the conservation of wildlife resources of the State (G.S. 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

Controlled hunting preserves (CFHPs) are authorized by G.S. 113-273(g) and the Commission is authorized by rule, to set standards for and to license the operation of these preserves by private persons. This same statute also authorizes CFHP operators to purchase live foxes and coyotes from licensed trappers who live-trap foxes and coyotes during open seasons, and sale of live foxes from one licensed preserve to another.

There are currently 134 licensed controlled fox hunting preserves (CFHP) in North Carolina. According to a 2018 study by The Wildlife Management Institute, these preserves (133 at that time) were located in 46 counties and ranged in size from five acres to 1,250 acres.

I. Introduction and Purpose of Rule Change

The rules in 15A NCAC 10H .1200 were part of the agency's 2016 periodic review of rules package. All rules in this Section were determined to be necessary with substantive public interest and are thus required to be readopted.

Because these rules have only been amended once since 1990, for the addition of coyotes, revisions were necessary to update language, clarify requirements and improve regulatory oversight. Additionally, due to the proposed changes to the CFHP rules, the rule regulating live sale of foxes and coyotes to fox preserves also needed to be updated. Agency staff have worked with both licensed CFHP owners/operators and licensed trappers to propose revisions to these rules. The proposed rules can be found in Appendix A.

II. Quantifiable Impacts - Costs

State Impact

The proposed amendments to the CFHP rules and trapping rule are anticipated to have minimal economic impacts to the state.

CFHP Rules

License holders will be required to keep records of all foxes and coyotes released into and removed from their preserve on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in fox enclosures and aid in understanding the impacts that this activity has (or not) on wild populations. It will also provide information on the movement of foxes and coyotes between preserves to improve understanding of the demand for these animals in preserves. The records will need to be submitted to the Commission prior to the reissuance of a CFHP operator license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$5,334 per year related to review of records and reissuance of licenses associated with approximately 135 licensed CFHPs ($\$66.67/\text{hr} \times 80 \text{ hrs}/\text{yr} = \$5,334/\text{yr}$).

Trapping Rule

Licensed trappers selling live foxes and/or coyotes to CFHPs will be required to keep records of all foxes and coyotes sold on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in preserves and aid in understanding the impacts that this activity has (or not) on wild populations. These forms will need to be submitted to the Commission prior to the reissuance of the individual's trapping license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$2,667 per year related to review of records and reissuance of licenses for approximately 126 trappers ($\$66.67/\text{hr} \times 40 \text{ hrs/yr} = \$2,667/\text{yr}$).¹

Local Impact

The proposed revisions to the CFHP rules and trapping rule are anticipated to have no local government economic impacts.

Private Impact

The proposed revisions to the CFHP rules and trapping rule are expected to have minimal private impacts.

CFHP Rules

Fencing²

The proposed CFHP rules require that preserve boundaries have a minimum four-foot high fence with electrified wires on both the top and bottom to prevent ingress and egress of wildlife and dogs. While the requirement of a dog-proof fence is not new, the details of this requirement are and could create a cost for CFHP owners.

The agency is unaware of any currently licensed CFHPs with fences that are less than four feet high. However, should one exist, there are two options for the preserve to meet the new height requirement - either add a section of fencing to the top of the existing fencing, or fence/re-fence the perimeter of the preserve.

Currently, licensed CFHPs range in size from five acres to approximately 1,250 acres. The actual amount of fencing required to enclose a preserve is dependent on the layout and topography of the property. However, assuming a flat, square, five-acre preserve needing to be completely fenced or re-fenced, a minimum of approximately 1/8 mile, or 1,980 feet, of fencing would be required. A 1,200-acre preserve would require approximately 19 miles, or 100,600 feet, of fencing to encompass a flat, square boundary. Assuming the operator used 16-gauge wire, 2"x 2" mesh, 4-foot fence around the entire perimeter of the preserve, fencing alone could cost anywhere from \$2,220 (20 rolls x \$111/100ft roll = \$2,220) to approximately \$111,666 (1,006 rolls x \$111/100ft roll = \$111,666).

¹ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

² Estimated material costs obtained from tractorsupply.com.

Fence posts (6-foot studded T-posts at approximately \$4 each placed every 10 feet around the perimeter of the enclosure) could add approximately \$792 to the expense on a 5 acre property (1,980 feet/10 feet/post = 198 posts x \$4/post = \$792) and approximately \$40,240 to the cost of fencing a 1,200 acre property (100,600 feet/10 ft/post = 10,060 posts x \$4/post = \$40,240). Post knob insulators (two per post) would be an additional \$96 for the 5-acre preserve (396 insulators/25 insulators/package = 16 packages x \$6/package = \$96) and approximately \$4,830 for a 1,200 acre preserve (20,120 insulators/25 insulators/package = 805 packages x \$6/package = \$4,830).

Approximate ¼ mile or 4,000 feet of electric wire and 38 miles or 201,200 feet of electric wire would be required to electrify the top and bottom of the fences of a 5-acre and 1,200-acre facility respectively. Assuming use of 4,000 feet of 14-gage, galvanized electric fence wire connected to a 5-mile electric fence charger, the additional cost for electrifying the fence at a five acre preserve would be approximately \$140 (4,000 feet/1,320 feet/spool = 3 spools x \$30/spool = \$90 + \$50 charger = \$140). Use of 201,200 feet of the same wire and a 60-mile charger, the estimated cost for electrified fencing at a 1,200-acre preserve would be approximately \$3,935 (201,200 feet/ 2,640 feet/spool = 76 spools x \$50/spool = \$3,800 + \$135 charger = \$3,935).

The total estimated cost for fencing a 5-acre CFHP to comply with proposed requirements is approximately \$3,248 (\$2,220 + \$792 + \$96 + \$140 = \$3,248). The total estimated cost for fencing a 1,200-acre CFHP to comply with proposed requirements is approximately \$158,259 (\$111,666 + \$40,240 + \$4,830 + \$3,935 = \$160,671).

Dog Densities

Some CFHPs charge a fee per dog for training events and field trials. The 2018 WMI study found that, of the operators responding, the average fee per dog for paid training events was \$10.50, paid unsanctioned field trials was \$30.80, and paid sanctioned field trials was \$34.02. However, over 90% of these same respondents indicated that the income earned from CFHPs was not important to their households.³

The WRC does not currently regulate the number of dogs on preserves. However, the proposed rule changes will include a maximum number of dogs per acre. Thus, some CFHPs may need to put a limit on the number of dogs they allow into their preserves for training and field trial events. While the agency knows this proposed change has the potential to financially impact some CFHP operators, there is no way, based on available data, to accurately estimate the potential loss of revenue or opportunity for CFHP operators.

III. Quantifiable Impacts - Benefits

State Impact

The proposed changes are expected to have no quantifiable state benefits.

Local Impact

³ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

The proposed changes are expected to have no quantifiable local benefits.

Private Impact

The proposed changes are expected to have no quantifiable private benefits.

IV. Unquantifiable Impacts - Costs

Private Impact

CFHP Rules

Acreage

Currently, the smallest licensed CFHP is five acres. The proposed minimum size limit for all CFHPs is five acres. The Commission feels that this minimum standard, in conjunction with other proposed standards, is necessary for the welfare of foxes and coyotes in the preserve. While it is unlikely anyone would want to open a CFHP less than five acres (according to the WMI report, in 2018, only 3.8% of licensed CFHPs were less than 10 acres), it is possible that this proposed size limit could limit opportunities.

Escape Dens

Escape dens for foxes and coyotes are currently required in rule (1 per 35 acres). However, the proposed rule requires a minimum of 3 escape dens regardless of CFHP size to ensure adequate escape for foxes and coyotes regardless of natural habitat in the preserve. It is the agency's understanding that many CFHPs already have more escape dens than are required by rule. However, for smaller preserves impacted by the proposed minimum, there would be a cost associated with compliance, though it would likely only be the addition of one or two escape dens.

Because there is no prescribed way to build an escape den, a stationary manmade structure providing refuge from dogs, there are a variety of structures that could be built to accomplish this purpose. Thus, it is not feasible for the agency to estimate a cost associated with this proposed requirement.

Quarantine

Proposed changes to Rule 10H .1203 include specific details on quarantining facilities when contagious diseases are identified. It is likely that if quarantine is necessary, it would last for a minimum of 30 days. However, because the quarantine could be as a result of anything from a rabies outbreak to a parasite or other disease that persists in the environment, and depopulation of the preserve or contract tracing may be required, it is not feasible to speculate the upper time limit of a potential CFHP quarantine.

While specific costs cannot be attributed or estimated for potential requirements of quarantine, the affected CFHP would be prohibited from removing or introducing foxes and coyotes, may be required to clean or disinfect parts of the facility and may be prohibited from normal operation

by way of temporary license suspension. In addition to the unquantifiable monetary cost of quarantine, a preserve would also lose the opportunity to operate and potentially generate revenue due to the specific requirements added to the rule.

Acclimation

Acclimation is currently required by rule but there are no specific requirements for acclimating newly introduced foxes and coyotes. Proposed changes to 10H .1206 will require new foxes and coyotes be held in an area with no chase by dogs for seven days. This could be a separate area from the preserve where dogs run so the CFHP could still operate while new foxes and/or coyotes are acclimating, or it could be in the CFHP itself. Because all CFHPs are set-up and configured differently, the agency has no way to accurately determine if any monetary or opportunity costs are associated with the proposed acclimation requirements.

Trapping Rule

Record Keeping

Proposed changes to the trapping rule require trappers to keep records of all foxes and coyotes sold, transferred, or exchanged to controlled fox hunting preserves on a form provided by the Commission. These records must be submitted annually prior to reissuance of their trapping license and retained for 12 months. While these record-keeping requirements will not be a cost to the trappers, they will require minimal additional time and effort.

Minimum Standards for Care

The proposed amendments will also limit the holding time for foxes and coyotes trapped for live sale to 30-days after capture to ensure that they are not being held in long-term captivity because they are exempt from long-term holding requirements of a captivity license. Additionally, specific requirements for the trapper to provide food, drinking water and shelter have been proposed. It is unlikely these proposed requirements will introduce any new costs to licensed trappers, as they are already doing these things. However, limiting the holding time could introduce a burden or opportunity cost to trappers wanting to hold the animal longer.

V. Unquantifiable Impacts – Benefits

State Impact

The proposed changes are expected to benefit the state by improving regulatory oversight on fox preserves and fox and coyote trappers selling to preserves. Specifically, the proposed changes will provide information to help the Commission regulate the trapping of foxes and coyotes, regulate transfer of foxes and coyotes to and between preserves, and make more informed decisions on fox and coyote trapping in the future.

Private Impact

The proposed changes are expected to have no quantifiable private benefits to individuals but will provide licensed operators and trappers with clearer, better defined standards and requirements.

VI. Economic Impact Summary

Quantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, few costs identified were quantifiable. These include the following:

State

CFHP

- Form development, annual review, and license administration: Year 1 = \$5,867;
Recurring = \$5,334/year

Trapping

- Form development, annual review, and license administration: Year 1 = \$3,200;
Recurring = \$2,667/year

Based on these estimates, the agency expects a cost of approximately \$9,067 in year one, and a recurring cost of approximately \$8,001 each year thereafter.

Private

CFHP

- Fencing:
 - 5-acre CFHP = \$3,248
 - 1,200-acre CFHP = \$160,671
- Dog Density: Potential loss of \$10.50 to \$30.80 per dog, per training or field trial event

Potential quantifiable private costs range from an estimated one-time cost of \$3,245 to \$160,671 for fencing, to a recurring opportunity cost of \$10.50 - \$30.80 per dog, per event.

Unquantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several costs and benefits identified were unquantifiable. These include the following:

State

Private

CFHP Costs

- Escape dens
- Minimum acreage restriction
- Quarantine requirements
- Acclimation requirements

Trapping Costs

- Value of trapper's time for record-keeping
- Maximum holding time and care requirements

Unquantifiable Benefits

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several unquantifiable benefits were identified. These include the following:

State

- Improved regulatory oversight
 - Information to help the Commission regulate the trapping of foxes and coyotes,
 - Information to help the Commission regulate transfer of foxes and coyotes to and between preserves.

Private

- Clear, unambiguous standards and requirements for license holders.

Although several proposed changes are accompanied by anticipated fiscal impacts and/or may limit opportunities, the agency does not anticipate significant impact to currently licensed preserves operators or trappers, not does the Commission anticipate fewer opportunities for new licensees. Thus, the anticipated benefits of the proposed rule changes, though unquantifiable, are expected to outweigh the estimated costs.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1201 ~~LICENSE TO OPERATE~~ DEFINITIONS AND GENERAL REQUIREMENTS

(a) The Rules in this section apply to all controlled hunting preserve operator licenses issued by the Wildlife Resources Commission (Commission) in accordance with G.S. 113-273(g) for controlled fox hunting preserves.

(b) The following definitions shall apply to all rules in this Section:

- (1) “Acclimation” means an adjustment period to allow foxes and coyotes to become accustomed to the controlled fox hunting preserve.
- (2) “Controlled fox hunting preserve” means an enclosed area where foxes and coyotes are pursued with dogs.
- (3) “Escape den” means a stationary manmade structure that provides refuge for foxes and coyotes from dogs.
- (4) “Dog proof fence” means a perimeter fence designed to prevent the ingress or egress of dogs, foxes, or coyotes over, under, or through the fence.
- (5) “Fox” means red fox and gray fox including their color morphs.

~~(c) It shall be unlawful for any individual, firm, association or corporation~~ Any individual wanting to operate a controlled fox hunting preserve without shall first obtain a controlled hunting preserve operator license from the Commission. ~~North Carolina Wildlife Resources Commission a license for this purpose.~~

~~(b) A controlled fox hunting preserve license shall entitle the holder or holders and their guests, to hunt foxes and coyotes at any time within the fenced area. Controlled fox hunting preserve licenses shall not be transferable, either as to operator or as to site of operation.~~

~~(e)(d) Applicants for a controlled hunting preserve operator license shall be prepared to show proof of ownership or lease of the land contained in the proposed controlled fox hunting preserve, preserve or that they have this land under lease for the duration of the license period.~~

~~(e) Application for a controlled fox hunting preserve operator licenses shall be made on forms obtained from the Commission.~~ online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606. Information required by the applicant shall include:

- (1) the applicant’s name, address, telephone number, date of birth;
- (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and
- (3) species within the preserve.

(f) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by relocating the site of the preserve.

~~(d) Upon receipt of an application accompanied by the statutory fee, the Commission shall issue a license, provided it is determined that the location and operation of such a hunting preserve is consistent with the wildlife conservation program and in the public interest; and further provided that all regulations herein regarding establishment of such areas have been complied with.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION

~~(a) Size of Preserve. Controlled fox hunting preserves operated for commercial purposes shall be an area of not less than 500 acres except that smaller areas containing terrain and topographical features which offer escape cover to the fox and coyote populations are allowed under specific approval by the Wildlife Resources Commission. Controlled fox hunting preserves shall be at least five (5) acres in size.~~

~~(b) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and hydrology of the preserve, A a controlled fox hunting preserve must preserve shall be enclosed with a dog-proof fence that is also designed to prevent the escape of foxes and coyotes released within the pen. This fencing must be maintained at all times. meets the following minimum requirements:~~

- ~~(1) is at least four (4) feet high;~~
- ~~(2) has a top electrified wire at least three (3) feet above the ground surface;~~
- ~~(3) has a bottom electrified wire no more than one (1) foot above the ground surface; and~~
- ~~(4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals to enter or exit the preserve.~~

~~(c) Escape Dens. A controlled fox hunting preserves shall have a minimum of one escape den per 35 acres with no less than three escape dens.~~

~~(d) Stocking Preserve With with Game. Game: The following shall apply to foxes and coyotes released into a preserve:~~

- ~~(1) only foxes and coyotes may be released onto controlled fox hunting preserves;~~
- ~~(2) In addition to purchasing operators may purchase live foxes and coyotes as provided in from:
 - ~~(A) licensed trappers in accordance with G.S. 113-273(g); operators of controlled fox hunting preserves may also purchase live foxes and coyotes from~~
 - ~~(B) other licensed controlled fox hunting preserves, preserves;~~
 - ~~(C) licensed North Carolina fur propagators, propagators; or~~
 - ~~(D) persons holding foxes or coyotes legally under a North Carolina wildlife captivity license. license.~~~~
- ~~(2)(3) Licensed licensed controlled fox hunting preserve operators may hold legally obtained foxes and coyotes under rules that apply to a captivity license in accordance with food, sanitation, and enclosure requirements in 15A NCAC 10H .1404;~~
- ~~(4) licensed controlled fox hunting preserve operators and may transport legally acquired foxes and coyotes from the place of purchase to the controlled fox hunting preserve. preserve; and~~
- ~~(3)(5) Foxes foxes and coyotes may shall not be imported into North Carolina for release into controlled fox hunting preserves.~~
- ~~(4) The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.~~
- ~~(5) The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.~~
- ~~(6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a valid transportation permit.~~
- ~~(7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a valid transportation permit or a copy of the operator's current license.~~

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

(e) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the nearest dog as follows:

- (1) fox only preserve: .5 dog per 1 acre;
- (2) fox and coyote preserve: .75 dog per 1 acre; and
- (3) coyote only preserve: 1 dog per 1 acre

*History Note: Authority G.S. 113-134; 113-273(g); 113-291.3(a)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED

~~(a) All foxes and coyotes purchased-purchased, acquired, transferred, released, sold, or raised for release on controlled fox hunting preserves shall be appear visibly healthy and free from disease. disease of any kind. An examination and inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time.~~

~~(b) All dead foxes and coyotes, except those killed taken by lawful method(s) dogs during a hunt, or diseased foxes and coyotes found within the pen shall be reported to the Commission within 48-hours of discovery. submitted to a North Carolina Department of Agriculture diagnostic lab for diagnosis. A copy of the diagnostic report shall be mailed to the Wildlife Resources Commission. Possession of unhealthy or diseased foxes and coyotes shall be grounds for revocation or denial of a controlled fox hunting preserve license.~~

~~(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located- identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may include:~~

- ~~(1) temporarily prohibiting removal or introduction of foxes and coyotes except as specifically provided by written permit issued by the Commission.~~
- ~~(2) notification to the county health department;~~
- ~~(3) cleaning or disinfection of the facility; and~~
- ~~(4) temporary license suspension.~~

~~(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of disease exposure to foxes, coyotes, domestic dogs or other animals.~~

*History Note: Authority G.S. 113-134; 113-273(g);113-132(b)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1204 RECORDS REQUIRED

(a) License holders shall keep an accurate record, on a form provided by the Commission, including bill of sale for all foxes and coyotes released into and or removed from the preserve from licensed trappers, other licensed controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a captivity license. released into the controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license, propagator license, or captivity license number, if applicable;
- (2) trapper identification number or name and address, if applicable;
- (3) transportation permit number, if applicable;
- (4) species and quantity of each;
- (5) date of purchase or transfer; and
- (6) county of origin.

(b) Records shall be maintained and available for inspection by officials of representatives of the North Carolina Wildlife Resources Commission at all times, upon request and during normal operating hours.

(c) Records shall be submitted to the Commission prior to the reissuance of the license.

(d) Records shall be retained by the license holder for 12 months following expiration of the license.

History Note: Authority G.S. 113-134; 113-273(g);

Eff. August 1, 1990;

Amended Eff. June 1, 2004.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1205 HUNTING LICENSE REQUIRED

(a) ~~Every person hunting-participating in the pursuit of wildlife on a controlled fox hunting preserve shall have in his possession a proper-valid~~ resident or nonresident hunting license or ~~special-controlled hunting preserve~~ hunting license for the current year as required by law. in his or her possession, in accordance with 15A NCAC 10B .0114.

(b) ~~Nonresidents participating in a Commission-sanctioned field trial-trial, as defined in 15A NCAC 10B .0114, properly approved in advance by a Wildlife Enforcement Officer are exempt from North Carolina licensing requirements in section (a) of this Rule, provided providing they possess-have~~ a valid hunting license from their state of ~~residence-residence in their possession.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES

~~(a) A minimum of one dog proof escape den for each 35 acres contained in the controlled fox hunting preserve must be provided and maintained.~~

~~(b)(a) Adequate food, Food and clean water water, and cover shall be provided to foxes and coyotes. provided to maintain a viable population of foxes within the controlled fox hunting preserve.as follows:~~

- ~~(1) food shall be of a type and quantity that is appropriate for the species; and~~
- ~~(2) a constant supply of drinking water shall be available or provided.~~

~~(c) Since the intent of these rules is to promote a fair chase situation involving a resident population of foxes, the~~

~~(b) operator should make provisions. The following conditions shall apply to acclimate the acclimation of newly introduced foxes and coyotes: to the escape mechanisms located within the pen prior to pursuing the foxes with dogs.~~

- ~~(1) the acclimation period shall be at least seven (7) days;~~
- ~~(2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area used for acclimation; and~~
- ~~(3) chase by dogs during the acclimation period shall be prohibited.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE

(a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting preserve upon request to the license holder or during the preserve’s operating hours for inspection, enforcement, or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license holder’s controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter IV of Chapter 113 of the North Carolina General Statutes, certain provisions of G.S. 14-360, the Rules of this Section, or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based upon the seriousness of the violation, which may include:

- (1) felony animal abuse as specified in G.S. 14-360(a1) and (b) of the North Carolina General Statutes;
- (2) purposefully releasing foxes and coyotes into the wild;
- (3) falsifying records; or
- (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

In accordance with provisions of G.S. 113-273(g) the Wildlife Resources Commission may revoke or suspend the license of any controlled fox hunting preserve operator upon violation of these rules.

(c) ~~Where there is evidence of such a violation, the Executive Director or his designee~~ The Commission shall give the ~~operator license holder~~ written notice in accordance with G.S. 113-276.2(e) before revoking a license. ~~20 days notice in writing to show cause to the Executive Director or his designee why his license should not be suspended or revoked.~~

(d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed animal(s), which may include seizure, release, relocation, or euthanasia.

(e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine disposition of the animals, which may include seizure, release, relocation, or euthanasia.

*History Note: Authority G.S. 113-134; 113-273(g); 113-276.2;
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING PRESERVES

(a) In counties with a trapping season for foxes and coyotes that do not prohibit live sale, Licensed licensed trappers may, subject to the restrictions on taking foxes in G.S.113- 291.4, live-trap foxes and coyotes during any open trapping that season for foxes and coyotes, and sell them to licensed controlled fox hunting preserves in accordance with the following conditions: conditions set forth in this rule.

(1)(b) Licensed trappers are exempt from eaging, captivity permit or and captivity license requirements set forth in 15A NCAC 10H .0300 for any live-trapped foxes or coyotes trapped for the purpose of sale to controlled fox hunting preserves. This exemption shall apply during the trapping season for foxes and coyotes, and for no more than 40-30 days after the trapping season.

(c) Live-trapped foxes and coyotes shall not be held for more than 30 days after capture.

(d) Licensed trappers shall provide drinking water, food of a type and quantity appropriate for the species, and shelter that protects the foxes and coyotes from direct sunlight and precipitation.

(2)(e) Licensed trappers are shall be exempt from tagging requirements set forth in this Section so long as the foxes are kept alive.

(f) Licensed trappers and any individual(s) transporting live foxes and coyotes shall have a current and valid transportation permit prior to taking possession of the live foxes and coyotes.

(g) Licensed trappers shall keep accurate written records, on a form provided by the Commission, for all foxes and coyotes sold or transferred to a controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license number, if applicable;
- (2) transportation permit number;
- (3) county of origin;
- (4) number of animals of each species;
- (5) date of capture; and
- (6) date of sale or transfer.

(h) Records required pursuant to this Rule shall meet the following requirements:

- (1) available for inspection by representatives of the Commission upon request;
- (2) submitted to and received by the Commission annually by May 1; and
- (3) retained by the trapper for 12 months following transportation permit expiration.

*History Note: Authority G.S. 113-274; 113-291.3(4); 113-134; 113-273(g);113-291.4;
Eff. January 1, 1992;
Amended Eff. July 10, 2010; June 1, 2004.*

EXHIBIT D-2

August 27, 2020



Proposed Amendments to 15A NCAC 10B .0409 – Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves Recommended by Agency Staff for Notice, Public Comment, and Presentation at Public Hearing

Because of proposed changes to the CFHP rules, the rule regulating live sale of foxes and coyotes to fox preserves needed to be updated. Agency staff have worked with licensed trappers to propose revisions to this rule.

10B .0409

Updated language and clarified requirements for consistency with 10H .1200 rules. Specific changes include the following:

- Exempted from captivity license and permit requirements during the trapping season and up to 30 days thereafter;
- Restricted holding of trapped foxes and coyotes to 30 days after capture;
- Specified food, water and shelter requirements for live-trapped foxes and coyotes;
- Added transportation permit requirement for anyone transporting live foxes and coyotes (free permit);
- Added record keeping requirements on Commission-supplied form; and
- Specified record inspection, submittal and retention requirements.

10B .0409 – Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves (page 2)

1 **15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING**
2 **PRESERVES**

3 (a) In counties with a trapping season for foxes and coyotes that do not prohibit live sale, Licensed licensed trappers
4 may, subject to the restrictions on taking foxes in G.S.113- 291.4, live-trap foxes and coyotes during ~~any open trapping~~
5 that season for foxes and coyotes, and sell them to licensed controlled fox hunting preserves in accordance with the
6 following conditions: conditions set forth in this rule.

7 (~~1~~)(b) Licensed trappers are exempt from eaging, captivity permit ~~or~~ and captivity license requirements set forth in
8 15A NCAC 10H .0300 for any live-trapped foxes or coyotes trapped for the purpose of sale to controlled fox hunting
9 preserves. This exemption shall apply during the trapping season for foxes and coyotes, and for no more than ~~40~~30
10 days after the trapping season.

11 (c) Live-trapped foxes and coyotes shall not be held for more than 30 days after capture.

12 (d) Licensed trappers shall provide drinking water, food of a type and quantity appropriate for the species, and shelter
13 that protects the foxes and coyotes from direct sunlight and precipitation.

14 (~~2~~)(e) Licensed trappers ~~are~~ shall be exempt from tagging requirements set forth in this Section so long as the foxes
15 are kept alive.

16 (f) Licensed trappers and any individual(s) transporting live foxes and coyotes shall have a current and valid
17 transportation permit prior to taking possession of the live foxes and coyotes.

18 (g) Licensed trappers shall keep accurate written records, on a form provided by the Commission, for all foxes and
19 coyotes sold or transferred to a controlled fox hunting preserve. Records shall contain the following information:

20 (1) preserve operator license number, if applicable;

21 (2) transportation permit number;

22 (3) county of origin;

23 (4) number of animals of each species;

24 (5) date of capture; and

25 (6) date of sale or transfer.

26 (h) Records required pursuant to this Rule shall meet the following requirements:

27 (1) available for inspection by representatives of the Commission upon request;

28 (2) submitted to and received by the Commission annually by May 1; and

29 (3) retained by the trapper for 12 months following transportation permit expiration.

30
31

Land and Water Access Division Proposals 2021-2022 Regulatory Cycle

Game Lands

1. Clarify that coyotes, armadillos, and groundhogs are authorized to be taken on game lands by trapping during the regulated trapping season (November 1 through end of February). This rule also clarifies that foxes can be trapped on game lands during the regulated trapping season in counties with a session law that authorizes fox trapping in that county. This proposal also establishes a closed trapping season on game lands from April 1 through October 31.

Justification:

There has been confusion about the legality of trapping foxes, coyotes, armadillo, and groundhogs on game lands. This proposal will clarify the rules for this activity. This proposal will also establish a closed trapping season to avoid conflicts and confusion among game land users.

2. Clarify that licensed trappers can use bait on game lands while trapping.

Justification:

NCAC text about using bait on game lands for trapping is unclear and various interpretations about this rule have been made by Commission staff and the public. This rule will provide a specific definition of bait and include requirement that trappers must follow. Specifically: at each trap, trappers may use a single bait site of grain, fruit, or other foods when trapping if the food is not a processed food product as defined in GS 113-294(r), is less than 3 cubic inches, and is completely covered to prevent it from being seen from above. Feathers (including those with attached skin or entire bird wings), hair (with or without skin or hide), and bones that include no attached meat, organs, or viscera do not need to be covered.

3. Prohibit the pursuing or chasing of deer and bear with dogs for the purposes of training or hunting on the Beaufort County portion of Goose Creek Game Land north of NC 33.

Justification:

Landowners adjacent to this portion of the game land have complained and reported about trespass, unleashed dogs on their property, and harassing and intimidating behaviors from dog hunters.

4. Clarify that horseback riding is allowed seven days per week from May 16 – August 31, and on Sundays only September 1 – May 15 on R. Wayne Bailey-Caswell, Jordan, and Pee Dee River game lands. This proposal will also allow equestrian riding on gated roads and trails posted for equestrian use at Pee Dee River Game Land. This proposal will also clarify that a Game Land License is not needed to ride horses on the American Tobacco Trail at Jordan Game Land.

Justification:

The existing rule language is confusing regarding Sundays during hunting seasons and has been interpreted differently from the way it was intended. This will make the permitted riding times easier to understand. This change will also allow for more

horseback riding opportunities at Pee Dee River Game Land and clarify needs for a Game Land License at Jordan Game Land.

5. Clarify the times and places where horseback riding will be permitted and not allowed on the Sandhills Game Land.

Justification:

The existing rule language does not address horseback riding outside of the J. Robert Gordon Field Trial Area of the Sandhills Game Land. This rule will make it clear that horseback riding is allowed on the remainder of the Sandhills Game Land seven days per week. For safety reasons and the protection of sensitive habitats, this rule will also establish that horseback riding can only occur on roads open to vehicular traffic and on those gated roads or trails posted for equestrian use.

6. Prohibit horseback riding at William H. Silver Game Land.

Justification:

A great deal of the habitat management on the game land is focused on habitat improvements for elk. These habitat improvements converted old logging trails and roads to linear wildlife openings. The Rocky Mountain Elk Foundation has made significant financial contributions to assist in the creation of these linear wildlife openings. Recently, groups of horseback riders have been riding on linear wildlife openings on the game land. As a result, the vegetation planted for wildlife in the linear openings is getting damaged and/or destroyed. The damaged/destroyed vegetation also creates the threat for erosion problems.

7. Codify the Commission's authority to manage public access and use of Commission property and/or waive any non-statutorily required rules in Chapter 10 to protect public health, public safety, wildlife resources, and Commission property.

Justification:

The Commission is authorized to regulate, prohibit or restrict public use of property by rule; however, a single rule does not currently exist that restricts public use and can be applied to the variety of Commission managed properties (buildings, boating access area, public fishing areas, game lands). This rule will provide flexibility to temporarily restrict access to Commission property as needed during emergency situations to protect public health, public safety, wildlife resources, and Commission property. This proposal also gives the Commission authority to temporarily waive any non-statutorily required rules in Chapter 10 upon the declaration of a national emergency, disaster, or state of emergency, by a federal, state, or local governmental authority impacting North Carolina.

8. This proposal will redefine the description of a Temporary Restricted Zone.

Justification:

Redefining the Temporary Restricted Zone description is needed to align this definition with the proposed Emergency Closure and Waiver rule. The new definition provides flexibility to the Commission to post an area of game land as a Temporary Restricted Zone solely when there is a danger to the health or welfare of the public, regardless of the cause for the danger.

9. Change Perkins Game Land from an Introductory Either-Sex Gun Season to a Conservative Either-Sex Gun Season.

Justification:

This proposal would increase hunter opportunities by adding five days for when antlerless deer could be harvested on Perkins Game Land during the either-sex gun season. Perkins Game Land is approximately 1,100 acres in size and located in Davie County. Deer densities near this game land in Davie County suggest that these additional five days of opportunity would not adversely affect on the local deer population. This change would closer align the Perkins Game Land regulations with nearby properties enrolled in the Game Land Program that are in the Maximum Either Sex-Gun Season. Lastly, the property owner is supportive of this change.

10. Remove the Laurinburg Fox Trial facility from the NCAC.

Justification:

The State no longer owns this property and this proposed rule removes references of it in the NCAC.

11. Amend NCAC rule text to remove references to impoundments on Stones Creek Game Land.

Justification:

Posted waterfowl impoundment do not exist on this game land.

12. Clarify NCAC rule text that identifies where game lands designated in the disabled access program are listed.

Justification:

This proposal clarifies that game lands designated in the disabled access program are listed in the regulations digest and not in the NCAC.

13. Clarify NCAC rule text that establishes the December segment of the bear season for Alligator River, Buckridge, Chowan Swamp, Gull Rock, and Van Swamp game lands.

Justification:

An administrative change to clarify language in the NCAC.

14. Clarify NCAC rule text regarding restrictions on Wildlife Conservation Areas.

Justification:

An administrative change to clarify language in the NCAC.

15. Implement permanent rule text to replace a temporary rule that corrected a clerical error in the NCAC regarding the primitive weapons seasons for deer on Nicholson Creek Game Land.

Justification:

An administrative change to clarify language in the NCAC.

Inland Fisheries Division Proposals 2021-2022 Regulatory Cycle

Trout

1. Combine the two-existing Public Mountain Trout Waters (PMTW) catch-and-release classifications (Catch and Release/Artificial Flies Only Trout Waters and Catch and Release/Artificial Lures Only Trout Waters) into a single classification (Catch and Release/Artificial Flies and Lures Only Trout Waters).
Justification: Regulatory complexity has been identified routinely by trout anglers as an impediment to their experiences, and the Commission identified the need to reduce rule complexity within its Trout Management Plan. The two-existing catch-and-release classifications function as social regulations and do not address any biological issues. This proposal will reduce angler confusion by combining the two current classifications into one.
2. Remove Franks Creek in Graham County from Wild Trout Natural Bait Waters. This proposal will remove 4.1 miles from Public Mountain Trout Waters and 0.4 miles of Franks Creek on game lands will be reclassified to Wild Trout Waters.
Justification: Franks Creek was historically managed as Hatchery Supported Trout Waters with stockings of fingerling trout. When fingerling trout stockings were phased out, Franks Creek was reclassified as Wild Trout Natural Bait Waters to maintain the stream as Public Mountain Trout Waters. Much of the stream is located on private property and public access is limited. The proposed change will simplify rules by allowing the portion of Franks Creek on private property to default as undesignated.
3. Remove Hemphill Creek in Haywood County from Wild Trout Natural Bait Waters. This proposal will remove 3.7 miles of Public Mountain Trout Waters.
Justification: Hemphill Creek was historically managed as Hatchery Supported Trout Waters with stockings of fingerling trout. When fingerling trout stockings were phased out, Hemphill Creek was reclassified as Wild Trout Natural Bait Waters to maintain the stream as Public Mountain Trout Waters. The stream is located on private property and public access is limited. The proposed change will simplify rules by allowing Hemphill Creek to default as undesignated.
4. Remove Buff Creek in Jackson County from Wild Trout Natural Bait Waters. This proposal will remove 2.8 miles of Public Mountain Trout Waters and 1.0 mile of Buff Creek on game lands will be reclassified to Wild Trout Waters.
Justification: Buff Creek was historically managed as Hatchery Supported Trout Waters with stockings of fingerling trout. When fingerling trout stockings were phased out, Buff Creek was reclassified as Wild Trout Natural Bait Waters to maintain the stream as Public Mountain Trout Waters. Much of the stream is located on private property and public access is limited. The proposed change will simplify rules by allowing the portion of Buff Creek on private property to default as undesignated.

5. Modify the upper boundary of Hatchery Supported Trout Waters on Big Pine Creek in Alleghany County removing approximately 4.5 miles of Public Mountain Trout Waters. The designated reach will be from the S.R. 1464 bridge to the confluence with Brush Creek.
Justification: Most of the Hatchery Supported Trout Waters reach on Big Pine Creek is located on Blue Ridge Parkway (BRP) property. National Park Service staff has requested this portion of the creek no longer be stocked in compliance with the BRP management policy prohibiting the stocking of fish into streams on BRP property.
6. Remove Meadow Fork in Alleghany County from Hatchery Supported Trout Waters. This proposal will remove 5.0 miles of Public Mountain Trout Waters.
Justification: The Hatchery Supported Trout Waters reach on Meadow Fork is located on Blue Ridge Parkway (BRP) property. National Park Service staff has requested this portion of the creek no longer be stocked in compliance with the BRP management policy prohibiting the stocking of fish into streams on BRP property.
7. Remove Mill Creek in McDowell County from Hatchery Supported Trout Waters. This proposal will remove 6.0 miles of Public Mountain Trout Waters.
Justification: The Hatchery Supported Trout Waters reach of Mill Creek is primarily adjacent to private properties, many of which have been posted against trespassing in recent years. The few areas that are stocked are short in reach, disjunct, and often separated by lengthy inaccessible reaches, making it difficult for anglers to access the fishery.
8. Clarify that there is no closed season for harvest in undesignated trout waters.
Justification: This is an administrative change. The removal of the closed season for harvest in undesignated trout waters was adopted during the 2015-2016 rule-making cycle but was not removed from the NCAC.
9. Clarify the boundaries for the Delayed Harvest Trout Waters reaches of the Watauga River in Watauga County. The designated reaches are S.R. 1114 bridge to Valle Crucis Community Park lower boundary (upper reach) and S.R. 1103 bridge to confluence with Laurel Creek (lower reach). This proposal will not add or remove any Public Mountain Trout Waters.
Justification: This is an administrative change. The boundary changes for the reaches of the Delayed Harvest Trout Waters of the Watauga River were adopted during the 2015-2016 rule-making cycle but were not fully incorporated in the NCAC.
10. Clarify that Boundary Line Pond in Wilkes County is designated as Public Mountain Trout Waters and further classified as Hatchery Supported Trout Waters.
Justification: This is an administrative change. The addition of Boundary Line Pond to Public Mountain Trout Waters was adopted during the 2015-2016 rule-making cycle but was not incorporated into the NCAC.
11. Clarify that the lower Hatchery Supported Trout Waters boundary on the Middle Prong Roaring River in Wilkes County is the second bridge on S.R. 1736.

Justification: This is an administrative change. The boundary change for the Hatchery Supported Trout Waters reach of the Middle Prong Roaring River was adopted during the 2015-2016 rule-making cycle but was not incorporated into the NCAC.

Largemouth Bass, Smallmouth Bass, and Spotted Bass

1. Clarify that the daily creel limit for Largemouth Bass, Smallmouth Bass, and Spotted Bass in the Alleghany County portion of the New River downstream of Fields Dam (Grayson County, Virginia) is five fish in combination.

Justification: This is an administrative change. The previous rule for black bass species was reformatted into species-specific rules during the 2020-2021 rule-making cycle, and this combined daily creel limit was inadvertently omitted from the NCAC. The size and creel limits for Largemouth Bass, Smallmouth Bass, and Spotted Bass in this reach of the New River are consistent with the Virginia Department of Game and Inland Fisheries' regulations downstream.

2. Prohibit harvest of Largemouth Bass from three ponds associated with Martin-Marietta Park, City of New Bern, Craven County.

Justification: The City of New Bern is allowing public angling opportunities to three ponds within the newly established Martin-Marietta Park. The proposed rule will address concerns regarding potential overharvest of Largemouth Bass once the ponds are opened to fishing.

Striped Bass

1. Prohibit harvest of Striped Bass from three ponds associated with Martin-Marietta Park, City of New Bern, Craven County.

Justification: The City of New Bern is allowing public angling opportunities to three ponds within the newly established Martin-Marietta Park. Periodic flooding from the Neuse River has introduced Striped Bass into these ponds. The proposed rule will provide consistent regulations in the area and address concerns regarding potential overharvest of Striped Bass once the ponds are opened to fishing.

Blue Catfish

1. Establish an exception to the general statewide regulation for Blue Catfish in the North Carolina portion of the Dan River (Caswell Co.), downstream of Danville, Va. by allowing only one fish greater than 32 inches to be possessed in the daily creel.

Justification: From the Union Street Dam in Danville, VA, the Dan River flows downstream through Caswell County for approximately 10 miles before flowing back into Virginia and then into John H. Kerr Reservoir. The proposed change is consistent with Virginia Department of Game and Inland Fisheries' regulations for Blue Catfish and will provide continuity when enforcing regulations on the river.

American Eel

1. Allow American Eel greater than the 9-inch minimum length limit to be used for cut bait provided the body depth of the eel is at least ½ inch.

Justification: During the 2018-2019 rule-making cycle, a rule was adopted prohibiting the removal the head or tail or otherwise changing the appearance of any nongame fish with a specific size and/or creel limit. American Eel is subject to this rule, and before it became effective, eels were a popular cut bait among anglers, especially those targeting trophy catfish. Anglers have requested the ability to use eels once again as cut bait. The proposal would allow the use of eels greater than the 9-inch minimum length limit as cut bait provided the body depth of the cut bait is at least ½ inch, which is consistent with the ½-inch x ½-inch mesh restriction for eel pots. While American Eel are considered depleted across their range by the Atlantic States Marine Fisheries Commission, using legally harvest eels as cut bait is not expected to impact the overall population.

Prohibited Species

1. Add the African Longfin Eel, Creole Painted Crayfish, Bigclaw Crayfish, Marbled Crayfish or Marmorkrebs, Applesnail, Olive Mysterysnail, European Eel, Oriental Weatherfish, Brown Hoplo, Yellow Bass, Shortfin Eel, Crucian Carp, Prussian Carp, European Perch, European Minnow, and Amur Sleeper to the list of species for which it is unlawful to transport, purchase, possess, sell or stock in the public or private waters of North Carolina. The proposed change also includes taxonomic clarifications and corrections.

Justification: Non-native species introduced into public waters can have unintended, negative consequences, which can alter the existing aquatic community permanently. Unfortunately, once established, introduced species are nearly impossible to eradicate. Strategies to evaluate and manage the unintended impacts of introduced species are difficult to implement, often ineffective and costly. The species proposed for adding are listed in the North Carolina Aquatic Nuisance Species Plan, U.S. Geological Survey's Aquatic Nuisance Species website, or in the Lacey Act as species that can become invasive and nuisance species in North Carolina.

Wildlife Management Division Proposals 2021-2022 Regulatory Cycle

1. Update the Rule regarding allowable archery equipment to provide for the use of sling bow for taking white-tailed deer.
Justification:
Sling bows continue to increase in popularity and were made legal in North Carolina for wild turkey, small game animals, nongame animals, and nongame fish in 2019. Request have been made to consider allowing the use of sling bows for deer. These weapons are legal in other states and some hunters have generated an interest in allowing them to hunt deer in North Carolina.
- 2: Establishes a new rule for Wild Quail Management Areas.
Justification:
This has been proposed by several WRC Commissioners and discussed by the WRC Small Game - Wild Turkey committee for several years. Additionally, NCWRC staff discussed this proposal with bobwhite land managers at a field day at Orton Plantation in November 2016.
3. Will allow the use of remote trap checking systems in lieu of a physical trap check under specified conditions.
Justification:
Wildlife damage control agents (WDCAs) and the wildlife control industry have expressed interest in having remote trap checking systems as an alternative to physical trap check. WDCAs feel the devices would improve their ability to more quickly respond to an activated trap, which will not only improve animal welfare, but improve their efficiency, reduce costs, and make them look more professional, all of which may increase customer satisfaction.
4. This proposed rule amendment will allow for the use of pre-loaded powder capsules in muzzleloaders during blackpowder season.
Justification:
Products are currently commercially available that make the loading and reloading aspect of using a muzzleloader much easier and safer for hunters. Though the bullet is loaded through the muzzle of the rifle, the powder capsule is loaded through the breech. So, while this system does not use fixed ammunition, the powder is not loaded in the same manner as with a regular inline muzzleloader. Thus, this blackpowder firearm does not meet the current definition in rule.
This proposed amendment will allow for the use of new technology that is less intimidating to hunters and may increase opportunities for hunters to use muzzleloaders in a safe way.
5. This proposal makes permanent the temporary rule that correct bear season in Camden, Chowan, and Pasquotank counties)

6. This is the mandatory bear tooth submittal language that will be required if the statutory changes are not completed and the decision is made to require bear tooth submission by rule.



PROPOSED ADOPTION OF SECTION 15A NCAC 10H .1500 – WILDLIFE AND ALLIGATOR CONTROL AGENTS AND AMENDMENTS TO 15A NCAC 10B .0106 – WILDLIFE TAKEN FOR DEPREDATIONS

Session Law 2019-204 established the Wildlife Control Agent (WCA) License and Alligator Control Agent (ACA) Certification. The rules proposed for adoption will replace current agency rules for the Wildlife Damage Control Agent (WDCA) program found in 15A NCAC 10B .0106. As such, 15A NCAC 10B .0106 is also proposed for amendment. The proposed rules and amendments have been drafted by staff in conjunction with stakeholder groups, including the NC Trappers Association and the NC Pest Management Association.

Proposed program changes include the following:

- Change the name from WDCAs to WCAs to be consistent with statute.
- WCAs will be required to report information quarterly instead of annually.
- WCAs will have an annual license instead of a three-year certification.
- Annual re-certification credits/training will be required for license renewal.
- Any individual performing wildlife control work under a depredation permit for compensation will need to be licensed.
- WCAs performing alligator control work will be required to have an ACA certification and an Endangered Species permit.
- ACAs may only perform alligator handling and relocation activities pursuant to a Commission-issued depredation permit.
- Bat eviction and exclusion activities for compensation now require a WCA license.
- Blackout period for bat eviction and exclusion activities from May 1 to July 31.

Please see below for a brief summary of each proposed rule and amendments:

10H .1501

Establishes definitions used throughout 10H .1500 and details requirements for applicants to qualify for a WCA license, including background information, training course and examination score requirements.

10H .1502

Provides detail on the issuance of depredation permits by WCAs, including animals for which the issuance of a permit is prohibited. Also clarifies that WCAs cannot receive compensation for the issuance of a depredation permit but may receive compensation for investigations or control and removal services.

10H .1503

Sets forth manner of take and disposition of wildlife requirements for WCAs. Also establishes that no depredation permit may be issued for bats but allows bat eviction and exclusion activities from August 1 to April 30.

10H .1504

Provides details on record-keeping and reporting requirements for WCAs, requiring WCAs to submit specified information each calendar quarter, including the number of each depredation permit issued, county where issued, type of damage, species of animal taken, method of take, number of animal taken, and disposition of said animals.

10H .1505

Specifies process and requirements for the renewal of the annual WCA license. Requires annual training for renewal and provides that WCAs that have not renewed their license in two calendar years are not eligible for license renewal. Provides that the Executive Director of the WRC may warn, cite, or revoke a WCA's license for certain violations as specified.

10H .1506

Details the requirements and application process for WCAs to qualify for an ACA certification, including training course and examination score requirements. Also requires all ACAs to maintain a valid WCA license.

10H .1507

Sets forth additional permit requirements for ACAs to provide alligator handling and relocation activities, including requiring ACAs to obtain an endangered species permit from the WRC. Establishes process for authorization of alligator handling and relocation activities in emergency situations. Also clarifies that ACAs can receive compensation for alligator handling and relocation activities.

10H .1508

Provides details on record-keeping and reporting requirements for ACAs, requiring ACAs to maintain alligator datasheets and follow reporting requirements specified on the endangered species permit.

10H .1509

Specifies process and requirements for the renewal of the annual ACA certification. Requires annual training for renewal and provides that the Executive Director of the WRC may warn, cite, or revoke an ACA's certification for certain violations as specified.

10H .1510

Provides clarification that licensed trappers taking wild animals during trapping seasons are not required to obtain a WCA license. Further clarifies that landowners may take beaver in specified situations without a depredation permit.

10B .0106

This Rule is updated to remove language concerning the Wildlife Damage Control Agent Certification. Additional organizational and clarifying changes have also been made.



**Sunday Hunting on Game Lands
Committee of the Whole
August 26, 2020**





Sunday Hunting on Game Lands

Outdoor Heritage Enhanced Act of 2017

- Prohibits hunting:
 - between 9:30 a.m. and 12:30 p.m.;
 - deer with the use of dogs; and
 - within 500 yards of a place of worship.

Focus Groups

Guiding Principles

- Simple, easy, and understandable
 - Partitioning of use (location, species, weapon) was opposed
- Resource comes first



Focus Groups

Criteria

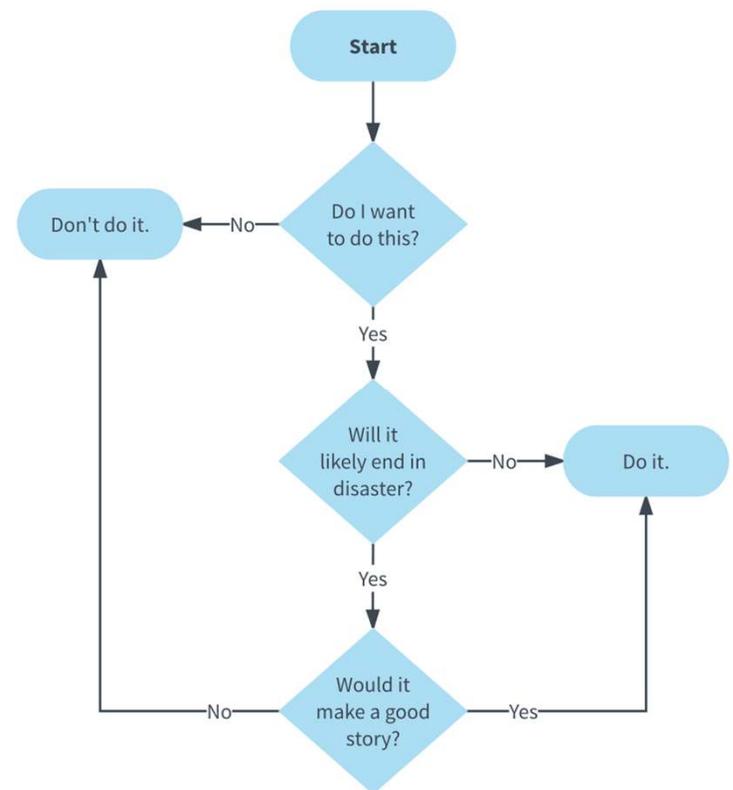
- Focus on rural game lands that are not heavily used by non-hunters
- Proximity to other game lands and public lands where hunting is prohibited
- Consider the value to unique properties that are important to user groups
- Avoid game lands where past conflict has been a pattern



WRC Retreat

Pre-Work

- Decision Matrix
- Shared with 27 participants beforehand
- Scored by Land and Water Access Team
- Feasible, Feasible with considerations, Not Feasible

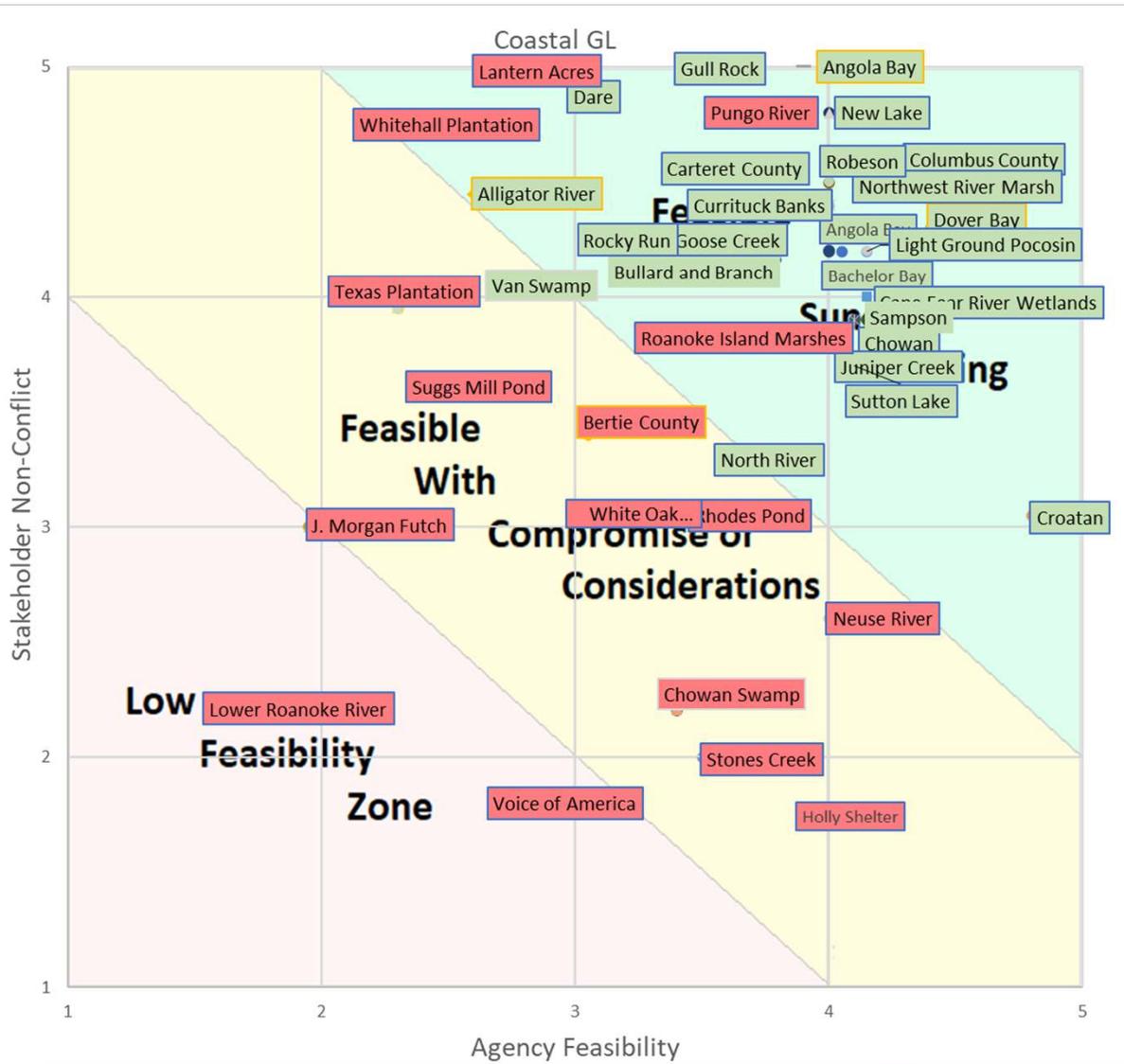


		Alligator River	Angola Bay
Agency Feasibility Factors			
Size of Game Land (<1000 1pt., 1000-10k 2-4 pts., >10k 5pts.)	Score (1-5)	5	5
	0.1		
Game species availability (Small number of huntable species 1 pt., most huntable species available, 5 pts.)	Score (1-5)	4	4
	0.15		
Infrastructure impacts of increased activity (High level of impact 1 pt, no impact 5 pts.)	Score (1-5)	1	1
	0.2		
Potential for overharvest of ANY game species or substantial resource disturbance with increased effort (high potential 1pt. no potential 5 pts.)	Score (1-5)	1	5
	0.3		
Game land hunting complexity *availability of hunting days, permit hunts (Highly complex 1pt., Low complexity 5pts.)	Score (1-5)	4	5
	0.25		

Stakeholder Considerations	Weighted Score (1-5):	2.6	4.05
Level of hunting use vs. other use- also consider number of non-hunter specific attractions (high # of other users/non-hunt attractions 1pt., moderate # of other users/attractions 2-4 pts., primarily hunting use and low # of other users 5 pts.)	Score (1-5)	5	5
	0.25		
Proximity to urban centers (high population density); (<10 miles 1pt., 10-20 miles 2-4pts., >20 miles 5 pts.)	Score (1-5)	5	5
	0.15		
Proximity to alternative public lands for non-hunting recreation purposes (>20 miles 1pt., 10-20 miles 2-4 pts., <10	Score (1-5)	3	1
	0.2		
Level of other activities/participation being negatively impacted by Sunday Hunting (Significant impacts 1pt., moderate impacts 2-4 pts., No impacts 5pts.)	Score (1-5)	5	5
	0.25		
Level of acceptance/non-conflict with adjacent landowners (Low acceptance/high conflict 1 pt., moderate acceptance/conflict 2-4 pts., high acceptance/low conflict	Score (1-5)	5	5
	0.15		
	Weighted Score (1-5):	4.6	4.2
	Total Value	7.2	8.25

Decision Matrix





Feasibility Chart



Staff Recommendations and Considerations

Recommendation

- Allow Sunday hunting on 57 of 94 game lands

Considerations

- Four-day-per-week game lands (6 game lands)
 - Tuesday, Thursday, Saturday, and Sunday
- Hunting with Dogs
- Resource Protection

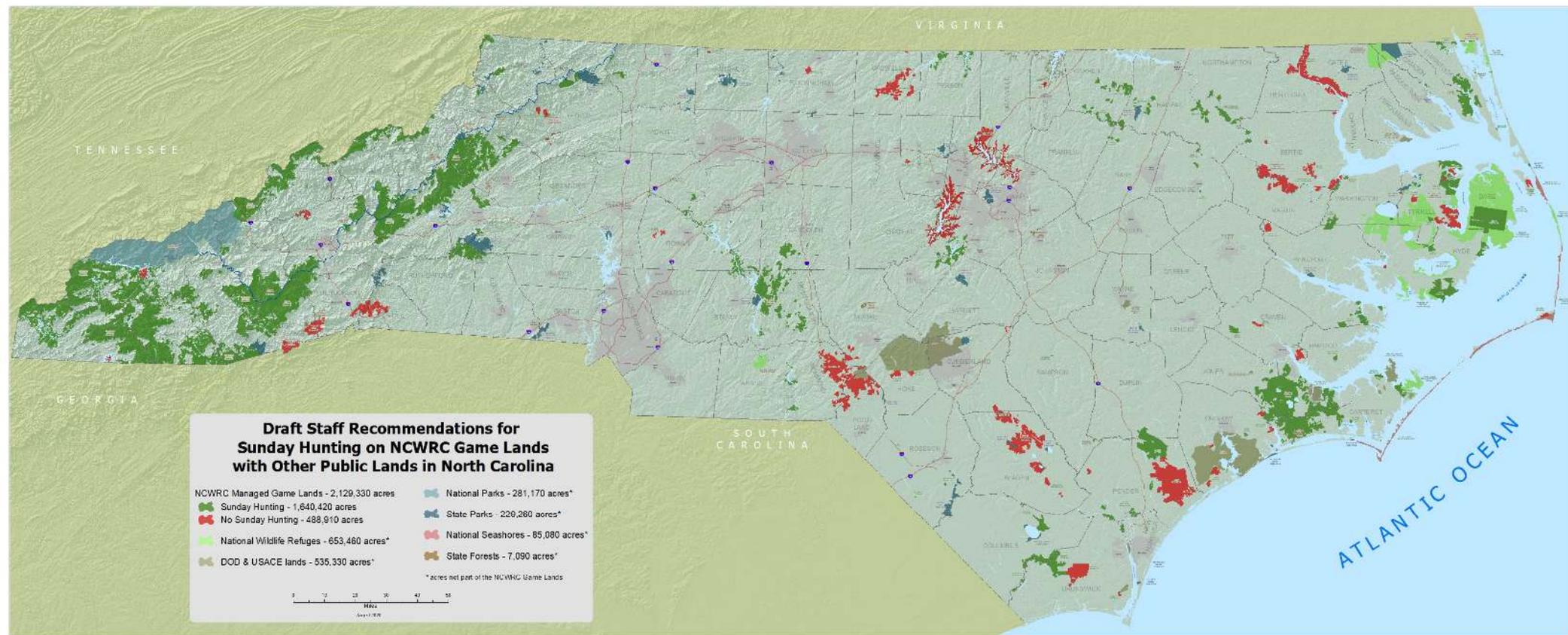


Staff Recommendations and Considerations

Considerations

- Resource Protection
 - Turkey
 - Deer
 - Bear





COASTAL REGION

Draft Staff Recommendations for Sunday Hunting on NCWRC Game Lands with Other Public Lands in North Carolina

NCWRC Managed Game Lands, Coastal Region - 633,860 acres

 Sunday Hunting - 395,480 acres

 No Sunday Hunting - 238,380 acres

 National Wildlife Refuges

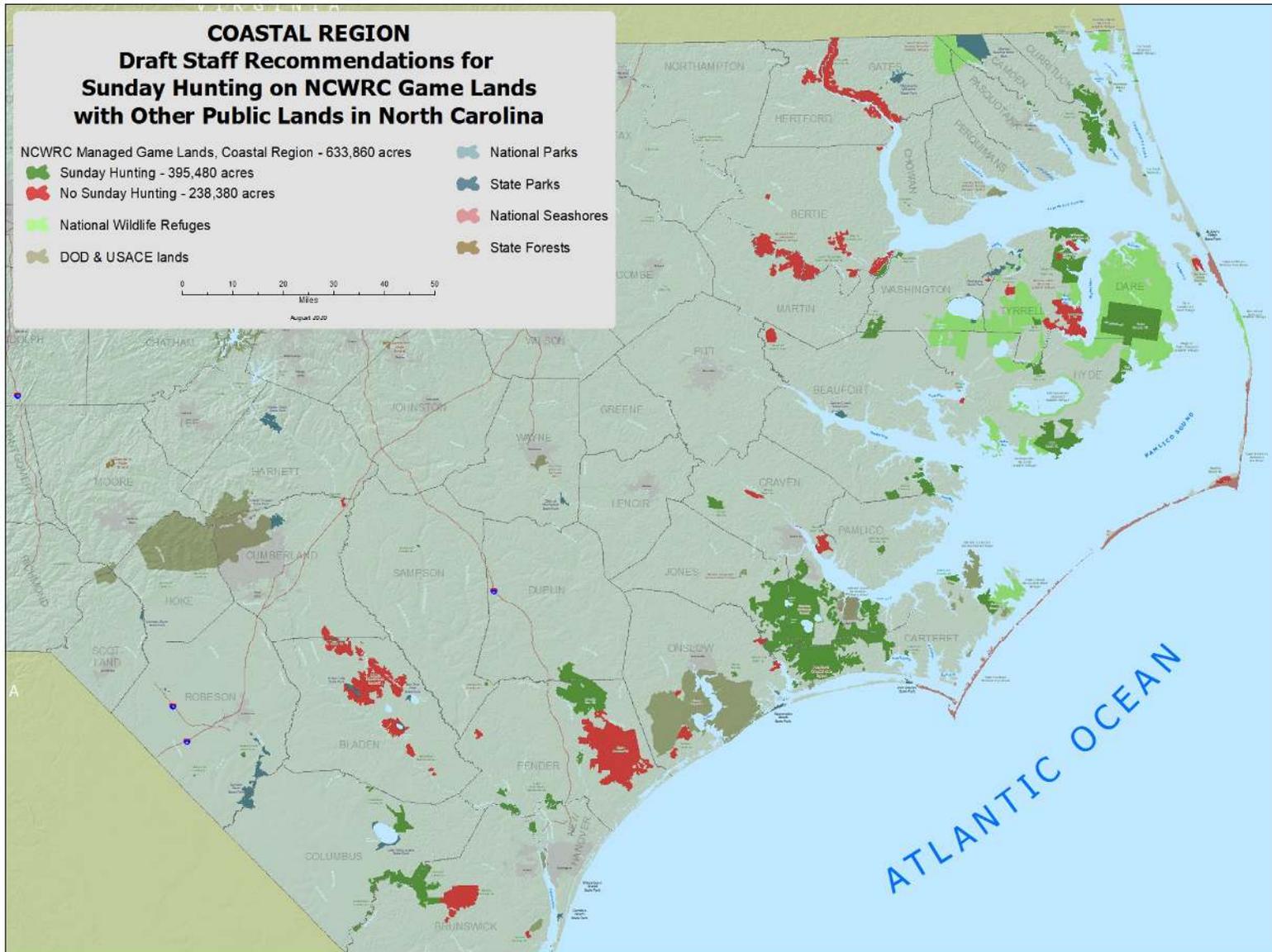
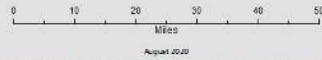
 DOD & USACE lands

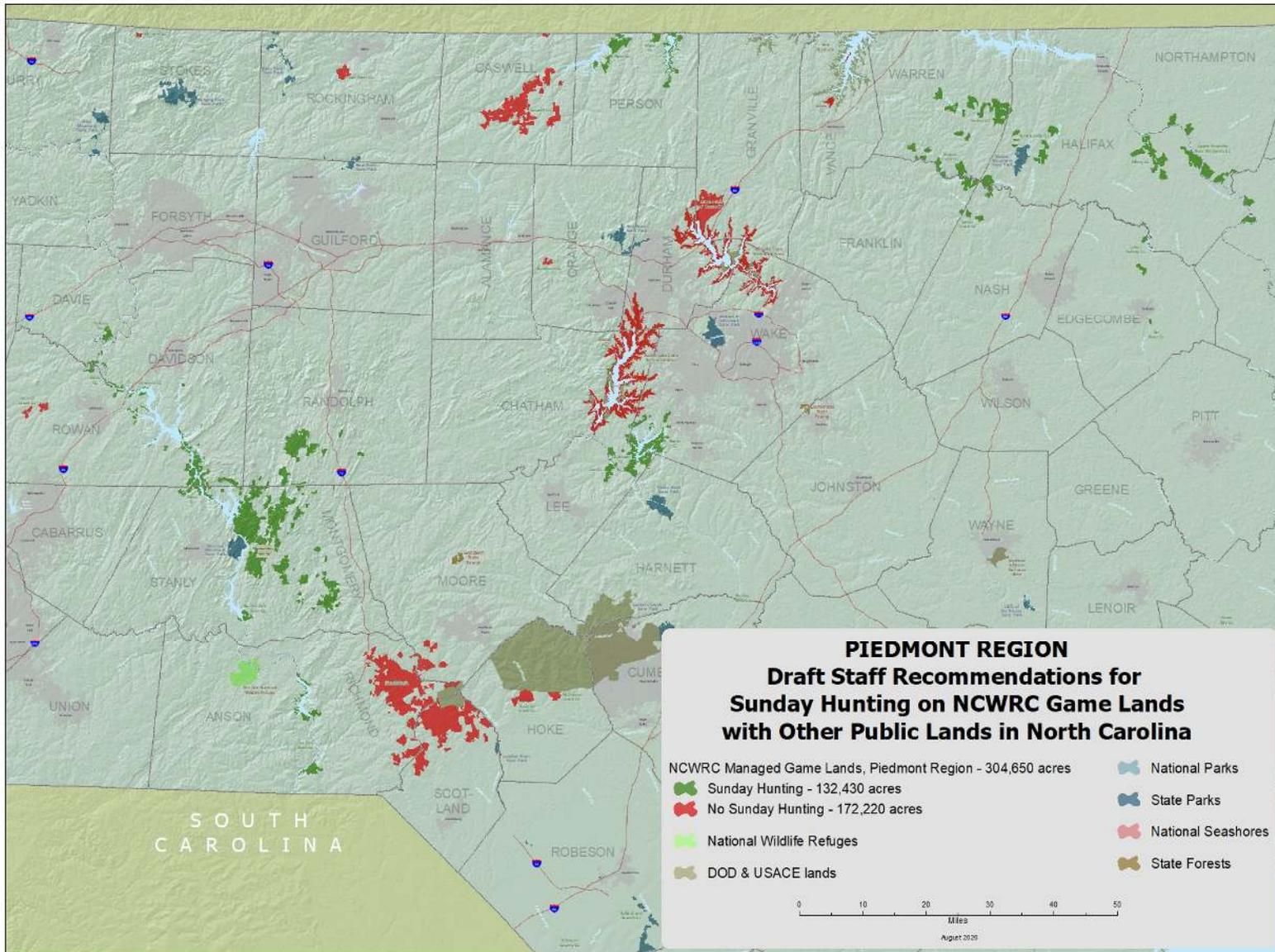
 National Parks

 State Parks

 National Seashores

 State Forests

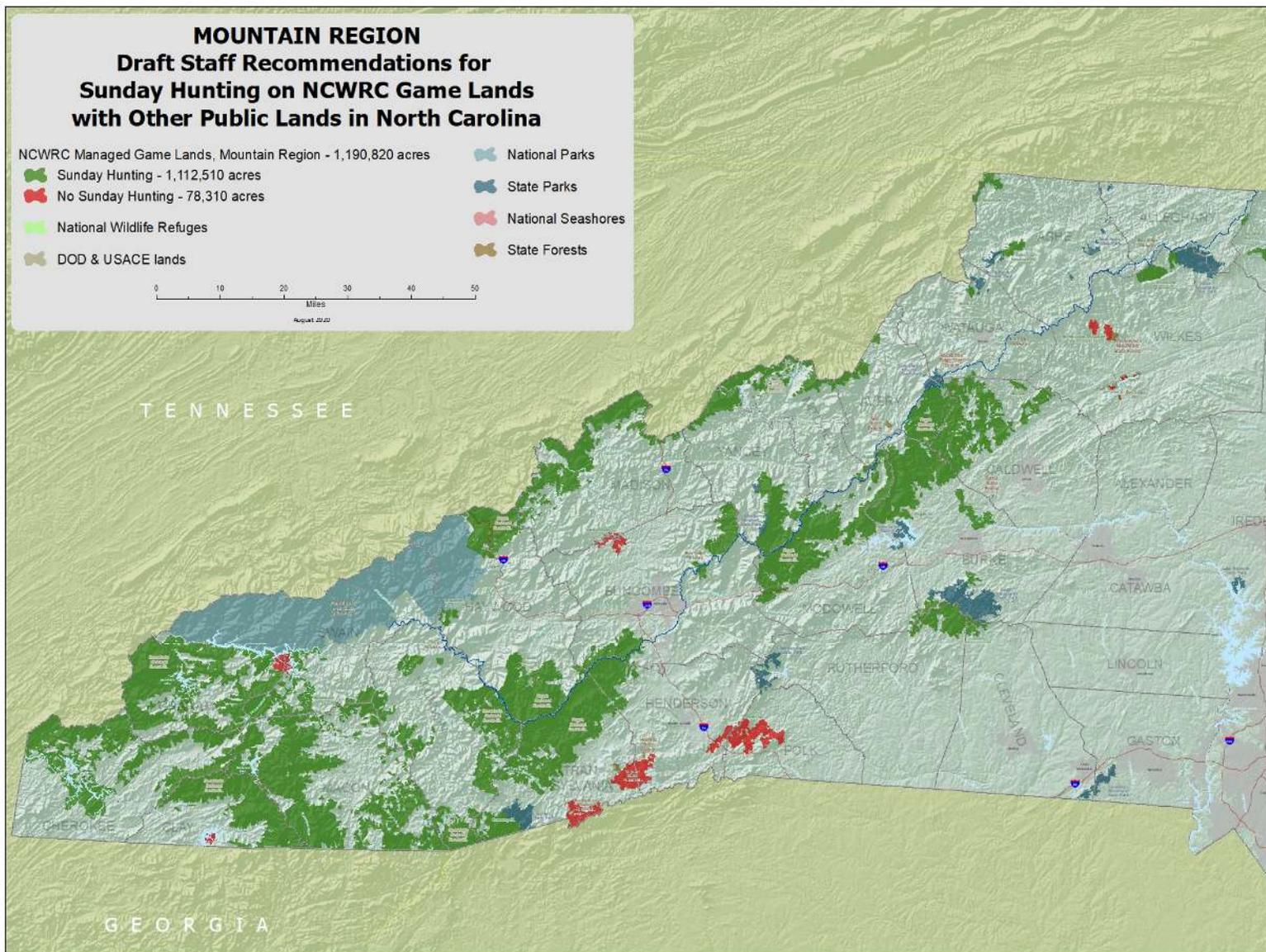




SOUTH CAROLINA

MOUNTAIN REGION Draft Staff Recommendations for Sunday Hunting on NCWRC Game Lands with Other Public Lands in North Carolina

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>NCWRC Managed Game Lands, Mountain Region - 1,190,820 acres</p> <ul style="list-style-type: none"> ■ Sunday Hunting - 1,112,510 acres ■ No Sunday Hunting - 78,310 acres ■ National Wildlife Refuges ■ DOD & USACE lands | <ul style="list-style-type: none"> ■ National Parks ■ State Parks ■ National Seashores ■ State Forests |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Great American Outdoors Act

National Park and Public Lands
Legacy Restoration Fund



Approx. \$9B over 5 years



For deferred maintenance at:

- National Parks (70%)
- National Wildlife Refuges (5%)
- National Forests (15%)
- other Federal lands (10%)

Land and Water Conservation
Fund



Guarantees \$900M per year
in perpetuity for the LWCF



Current model for distributing funds
remains the same.

Funding from royalty payments from
offshore oil and gas drilling in federal
waters.



GAOA and the NCWRC

Benefits to North Carolina and the WRC include:

- Maintenance on Federal Lands enrolled in the GL program
- Acquisition of new Federal Lands
- Additional conservation and recreational acres across NC

