

## SUBCHAPTER 10H - REGULATED ACTIVITIES

### SECTION .0100 - CONTROLLED HUNTING PRESERVES FOR DOMESTICALLY RAISED GAME BIRDS

#### 15A NCAC 10H .0101 LICENSE TO OPERATE

(a) A controlled hunting preserve license entitles the holder or holders thereof, and their guests of that preserve to take or kill by shooting only, and without regard to sex or bag limits, starting October 1 and ending March 31, domestically-raised pheasants, chukar partridges, Hungarian partridges, Mallard ducks (as defined by the United States Fish and Wildlife Service) or other domestically raised game birds, except wild turkey. A controlled hunting preserve license also authorizes the holder or holders to purchase, possess, propagate, sell, transport and release propagated migratory game birds and their eggs, and propagated upland game birds, except wild turkey, subject to the limitations and conditions in Section .0900 of this Subchapter. Application for controlled hunting preserve licenses shall be made on standard forms obtainable from the commission. Applicants must be prepared to show proof of ownership of the land contained in the proposed hunting preserve or proof that they have this land under lease for the duration of the license period.

(b) Controlled hunting preserve operators who release birds must report for the time period of the license the numbers of birds released by species and the counties where those birds were released using a reporting mechanism supplied by the Commission in order to renew their licenses.

*History Note: Authority G.S. 113-134; 113-273;*

*Eff. February 1, 1976;*

*Amended Eff. August 1, 2010; May 1, 2008; July 1, 1994; November 1, 1990; July 1, 1988; July 1, 1987.*

#### 15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION

(a) Size of Preserve. Controlled hunting preserves licensed under these regulations shall consist of not less than 100 acres and shall be in one block of land.

(b) Boundary of Preserve. The boundary of each controlled hunting preserve shall be posted with printed signs that face both outward and inward from the preserve boundary and that are supplied and posted by the preserve owner as follows:

- (1) Size and color. Signs shall be at least 12 inches wide and at least nine inches tall with white background and black lettering of uniform and legible font.
- (2) Text for signs that face outward from the boundary shall bear the following information:
  - (i) the words "Controlled Hunting Preserve" in font size no less than ¼ of an inch in height;
  - (ii) the words, "The owner or lessee of this property is operating by authority of a license issued by the N.C. Wildlife Resources Commission. All hunting on this preserve shall be in accordance with special regulations adopted by the Commission" in font size no less than ¼ of an inch in height;
  - (iii) the words, "state hunting license is required" in font size no less than ¼ inches in height; and
  - (iv) the name of the operator of the controlled hunting preserve in font size no less than ¼ of an inch in height.
- (3) Text for signs that face inward from the boundary shall bear the words "Controlled Hunting Preserve" in font size no less than ¾ of an inch in height.
- (4) Location. Signs shall be placed along the boundaries of the controlled hunting preserve, spaced not more than 150 feet apart.

(c) Stocking Preserve with Game. An applicant for a controlled hunting preserve license shall present satisfactory evidence of his ability to raise, or purchase, for release on the preserve during the year at

least the minimum number herein designated of each species he plans to advertise as being available on his preserve for hunting in accordance with the following formula:

- (1) ring-necked pheasants (and other nonnative game birds except Mallard ducks)--100 birds of each species for first 300 acres, or fraction thereof, and 100 birds for each additional 200 acres, or fraction thereof, included in the hunting preserve;
- (2) bobwhite quail--1,000 quail for the first 300 acres, or fraction thereof, and 500 quail for each additional 200 acres, or fraction thereof, included in the hunting preserve;
- (3) Mallard ducks (one generation removed from the wild) --100 minimum for each preserve.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2009; January 1, 1992; November 1, 1990.

#### **15A NCAC 10H .0103 LABELING**

When any person takes game birds, it shall be unlawful to remove such birds from the hunting preserve or to possess the same thereafter unless the entire bag of such birds is packaged and marked with a label provided by the hunting preserve operator. Such label shall contain:

- (1) the name and address of the hunting preserve,
- (2) the name and address of the possessor of the bird carcasses,
- (3) the number of bird carcasses contained therein,
- (4) a statement that the package may be opened for inspection by an enforcement officer,  
and
- (5) the signature of the preserve owner or operator.

The package must be accompanied at all times by the hunter's receipt completed and signed by the preserve operator or his agent as described in Rule .0105 of this Section.

*History Note:* Authority G.S. 113-134; 113-273; 113-274;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990.

#### **15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED**

All birds purchased or raised for release on hunting preserves shall be healthy and free from disease. Possession of unhealthy or diseased birds is grounds for revocation or denial of a controlled hunting preserve license.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2010; June 1, 2005; November 1, 1990.

#### **15A NCAC 10H .0105 RECORDS REQUIRED**

The preserve operator shall maintain a daily record of each hunter using the controlled hunting preserve. This record shall be kept on forms provided by the preserve operator. A sample form will be provided by the Wildlife Resources Commission to the preserve operator. This record shall bear the name, address, and license number of the preserve; the name, address and state hunting license number of each hunter using the preserve, the date of the hunt, and the number of each species of game bird killed by the hunter on the preserve. The record shall bear the signature of the operator of the preserve and shall be prepared in duplicate; the original to be given to the hunter to serve as a

receipt for birds killed on the preserve, and the duplicate copy to be retained by the licensee for 12 months and which copy shall be available for inspection by authorized Commission personnel upon demand. It is unlawful for a person to possess native or nonnative game birds killed on controlled hunting preserves, unless the said birds are accompanied by an approved receipt as described in this Rule. The licensee shall maintain a daily record of each game bird species liberated on the preserve. This record shall be open for inspection by authorized Commission personnel upon demand. Representatives of the Commission shall be permitted to enter the premises at reasonable times for inspection, enforcement, or scientific purposes.

*History Note:* Authority G.S. 113-134; 113-273; 113.274;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990; April 15, 1979.

#### **15A NCAC 10H .0106 HUNTING LICENSE REQUIRED**

Every person hunting on a controlled hunting preserve shall have in his possession a proper resident or nonresident hunting license or a special controlled hunting preserve hunting license for the current year as required by law.

*History Note:* Authority G.S. 113-134; 113-270.2; 113-273;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990.

#### **15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE**

In accordance with provisions of G.S. 113-276.2, the Wildlife Resources Commission may revoke or suspend the license of any hunting preserve operator upon violation of these rules and regulations. When there is evidence of such a violation, the executive director or his designee shall give the said operator 20 days notice in writing to show cause to the executive director or his designee why said license should not be suspended or revoked.

*History Note:* Authority G.S. 113-134; 113-273; 113-276.2;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1990; January 1, 1981.

#### **15A NCAC 10H .0108 BIRD FEEDERS**

(a) Purpose of Rule. The purpose of this Rule is to prescribe criteria governing the types and locations of bird feeders on controlled hunting preserves in the vicinity of which properly licensed hunters may take game birds as provided by law.

(b) Types of Feeders. For the purposes of this Rule, bird feeders may be either of commercial design or of domestic manufacture, provided that in either case they are not designed to disperse grain or other food on the ground around the feeders and are sheltered so as to protect such grain or food from dampness and precipitation.

(c) Location of Feeders. For the purposes of this Rule, no bird feeder shall be placed within 100 yards of any boundary of a controlled hunting preserve; otherwise the locations of such feeders shall be in the discretion of the hunting preserve operator.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. September 30, 1979;  
Amended Eff. May 1, 2009; November 1, 1990.

**15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS**

(a) Conditions of use. A licensed controlled hunting preserve operator who releases pen-raised quail for hunting or dog training purposes may, between September 1 and April 30, operate one or more quail call-pen traps in accordance with the requirements of this Rule for the purpose of recovering any such quail that are not killed.

(b) Location of Traps. No quail call-pen trap shall be located within 100 yards of any external boundary of the hunting preserve.

(c) Identification of Traps. All traps shall have a weather-resistant permanent tag attached with the propagator's name and address legibly written on it.

*History Note:* Authority G.S. 113-134; 113-291.1;  
Eff. September 1, 1980;  
Amended Eff. May 1, 2009; December 1, 1993; November 1, 1990; July 1, 1987.

**15A NCAC 10H .0110 SUPPLEMENTAL FEEDING**

A controlled hunting preserve operator may broadcast supplemental grain feed on the preserve. Licensed hunters may take domestically-raised pheasants, chukar partridges, Hungarian partridges, or other domestically raised upland game birds, except wild turkey, in supplemented areas.

*History Note:* Authority G.S. 113-134; 113-273;  
Eff. May 1, 2007.