Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10H .1201-.1204.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncwildlife.org/

Proposed Effective Date: May 1, 2021

Public Hearing:
Date: February 3, 2021
Time: 2:00 PM
Location: Register online here: https://ncwildlife.zoom.us/webinar/register/WN_R-kZz-qZSt2HZqy0bgKL_w Join by phone toll free (888-788-0099 or 877-853-5247) using Webinar ID: 962 0532 3799

Reason for Proposed Action: The Commission received a petition for rulemaking on September 10, 2020. In that petition, amendments were proposed to the following rules: 15A NCAC 10H .1201, .1202, .1203, and .1204. As part of the periodic review process, the Commission had initiated rulemaking for all rules in Section 10H .1200 in August 2020. At their December 10, 2020 meeting, the WRC voted to grant the petition. However, the Commission also voted to readopt the 10H .1200 rules, as required by G.S. 150B-21.3A(d)(2), which may address some of the petitioner’s concerns. The rulemaking initiated in August will be reviewed by the RRC in January and those readoptions are anticipated to become effective February 1, 2021; thus, the language in this Notice will differ from the language that has been readopted by the agency.

Comments may be submitted to: Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org

Comment period ends: March 16, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
- State funds affected
- Local funds affected
- Substantial economic impact (>= $1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .1200 - CONTROLLED FOX HUNTING PRESERVES

15A NCAC 10H .1201 LICENSE TO OPERATE
(a) It shall be unlawful for any individual, firm, association or corporation to operate a controlled fox hunting preserve without first obtaining from the 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 between the hours of 8a.m. and 6p.m. Monday through Saturday within the fenced area. No Hunting on Sunday. No dogs left overnight. Controlled fox hunting preserve licenses shall not be transferable, either as to operator or as to site of operation.
(c) Applicants shall be prepared to show proof of ownership of the land contained in the proposed controlled fox hunting preserve or that they have this land under lease for the duration of the license period. Applications for controlled fox hunting preserve licenses shall be made on forms obtained from the Commission.
(d) Upon receipt of an application accompanied by the statutory fee, the Commission shall notify local Code Enforcement Officials for the jurisdiction to assure compliance with local rules and regulations prior to issuance of 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.
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.

1. in areas less than 500 acres, zoned residential and within a one mile (or less) radius of residence(s) the following is required:
   A. A natural buffer
   B. 100 ft Set Back from adjoining property
   C. Dog proof fence shall be no closer than 300 yards to a home residence.
   D. CONTROLLED FOX HUNTING PRESERVES shall be required to obtain "Commercial Zoning" code prior to receiving a license.

(b) Boundary of Preserve. A controlled fox hunting preserve must 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.

1. A controlled fox hunting preserve must be enclosed with a dog-proof fence with rollers at top that is 16 height and 5 feet depth to prevent the escape of foxes and coyotes released within the pen.

(c) Stocking Preserve With Game:

1. In addition to purchasing live foxes and coyotes as provided in G.S. 113-273(g), operators of controlled fox hunting preserves may also purchase live foxes and coyotes from licensed controlled fox hunting preserves, licensed North Carolina fur propagators, or persons holding foxes legally under a North Carolina wildlife captivity license.

2. Licensed controlled fox hunting preserve operators may hold legally obtained foxes and coyotes under rules that apply to a captivity license and may transport legally acquired foxes and coyotes from the place of purchase to the controlled fox hunting preserve.

3. Foxes and coyotes may 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. Two foxes and coyotes permitted per 50 acres.

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

15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED
All foxes and coyotes purchased or raised for release on controlled fox hunting preserves shall be healthy and free from disease of any kind. An examination and inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time. All dead foxes and coyotes, except those killed by dogs during a hunt, or diseased foxes and coyotes found within the pen shall be 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. The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located.

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

15A NCAC 10H .1204 RECORDS REQUIRED
An accurate record including bill of sale for all foxes and coyotes released into the controlled fox hunting preserve shall be maintained and available for inspection by officials of the North Carolina Wildlife Resources Commission at all times. Failure to maintain accurate up to date records upon inspection will result in citation with repeat offenses resulting in revocation of license.

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