



## **Fiscal Note for Proposed Wildlife Captivity and Rehabilitation Rules for the Wildlife Resources Commission**

**Rule Amendments:** 15A NCAC 10H .1401 Definitions and General Requirements for Captivity Licenses  
15A NCAC 10H .1402 Minimum Standards  
15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation  
15A NCAC 10H .1404 Captivity License for Holding Wildlife  
15A NCAC 10H .1405 Captivity License Revocation and Enforcement  
15A NCAC 10H .1406 Forms for Captivity Licenses

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**Impact Summary:** State Government: Yes  
Local Government: Yes  
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).

## **I. Introduction and Purpose of Rule Change**

In 2013, the General Assembly passed a bill that amended G.S. 113-272.5. Captivity license, to provide for the issuance of captivity licenses for wild animals or birds lawfully taken for scientific, educational, exhibition or other purposes. Effective September 30, 2015, farmed captive cervids were transferred from the WRC to the NC Department of Agriculture and Consumer Services (DACS) via G.S. 106-549.97. Because of these changes, the captivity rules in 10H .0300 required revision to ensure that the intent of the statutes was clear and unambiguous in rule, and to specify terminology for consistent application. Additionally, it was necessary to distinguish the regulatory differences between holding wildlife for rehabilitation purposes from holding wildlife in long-term/permanent captivity. To accomplish this, 15A NCAC 10H, subsections .0301 - .0304 were revised and reorganized into a new Section of subchapter 10H (15A NCAC 10H .1400 – Wildlife Captivity and Rehabilitation). The proposed rules split rehabilitation and long-term captivity requirements, incorporate necessary definitions and provisions to be used throughout the subchapter, detail enforcement actions, and specify form contents. The new Section applies to all captivity licenses issued by the Commission and to those non-farmed cervid facilities issued a license prior to September 30, 2015.

Proposed rules can be found in Appendix C.

## **II. Fiscal Impacts - Costs**

### ***State Impact***

The revisions to the captivity and rehabilitation rules are anticipated to have minimal economic impacts on the state.

### **Rehabilitation**

Wildlife rehabilitators are required to be licensed by the WRC prior to caring for injured, crippled, orphaned, or otherwise unfit wildlife. While a vast network of rehabilitators exists both locally and nationally, providing support and education to these individuals, the agency does not currently verify an individual's knowledge of basic rehabilitation skills or state requirements. To address this, 15A NCAC 10H .1403 Captivity License for Wildlife Rehabilitation specifically requires that individuals applying for a rehabilitation license successfully complete the NC general wildlife rehabilitation examination. In addition to the general exam, it is proposed that wildlife rehabilitators wishing to rehabilitate white-tailed deer fawn and elk calves complete another exam specific to those species. These exams do not currently exist, and will need to be developed by agency staff prior to implementation. For the general wildlife rehabilitation exam, it is estimated that the agency will incur a one-time cost of approximately \$12,266, for test development (\$66.67/hr x 25 hrs = \$1,667), IT platform design (\$52.17/hr x 80 hrs = \$4,174) and development (\$51.37/hr x 80 hrs = \$4,110), and support and project oversight (\$38.58/hr x 60 hrs = \$2,315). Additionally, the agency estimates an annual recurring cost of approximately \$2,439 per year, related to administrative duties including exam revision (\$66.67/hr x 10 hrs/yr = \$667/yr), content upkeep (\$51.37/hr x 10 hrs/year = \$514/yr), project oversight (\$38.58/hr x 12 hrs/yr = \$463/yr), and administrative duties (\$33.11/hr x 24 hrs/yr = \$795/yr). An additional

cost to the agency of \$6,316 is anticipated for development ( $\$66.67/\text{hr} \times 25 \text{ hrs/yr} = \$1,667$ ), IT platform design ( $\$52.17/\text{hr} \times 30 \text{ hrs} = \$1,565$ ) and development ( $\$51.37/\text{hr} \times 30 \text{ hrs} = \$1,541$ ), and support and project oversight ( $\$38.58/\text{hr} \times 40 \text{ hrs} = \$1,543$ ) of the fawn/calf rehabilitation exam. Annual recurring costs of approximately \$2,439 are estimated for exam revision ( $\$66.67/\text{hr} \times 10 \text{ hrs/yr} = \$667/\text{yr}$ ), content upkeep ( $\$51.37/\text{hr} \times 10 \text{ hrs/year} = \$514/\text{yr}$ ), project oversight ( $\$38.58/\text{hr} \times 12 \text{ hrs/yr} = \$463/\text{yr}$ ), and administrative duties ( $\$33.11/\text{hr} \times 24 \text{ hrs/yr} = \$795/\text{yr}$ ).

Tagging of rehabilitated white-tailed fawn and elk calves is another proposed addition in 15A NCAC 10H .1403. The new provision would require any cervid in the possession of a licensed rehabilitator for a period longer than 24 hours, to be tagged with tags supplied by the Commission. Based on the estimated number of fawn rehabilitated in 2016, it is anticipated that the agency will incur an annual cost of approximately \$786 ( $393 \text{ fawn} \times \$2.00 / \text{tag} = \$786$ ) to purchase ear or button tags.

### Long-Term Captivity

Proposed changes to long-term captivity rules allow the Commission to require tagging or marking of wild animals and wild birds kept in long-term captivity in a manner appropriate for the species. Specific tagging requirements will be determined on a case-by-case basis taking into consideration the animal's size, location and reason for captivity. However, it is assumed that the Commission will supply any required tags, and that recommended tags may include ear tags, button tags, or microchips/pit tags. Based on the current number of animals held under long-term captivity licenses (509), it is estimated that the maximum one-time agency cost for marking these animals would be approximately \$173 for button tags ( $\$0.34/\text{tag} \times 510 \text{ tags} = \$173$ ), \$1,020 for ear tags ( $\$2/\text{tag} \times 510 \text{ tags} = \$1,020$ ), or \$918 for microchips/pit tags ( $\$1.80/\text{tag} \times 510 \text{ tags} = \$918$ ). Because all animals do not require the same type of tag, the agency expects to have enough tags to last several years.

The tagging requirement applies to all wild animals and wild birds kept in long-term captivity, including those at state-owned facilities. Tagging requirements will be specific to each species and the license holders may incur a cost for the act of tagging. However, most state-owned facilities have both the equipment and trained staff to perform the tagging, thus, would incur no substantial additional cost to comply with this requirement.

### ***Local Impact***

The proposed 10H .1400 Rules are anticipated to have minimal local economic impacts. Based on current license data, only facilities owned by local governments (currently six licensed) would be impacted by the amendments.

### Long-Term Captivity

Only two cases of accidental reproduction with animals in long-term captivity have been reported to the Commission in the past 10 years. Though the agency is unable to predict the unreported number of cases, it can reasonably be assumed, based on available data, that no more than one case of accidental reproduction occurs every five years. Because the proposed changes to the rules will make reproduction of wild animals and wild birds in captivity unlawful, the license holder may elect to have animals spayed or neutered to avoid the potential, especially if males and females are kept together. A licensed veterinarian must spay or neuter a wild animal,

at a one-time cost to the license holder of approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.<sup>1</sup>

The Commission's proposal to prescribe permanent tagging of wild animals and wild birds kept in long-term captivity, may also introduce a cost to the license holder. Tagging requirements will be specific to each species, based on the animal's size, location, and reason for captivity. Recommended tags may include ear tags, button tags, or microchips/pit tags. Though it is assumed that the WRC will purchase and provide the tags, the license holders may incur a cost for the act of tagging. Depending on experience and equipment, tagging could be self-performed. For example, ear tags could be affixed by the license holder using a \$25 applicator. However, a microchip/ pit tag would need to be administered by a veterinarian at a cost of anywhere from \$25 - \$50 per animal.

### ***Private Impact***

The proposed 10H .1400 Rules are expected to have minimal private impacts.

### **Rehabilitation**

Caging requirements in the current captivity rules do not differentiate between rehabilitation and long-term captivity. The cage sizes vary only by species and depend on the number of animals kept in the cage. Proposed changes to Minimum Standards, differentiate requirements based on the type of license. Caging requirements specific to wildlife rehabilitation, reference *Minimum Standards for Wildlife Rehabilitation*<sup>2</sup>, which include recommendations for caging based on life stage of the animal(s) being rehabilitated. Though the proposed caging requirements are more appropriate for each species, requiring additional cage sizes could create an additional cost for those rehabilitators who care for more than one life stage of a species. Further, this cost could be multiplied if a rehabilitator cared for more than one species. For example, in current rule, a single animal enclosure for a squirrel, regardless of life stage, is 4' x 2' x 2' (8ft<sup>2</sup>). The agency estimates that building a wooden cage with ½ inch wire mesh to these specifications would cost a rehabilitator approximately \$31. The revised minimum standards specify cage sizes for infants, nursing/pre-weaned, juvenile (outside), adult (outside), and restricted injured adults. If a rehabilitator wanted to work with infant, nursing, and juvenile squirrels, the agency estimates a one-time caging cost that could range from approximately \$160 - \$400. Similarly, a rehabilitator working with opossums, currently requires a cage that is 6' x 3' x 3' (18ft<sup>2</sup>). The agency estimates that building a wooden cage with ½ inch wire mesh to these specifications would cost a rehabilitator approximately \$48. Assuming the same scenario above of the rehabilitator working with infant, nursing, and juvenile opossums, the agency estimates one-time caging costs in the range of approximately \$234 - \$500 could be incurred. A breakdown of the costs is below, with a more detailed description in Appendix A.

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<sup>1</sup> Cost estimates obtained from local (Raleigh area) veterinarian.

<sup>2</sup> Miller, E.A., editor. 2012. *Minimum Standards for Wildlife Rehabilitation*, 4<sup>th</sup> edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages.

Stage	Cage Size for Squirrels	Approximate Cost for Squirrels <sup>5</sup>	Cage Size for Opossums	Approximate Cost for Opossums <sup>3</sup>
<i>Current Standards</i>	<i>4ft. x 2ft. x 2ft.</i>	<i>\$31</i>	<i>6ft. x 3ft. x 3ft.</i>	<i>\$48</i>
Infant	10 Gallon	\$4	10 Gallon	\$4
Nursing/Pre-weaned	10 – 20 Gallon	\$ -	3ft. x 3ft. x 3ft.	\$30 to \$45
Juvenile (outside)	3ft. x 6ft. x 6ft.	\$156 to \$397	10ft. x 12ft. x 8ft.	\$200 to \$450
<b>Total</b>		<b>\$160 to \$401</b>		<b>\$234 to \$499</b>

The cost of rehabilitation is influenced by a variety of factors in addition to species. Per Claws, Inc., a local non-profit wildlife rescue/rehabilitation organization, it costs approximately \$4.16 per month to rehabilitate one healthy orphaned duckling, \$10 per month to rehabilitate one healthy orphaned squirrel, and \$4.50 per day to rehabilitate one healthy fawn.<sup>4</sup> This cost does not include any veterinarian bills, medications, caging, or permits required to rehabilitate the animal, as the cost is different for each case. Animals that are sick and require special veterinary care and/or medication may introduce an additional cost to the rehabilitator.

Medications used to treat wildlife are prescribed by a veterinarian for off-label use. Though the cost of specific medications cannot be quantified due to variability between manufacturers and dosages, the withdrawal times are known.<sup>5</sup> For example, the antibiotic Gentamicin is commonly used for infections and is administered via intramuscular injection. The withdrawal time for this antibiotic is 18 days.<sup>6</sup> Ivermectin, a medication commonly administered for deworming, requires a withdrawal time that ranges from 24 days if administered orally, to 48 days if administered topically.<sup>7</sup> Depending on the species, and when the animal was treated (assuming it was treated the day prior to scheduled release), the proposed requirement in 15A NCAC 10H .1403 that the animal be withdrawn from any medication prior to release back to the wild, could cost the rehabilitator anywhere from approximately \$2.52 for a duckling administered Gentamicin ( $\$4.16/\text{month} / 30 \text{ days/month} = \$0.14/\text{day} \times 18 \text{ days} = \$2.52$ ) to approximately \$216 for a fawn being treated topically with Ivermectin ( $\$4.50/\text{day} \times 48 \text{ days} = \$216$ ). A breakdown of estimated costs is below with more detailed information in Appendix B.

<sup>3</sup> Costs estimated for materials used to build cages (homedepot.com).

<sup>4</sup> [www.nc-claws.org](http://www.nc-claws.org).

<sup>5</sup> <http://www.farad.org/>

<sup>6</sup> <http://www.farad.org/Publications/Digests/072005AminoglycosideResidues.pdf>

<sup>7</sup> <http://www.farad.org/Publications/Digests/092000ExtralabelIvermectinMoxidectin.pdf>

<b>Species</b>	<b>Gentamicin (18 days)</b>	<b>Ivermectin (24 days)</b>	<b>Ivermectin (48 days)</b>	<b>Approximate Range of Costs</b>
Duckling	\$2.50	\$3.33	\$6.66	<b>\$2.50 - \$7</b>
Squirrel	\$6.00	\$8.00	\$16.00	<b>\$6 - \$16</b>
Fawn	\$81	\$108	\$216	<b>\$80 - \$216</b>

Tagging of rehabilitated white-tailed fawn and elk calves is another proposed addition to the rules. The new provision would require any fawn or calf in the possession of a licensed rehabilitator for a period of longer than 24 hours, to be permanently tagged with a Commission-supplied ear tag. However, it would be the responsibility of the rehabilitator to affix the tags. The standard applicator used for ear tags costs approximately \$25.<sup>8</sup> This would be a one-time cost to the rehabilitator.

### Long-Term Captivity

Accidental reproduction is not common for animals in long-term captivity. Only two cases have been reported to the Commission in the past 10 years. Though the agency is unable to predict the un-reported number of cases, it can reasonably be assumed based on available information, that no more than one case of accidental reproduction occurs every five years. Because the proposed changes to the rules will make reproduction of wild animals in captivity unlawful, license holder may elect to have animals spayed or neutered to avoid the risk, especially if males and females are kept together. A licensed veterinarian must spay or neuter a wild animal, at a one-time cost to the license holder of approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.

The Commission's proposal to prescribe permanent tagging of all wild animals and wild birds kept in long-term captivity, may also introduce a cost to the license holder. Tagging requirements will be specific to each species, based on the animal's size, location, and reason for captivity. Recommended tags may include ear tags, button tags, or microchips/ pit tags. The WRC will purchase and supply the tags used on these animals, but the license holders will likely incur a cost for the act of tagging. Depending on the license holder's experience and equipment, tagging and/or marking could be self-performed. For example, ear tags can be affixed by the license holder using a \$25 applicator. However, a microchip/pit tag would have to be administered by a veterinarian at a cost of anywhere from \$25 - \$50 per animal.

## **III. Fiscal Impacts - Benefits**

### ***State Impact***

#### Rehabilitation

Proposed amendments to the captivity licensing rules eliminate the requirement for rehabilitation facilities to be inspected prior to license issuance. This added flexibility will allow agency personnel to conduct inspections when they can be reasonably certain that the rehabilitator will

<sup>8</sup> <https://nationalband.com/products/self-piercing-ear-tags-1005-49/>.

have animals on-site, thus reducing time lost to unproductive inspections. Based on the average number of applications for rehabilitation licenses received each year from 2014 – 2016 (40) and the amount of time that each inspection requires (approximately 30min.), the agency could save up to approximately \$660 per year in lost time by implementing this rule change (\$33/hr x .5 hrs x 40/yr = \$660/yr). The agency will retain the ability to inspect licensed facilities throughout the year.

### ***Local Impact***

The proposed changes to the captivity and rehabilitation rules are expected to have no local benefits.

### ***Private Impact***

#### **Rehabilitation**

Though the proposed rules to establish minimum standards for caging specific to wildlife held for rehabilitation are more prescriptive, they are widely recognized and utilized standards that may create cost savings for rehabilitators, depending on the species that they rehabilitate and the life stage(s) of the animals that they care for. For example, if a rehabilitator only desires to work with infant gray squirrels, the agency's current rules require them to have a cage that is no less than 4 ft. x 2 ft. x 2 ft. (length x width x height). The proposed standards would only require that the rehabilitator have a 10-gallon cage for nursing gray squirrels. Additionally, the proposed standards contain options for caging materials, which introduces the flexibility of customizing a cage that meets not only the animal's needs but also the rehabilitator's budget. Based on agency estimates for construction of a wood and wire mesh box meeting current minimum standards of 4 ft. x 2 ft. x 2 ft., and proposed requirements for indoor caging of infant mammals, a rehabilitator working with infant gray squirrels could reasonably expect to save approximately \$15 to \$31 by utilizing a cardboard box, hard plastic tote or glass aquarium, as opposed to a wooden/wire cage.<sup>9</sup>

Rehabilitation of rabies vector species (RVS) has not historically been permitted by the WRC. However, this has not been clearly stated in agency rules. The proposed 10H .1400 rules specifically identify RVS and prohibit their rehabilitation. Because the only way to prevent rabies is by eliminating exposures to rabid or potentially rabid animals, the proposed prohibition is an attempt to help prevent the unintentional transmission of the virus, which is 100% fatal if not treated, and has been found in wild mammals in all 100 counties of the state.<sup>10</sup>

Rabies is commonly transmitted to people through the bite of an animal carrying the disease, as it is communicable during the period of salivary shedding. The only proven way to survive rabies exposure is by receipt of timely post-exposure prophylaxis.<sup>11</sup> While exact figures for the cost of rabies post-exposure prophylaxis depend on a variety of factors (patient's weight, drug manufacturer, insurance coverage, etc.), data obtained from the NC State Laboratory of Public Health estimate that post-exposure prophylaxis for a healthy person that was never vaccinated

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<sup>9</sup> See Appendix A for cost break-down.

<sup>10</sup> <http://epi.publichealth.nc.gov/cd/rabies/figures.html>.

<sup>11</sup> Compendium of Animal Rabies Prevention and Control, 2016. Public Veterinary Medicine: Public Health. <http://www.nasphv.org/Documents/NASPHVRabiesCompendium.pdf>.

against rabies prior to their exposure, could cost more than \$8,000.<sup>12</sup> From 2008 – 2010, approximately 780 people visited a North Carolina emergency department for a wildlife bite.<sup>13</sup> Assuming that post-exposure prophylaxis was administered in all 780 cases, the cost to individuals would equal approximately \$6.24 million dollars (780 people x \$8,000/person = \$6,240,000). While it cannot reasonably be assumed that every treated bite was from a RVS, nor can it be assumed that every bite was documented, these estimates can help to infer the magnitude of potential cost associated with wildlife bite injuries in North Carolina. Explicitly prohibiting rehabilitation of RVS will help to minimize the risk of exposure, thus potentially helping individuals avoid costly treatment.

## **IV. Uncertainties**

### ***State Impact***

#### **Rehabilitation**

Over 15,000 people contact the WRC each year about what they believe to be orphaned wildlife, injured wildlife, or human-wildlife conflicts. Staff spend approximately 10 minutes on each call received.<sup>14</sup> In many cases, the agency can resolve these concerns. However, the agency does not have the capacity to care for wild animals. The agency encourages the public to leave wild animals alone, however, many members of the public exhibit a strong emotional response to perceived pain and suffering of an animal.<sup>15</sup> It is never in the best interest of the public or the animal for an untrained person to care for wildlife, no matter how well-intentioned their efforts may be. Thus, if an issue arises in which an animal needs to be cared for, the public and the agency both rely on licensed rehabilitators for this assistance. Not only do rehabilitators care for animals, they can directly assess situations before taking animals in. The expertise and experience of these individuals supplement the assistance that the agency provides. Unfortunately, however, no data are available on the hours that individual rehabilitators devote to troubleshooting with the public. Thus, though the public service they provide is very valuable, it is not directly quantifiable.

Raccoon-variant rabies, that which is most prevalent in NC, often effects pets, livestock and other wildlife, even some that are traditionally considered to be low risk for the virus. A raccoon-variant rabies eradication effort, the National Rabies Management Program, has been implemented in nine NC counties along the Tennessee-North Carolina border since September 2015.<sup>16</sup> Prohibiting physical contact between rabies species and the public, domestic animals, non-native animals, livestock and other wildlife species held in captivity for either rehabilitation or long-term holding, is a step towards preventing the spread of the rabies virus. Though costs associated with disease diagnostics, prevention and control in the US are known to be substantial, reporting of exposures and treatments are not required, therefore, the benefits of limiting exposure to these species is unquantifiable.

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<sup>12</sup> Data obtained from NC Department of Health and Human Services staff, May2017.

<sup>13</sup> [https://ncdetect.org/files/2016/12/NC\\_DETECT\\_Animal\\_Bites\\_2012\\_FactSheet.pdf](https://ncdetect.org/files/2016/12/NC_DETECT_Animal_Bites_2012_FactSheet.pdf)

<sup>14</sup> 2016 WRC Human Wildlife Interaction automated call distribution data.

<sup>15</sup> Wildlife Rehabilitators Do more than People Realize, S. J. Casey and A.M. Casey, 2009.

<sup>16</sup> NC DPH: Oral Rabies Vaccine (ORV Program). <http://epi.publichealth.nc.gov/cd/rabies/orv.html>.



Beyond the public health benefits of prohibiting rehabilitation and release of rabies vector species, there is a wildlife health benefit. When an injured animal comes to a rehabilitator, there is uncertainty in many cases around how the animal's injury was sustained. Because the shedding period for rabies is unknown in most species, there is no assurance that the rehabilitator will not be exposed, or that the rehabilitator will not release a rabid animal back into the wild to infect other persons, domestic animals or wildlife. This unknown risk of rehabilitating rabies vectors is circumvented by the agency's proposed explicit prohibition of RVS rehabilitation, which is known to be a benefit to the state, though it is unquantifiable.

The proposed rules relating to enforcement in 10H .1405 introduce options for non-compliance with captivity licenses. Adding the options for warnings, license modification, revocation, or suspension increase administrative and enforcement flexibility for the agency. Additionally, it will allow the agency to address compliance issues without completely losing a resource. Unfortunately, the agency has no way to quantify these benefits.

The proposed addition of wild turkey and bear cubs to the list of species able to be rehabilitated may benefit the agency by providing additional resources. Because the agency does not rehabilitate wildlife, staff rely on licensed individuals to care for these animals when needed. While the agency has no way to estimate how many individuals will request licenses to rehabilitate these species, the removal of the prohibition to have them in captivity for rehabilitation may constitute an added resource for staff. Additionally, the inclusion of wild turkey will also make it easier for staff to inspect facilities with turkeys, as it is difficult to distinguish between wild turkeys and other turkey species that have, and continue to be legally kept in captivity.

### ***Local Impact***

#### **Long-Term Captivity**

Proposed amendments to the minimum standards for holding wildlife in captivity are based on recommendations from Animal Care and Enclosure Standards published by the Zoological Association of America. The proposed amendments are species specific and detail facilities sizes, enrichment activities, cleaning requirements and shelter specifications that were not previously required or specified by rule, but have been incorporated to improve quality of care and facilitate compliance at these facilities. For local government operated facilities, these modifications are not anticipated to initiate many changes, as most of these facilities already adhere to more rigorous standards than are proposed in 15A NCAC 10H .1402. However, if it is necessary for a facility to make costly changes to comply with the new standards, they have the option of changing the number/ and or size(s) of animals held in each enclosure, thus allowing them to achieve compliance without modifying their habitats. Because of the options for compliance and variability of requirements for different animals, the agency cannot estimate potential costs.

### ***Private Impact***

#### **Rehabilitation**

15A NCAC 10H .1403, Captivity License for Wildlife Rehabilitation, proposes to require that individuals applying for a rehabilitation license successfully complete the NC general wildlife rehabilitation examination. In addition to the general exam, it is proposed that wildlife

rehabilitators wishing to rehabilitate white-tailed deer fawn complete another exam specific to those species. While both exams will be “open book” and it is not anticipated that either exam will require an extensive time commitment for completion, this will be an added burden on individuals, as they will be required to pass the exam before they are issued a rehabilitation license. Because the exam has not yet been developed, the agency is unable to determine the amount of time and effort required by individuals for completion.

Proposed changes eliminate the requirement for rehabilitators to be inspected before obtaining their license. This has been an inconvenience in the past because most individuals do not know what animals they will get, and therefore what cage(s) to build or buy, before they start rehabilitating. While facility inspections are still a part of the proposed rules, the removal of the pre-license inspection requirement will allow them to be conducted at more appropriate times. This change will save the rehabilitators time, by avoiding unnecessary inspections, and money, by avoiding the purchase of unnecessary cages. Rehabilitators will only need cages to keep the animals that they currently possess at the time of inspection.

Additionally, the proposed rules allow for the rehabilitation of wild turkey and bear cubs, and long-term captivity of wild turkey. While the agency has no way to estimate how many individuals will request captivity permits for this species, the removal on a prohibition to rehabilitate and have a new species in captivity increases opportunities.

While most proposed changes to the rules are expected to benefit rehabilitators and the public, the explicit prohibition on RVS rehabilitation could be considered a lost opportunity and subsequently a lost social benefit. Unfortunately, due to lack of data, the agency is unable to estimate this loss.

### Long-Term Captivity

With proposed changes to the captivity rules that allow for exhibition of wild animals, more opportunity for license holders and the public to interact with wildlife will likely exist. These opportunities may help to educate the public about animals that they often see from a distance but don’t know much about. Opportunities like this lead to several other benefits not only to the species but also to the license holders. Information can be shared that not only supports the agency’s mission of conservation, but spreads the word about safety, quality care and the effort required to support these wild animals in humane ways.

While most proposed changes to the rules are expected to benefit long-term captivity license holders, the transfer of farmed cervids from the Commission to the Department of Agriculture and Consumer Services via G.S. 106-549.97 in 2015 requires that new restrictions are implemented on existing non-farmed cervid herds. Because the agency is discontinuing the long-term holding of wild cervids (non-farmed cervids), clear restrictions are proposed in 10H .1403 on facilities with captive cervid licenses issued prior to September 30, 2015. The new restrictions are expected to affect seven (7) facilities, and notable changes include no new cervids, no reproduction and transfer only between existing non-farmed herds. These restrictions could be considered a lost opportunity and subsequently, a lost social benefit. However, the proposed changes could also be considered a benefit to the State. By placing restrictions on non-farmed cervids, the agency is making efforts to avoid the spread of chronic wasting disease, which if introduced to North Carolina could have serious negative impacts to the native White-

tailed deer population and deer hunting in NC. Unfortunately, the agency has no way to quantify these potential losses or benefits.

Finally, proposed amendments to the minimum standards for holding wildlife in captivity have the potential to add a cost for long-term captivity license holders. The proposed standards are based on recommendations from Animal Care and Enclosure Standards published by the Zoological Association of America. The proposed amendments are species specific and detail facilities sizes, enrichment activities, cleaning requirements and shelter specifications that were not previously required or specified by rule, but have been incorporated to improve quality of care and facilitate compliance at these facilities. Depending on the species and the current facilities, the addition of these requirements could add a cost. However, the license holder also has the option of changing the number and/or size(s) of animals held. Because of the options for compliance and variability of requirements for different animals, the agency cannot estimate potential costs.

## **V. Economic Impact Summary<sup>17</sup>**

In estimating the economic impact of the proposed amendments to the captivity and rehabilitation rules, many costs identified were quantifiable. These include the following:

### ***State***

#### **Rehabilitation**

- General wildlife rehabilitation exam: Year 1 = \$12,266; Recurring = \$2,439/year
- Fawn rehabilitation exam: Year 1 = \$6,316; Recurring = \$2,439/year

#### **Long-Term Captivity**

- Ear tags for fawns: \$780/year
- Other wildlife tags: \$173 (button), \$1,020 (ear), \$918 (microchip/pit)

### ***Local***

#### **Long-Term Captivity**

- Spay/neuter: \$350
- Tagging: \$38/animal

### ***Private***

#### **Rehabilitation**

- Caging for various life stages: \$330
- Withdrawal time: \$109
- Ear tag applicator: \$25

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<sup>17</sup> Median values have been used to calculate estimates for costs and benefits identified as ranges in the narrative of this document.

### Long-Term Captivity

- Spay/neuter: \$350
- Tagging: \$38/animal

Based on these estimates, the agency expects a cost of approximately \$22,713 in year one, and a recurring cost of approximately \$5,658 each year thereafter.

While a number of benefits associated with the proposed amendments have been identified, many cannot be quantified due to lack of data. Quantifiable benefits include the following:

### *State*

#### Rehabilitation

- Removal of pre-license facility inspections: \$660

### *Private*

#### Rehabilitation

- Minimum standard for caging: \$23

Unquantifiable costs and benefits include the following:

### *State*

#### Rehabilitation

- Value of rehabilitator's time
- Supporting national rabies eradication efforts
- Public health benefit of prohibiting RVS rehabilitation
- Wildlife health benefit of prohibiting RVS rehabilitation and release
- Options for non-compliance with captivity licenses
- Additional resources for rehabilitation of turkey and bear cubs

### *Local*

#### Long-Term Captivity

- Changes to minimum requirements of animal enclosures

### *Private*

#### Rehabilitation

- Time required to take the general and deer fawn/elk calf exam(s)
- Time saved by elimination of unproductive pre-license facility inspection
- Money saved for purchasing/building appropriate cages for animals in rehabilitation
- Increased opportunities for rehabilitating turkey and bear cubs

- Lost opportunity to rehabilitate RVS

#### Long-Term Captivity

- Allowing exhibition increases opportunities for license holders and the public to interact with and learn about wildlife
- Lost opportunities for holding non-farmed cervids in long-term captivity
- Increased detail in the minimum standards for caging and keeping wildlife

Wildlife rehabilitation is a public service. The public in general, does not like to see wild animals suffer and likes to know that there are options for saving injured and orphaned wildlife. Additionally, people enjoy interacting with and learning about wildlife. This is done through both viewing wildlife in nature and interacting with wildlife in captivity. Comparatively speaking, the WRC offers little in the way of hands-on wildlife education. Most of these services are provided by individuals or groups with a passion for helping animals and bridging the gap between wildlife and the public.

Captivity license holders for both wildlife rehabilitation and long-term holding, along with the state, will benefit from the agency's proposed modifications to the captivity rules. These amendments and additions will increase opportunities, protect human and wildlife health, and improve clarity of requirements and standard of care for each species, to improve quality of care and provide clarity of consequences for non-compliance. Additionally, changes to the rules will reduce the hurdles to providing sufficient care to wildlife, that will be realized by the state, the public and private individuals.

Although several anticipated benefits resulting from the proposed changes to the captivity rules are not quantifiable with available data, when combined with the quantifiable benefits, the agency expects the benefits of the proposed changes to outweigh the costs.

## Opossum Cages

### Nursing/Pre-weaned 3ft x 3ft x 3ft

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 12 untreated lumber	3	\$5.40	\$16.20
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
<b>TOTAL</b>			<b>\$33.18</b>

### Juvenile Outdoor Low

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 8 treated lumber	6	\$3.67	\$22.02
2 x 4 x 10 treated lumber	6	\$5.98	\$35.88
2 x 4 x 12 treated lumber	4	\$7.67	\$30.68
1 x 4 x 150 galvanized chicken wire	1	\$79.48	\$79.48
<b>TOTAL</b>			<b>\$168.06</b>

### Juvenile Outdoor High

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 8 treated lumber	8	\$4.67	\$37.36
2 x 4 x 10 treated lumber	8	\$6.12	\$48.96
2 x 4 x 12 treated lumber	8	\$7.67	\$61.36
1 x 4 x 100 galvanized wire mesh	2	\$154.00	\$308.00
<b>TOTAL</b>			<b>\$455.68</b>

### Current Requirements 6ft x 3ft x 3ft

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 12 treated lumber	4	\$7.67	\$30.68
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
<b>TOTAL</b>			<b>\$47.66</b>

## Squirrel Cages

10-20 Gal

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
Aquarium (Walmart.com)	1	\$14.72	\$14.72
Utility storage tote (Target.com)	1	\$4.00	\$4.00
<b>AVERAGE</b>			<b>\$9.36</b>

Juvenile Outdoor Low (3 x 6 x 6)

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 6 treated lumber	16	\$3.13	\$50.08
1 x 4 x 20 galvanized chicken wire	1	\$27.00	\$27.00
1 x 4 x 150 galvanized chicken wire	1	\$79.48	\$79.48
<b>TOTAL</b>			<b>\$156.56</b>

Juvenile Outdoor High (3 x 6 x 6)

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 6 treated lumber	24	\$3.72	\$89.28
1 x 4 x 100 galvanized wire mesh	2	\$154.00	\$308.00
<b>TOTAL</b>			<b>\$397.28</b>

Current Requirements (4 x 2 x 2)

<b>Materials</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
2 x 4 x 8 treated lumber	4	\$3.62	\$14.48
1 x 3 x 25 galvanized chicken wire	1	\$16.98	\$16.98
<b>TOTAL</b>			<b>\$31.46</b>

## APPENDIX B – Medication Withdrawal Cost Estimates

<b>Species</b>	<b>Monthly Cost of Care</b>
Duckling	\$4.16
Squirrel	\$10.00
Fawn	\$135

### Duckling

<b>Medication</b>	<b>Daily Cost of Care</b>	<b>Withdrawal Period (days)</b>	<b>Cost of Additional Care</b>
Gentamicin	\$0.14	18	\$2.50
Ivermectin (oral)	\$0.14	24	\$3.33
Ivermectin (topical)	\$0.14	48	\$6.66
<b>Range</b>			<b>\$2.50- \$6.66</b>

### Squirrel

<b>Materials</b>	<b>Daily Cost of Care</b>	<b>Withdrawal Period (days)</b>	<b>Cost of Additional Care</b>
Gentamicin	\$0.33	18	\$6.00
Ivermectin (oral)	\$0.33	24	\$8.00
Ivermectin (topical)	\$0.33	48	\$16.00
<b>Range</b>			<b>\$6.00 - \$16.00</b>

### Fawn

<b>Medication</b>	<b>Daily Cost of Care</b>	<b>Withdrawal Period (days)</b>	<b>Cost of Additional Care</b>
Gentamicin	\$4.50	18	\$81.00
Ivermectin (oral)	\$4.50	24	\$108.00
Ivermectin (topical)	\$4.50	48	\$216.00
<b>Range</b>			<b>\$81.00 - \$216</b>



## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES

(a) Notwithstanding any other captivity rules, the rules in Section .1400 apply to all captivity licenses issued by the Wildlife Resources Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-549.97.

(b) The possession of any species of native wild animal or wild bird, that occurs or historically occurred in this State or any member of the family Cervidae is unlawful, unless the individual in possession obtains a captivity license from the Commission as provided by this Rule. This Rule shall not apply to any endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100.

(c) The following definitions shall apply to 15A NCAC 10H .1400 rules:

(1) “Category” means a designation on a captivity license for wildlife rehabilitation that defines a species or subset of species.

(2) “Educational facility” means a permanent location or establishment accredited by the Association of Zoos and Aquariums (AZA) whose primary purpose shall be educating the public about wildlife.

(3) “Educational institution” means any public or private institution of vocational, professional, or higher education in which black bears are kept or exhibited as part of a course of training or research in the natural sciences.

(4) “Educational use” means used for the purposes of providing instruction or education to the public about wildlife.

(5) “Elevated platform” or “perching area” means a surface or structure, either natural or manmade, positioned above the floor of the enclosure that is accessible to the animal(s).

(6) “Enclosure” means a structure housing captive wildlife that prevents escape, protects the caged animal from injury, and is equipped with structural barriers to prevent any physical contact with the caged animal by the public.

(7) “Exhibition” means the public display of wildlife for-profit or not-for-profit.

(8) “Farmed cervid” as defined in G.S. 106-549.97.

(9) “Gnawing and chewing items” means natural or artificial materials that provide for the health of teeth. Gnawing items may include logs and trees. Chewing items may include woody stems, knuckle bones, and rawhide objects.

(10) “Habituation” means causing an animal to lose fear of humans or the ability to survive in the wild unassisted as a result of handling, imprinting, or taming.

(11) “Migratory birds” means all birds as defined in G.S. 113-129.

(12) “Native” means a species that occurs in the wild or historically occurred in the wild in North Carolina.

(13) “Nest box” or “den” means a structure that provides a retreat area that is within, attached to, or adjacent to an enclosure.

(14) “Non-farmed cervid” as defined in G.S. 106-549.97.

(15) “Non-native” means a species that has not historically occurred in North Carolina.

(16) “Original floor area” means the total square footage required for the initial number of animals specified.

(17) “Pet” means any animal kept or used for amusement or companionship.

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

- (18) “Publicly operated zoo” means a park or institution in which living animals are kept and exhibited to the public, and that is operated by a federal, State, or local government agency.
- (19) “Rabies species” are species that include raccoon, skunk, fox, bat, bobcat, coyote; or groundhog and beaver, which are considered high risk for rabies transmission because of their econiche.
- (20) “Research institution” means any school, facility, or organization, that uses or intends to use live animals in research, tests, or experiments in the advancement of medical, veterinary, dental, or biological sciences, and is at least 50% funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of federal, State, or local government. This does not include elementary or secondary schools.
- (21) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel, camp, manufactured home, or any other place where people reside.
- (22) “Shelter” means a structure or feature that protects captive wildlife from direct sunlight and precipitation.
- (23) “Sanctuary” means a facility with ecological, faunal, floral, geomorphological, natural, or zoological significance appropriate for the species, where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals and/or wild birds are provided care for the lifetime of the animal. This shall not include any refuge that conducts commercial or for-profit activities with wild or dangerous animals, uses the animals for entertainment purposes, or breeds animals.
- (24) “Scientific use” and “scientific purpose” means the use of wildlife for application of the scientific method to investigate any relationships amongst natural phenomena or to solve a biological or medical problem.
- (25) “Unfit” means wild animals or wild birds that are:
- (A) incapacitated by injury or other means to the extent that they cannot feed or care for themselves without human assistance;
- (B) rendered habituated by proximity to humans; or
- (C) a non-native species.
- (26) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals. This does not include feral swine or marine mammals found in coastal fishing waters.
- (27) “Wild bird” means the term as defined in G.S. 113-129.
- (28) “Wildlife” means the term as defined in G.S. 113-129.
- (29) “Wildlife educator” means a person who provides instruction or education to the public about wildlife.
- (30) “Wildlife exhibition” means a public display of wildlife either for-profit or not-for-profit.
- (d) Individuals interested in obtaining a captivity license for wildlife rehabilitation or a captivity license for holding wildlife shall apply for the license by completing and submitting the appropriate forms as detailed in Rule .1406 of this Section.
- (e) Applicants for either license shall meet the following requirements:
- (1) Be 18 years of age or older at the time of application; and

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes, except a conviction under G.S.14-363.1.

(f) No captivity license shall be transferable either by license holder or by site of a holding facility.

(g) Captivity licenses shall terminate no later than December 31 of the year the license is issued.

(h) No captivity license shall be valid for migratory birds, unless the license holder has a valid concurrent federal permit. Individuals seeking to rehabilitate or hold migratory birds shall provide proof of a valid U.S. Fish and Wildlife Service permit for rehabilitating or holding migratory birds for each category of migratory birds to be rehabilitated or held.

(i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held under a captivity license within the State. Any person transporting an animal that is held under a captivity license shall have the captivity license in their possession. An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wildlife into or out of the State.

(j) Individuals holding a captivity license shall disclose reportable diseases to the North Carolina Department of Agriculture and Consumer Services veterinarian within 24 hours of diagnosis. A list of current reportable diseases may be found on the North Carolina Department of Agriculture and Consumer Services website [www.ncagr.gov](http://www.ncagr.gov).

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*  
*Eff. January 1, 2019.*

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10H .1402 MINIMUM STANDARDS

(a) Individuals holding a captivity license for wildlife rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the “Miller, E.A., edition. 20120. Minimum Standards for Wildlife Rehabilitation, 4th edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 978-1-931439-28-2”. This publication is available online at <https://thewrc.org/resources/guidelines-for-wildlife-rehabilitation> for a cost of \$15.00.

(b) Individuals holding a captivity license for holding shall comply with the following requirements:

(1) General Sanitation and Food Requirements. Each license holder shall comply with the following general requirements in addition to any requirements specified by species.

(A) water: clean drinking water shall be provided daily. All pools, tanks, water areas, and water containers provided for swimming, wading, or drinking shall be clean. Enclosures shall provide drainage for surface water and runoff.

(B) sanitation: water disposal and waste disposal shall be in accordance with all applicable local, State, and federal laws.

(C) food: food shall be of a type and quantity that is appropriate for the particular species, and shall be provided in an unspoiled and uncontaminated condition. Clean containers shall be used for feeding.

(D) waste: fecal and food waste shall be removed daily from inside, under, and around enclosures and stored or disposed of in a manner that prevents noxious odors or pests.

(E) cleaning: hard floors within enclosures shall be cleaned a minimum of once weekly. Walls of enclosures shall be spot cleaned daily. The surfaces within enclosures, including perches, shelves, and any fixtures shall be cleaned weekly.

(2) General Enclosure Requirements. Each license holder shall comply with the following general requirements in addition to any requirements specified by species.

(A) enclosures housing captive wildlife shall prevent escape, protect the caged animal from injury, and be equipped with structural barriers to prevent any physical contact with the caged animal by the public. Structural barriers may be constructed from materials such as fencing, moats, landscaping, close-mesh wire, or other materials, provided that materials used are safe and effective in preventing escape and public contact;

(B) all enclosures constructed of chain link or other approved materials shall be well braced and securely anchored. Enclosures shall be constructed using metal clamps, ties or braces of equivalent strength as material required for enclosure construction for that particular species;

(C) enclosures shall be ventilated to prevent noxious odors;

(D) enclosures with a natural substrate shall provide a dig barrier that prevents escape;

(E) any surface of an enclosure shall be free of rust that either prevents required cleaning or affects the structural strength of the enclosure;

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(F) the young of any animal may be kept with the parent in a single-animal enclosure until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures in this Rule apply; and

(G) chains or tethers shall not be used as a method of confinement.

### (3) Non-farmed Cervids

(A) the minimum size of the enclosure shall not be less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held, provided that no more than 25 percent of the enclosure shall be covered with water;

(B) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;

(C) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and

(D) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been inspected and approved to hold cervids by a representative of the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.

### (4) Wild Turkey

(A) for up to 5 birds, an enclosure 12 feet 12 feet, 6 feet high, with a perching area elevated 4 feet above the floor. For each additional bird, the license holder shall increase the original floor area by 10 percent; and

~~(B) —~~ each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time.

### (5) Alligators

(A) the minimum size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions at least as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land area;

(B) enclosure shall be made of material with a smooth surface;

(C) the enclosure shall have a structural barrier with a minimum height of 5 feet, of sufficient strength to contain the animals, and shall prevent contact between the observer and alligator;

(D) in addition to the land area, the enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time;

(E) steps shall be taken to provide opportunities for thermal regulation;

(F) each enclosure shall contain devices to provide physical manipulation and mental stimulation for the species;

(G) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all animals in the enclosure at the same time; and

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(H) the facility shall have a perimeter boundary to prevent unauthorized entry and aid in the confinement of animals. This boundary should be located at least 3 feet from the primary enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge chain link or equivalent.

(6) Black Bear

(A) publicly operated zoo or educational institution:

(i) for 1 animal, an enclosure 20 feet by 20 feet, 8 feet high, covered to prevent escape, or 12 feet high with a 45 degree inward angle overhang 3 feet wide. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor space;

(ii) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time;

(iii) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(iv) each enclosure shall have an elevated platform or platforms large enough to accommodate all of the animals in the enclosure at the same time; and

(v) each enclosure shall have a pool of water 4 feet by 6 feet, at least 3 feet deep.

(B) other facilities. Black bears held in captivity by facilities other than publicly funded zoos or research institutions shall be held in enclosures simulating a natural habitat. All of the following conditions shall exist:

(i) the enclosure is at least one acre for one or two bears and an additional one-eighth acre for each additional bear;

(ii) bears are free to move throughout the enclosure;

(iii) at least one-half of the enclosure shall be wooded with living trees, shrubs, and other perennial vegetation capable of providing shelter from sun and wind. A 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs, and any other obstructions that could provide a means of escape;

(iv) the enclosure shall have a pool of water 4 feet by 6 feet, at least 3 feet deep;

(v) the enclosure shall contain at least one den large enough to accommodate all the bears at the same time, that provides shelter from the elements and respite from public observation;

(vi) the enclosure shall present an overall appearance of a natural habitat;

(vii) the enclosure shall be by:

(I) 9 gauge chain link fence at least 12 feet high with a 45 degree inward angle overhang 3 feet wide; or

(II) wall, moat, or a combination of such, as approved by the Commission.

(viii) the facility shall have a perimeter boundary to prevent unauthorized entry and aid in the confinement of animals. This boundary should be located at least 3 feet from the

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

primary enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge chain link or equivalent; and

(ix) the applicant shall provide documentation that the applicant owns or has a lease of the real property upon which the holding facility is located. If the applicant is a lessee, the lease shall be for a duration of at least five years from the point of stocking the facility.

### (7) Cougar

#### (A) publicly operated zoo or research institution:

(i) for 1 or 2 animals, an enclosure 20 feet by 20 feet, 8 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(ii) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over 1,000 square feet shall have vertical jump walls at least 12 feet high with a 45 degree inward angle overhang 3 feet wide. Other methods to prevent escape may be approved by the Commission on a case by case basis.

(iii) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time;

(iv) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(v) each enclosure shall have an elevated platform or platforms large enough to accommodate all of the animals in the enclosure at the same time; and

(vi) each enclosure shall have a claw log, unless the animal's front claws have been removed.

#### (B) other facilities. Cougars held in captivity by facilities other than publicly funded zoos or research institutions shall be held in enclosures simulating a natural habitat. All of the following conditions shall exist:

(i) the enclosure shall be chain link fence or equivalent, provided that 9 gauge chain link fencing shall be at least 12 feet high with a 45 degree inward angle overhang 3 feet wide to prevent escape from climbing and jumping;

(ii) the enclosure shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar;

(iii) cougars shall be free to move throughout the enclosure;

(iv) at least one-half of the enclosure shall be wooded with living trees, shrubs, and other perennial vegetation capable of providing shelter from sun and wind. A 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs, and any other obstructions that could provide a base from where escape through leaping could occur;

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(v) the area of confinement shall contain a pool not less than 4 feet by 5 feet, at least 1.5 feet deep; and

(vi) the enclosure shall contain a den or shelter large enough to accommodate all the animals in the enclosure at the same time.

(C) the facility shall have a perimeter boundary to prevent unauthorized entry and aid in the confinement of animals. This boundary should be located at least 3 feet from the primary enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge chain link or equivalent; and

(D) the applicant shall provide documentation that the applicant owns or has a lease of the real property upon which the facility is located. If the applicant is a lessee, the lease shall be for a duration of at least five years from the point of stocking the facility.

### (8) Bobcat

(A) for 1 or 2 animals, an enclosure 15 feet by 8 feet, 6 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over 1,000 square feet shall have vertical jump walls at least 12 feet high with a 45 degree inward angle overhang 3 feet wide. Other methods to prevent escape may be approved by the Commission on a case by case basis;

(B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time;

(C) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(D) each enclosure shall have at least one elevated platform large enough to accommodate all of the animals in the enclosure at the same time; and

(E) each enclosure shall have a claw log, unless the front claws of the animals have been removed.

### (9) Coyote

(A) for 1 or 2 animals, an enclosure 20 feet by 8 feet, 6 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of original floor area;

(B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over 1,000 square feet shall have vertical jump walls at least 8 feet high with a 45 degree, inward angle overhang 2 feet wide with a hot wire, or 3 feet wide without a hot wire, or jump walls 10 feet high without an overhang. Other methods to prevent escape may be approved by the Commission on a case by case basis;

(C) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(D) each enclosure shall be equipped with at least one shelter or den large enough to accommodate all of the animals in the enclosure at the same time; and



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(E) each enclosure shall have at least one elevated platform large enough to accommodate all of the animals in the enclosure at the same time.

(10) Fox (Red and Gray)

(A) for 1 or 2 animals, an enclosure 10 feet by 8 feet, 6 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over 1,000 square feet shall have vertical jump walls at least 8 feet high with a 45 degree, inward angle overhang 2 feet wide with a hot wire, or 3 feet wide without a hot wire, or jump walls 10 feet high without an overhang. Other methods to prevent escape may be approved by the Commission on a case by case basis;

(C) each enclosure shall be equipped with at least one shelter or den large enough to accommodate all of the animals in the enclosure at the same time;

(D) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(E) each enclosure shall have an elevated platform or platforms that are large enough to accommodate all of the animals in the enclosure at the same time; and

(F) red and gray foxes shall not be in the same enclosure.

(11) Raccoon

(A) for 1 or 2 animals, an enclosure 8 feet by 8 feet, 8 feet high, covered to prevent escape. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor space;

(B) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(C) each enclosure shall be equipped with at least one shelter or nest box large enough to accommodate all of the animals in the enclosure at the same time; and

(D) each enclosure shall have at least one perching area large enough to accommodate all of the animals in the enclosure at the same time.

(12) Otter

(A) for 1 or 2 animals, an enclosure 10 feet by 10 feet, 6 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor space;

(B) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(C) each enclosure shall have at least one shelter or den large enough to accommodate all of the animals in the enclosure at the same time; and

(D) each enclosure shall have a pool of water 8 feet by 4 feet, at least 2.5 feet deep. For each additional animal, the license holder shall increase the pool size by 25 percent of the original pool surface area. Dry resting areas shall be provided.

(13) Squirrels (Gray, Fox, Red, and Flying)

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(A) for up to 4 animals, an enclosure 5 feet by 5 feet, 8 feet high, covered to prevent escape. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all of the animals in the enclosure at the same time; and

(C) each enclosure shall have a climbing apparatus and gnawing items.

### (14) Groundhog

(A) for 1 or 2 animals, an enclosure 5 feet by 5 feet, 4 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all of the animals in the enclosure at the same time;

(C) enclosure floors shall have an area that provides for digging; and

(D) each enclosure shall have gnawing items.

### (15) Rabbits

(A) for 1 or 2 animals, an enclosure 6 feet by 4 feet, 5 feet high. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all of the animals in the enclosure at the same time; and

(C) each enclosure shall have gnawing items.

### (16) Opossum

(A) for 1 to 4 animals, an enclosure 4 feet by 5 feet, 6 feet high, covered to prevent escape. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) each enclosure shall be equipped with at least one shelter or nest box large enough to accommodate all animals in the enclosure at the same time;

(C) each enclosure shall have at least one perching area large enough to accommodate all of the animals in the enclosure at the same time;

(D) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

(E) each enclosure shall provide an area for digging; and

(F) each enclosure shall have a climbing apparatus.

### (17) Skunk

(A) for up to 4 animals, an enclosure 5 feet by 6 feet, 6 feet high, covered to prevent escape. For each additional animal, the license holder shall increase the enclosure size by 25 percent of the original floor area;

(B) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species;

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

1                    (C) each enclosure shall have at least one shelter or den large enough to accommodate all of the  
2                    animals in the enclosure at the same time; and

3                    (D) each enclosure shall be equipped with chewing items.

4                    (18) Armadillo

5                    (A) for 1 or 2 animals, an enclosure, 4 feet by 4 feet, 4 feet high, non-climbable barrier. For each  
6                    additional animal, the license holder shall increase the enclosure length by 25 percent of the  
7                    original floor length;

8                    (B) each enclosure shall be equipped with at least one shelter or den large enough to accommodate  
9                    all of the animals in the enclosure at the same time; and

10                   (C) enclosure floors shall include an area that provides for digging.

11                   (19) Other Wild Animals. In addition to the general requirements provided in this Rule, license holders with  
12                   animals not specifically listed above must comply with the following:

13                   (A) single animal enclosures shall be a cage with one horizontal dimension being at least four  
14                   times the nose-rump length of the animal and the other horizontal dimension being at least  
15                   twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the  
16                   nose-rump length of the animal. Under no circumstances shall a cage be less than 4 feet by 2  
17                   feet, 2 feet high;

18                   (B) the minimum area of horizontal space for multiple animal enclosures shall be determined by  
19                   multiplying the required square footage for a single animal by 1.5 for one additional animal  
20                   and that result by the same factor for each additional animal, successively. The vertical  
21                   dimension for multiple animal enclosures shall remain the same as for single animal  
22                   enclosures;

23                   (C) depending on the species, the Commission may require the enclosure to be covered;

24                   (D) each enclosure shall have devices to provide physical manipulation and mental stimulation for  
25                   the species; and

26                   (E) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all  
27                   of the animals in the enclosure at the same time.

28  
29                   *History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;*  
30                   *Eff. January 1, 2019.*

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10H .1403 CAPTIVITY LICENSE FOR WILDLIFE REHABILITATION

(a) A captivity license for wildlife rehabilitation as described in this Section shall be required for lawful possession of injured, crippled, orphaned, or otherwise unfit wildlife for the purpose of providing short term care and eventual release into the animal's natural habitat. A captivity license for wildlife rehabilitation shall not be issue for:

- (1) Endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Rehabilitation of these species requires an endangered species permit from the Commission;
- (2) Rabies species;
- (3) Feral swine;
- (4) Nutria;
- (5) Adult black bear; and
- (6) Adult White-tailed deer or elk.

(b) Individuals who do not possess a captivity license for wildlife rehabilitation may take temporary possession of injured, crippled, or orphaned wildlife, provided they surrender such wildlife into the care of a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such wildlife.

(c) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wildlife are not required to have a license for wildlife rehabilitation from the Commission. North Carolina licensed veterinarians without a captivity license for wildlife rehabilitation may hold wildlife until the animal is medically stable. Once stable, wildlife shall be transferred to an individual possessing a captivity license for wildlife rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wildlife for release back to their natural habitat shall have a captivity license for wildlife rehabilitation.

(d) Individuals interested in obtaining a captivity license for wildlife rehabilitation shall meet all statutory and regulatory requirements including those in G.S. 113-272.5, Rules .1401 and .1402 of this Section, and complete the North Carolina general wildlife rehabilitation examination provided by the Commission at no charge on the Commission website ([www.ncwildlife.org](http://www.ncwildlife.org)), by obtaining a score of at least 80 percent once every five years.

(e) A captivity license for wildlife rehabilitation shall not be issued for the purpose of holding wildlife;

- (1) As pets;
- (2) For educational use and exhibition purposes, except as provided in Rule .1404 of this Section;
- (3) For training;
- (4) For hunting; or
- (5) Acquired unlawfully.

(f) The following conditions shall apply to captivity licenses for wildlife rehabilitation:

- (1) The license shall not authorize the possession, rehabilitation, or release into the wild of non-native wildlife;
- (2) Categories of wildlife that the individual is licensed to possess, rehabilitate, and release shall be stated on the license;

(g) Transfer of Wildlife

- (1) Wildlife originating outside the State shall not be accepted for the purpose of rehabilitation.

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(2) Wildlife received for rehabilitation may not be exported outside the State for the purpose of rehabilitation, or release after rehabilitation unless authorization is obtained from the Commission and the state where the wild animal will be exported or released.

(3) It is unlawful for a license holder to sell any wild animal or wild bird being held under a license for rehabilitation.

(4) It is lawful for a license holder to transfer a wild animal or wild bird to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species.

### (h) Treatment and Handling

(1) Wildlife that have been diagnosed with a zoonotic disease must be treated based upon advice from a North Carolina licensed veterinarian prior to release.

(2) Any licensee administering drugs to wildlife shall adhere to the withdrawal times recommended by the prescribing North Carolina licensed veterinarian prior to the release of the animal into the wild.

### (i) Release

(1) All rehabilitated wildlife shall be released as soon as the animal has reached physical maturity and can be expected to survive in the wild, and/or has attained full recovery from illness or injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.

(2) Wildlife may remain in a rehabilitation facility for a maximum of 180 days. If a longer rehabilitation period is recommended by a North Carolina licensed veterinarian, the license holder shall notify the Commission in writing. The Commission will consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.

(3) The following conditions render a wild animal or wild bird non-releasable and the animals shall be humanely euthanized, unless authorization is requested from the Commission in writing and granted by the Commission in writing, to transfer the wild animal or wild bird to an individual or facility with a captivity license for holding wildlife as set forth in 15A NCAC 10H .1404.

(A) any wildlife with deformities or injuries that preclude survival in the wild after treatment; or

(B) any wildlife that has become habituated.

The Commission shall consider transfer on a case-by-case basis.

### (j) Required facilities

(1) Individuals holding a captivity license for wildlife rehabilitation shall conduct their rehabilitation activities in accordance with 15A NCAC 10H .1402.

(2) All wildlife undergoing rehabilitation shall be kept separated from domestic animals, in separate holding facilities, including other rooms or buildings. In-home wildlife rehabilitation facilities shall designate separate rooms used only for wildlife housing, treatment, and rehabilitation.

(3) Handling of wildlife shall be for treatment only.

### (k) White-tailed Deer Fawns and Elk Calves

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(1) Only individuals holding a captivity license for wildlife rehabilitation with the white-tailed deer fawn or elk calf category are allowed to possess, rehabilitate, and release white-tailed deer fawns or elk calves. To become licensed to rehabilitate white-tailed deer fawns or elk calves, an individual shall:

(A) meet all the requirements of the captivity license for wildlife rehabilitation; and

(B) complete the North Carolina deer fawn and elk calf rehabilitation examination provided by the Commission, by obtaining a score of at least 80 percent.

(2) No white-tailed deer fawn or elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping fawn that complies with the standards set forth in 15A NCAC 10H .1402, and the facility has been inspected by a representative of the Commission.

(3) Any white-tailed deer fawn or elk calf held for more than 24 hours shall be permanently tagged using only tags provided by the Commission.

(4) White-tailed deer fawns and elk calves shall be held for rehabilitation for a maximum of 180 days or until December 31, whichever occurs first.

(5) Any individual or facility rehabilitating deer fawns or elk calves and holding farmed or non-farmed cervids, shall:

(A) keep the rehabilitated fawns and/or calves at least 30 feet away from any farmed or non-farmed facility; and

(B) utilize dedicated equipment that is different from any equipment used for farmed or non-farmed cervids.

### (1) Black Bear Cubs

(1) Only individuals holding a captivity license for wildlife rehabilitation with the black bear category are allowed to possess and rehabilitate black bear cubs.

(2) Individuals wanting to obtain a captivity license for black bear rehabilitation shall meet the definition of publicly operated zoo, educational institution, or have facilities that simulate natural habitat as described in Rule .1402 of this Section. Additionally, individuals shall meet all the requirements of the captivity license for wildlife rehabilitation and shall be approved on an as-needed basis to meet conservation objectives.

(3) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear that complies with the standards set forth in 15A NCAC 10H .1402(6), and the facility has been inspected by a representative of the Commission.

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5;  
Eff. January 1, 2019.*

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10 H .1404 CAPTIVITY LICENSE FOR HOLDING WILDLIFE

(a) The purpose of a captivity license for holding wildlife is to authorize the possession of lawfully taken or acquired wild animals or wild birds for scientific use, educational use, or exhibition purposes. License holders with animals used for education or exhibition shall maintain records of all education and exhibition activities for a period of 12 months following expiration of the license. This Rule shall not apply to any endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of these species requires an endangered species permit from the Commission.

(b) A captivity license for holding wildlife allows the license holder to hold wild animals or wild birds provided:

- (1) The wild animal or wild bird was not acquired unlawfully;
- (2) The wild animal or wild bird will not be held as a pet;
- (3) The wild animal or wild bird will not be hunted in captivity;
- (4) The license holder possesses a valid, concurrent federal permit from the US Fish and Wildlife Service for migratory birds, if applicable; and
- (5) The individual seeking to hold wild animals or wild birds for educational purposes or exhibition shall provide proof of a valid, concurrent, and applicable U.S. Department of Agriculture permit or license, if required by the U.S. Department of Agriculture.

(c) The following conditions shall apply to captivity licenses for holding wild animals or wild birds:

- (1) Wild animals and wild birds shall not comingle with domestic animals, non-native animals, livestock, or wildlife held under a captivity license for rehabilitation;
- (2) Rabies species shall be kept secured at all times so they do not have physical contact with the public, domestic animals, non-native animals, livestock, or other wildlife species held under a captivity license;
- (3) Wild animals shall be kept secured at all times so that the handler is in control of the animal and it presents no danger to the public.
- (4) Wild animals or wild birds shall be tagged or marked in a manner determined by the Commission, based on the animal's size, location and reason for captivity; and
- (5) Reproduction of wild animals and wild birds is unlawful, unless the animals are part of an Association of Zoos and Aquariums breeding program.

(d) No captivity license for holding wildlife shall be issued and no wildlife shall be possessed until the applicant has constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies with the standards set forth in 15A NCAC 10H .1402, and the facility has been verified by a representative of the Commission.

(e) It is unlawful for an individual with a captivity license for holding wildlife to allow it to range free outside of its enclosure.

(f) It is unlawful for any individual holding a captivity license for holding wildlife to sell, transfer, or release the wild animal or wild bird held under such license, except that such wild animal or wild bird may be surrendered to an agent of the Commission, or transferred to another individual who has obtained a license to hold it in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information is true and accurate. A copy of the record shall be retained by the transferee for the life of the wild animal or wild bird.

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

(g) Non-releasable wildlife lawfully held under a captivity license for rehabilitation pursuant to Rule.1403 of this Section, except for white-tailed deer fawn, may be transferred to a captivity license for holding wildlife under the following conditions:

- (1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;
- (2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird; and
- (3) The individual holding the captivity license for holding wildlife shall not be the same individual as the one holding the captivity license for wildlife rehabilitation for that specific animal.

(h) Non-Farmed Cervids:

- (1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding wildlife, except for animals being held under a valid captive cervid license issued prior to September 30, 2015 that are not farmed cervids, as specified by G.S. 106-549.97.
- (2) The following conditions apply to non-farmed cervid licenses issued prior to September 30, 2015:
  - (A) no reproduction within the existing herd;
  - (B) no new non-farmed cervids may be added to the existing herd from the wild or from farmed cervids held under the North Carolina Department of Agriculture and Consumer Services farmed cervid program;
  - (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission within one hour of discovery. The license holder shall request a permit to take the escaped non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted by the license holder to an approved laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines that the risk of CWD transmission as a result of this escape is negligible.
  - (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at [www.cwd-info.org](http://www.cwd-info.org), or if a quarantine is placed on the facility by the State Veterinarian. All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD.
  - (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be submitted by the license holder to an approved laboratory and tested for CWD within 48 hours of knowledge of the cervid's death, or by the end of the next business day, whichever is later. The Commission-issued ear tag shall not be removed from the cervid's head prior to submitting the head for CWD testing.
  - (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.



## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

- (G) the license holder shall make all licensed facilities, enclosures and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) at each licensed facility, available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
- (H) the fence surrounding the enclosure shall be inspected by the license holder once a week to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection and inspections shall resume as soon as possible.
- (i) a record-book shall be maintained to record the time and date of each inspection of the fence, the name of the person who performed the inspection of the fence, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If the fence is damaged, the license holder shall record a description of measures taken to prevent ingress or egress by non-farmed cervids. Each record-book entry shall bear the signature or initials of the license holder attesting to the veracity of the entry. The record-book shall be made available for inspection by a representative of the Commission upon request, or during the facility's business hours.
- (ii) any opening or passage through the enclosure fence shall, within one hour of detection, be sealed or otherwise secured to prevent a non-farmed cervid from entry or escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection.
- (I) each non-farmed cervid held under this license must be tagged as follows:
- (i) a single button ear tag provided by the Commission shall be permanently affixed by the license holder onto either the right or left ear of each non-farmed cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
- (ii) a single bangle ear tag provided by the Commission shall be permanently affixed by the license holder onto the right or left ear of each non-farmed cervid, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag.
- (iii) once a tag is affixed in the manner required by this Rule, it shall not be removed.
- (J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary medical

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

1 facility for treatment provided that the animal for which the permit is issued does not exhibit  
2 clinical symptoms of CWD. Application for a transportation permit shall be made to the  
3 Commission by completing and submitting the non-farmed cervid transportation form as  
4 detailed in Rule .1406 of this Section. Any person transporting a non-farmed cervid shall  
5 present the transportation permit to any law enforcement officer or any representative of the  
6 Commission upon request, except that a person transporting a non-farmed cervid by verbal  
7 authorization for veterinary treatment shall provide the name of the person who issued the  
8 approval to any law enforcement officer or any representative of the Commission upon  
9 request.

### 10 (i) Black Bear:

- 11 (1) In accordance with G.S. 19A-10 and 19A-11, no captivity license may be issued for a black bear, except  
12 to:  
13 (A) a publicly operated zoo; or  
14 (B) an educational institution; or  
15 (C) a research facility; or  
16 (D) a facility holding a black bear without caging under conditions simulating natural habitat.  
17 (2) No individual shall transport black bear for any purpose without first obtaining a transportation permit  
18 from the Commission.

### 19 (j) Cougar:

- 20 (1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:  
21 (A) a publicly operated zoo; or  
22 (B) a research institution; or  
23 (C) a facility holding a cougar without caging under conditions simulating a natural habitat.

24  
25 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-272.5, 113-272.6;*  
26 *Eff. January 1, 2019.*

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT

(a) Representatives from the Commission shall be permitted to enter the premises of any license holder's facility upon request or during the facility's business hours for inspection, or scientific purposes.

(b) The Executive Director of the Commission, or his designee, may issue a warning, modify, revoke, or suspend a license holder's captivity license for wildlife rehabilitation or a captivity license for holding wildlife, if the license holder violates any provision of Article 47 of Chapter 14 of the North Carolina General Statutes, or Subchapter IV of Chapter 113 of the North Carolina General Statutes, or any Rules promulgated under Chapter 10 of Title 15A of the North Carolina Administrative Code, or any conditions of the license. The determination whether to issue a warning, modify, revoke or suspend a captivity license for rehabilitation or holding shall be based upon the seriousness of the violation. Violations may include:

- (1) A conviction under Article 47 of Chapter 14, "Animal Cruelty", of the North Carolina General Statutes;
- (2) Violating a captivity license rule or failing to comply with captivity license conditions;
- (3) failing to provide required facilities for the housing of wildlife as specified in 15A NCAC 10H .1402;
- (4) Failing to provide accurate information on records license applications submitted to the Commission;
- (5) Possessing wildlife not permitted by the captivity license for wildlife rehabilitation, or a captivity license for holding wildlife;
- (6) Exhibiting wildlife undergoing rehabilitation or using wildlife undergoing rehabilitation for public education, profit, or science involving contact with people;
- (7) Failing to comply with monitoring or record-keeping requirements as provided by rules of this Section;
- (8) Taming, imprinting, habituating, or improperly handling wildlife;
- (9) Failing to treat conditions that warrant medical attention;
- (10) Releasing a captive wild animal or wild bird held under a captivity license for holding into the wild or allowing it to range free outside of its enclosure; or
- (11) The license holder of a facility holding captive cervid(s) failing to:
  - (A) comply with tagging requirements as provided by rules of this Section;
  - (B) comply with requirements for maintaining the enclosure fence as provided by rules of this Section; or
  - (C) allow the Commission to inspect the facility or records as provided by rules of this Section.

(c) If the Commission revokes or suspends a captivity license for wildlife rehabilitation or holding, then the Commission may seize and determine future treatment of the wildlife, to include relocation to another licensed facility or euthanasia.

(d) The Commission shall revoke a non-farmed cervid license, and the holder of that license shall forfeit the right to keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request of the Commission, under any of the following circumstances or conditions:

- (1) The license holder of a facility fails to submit a cervid carcass to an approved laboratory for testing for Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next business day, whichever is later, as provided by rule(s) in this Section;
- (2) A cervid has been transported without a permit; or
- (3) Chronic Wasting Disease has been confirmed in a cervid at that facility.

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

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2 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-140; 113-272.5; 113-274;*  
3 *Eff. January 1, 2019.*  
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## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

### 15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

(a) Individuals interested in obtaining a captivity license for wildlife rehabilitation shall apply to the Commission using the Captivity License for Wildlife Rehabilitation Form available at [www.ncwildlife.org](http://www.ncwildlife.org). Information supplied by the applicant shall include:

- (1) Applicant's name, mailing address, residence address, telephone number, and date of birth;
- (2) Facility site address;
- (3) Organizational affiliation, if applicable;
- (4) Categories of animals and birds to be rehabilitated;
- (5) A copy of a valid Federal Migratory Bird Permit, if applicable;
- (6) Proof of completing the general wildlife rehabilitation examination, if applicable, within the previous five years; and
- (7) Proof of completing the deer fawn and elk calf rehabilitation examination, if applicable, within the previous five years.

(b) Individuals interested in obtaining a captivity license for holding shall apply to the Commission using the Captivity License for Holding Form available at [www.ncwildlife.org](http://www.ncwildlife.org). Information supplied by the applicant shall include:

- (1) Applicant's name, mailing address, residence address, telephone number, and date of birth;
- (2) Facility site address;
- (3) Organizational affiliation, if applicable;
- (4) Species information including quantity and source for all animals to be held; and
- (5) Purpose of animals held in captivity.

(c) Individuals requesting a transportation permit for non-farmed cervids shall apply to the Commission using the Non-farmed Cervid Transportation Form available at [www.ncwildlife.org](http://www.ncwildlife.org). Information supplied by the applicant shall include:

- (1) Applicant's name, mailing address, residence address, and telephone number;
- (2) Facility site address;
- (3) Captivity license number;
- (8) Species and sex of each non-farmed cervid transported;
- (9) Tag number(s) for each non-farmed cervid transported;
- (7) Date of transportation;
- (4) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the non-farmed cervid;
- (5) Name, address, county and phone number of the destination facility to which the non-farmed cervid will be transported;
- (9) Symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;
- (9) Date of slaughter, if applicable;
- (6) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the non-farmed cervid is to be submitted for CWD testing, if applicable.

(d) All forms shall be signed, dated, and submitted to the Wildlife Resources Commission with applicable fees mandated by G.S. 113-272.5 and 113-270.1B.

## APPENDIX C – Proposed Wildlife Captivity and Rehabilitation Rules

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2 *History Note:*     *Authority G.S. 113-134; 113-272.5;*

3                     *Eff. January 1, 2019.*

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