

1 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

2 (a) Notwithstanding any other captivity rules, the rules in Section .1400 apply to all captivity licenses issued by the
3 Wildlife Resources Commission, including those applicable to non-farmed cervids in accordance with G.S. 106-
4 549.97.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (16) “Original floor area” means the total square footage required for the initial number of animals
2 specified.
- 3 (17) “Pet” means any animal kept or used for amusement or companionship.
- 4 (18) “Publicly operated zoo” means a park or institution in which living animals are kept and exhibited
5 to the public, and that is operated by a federal, State, or local government agency.
- 6 (19) “Rabies species” are species that include raccoon, skunk, fox, bat, bobcat, coyote; or groundhog and
7 beaver, which are considered high risk for rabies transmission because of their econiche.
- 8 (20) “Research institution” means any school, facility, or organization, that uses or intends to use live
9 animals in research, tests, or experiments in the advancement of medical, veterinary, dental, or
10 biological sciences, and is at least 50% funded by grants, awards, loans, or contracts from a
11 department, agency, or instrumentality of federal, State, or local government. This does not include
12 elementary or secondary schools.
- 13 (21) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,
14 manufactured home, or any other place where people reside.
- 15 (22) “Shelter” means a structure or feature that protects captive wildlife from direct sunlight and
16 precipitation.
- 17 (23) “Sanctuary” means a facility with ecological, faunal, floral, geomorphological, natural, or
18 zoological significance appropriate for the species, where abused, neglected, unwanted, impounded,
19 abandoned, orphaned, or displaced wild animals and/or wild birds are provided care for the lifetime
20 of the animal. This shall not include any refuge that conducts commercial or for-profit activities
21 with wild or dangerous animals, uses the animals for entertainment purposes, or breeds animals.
- 22 (24) “Scientific use” and “scientific purpose” means the use of wildlife for application of the scientific
23 method to investigate any relationships amongst natural phenomena or to solve a biological or
24 medical problem.
- 25 (25) “Unfit” means wild animals or wild birds that are:
- 26 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
27 themselves without human assistance;
- 28 (B) rendered habituated by proximity to humans; or
- 29 (C) a non-native species.
- 30 (26) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals. This does
31 not include feral swine or marine mammals found in coastal fishing waters.
- 32 (27) “Wild bird” means the term as defined in G.S. 113-129.
- 33 (28) “Wildlife” means the term as defined in G.S. 113-129.
- 34 (29) “Wildlife educator” means a person who provides instruction or education to the public about
35 wildlife.
- 36 (30) “Wildlife exhibition” means a public display of wildlife either for-profit or not-for-profit.

1 (d) Individuals interested in obtaining a captivity license for wildlife rehabilitation or a captivity license for holding
2 wildlife shall apply for the license by completing and submitting the appropriate forms as detailed in Rule .1406 of
3 this Section.

4 (e) Applicants for either license shall meet the following requirements:

5 (1) Be 18 years of age or older at the time of application; and

6 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes,
7 with the exception of convictions under G.S. 14-363.1.

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

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

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

14 (i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held
15 under a captivity license within the State. Any person transporting an animal that is held under a captivity license
16 shall have the captivity license in their possession. An exportation or importation permit as defined in G.S. 113-
17 274(c)(3) is required to transport wildlife into or out of the State.

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

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

23 *Eff. January 1, 2019.*

1 **15A NCAC 10H .1402 MINIMUM STANDARDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 by 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
- (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 area;
- (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 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

1 foot wide strip along the inside of the fence shall be maintained free of trees,
2 shrubs, and any other obstructions that could provide a base from where escape
3 through leaping could occur;

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

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

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

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

15 (8) Bobcat

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

18 (B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over
19 1,000 square feet shall have vertical jump walls at least 12 feet high with a 45 degree inward
20 angle overhang 3 feet wide. Other methods to prevent escape may be approved by the
21 Commission on a case by case basis;

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

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

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

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

30 (9) Coyote

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

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35 (B) enclosures under 1,000 square feet shall be covered to prevent escape. Enclosures over
36 1,000 square feet shall have vertical jump walls at least 8 feet high with a 45 degree, inward
37 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
- (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 area;
- (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 area;

- (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)

- (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;
- (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 be equipped with chewing items.
- (18) Armadillo
- (A) for 1 or 2 animals, an enclosure, 4 feet by 4 feet, 4 feet high, non-climbable barrier. 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 den large enough to accommodate all of the animals in the enclosure at the same time; and
- (C) enclosure floors shall include an area that provides for digging.
- (19) Other Wild Animals. In addition to the general requirements provided in this Rule, license holders with animals not specifically listed above must comply with the following:
- (A) single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump length of the animal. Under no circumstances shall a cage be less than 4 feet by 2 feet, 2 feet high;
- (B) the minimum area of horizontal space for multiple animal enclosures shall be determined by multiplying the required square footage for a single animal by 1.5 for one additional animal and that result by the same factor for each additional animal, successively. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures;
- (C) depending on the species, the Commission may require the enclosure to be covered;
- (D) each enclosure shall have devices to provide physical manipulation and mental stimulation for the species; and
- (E) 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.

History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;

1 **15A NCAC 10H .1403 CAPTIVITY LICENSE FOR WILDLIFE REHABILITATION**

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

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

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

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

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

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

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

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

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

36 (g) Transfer of Wildlife

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

(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 license holder 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 Rule .1404 of this Section.

(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 Rule .1402 of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

23 (l) Black Bear Cubs

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

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

31 (3) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for
32 keeping black bear that complies with the standards set forth in Rule .1402(b)(6) of this Section,
33 and the facility has been inspected by a representative of the Commission.

34
35 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-272.5;*
36 *Eff. January 1, 2019.*

1 **15A NCAC 10H .1404 CAPTIVITY LICENSE FOR HOLDING WILDLIFE**

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

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

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

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

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

29 (d) No captivity license for holding wildlife shall be issued and no wildlife shall be possessed until the applicant has
30 constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies with the
31 standards set forth in Rule .1402 of this Section, and the facility has been verified by a representative of the
32 Commission.

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

35 (f) It is unlawful for any individual holding a captivity license for holding wildlife to sell, transfer, or release the wild
36 animal or wild bird held under such license, except that such wild animal or wild bird may be surrendered to an agent
37 of the Commission, or transferred to another individual who has obtained a license to hold it in captivity. Upon

1 transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors name, address,
2 tag number if available, license number, date of transfer, and transferor's signature, verifying that the information is
3 true and accurate. A copy of the record shall be retained by the transferee for the life of the wild animal or wild bird.

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

7 (1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or
8 reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall
9 include a description of the incapacitation of the animal and a detailed explanation of why the animal
10 will not experience chronic pain from its condition or injuries;

11 (2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird;
12 and

13 (3) The individual holding the captivity license for holding wildlife shall not be the same individual as
14 the one holding the captivity license for wildlife rehabilitation for that specific animal.

15 (h) Non-Farmed Cervids:

16 (1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding wildlife, except
17 for animals being held under a valid captive cervid license issued prior to September 30, 2015 that
18 are not farmed cervids, as specified by G.S. 106-549.97.

19 (2) The following conditions apply to non-farmed cervid licenses issued prior to September 30, 2015:

20 (A) no reproduction within the existing herd.

21 (B) no new non-farmed cervids may be added to the existing herd from the wild or from farmed
22 cervids held under the North Carolina Department of Agriculture and Consumer Services
23 farmed cervid program.

24 (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission
25 within one hour of discovery. The license holder shall request a permit to take the escaped
26 non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted
27 by the license holder to an approved laboratory for Chronic Wasting Disease (CWD)
28 testing, unless the Commission determines that the risk of CWD transmission as a result of
29 this escape is negligible.

30 (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the
31 facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at
32 www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.
33 All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD.

34 (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be
35 submitted by the license holder to an approved laboratory and tested for CWD within 48
36 hours of knowledge of the cervid's death, or by the end of the next business day, whichever

1 is later. The Commission-issued ear tag shall not be removed from the cervid's head prior
2 to submitting the head for CWD testing.

3 (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by
4 the Commission available for inspection by the Commission upon request, during the
5 facility's business hours, or at any time an outbreak of CWD is suspected or confirmed
6 within five miles of the facility or within the facility itself.

7 (G) the license holder shall make all licensed facilities, enclosures and the record-book(s)
8 documenting required monitoring of the outer fence of the enclosure(s) at each licensed
9 facility, available for inspection by the Commission upon request, during the facility's
10 business hours, or at any time an outbreak of CWD is suspected or confirmed within five
11 miles of the facility or within the facility itself.

12 (H) the fence surrounding the enclosure shall be inspected by the license holder once a week
13 to verify its stability and to detect the existence of any conditions or activities that threaten
14 its stability. In the event of severe weather or any other condition that presents potential for
15 damage to the fence, inspection shall occur every three hours until cessation of the
16 threatening condition, except that no inspection is required under circumstances that
17 threaten the safety of the person conducting the inspection and inspections shall resume as
18 soon as possible.

19 (i) a record-book shall be maintained to record the time and date of each inspection
20 of the fence, the name of the person who performed the inspection of the fence,
21 and the condition of the fence at time of inspection. The person who performs the
22 inspection shall enter the date and time of detection and the location of any
23 damage threatening the stability of the fence. If the fence is damaged, the license
24 holder shall record a description of measures taken to prevent ingress or egress by
25 non-farmed cervids. Each record-book entry shall bear the signature or initials of
26 the license holder attesting to the veracity of the entry. The record-book shall be
27 made available for inspection by a representative of the Commission upon
28 request, or during the facility's business hours.

29 (ii) any opening or passage through the enclosure fence shall, within one hour of
30 detection, be sealed or otherwise secured to prevent a non-farmed cervid from
31 entry or escape. Any damage to the enclosure fence that threatens its stability shall
32 be repaired within one week of detection.

33 (I) each non-farmed cervid held under this license must be tagged as follows:

34 (i) a single button ear tag provided by the Commission shall be permanently affixed
35 by the license holder onto either the right or left ear of each non-farmed cervid,
36 provided that the ear chosen to bear the button tag shall not also bear a bangle tag,
37 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 facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of CWD. Application for a transportation permit shall be made to the Commission by completing and submitting the non-farmed cervid transportation form as detailed in Rule .1406 of this Section. Any person transporting a non-farmed cervid shall present the transportation permit to any law enforcement officer or any representative of the Commission upon request, except that a person transporting a non-farmed cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or any representative of the Commission upon request.

(i) Black Bear:

(1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license may be issued for a black bear, except to:

(A) a publicly operated zoo; or

(B) an educational institution; or

(C) a research facility; or

(D) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule .1402(b)(6)(B) of this Section.

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

(j) Cougar:

(1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:

(A) a publicly operated zoo; or

(B) a research institution; or

(C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule .1402(b)(7)(B) of this Section.

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

1 **15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT**

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

4 (b) The Executive Director of the Commission, or his designee, may issue a warning or revoke a license holder's
5 captivity license for wildlife rehabilitation or a captivity license for holding wildlife, if the license holder violates any
6 provision of Article 47 of Chapter 14 of the North Carolina General Statutes, or Subchapter IV of Chapter 113 of the
7 North Carolina General Statutes, or any Rules promulgated under this Chapter or any conditions of the license. The
8 determination whether to issue a warning or revoke a captivity license for rehabilitation or holding shall be based upon
9 the seriousness of the violation. Violations may include:

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

32 (c) If an animal is unlawfully possessed or the Commission revokes a captivity license for wildlife rehabilitation or
33 holding, then the Commission may seize and determine future treatment of the wildlife, to include release, relocation,
34 or euthanasia.

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

- 1 (1) The license holder of a facility fails to submit a cervid carcass to an approved laboratory for testing
2 for Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the
3 next business day, whichever is later, as provided by rule(s) in this Section;
4 (2) A cervid has been transported without a permit; or
5 (3) Chronic Wasting Disease has been confirmed in a cervid at that facility.
6

7 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-137; 113-140; 113-272.5; 113-274; 113-276.2*
8 *Eff. January 1, 2019.*

1 **15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES**

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

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

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

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

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

- 24 (1) Applicant's name, mailing address, residence address, and telephone number;
 - 25 (2) Facility site address;
 - 26 (3) Captivity license number;
 - 27 (4) Species and sex of each non-farmed cervid transported;
 - 28 (5) Tag number(s) for each non-farmed cervid transported;
 - 29 (6) Date of transportation;
 - 30 (7) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport
31 the non-farmed cervid;
 - 32 (8) Name, address, county and phone number of the destination facility to which the non-farmed cervid
33 will be transported;
 - 34 (9) Symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;
 - 35 (10) Date of slaughter, if applicable;
- 36

1 (11) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head
2 of the non-farmed cervid is to be submitted for CWD testing, if applicable.

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

5
6 *History Note: Authority G.S. 113-134; 113-272.5;*
7 *Eff. January 1, 2019.*