



Controlled Rabbit Hunting Preserves FAQs

1. Why is the Commission proposing this rule and what is the goal?

The Commission has always interpreted the law in a way that allowed people to pursue wild rabbits in an enclosure. However, by law, there was nothing that allowed box-trapped rabbits to be released in an enclosure. This created a situation where box-trapped rabbits that were released into enclosures were technically being kept in captivity. It was, and continues to be, unlawful in North Carolina to keep wild animals (including wild rabbits) in captivity without a captivity license unless you meet the requirements of an exemption. However, the intent of the captivity license does not meet the intent of a rabbit preserve.

Changes to G.S. 113-273(g) during the 2019 legislative session established and formalized the hunting of rabbits in controlled hunting preserves with dogs, and the Commission supported this change that established a clear law for box-trapped rabbits to be released into enclosures for the purpose of training dogs. The change helped ensure that this tradition was firmly and clearly supported in North Carolina statutes.

The Commission is authorized by rule, to set standards for the licensing and operation of controlled hunting preserves operated by private persons. The Commission proposed this rule at their February 27, 2020 meeting.

2. Why is this being proposed as a temporary rule?

All state agencies have the ability under the Administrative Procedures Act, to adopt temporary rules due to a recent act of the General Assembly. Because Session Law 2019-204 established Rabbit Preserves as one of the types of Controlled Hunting Preserves (G.S. 113-273(g)), with an effective date of September 1, 2019, the Commission needs rules to license these enclosures.

The Controlled Hunting Preserve Operator License is an annual license issued beginning July 1 each year and running through the following June 30th. This temporary rule was proposed to set standards for licensing beginning this year and then a permanent rule would follow through the annual rule-making process for next year.

3. Why wasn't an economic impact analysis performed for this rule?

Economic impact analyses (fiscal notes) are only required for permanent rules that would affect state or local funds or have a substantial (greater than \$1 million) economic impact. Temporary rules do not require this type of analysis. However, all temporary rules must be followed by permanent rules, as they expire 270 days from publication in the N.C. Register. An economic impact analysis, if required, will be completed and submitted to the Office of

State Budget and Management for approval prior to the Commission noticing a permanent rule.

4. Does this rule only apply if rabbits are being released into a preserve?

As the temporary rule is currently written, yes. An enclosure is only a Controlled Rabbit Hunting Preserve if box trapped wild rabbits are released into the enclosure at any time.

5. Why can't rabbits be bought and sold like foxes and coyotes?

The sale of live foxes and coyotes is specifically allowed by G.S. 113-273(g). No such provision exists for rabbits and the Commission does not have the authority to authorize live sale. The sale of live rabbits has never been legal, and the proposed rule will not make the sale of live rabbits legal.

6. How many rabbits can be box-trapped in a day/season for the purpose of stocking a preserve?

The bag limit is 5 rabbits per day during the open hunting season. No season limit and no possession limit. Box trapping is only allowed during the open hunting season.

7. Why is the word "take" used in the rule?

The word "take" is commonly used by the Commission in Rule because it is defined in statute and includes pursuit.

8. Why didn't the Commission accept comments during the public hearing?

When the proposed temporary rule was noticed, an in-person public hearing was scheduled. However, because of the COVID-19 emergency, the agency decided to hold a virtual public hearing instead through Zoom. Unfortunately, due to recent security issues with Zoom, the agency was unable to use some of the features that would allow two-way communication during the public hearing. Commission staff are currently working on scheduling an additional meeting through Zoom with two-way communication functionality.

9. What are the proposed new fees for controlled rabbit hunting preserves?

The controlled hunting preserve operator can be purchased for \$100. This fee is set in statute (G.S. 113-273(g)).

10. Does this rule only apply for wild trapped rabbits or does this include farm raised rabbits being released into preserves?

This rule only applies to box-trapped wild rabbits released into preserves. The Commission does not regulate domestic rabbits.

11. Does this rule apply to all preserves regardless of size?

Yes, provided the preserve is completely and permanently enclosed with a metal fence designed to prevent ingress or egress of wild rabbits and box-trapped rabbits are released for the purpose of hunting with dogs.

12. What about falconers who hunt with birds?

G.S. 113-273(g) does not allow hunting in these preserves with birds. Dogs are the only approved manner of take.

13. Do trapping and hunting have detrimental effects on the rabbit population in NC?

No, regulated hunting and trapping typically does not have detrimental effects, although localized pressure can impact the populations found on a given property of any species that is hunted or trapped.

