

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rule cited as 15A NCAC 10H .1601.

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

Proposed Effective Date: February 1, 2022

Public Hearing:

Date: October 26, 2021

Time: 6:00 p.m.

Location: Register online here: https://ncwildlife-org.zoomgov.com/webinar/register/WN_EdQcrvP4Qy-8IxLAnJB3Pg Join by phone toll free (833-568-8864) using Webinar ID: 161 945 1736

Reason for Proposed Action: G.S. 113-273(g) Controlled Hunting Preserve Operator License allows for the hunting of rabbits with dogs in enclosed areas. The proposed rule sets standards for the licensing and operation of controlled rabbit hunting preserves. This rule establishes definitions, details controlled hunting preserve operator licenses applicant requirements, license requirements, and reporting, and record-keeping requirements.

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

Comment period ends: November 30, 2021

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

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .1000 - TAXIDERMY

15A NCAC 10H .1601 CONTROLLED RABBIT HUNTING PRESERVES

(a) For the purposes of this Rule, a controlled rabbit hunting preserve, or preserve, shall mean an area of any size that is completely and permanently enclosed with a fence designed to prevent the escape or entry of wild rabbits at any time, where wild rabbits are pursued with dogs.

(b) For the purpose of this Rule, "wild rabbits" means eastern cottontail (*Sylvilagus floridanus*), Appalachian cottontail (*Sylvilagus obscurus*), marsh rabbits (*Sylvilagus palustris*), and species indistinguishable from these species.

(c) The following conditions shall apply to the take of wild rabbits on controlled rabbit hunting preserves:

- (1) take of wild rabbits shall be authorized year-round;
- (2) dogs shall be the only authorized manner of take;
- (3) unless otherwise exempt from license requirements, every person participating in the pursuit of rabbits on a controlled rabbit hunting preserve shall have a valid resident or nonresident hunting license or a controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.

(d) Any individual wanting to operate a controlled rabbit hunting preserve shall first obtain a controlled rabbit hunting preserve operator license from the Commission.

(e) One controlled hunting preserve operator license is required for each enclosure, except that one license is permitted for the same operator on properties not greater than 100 acres of contiguous acres of land regardless of the number of enclosures.

(f) Applicants for a controlled hunting preserve operator license shall show proof of ownership or lease of the land contained in the proposed controlled rabbit hunting preserve.

(g) Application for a controlled rabbit hunting preserve operator license shall be made online at www.newildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

- (1) the applicant's name, address, telephone number, date of birth; and
- (2) the preserve name, address, county, acreage, and number of enclosures.

(h) License holders shall keep an accurate record of all rabbits released into or removed from the preserve on a form provided by the Commission. Records shall contain the following information:

- (1) the number of rabbits released into the preserve;
- (2) the county of origin; and
- (3) name, address, and applicable hunting license number of the individual that provided the rabbits to the preserve.

(i) Records required in Paragraph (h) of this Rule shall be:

- (1) available for inspection by representatives of the Commission upon request; and
- (2) submitted to and received by the Commission annually by May 1.

(j) In accordance with season and bag limits in 15A NCAC 10B .0207, rabbits may be box trapped inside an enclosure and moved between enclosures with a valid controlled rabbit hunting preserve operator license or valid hunting license.

(k) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license or by relocating the site of the preserve.

(l) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled rabbit hunting preserve operator license, provided the rules in this Section regarding establishment of such areas have been complied with.

(m) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled rabbit hunting preserve upon request or during the preserve's operating hours for inspection, enforcement, or scientific purposes.

History Note: Authority G.S. 113-134; 113-273(g); 113-276(k);
Eff. February 1, 2022.