

EXHIBIT P-1

February 21, 2019



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 Captivity License for Rehabilitation
15A NCAC 10H .1403 Captivity License for Holding
15A NCAC 10H .1404 Minimum Standards Captivity License for Holding
15A NCAC 10H .1405 Captivity License Revocation and Enforcement
15A NCAC 10H .1406 Forms for Captivity Licenses

Agency Contact: Michael Smallwood
Policy Analyst
NC Wildlife Resources Commission
1751 Varsity Drive, Raleigh, NC
(919) 707-0014
michael.smallwood@ncwildlife.org

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

I. 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 "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 the Commission has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

II. Introduction and Purpose of Rule Change

In 2013, the General Assembly passed a bill that amended G.S. 113-272.5 - Captivity license. These changes provided 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 Commission to the NC Department of Agriculture and Consumer Services (DACS) via G.S. 106-549.97. These changes necessitated a revision to the captivity rules in the NC Administrative Code, 15A NCAC 10H, Section .0300 – Holding Wildlife in Captivity, to ensure the intent of amended G.S. 113-272.5 was clear and unambiguous in the Code and to specify terminology for consistent application. Additionally, it was necessary to distinguish the holding of wildlife for rehabilitation purposes from the holding of 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 A.

III. Impacts

State Impact

Rehabilitation

The proposed revisions are anticipated to have minimal economic impact on the state. Proposed subsection 15A NCAC 10H .1402 requires the tagging of all rehabilitated white-tailed fawn in the possession of a licensed rehabilitator for a period longer than 48 hours. The required tags will be supplied by the Commission. Based on fawn rehabilitation numbers from 2016, it is anticipated that the agency will incur an annual cost of approximately \$774 (387 fawn in 2016 x \$2.00/tag = \$774) to purchase ear or button tags.

The proposed revisions eliminate the requirement for rehabilitation facilities to be inspected prior to license issuance. This added flexibility allows agency personnel to conduct inspections when it is likely that rehabilitators will have animals on-site, reducing time lost to unproductive inspections. Based on the number of applications for rehabilitation licenses received during 2017 (52), and the amount of time that each inspection requires (approximately 30 min.), the agency could save up to \$858 per year in lost time (\$33/hr staff salary x .5 hrs x 52/yr = \$858/yr). The agency will retain the ability to inspect licensed facilities throughout the year.

Long-Term Captivity

The proposed revisions to long-term captivity are anticipated to have minimal impact to the State, economic or otherwise.

Unknown

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, elk calves, and bear cubs to the list of species allowed 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. Unfortunately, the agency has no way to quantify these benefits.

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. 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 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. Please see the information included in the footnote below for a more in-depth discussion of the risk and prevention of chronic wasting disease in North Carolina.¹

¹ A more detailed description of the benefits of actions to prevent the spread of chronic wasting disease can be found in the Commission's analysis of amendments to rule 15A NCAC 10B .0124, Importation of Animal Parts.

https://files.nc.gov/ncosbm/documents/files/WRC_2018-10-01a.pdf

Local Impact

Rehabilitation

No significant local costs or economic impacts to local governments are anticipated due to the proposed revisions to the rehabilitation rules.

Long-Term Captivity

The proposed changes make reproduction of wild animals and wild birds in captivity unlawful, regardless if the reproduction was accidental or intentional. According to Commission records, only two cases of accidental reproduction with animals in long-term captivity have been reported in the past 10 years. Though the agency cannot estimate the number of un-reported cases, from available data it can be reasonably assumed that not more than one case of accidental reproduction occurs every five years. As a result of this new regulation, the license holder may choose to have animals spayed or neutered, especially if males and females are housed together. A licensed veterinarian is required to spay or neuter a wild animal. Associated costs for a licensed veterinarian to perform the procedures are approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.² Due to the rarity of reproduction of wild animals or wild birds in captivity, it is anticipated that this new regulation will have minimal local economic impact.

Private Impact

Rehabilitation

The proposed revisions to rehabilitation rules are anticipated to have minimal economic impact on the citizens of the state.

Proposed revisions require a new applicant for rehabilitation to enter into an apprenticeship under a currently licensed mentor. This requires the applicant to designate a mentor, who is required to have a valid captivity license for rehabilitation. The apprentice remains under the mentor's supervision for a minimum of 12 months. Though this may be viewed as a barrier to obtaining a license, opportunities for apprenticeships are reasonably available and this requirement helps the agency to insure license holders have a base line skill set and understand the commitment they are making by becoming a rehabilitator. Developing a base line skill set serves a two-fold purpose. It allows individuals that are new to rehabilitation to start off with proven skills and practices that serve to improve the health and welfare of the wildlife they seek to help. It also benefits new rehabilitators, with improving skills comes a reduction in safety risk to the new rehabilitator. With the availability of mentors and the need for new rehabilitators to have a basic skill set before becoming a rehabilitator, the agency does not anticipate this revision will have an economic impact on applicants.

Caging requirements in current captivity rules do not differentiate between rehabilitation and long-term captivity. The cage size requirements vary only by species and the number of animals kept in the cage. The proposed revisions establish caging requirements based on license type.

² Cost estimates obtained from local (Raleigh area) veterinarian.

The caging requirements specific to wildlife rehabilitation reference *Minimum Standards for Wildlife Rehabilitation*³, which include recommendations for caging based on the life stage of the animal(s) being rehabilitated. The proposed revisions to caging requirements are more suitable for each species, although requiring additional cage sizes could create an additional cost for those rehabilitators who care for more than one life stage of a species. However, although more prescriptive, the proposed revisions are widely recognized and utilized and can lead to cost savings for some rehabilitators.

For example, if a rehabilitator only works with infant gray squirrels, current rules require a cage that is no less than 4 ft. x 2 ft. x 2 ft. (length x width x height). The proposed revisions would only require that the rehabilitator have a 10-gallon container for nursing gray squirrels.

Additionally, the proposed revisions provide for flexibility concerning caging materials, allowing a rehabilitator to customize a cage to fit an animal's needs while taking into account budgetary restraints. 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 for rehabilitation.

Previously, the rehabilitation of certain rabies species was prohibited. The proposed revisions allow for the rehabilitation of all rabies species, except coyotes, if additional requirements and restrictions are met. One such requirement is that the license holder and any staff or volunteers, working under their license and treating rabies species, must have received pre-exposure rabies vaccinations. Pre-exposure vaccinations, as recommended by the Centers for Disease Control and Prevention, consists of 3, 1.0-mL intramuscular injections at a cost averaging \$300 per injection. This results in an average cost of around \$900 per person to meet vaccination requirements. Unfortunately, due to the lack of available data, it cannot be determined how many license holders, staff, or volunteers would elect to offer this service and/or undergo the pre-exposure vaccination requirements.

As discussed above, white-tailed fawn rehabilitators are required to tag fawns in their possession for more than 48 hours with a Commission-supplied ear tag. While the Commission covers the cost of the tag, it is the responsibility of the rehabilitator to affix the tag. A standard applicator used for ear tags costs approximately \$25.⁴ This would be a one-time cost to the rehabilitator. In 2018, there were 27 licensed fawn rehabilitators.

Unknown

Over 15,000 people contact the Commission 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.⁵ In many cases, the agency can resolve these concerns. However, the agency

³ Miller, E.A., editor. 2012. *Minimum Standards for Wildlife Rehabilitation, 4th edition*. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages.

⁴ <https://nationalband.com/products/self-piercing-ear-tags-1005-49/>.

⁵ 2016 WRC Human Wildlife Interaction automated call distribution data.

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.⁶ It is never in the best interest of the public nor 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, no data are available on the hours that individual rehabilitators devote to troubleshooting with the public. While the public service they provide is very valuable, it is not directly quantifiable.

The proposed rules will allow licensed rehabilitators to treat rabies vector species under certain conditions. Raccoon-variant rabies, which is most prevalent in NC, often effects pets, livestock and other wildlife. Though costs associated with disease diagnostics, prevention, and control in the US are known to be substantial, detailed reporting of exposures and treatments are not required. Therefore, it is not possible to fully quantify the increased risk and cost of rabies exposure due to the proposed rules.

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. Rabies is 100% fatal if not treated, and has been found in wild mammals in all 100 counties of the state.⁷ The only proven way to survive rabies exposure is by receipt of timely post-exposure prophylaxis.⁸ 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 against rabies prior to their exposure, could cost more than \$8,000.⁹ From 2008 – 2010, approximately 780 people visited a North Carolina emergency department for a wildlife bite.¹⁰ 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.

Rehabilitation of rabies vector species (RVS) has not historically been permitted by the Commission. However, allowing vaccinated, trained rehabilitators to accept, evaluate, and potentially rehabilitate RVS could reduce the risk of exposure to members of the general public that seek to help injured RVS but lack the knowledge and protections to do so. An unintended consequence of the current prohibition on rehabilitating RVS is that the general public will attempt to give aid or rehabilitate the RVS on their own, without any formal training or knowledge of the risks involved. The caring for and alleviation of suffering of wildlife, whether

⁶ Wildlife Rehabilitators Do More Than People Realize, S. J. Casey and A.M. Casey, 2009.

⁷ <http://epi.publichealth.nc.gov/cd/rabies/figures.html>.

⁸ Compendium of Animal Rabies Prevention and Control, 2016. Public Veterinary Medicine: Public Health. <http://www.nasphv.org/Documents/NASPHVRabiesCompendium.pdf>.

⁹ Data obtained from NC Department of Health and Human Services staff, May2017.

¹⁰ https://ncdetect.org/files/2016/12/NC_DETECT_Animal_Bites_2012_FactSheet.pdf

RVS or not, is a strong motivator. While the Commission is empathetic to the general public's motivations and desires, the rehabilitation of RVS by the general public places it at risk of exposure to rabies. Partly due to these concerns, the proposed 10H .1400 rules distinguish RVS from non-RVS wildlife and allow their rehabilitation under strict requirements, designed to address the exposure concerns previously discussed. Because the number of RVS picked up by the public is unknown, the agency has no way to quantify the reduction in potential exposures that the rehabilitation of RVS will have. To address this lack of data, the proposed rules include annual reporting requirements for RVS. This will provide the agency with data on the number of RVS brought to rehabilitators and the final disposition of those animals. Since we do not know the number of RVS a rehabilitator will receive over a year, the agency has no way to quantify the costs or benefits of this requirement.

Under the proposed rules, RVS rehabilitators will be required to certify that they have received 12 hours of rabies or rabies species-specific training. The Commission has established the framework to provide this training. Beyond this, the Commission will work collaboratively with NC DHHS to develop appropriate, affordable training if similar training is not available or conveniently provided for our regulated public. Associated training costs are expected to be nominal with a minimal impact on rehabilitators. Additionally, it is the Commission's belief that the training will serve as a resource or benefit rather than a barrier to RVS rehabilitators. Currently, a large percentage of our rehabilitators voluntarily undertake RVS training provided through various means. For example, at the 17th Annual Wildlife Rehabilitators of NC Symposium, held at N.C. State on January 26th and 27th, 2019, several of the presentations will include rabies or rabies species-specific training. This training counts towards the 12 hour requirement and is included in the cost of attendance for the event, allowing potential RVS rehabilitators to receive RVS training and meet the 12 hour requirement essentially without any cost.

Long-Term Captivity

The proposed revisions to captivity rules are anticipated to have minimal impact on the private citizens of the State, economic or otherwise. The proposed changes make reproduction of wild animals and wild birds in captivity unlawful, regardless if the reproduction was accidental or intentional. According to Commission records, only two cases of accidental reproduction with animals in long-term captivity have been reported in the past 10 years. Though the agency cannot estimate the number of un-reported cases, from available data it can be reasonably assumed that not more than one case of accidental reproduction occurs every five years. As a result of this new regulation, the license holder may choose to have animals spayed or neutered, especially if males and females are housed together. A licensed veterinarian is required to spay or neuter a wild animal. Associated costs for a licensed veterinarian to perform the procedures are approximately \$300 for an animal to be neutered and \$400 for an animal to be spayed.¹¹ Due to the rarity of reproduction of wild animals or wild birds in captivity, it is anticipated that this new regulation will have minimal local economic impact.

The proposed revisions will allow for the holding of rabies species with additional requirements and restrictions. One such requirement is that the license holder and any staff or volunteers,

¹¹ Cost estimates obtained from local (Raleigh area) veterinarian.

working under their license and handling rabies species, must have received pre-exposure rabies vaccinations. Pre-exposure vaccinations, as recommended by the Centers for Disease Control and Prevention, consists of 3, 1.0-mL intramuscular injections at a cost averaging \$300 per injection. This results in a one-time cost of approximately \$900 to meet the vaccination requirements. In 2018, there were 15 long-term captivity license holders authorized to hold rabies species which would total \$13,500 (\$900 x 15) in vaccinations for all current license holders. Unfortunately, due to the lack of available data, it cannot be determined how many license holders, staff, or volunteers would elect to offer this service and/or undergo the pre-exposure vaccination requirements.

The proposed revisions will also require license holders to annually report any educational or exhibition activities they conduct. Wild animals and wild birds held under a captivity license can only be used for scientific, educational, or exhibition purposes. This requirement allows the agency to monitor license holders to insure they are engaging in appropriate activities. It is estimated the cost to the license holder to me this requirement would be measured in time and would equate to less than two hours in time annually. There is no associated monetary cost with this requirement. However, it is estimated that this reporting requirement would necessitate two hours of work time per year. This minimal time investment, over a year time-frame, will not significantly impact the citizens of the state. Additionally, the data received from these reports allows the Commission to more readily understand the activities of our license holders and ultimately serve all citizens of North Carolina better.

Under the proposed revisions, an applicant for a captivity license cannot have an animal cruelty conviction within the past 10 years. Current rules do not have any requirements or prohibitions in regards to past animal cruelty convictions, as such this could be considered a barrier to obtaining a captivity license. However, the agency is tasked with insuring license applicants meet certain minimum standards, including reasonable care for wild animals and wild birds in their possession. It is expected that there will not be a significant number of applicants affected by this prohibition. The agency anticipates this revision to have minimal economic impact on the state.

Unknown

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) private facilities. 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 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. For a more in-depth discussion of the dangers of chronic wasting

disease, please see the Commission's recent fiscal note discussing the actions being taken to prevent the spread of chronic wasting disease.¹²

¹² A more detailed description of the benefits of actions to prevent the spread of chronic wasting disease can be found in the Commission's analysis of amendments to rule 15A NCAC 10B .0124, Importation of Animal Parts. https://files.nc.gov/ncosbm/documents/files/WRC_2018-10-01a.pdf

Appendix A

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

(a) 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 and 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 by 15A NCAC 10I .0100 or farmed cervids as defined by G.S. 106-549.97.

(c) Captivity licenses may be issued by the Commission to qualified individuals meeting the requirements for rehabilitation and captivity licenses detailed in this Section for holding of wild animals or wild birds alive in captivity for scientific, educational, exhibition, or other purposes, as specified in G.S. 113-272.5.

(d) The following definitions shall apply to all rules in this Section:

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

(2) "Educational institution" or "scientific research institution" means any public or private school, facility, organization, or institution of vocational, professional, or higher education that uses or intends to use live animals as part of a course of training, or for research, or other experiments, 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.

(3) "Education" means providing instruction or education to the public about wild animals or wild birds.

(4) "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape, protects the animal from injury, and is equipped with structural barriers to prevent any physical contact between the animal and the public.

(5) "Exhibition" mean any display of wild animals or wild birds to the public for-profit or not-for-profit.

(6) "Facility" means a designated location in North Carolina where wild animals or wild birds are held for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.

(7) "Farmed cervid" as defined in G.S. 106-549.97.

(8) "Foster" or "surrogate" means a bird held under a U.S. Fish and Wildlife Service federal migratory bird rehabilitation permit used to rear wild birds being held under a captivity license for rehabilitation.

(9) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted.

(10) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.

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

Appendix A

- 1 (12) “Native” means a wild animal or wild bird that occurs or historically occurred in the wild in North
2 Carolina.
- 3 (13) “Nest box” or “den” means a structure that provides a retreat area that is within, attached to,
4 or adjacent to an enclosure.
- 5 (14) “Non-farmed cervid” as defined in G.S. 106-549.97.
- 6 (15) “Non-native” means a wild animal or wild bird that has not historically occurred in the wild in North
7 Carolina.
- 8 (16) “Pet” means any animal kept or used for amusement or companionship.
- 9 (17) “Publicly operated zoo” means a park or facility in which living animals are kept and exhibited to
10 the public, and that is operated by a federal, State, or local government agency.
- 11 (18) “Rabies species” are raccoon, skunk, fox, bat, bobcat, or coyote.
- 12 (19) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,
13 manufactured home, or any other place where people reside.
- 14 (20) “Shelter” means a structure or feature that protects captive wild animals or wild birds from direct
15 sunlight and precipitation.
- 16 (21) “Scientific use” and “scientific purpose” means the use of wild animals or wild birds for application
17 of the scientific method to investigate any relationships amongst natural phenomena or to solve a
18 biological or medical problem. This definition applies only to educational or research institutions
19 unless otherwise approved by the Commission.
- 20 (22) “Unfit” means wild animals or wild birds that are:
- 21 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
22 themselves without human assistance;
- 23 (B) rendered imprinted by proximity to humans, pets, or objects; or
- 24 (C) a non-native species.
- 25 (23) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals except feral
26 swine or marine mammals found in coastal fishing waters.
- 27 (24) “Wild bird” as defined in 15A NCAC 10B .0121.
- 28 (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply
29 for the license by completing and submitting the appropriate forms as described in Rule .1406 of this Section.
- 30 (f) Applicants for either license shall meet the following requirements:
- 31 (1) Be 18 years of age or older at the time of application;
- 32 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes
33 within 10 years of the date of application; and.
- 34 (3) Have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of
35 application.
- 36 (g) No captivity license shall be transferable either by license holder or by site of a holding facility.

Appendix A

1 (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is
2 issued.

3 (i) Except as otherwise provided, no transportation permit shall be required to move wild animals or wild birds held
4 under a captivity license within the State. Any person transporting an animal that is held under a captivity license
5 shall have the captivity license in their possession. An exportation or importation permit as defined in G.S. 113-
6 274(c)(3) is required to transport wild animals or wild birds into or out of the State.

7 (j) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer
8 Services requirements for disclosing reportable diseases. A list of current reportable diseases may be found on the
9 North Carolina Department of Agriculture and Consumer Services website www.ncagr.gov.

10

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

12 *Eff. January 1, 2020.*

Appendix A

15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

(a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, orphaned, or otherwise unfit native wild animals or wild birds for the purpose of providing short term care and eventual release into the animal's natural habitat. A captivity license for rehabilitation shall not be issued for:

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

(b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- (1) As pets;
- (2) For education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;
- (3) For dog training;
- (4) For hunting; or
- (5) Acquired unlawfully.

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

(d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable. Once stable, it shall be transferred to an individual possessing a captivity license for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild animals or wild birds shall have a valid captivity license for rehabilitation.

(e) Individuals applying for a captivity license for rehabilitation who have never held such license in North Carolina or any other state, shall be designated as an apprentice. The following requirements shall apply to apprentice license:

- (1) An apprentice shall designate a mentor with a valid captivity license for rehabilitation in NC who has held a valid captivity license for rehabilitation for 2 or more years, on the application;
- (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a licensed rehabilitator; and
- (3) An apprentice license only authorizes the possession of squirrels, rabbits, and opossums.

(f) Individuals applying for a captivity license for rehabilitation shall meet all statutory and regulatory requirements including those in G.S. 113-272.5 and Rule .1401 of this Section. Individuals seeking to rehabilitate migratory birds

Appendix A

1 shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation
2 permit for each category of migratory birds to be rehabilitated. Categories of wild animals and wild birds that the
3 individual is licensed to possess, rehabilitate, and release shall be stated on the license.

4 (g) Required facilities

- 5 (1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities
6 at the facility designated on their license that meets the minimum standards set forth in the "Miller,
7 E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife
8 Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1". This publication is
9 available online, free of charge, at http://www.nwrawildlife.org/page/Minimum_Standards.
- 10 (2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic
11 animals, livestock, and non-native animals.
- 12 (3) All wild animals shall be kept in separate enclosures by species.
- 13 (4) In-home rehabilitation facilities are residences and shall designate separate rooms used only for
14 housing, treatment, and rehabilitation.
- 15 (5) Handling of animals shall be for treatment only.

16 (h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be treated
17 or euthanized based upon advice from a North Carolina licensed veterinarian prior to release.

18 (i) Release of rehabilitated wild animals and wild birds.

- 19 (1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected
20 to survive in the wild and/or has attained full recovery from illness or injury, as determined by the
21 rehabilitator or a North Carolina licensed veterinarian.
- 22 (2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If
23 a longer rehabilitation period is needed, the license holder shall notify the Commission in writing.
24 The Commission will consider extended rehabilitation on a case-by-case basis by evaluation, which
25 may include the nature of the animal's condition and recommended treatment plan.
- 26 (3) Wild animals and wild birds shall not be released on property owned by another unless the individual
27 has written permission dated within the last 12 months from the landowner.
- 28 (4) The following conditions render a wild animal or wild bird non-releasable and the animals shall be
29 humanely euthanized:
- 30 (A) any animal with deformities or injuries that preclude survival without human assistance in
31 the wild after treatment; or
- 32 (B) any animal that has become imprinted.
- 33 The Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when
34 written authorization is requested and written authorization is obtained from the Commission. The
35 wild animal or wild bird shall only be transferred to an individual or facility with a captivity license
36 for holding as set forth in Rule .1403 of this Section.

37 (j) Transfer of Animals

Appendix A

1 (1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation
2 unless written authorization is obtained from the Commission.

3 (2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of
4 rehabilitation or release after rehabilitation unless written authorization is obtained from the
5 Commission and the state where the wild animal will be exported to or released from.

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

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

11 (k) White-tailed Deer Fawn

12 (1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn
13 category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to
14 rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity
15 license for rehabilitation.

16 (2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an
17 enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule,
18 and the facility has been verified by a representative of the Commission.

19 (3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only tags
20 provided by the Commission.

21 (4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer
22 fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a
23 longer rehabilitation period is needed, the license holder shall notify the Commission in writing.
24 The Commission will consider extended rehabilitation on a case-by-case basis. A fawn is
25 considered an adult on December 31 of the birth year.

26 (5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as described in rule
27 .1406 of this section, provided by the Commission at www.ncwildlife.org, and submitted to the
28 Commission within 15 days of expiration of the license or prior to the request for reissuance of the
29 license.

30 (6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn
31 on properties licensed for farmed cervids.

32 (l) Elk Calves

33 (1) Only individuals holding a captivity license for rehabilitation with the elk calf category may possess
34 and rehabilitate elk calves. To become licensed to rehabilitate elk calves, an individual shall meet
35 all the requirements of the captivity license for rehabilitation and shall only be approved to meet
36 conservation objectives of the Commission.

Appendix A

1 (2) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for
2 keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the
3 facility has been verified by a representative of the Commission.

4 (3) Records of all elk rehabilitation shall be maintain on a form provided by the Commission at
5 www.ncwildlife.org, and submitted to the Commission within 15 days of expiration of the license
6 or prior to the request for reissuance of the license.

7 (m) Black Bear Cubs

8 (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation
9 objectives shall be authorized to rehabilitate black bear cubs.

10 (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for
11 rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an
12 individual shall meet all the requirements of the captivity license for rehabilitation.

13 (2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for
14 keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the
15 facility has been verified by a representative of the Commission.

16 (n) Rabies Species

17 (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may
18 possess, rehabilitate, and/or release rabies species. To become licensed to rehabilitate rabies
19 species, an individual shall meet all requirements of the general captivity license for rehabilitation
20 and shall:

21 (A) have held an active rehabilitation license within or outside of the State for at least the
22 previous three years and have actively rehabilitated during that time;

23 (B) certify 12 hours of rabies, or species-specific training;

24 (C) certify up-to-date rabies immunization in accordance with current Advisory Committee
25 on Immunization Practices of the Centers for Disease Control and Prevention at
26 www.CDC.gov for any rehabilitator, staff member or volunteer who may come in contact
27 with rabies species. Proof of immunization to demonstrate that the vaccine was
28 administered shall be provided upon request and shall be kept at the license holder's
29 facility;

30 (D) provide the name and contact information of a North Carolina licensed veterinarian with
31 whom the rehabilitator has consulted and who agrees to provide necessary medical
32 treatment to the rabies species. Contact information for the veterinarian shall be posted at
33 the facility where the rabies species are being rehabilitated;

34 (E) certify notification to the appropriate animal control authority and local health
35 department prior to making application to the Commission, to inform them of their
36 anticipated activities and location. Contact information for these agencies shall be posted
37 at the facility where the rabies species are being rehabilitated.

Appendix A

- 1 (F) have separate facilities from non-rabies species adequate for the species to be
2 rehabilitated. Enclosures within the facility shall prevent escape of the animal and
3 exposure to people, pets, livestock, and other captive or free-ranging wildlife. Exterior
4 caging shall be locked and surrounded by double fencing or a solid wall barrier; and
5 (G) coordinate with appropriate local Health Department regarding euthanasia and testing of
6 rabies species. A written protocol for testing shall be posted at the facility and made
7 available for inspection by the Commission upon request.
- 8 (2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the
9 United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies
10 Vaccination (ORV) program is conducted.
- 11 (3) Rabies species shall not be removed from their containment except for treatment, release,
12 maintenance of the enclosure, or euthanasia.
- 13 (4) Rehabilitated rabies species must be released in either the county in which they were rehabilitated
14 or the county where they were found.
- 15 (5) All rabies species shall be considered potentially infected with the rabies virus. If any human or
16 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain
17 and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall
18 contact the local Health Department immediately to report the incident. The local Health
19 Department may require euthanasia of the animal and submission of the brain for rabies testing.
20 Rehabilitators shall abide by all requests made by authorized public health department personnel,
21 animal control, or Commission personnel regarding disposition of the animal. No rabies species
22 that has scratched or bitten a human or domestic animal or dies in captivity can be released or
23 disposed of until the local Health Department investigates the situation to determine if testing is
24 necessary.
- 25 (6) Records of all rabies species rehabilitation shall be maintain on a form, as described in rule .1406
26 of this section, provided by the Commission at www.ncwildlife.org, and submitted to the
27 Commission within 15 days of expiration of the license or prior to the request for reissuance of the
28 license.

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

31 *Eff. January 1, 2020.*

Appendix A

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

(a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native wild animals or wild birds for education, exhibition, or scientific purposes. A captivity license for holding shall not be issued for 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 shall not be issued for holding wild animals or wild birds:

- (1) As pets;
- (2) For breeding unless approved by the Commission;
- (3) For dog training; or
- (4) For hunting in captivity.

(c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

(d) Individuals seeking to hold wild animals for education, exhibition, or research purposes that require a license from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining the animal.

(e) No captivity license for holding shall be issued and no wild animals or wild birds 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 Rule .1404 of this Section, and the facility has been verified by a representative of the Commission or the individual has shown proof of a valid, concurrent, and applicable U.S. Department of Agriculture license or exemption from USDA licensing requirements. Any changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10 business days.

(f) 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 pets, non-native animals, livestock, or wild animals or wild birds held under a captivity license for rehabilitation. This provision shall not apply to surrogate animals or wild animals or wild birds used to foster other wild animals and wild birds;
- (2) Rabies species outside of their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it does not have physical contact with the public, domestic animals, non-native animals, livestock, or other wild animals or wild birds;
- (3) Wild animals outside their enclosure shall be kept restrained at all times so that the license holder or their designee is in control of the animal and it presents no danger to the public; and
- (4) Wild animals shall not roam free unrestrained outside of an enclosure.

(g) License holders with wild animals or wild birds used for education or exhibition outside of their facility, shall maintain records of all education and exhibition activities on a form, as described in rule .1406 of this section, provided by the Commission at www.ncwildlife.org, and shall retain records for a period of 12 months following expiration of the license.

Appendix A

1 (h) It is unlawful for a license holder to sell, transfer, or release the wild animal or wild bird held under the license,
2 except that such wild animal or wild bird may be surrendered to an agent of the Commission, or transferred to another
3 individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor
4 shall create a record for the wild animal or wild bird showing the transferors name, address, tag number if available,
5 license number, date of transfer, and transferor's signature, verifying that the information is true and accurate. A copy
6 of the record shall be retained by the transferee for three years from the date of transfer.

7 (i) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule.1402 of this
8 Section, except for white-tailed deer fawns and elk calves, may be transferred to a captivity license for holding under
9 the following conditions:

- 10 (1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or
11 reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall
12 include a description of the incapacitation of the animal and a detailed explanation of why the animal
13 will not experience chronic pain from its condition or injuries; and
- 14 (2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird;
15 and
- 16 (3) For imprinted animals, the individual with the captivity license for holding shall not be the same
17 individual that rehabilitated that specific animal.

18 (j) Rabies Species

- 19 (1) License holders with rabies species shall:
 - 20 (A) certify up-to-date rabies immunization in accordance with current Advisory Committee
21 on Immunization Practices of the Centers for Disease Control and Prevention at
22 www.CDC.gov for any staff member or volunteer who may come in contact with rabies
23 species. Proof of immunization to demonstrate that the vaccine was administered shall be
24 provided upon request and shall be kept at the license holder's facility;
 - 25 (B) provide the name and contact information of a North Carolina licensed veterinarian with
26 whom the license holder has consulted and who agrees to provide necessary medical
27 treatment to the rabies species. Contact information for the veterinarian shall be posted at
28 the facility where the rabies species are being held;
 - 29 (C) certify notification to the appropriate animal control authority and their local health
30 department prior to making application to the Commission, to inform them of their
31 anticipated activities and location. Contact information for these agencies shall be posted
32 at the facility where the rabies species are being held;
 - 33 (D) have separate facilities from non-rabies species. Enclosures within the facility shall
34 prevent escape of the animal and exposure to people, pets, livestock and other captive or
35 free-ranging wildlife. Exterior caging shall be locked and surrounded by double fencing
36 or a solid wall barrier; and

Appendix A

1 (E) coordinate with appropriate local Health Department regarding euthanasia and testing of
2 rabies species. Written protocols for testing shall be posted at the facility and made
3 available for inspection by the Commission upon request.

4 (2) All rabies species shall be considered potentially infected with the rabies virus. If any human or
5 domestic animal has been scratched, bitten or exposed to saliva, the fluid that surrounds the brain
6 and spinal cord, or brain and spinal cord material from any rabies species, he or she shall contact
7 the local Health Department immediately to report the incident. The local Health Department may
8 require euthanasia of the animal and submission of the brain for rabies testing. License holders
9 shall abide by all requests made by authorized public health department personnel, animal control,
10 or Commission personnel regarding disposition of the animal. No rabies species that has scratched
11 or bitten a human or domestic animal or dies in captivity can be disposed of until the local Health
12 Department investigates the situation to determine if testing is necessary.

13 (k) Black Bear:

14 (1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license may be issued for a black
15 bear, except to:
16 (A) a publicly operated zoo; or
17 (B) an educational institution; or
18 (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule
19 .1404(e) of this Section.
20 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
21 transport black bear for any purpose without first obtaining a transportation permit from the
22 Commission.

23 (l) Cougar:

24 (1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:
25 (A) a publicly operated zoo; or
26 (B) an educational institution; or
27 (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule
28 .1404(f) of this Section.
29 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
30 transport cougar for any purpose without first obtaining a transportation permit from the
31 Commission.

32 (m) Non-Farmed Cervids:

33 (1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding, except for
34 animals being held under a valid captive cervid license issued prior to September 30, 2015 that are
35 not farmed cervids, as specified by G.S. 106-549.97.
36 (2) The following conditions shall apply to non-farmed cervid licenses issued prior to September 30,
37 2015:

Appendix A

- 1 (A) no reproduction within the existing herd;
- 2 (B) no new non-farmed cervids shall be added to the existing herd from the wild or from farmed
3 cervids held under the North Carolina Department of Agriculture and Consumer Services
4 farmed cervid program;
- 5 (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission
6 within one hour of discovery. The license holder shall request a permit to take the escaped
7 non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted
8 by the license holder to an approved laboratory for Chronic Wasting Disease (CWD)
9 testing, unless the Commission determines that the risk of CWD transmission as a result of
10 this escape is negligible;
- 11 (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the
12 facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at
13 www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.
14 All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD;
- 15 (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be
16 submitted by the license holder to an approved laboratory and tested for CWD within 48
17 hours of knowledge of the cervid's death, or by the end of the next business day, whichever
18 is later. The Commission-issued ear tag shall not be removed from the cervid's head prior
19 to submitting the head for CWD testing;
- 20 (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by
21 the Commission available for inspection by the Commission upon request, during the
22 facility's business hours, or at any time an outbreak of CWD is suspected or confirmed
23 within five miles of the facility or within the facility itself;
- 24 (G) the license holder shall make all licensed facilities, enclosures, and the record-book(s)
25 documenting required monitoring of the outer fence of the enclosure(s) at each licensed
26 facility, available for inspection by the Commission, upon request, during the facility's
27 business hours, or at any time an outbreak of CWD is suspected or confirmed within five
28 miles of the facility or within the facility itself;
- 29 (H) the fence surrounding the enclosure shall be inspected by the license holder once a week
30 to verify its stability and to detect the existence of any conditions or activities that threaten
31 its stability. In the event of severe weather or any other condition that presents potential for
32 damage to the fence, inspection shall occur every three hours until cessation of the
33 threatening condition, except that no inspection is required under circumstances that
34 threaten the safety of the person conducting the inspection and inspections shall resume as
35 soon as possible.
- 36 (i) a record-book shall be maintained to record the time and date of each inspection
37 of the fence, the name of the person who performed the inspection of the fence,

Appendix A

1 and the condition of the fence at time of inspection. The person who performs the
2 inspection shall enter the date and time of detection and the location of any
3 damage threatening the stability of the fence. If the fence is damaged, the license
4 holder shall record a description of measures taken to prevent ingress or egress by
5 non-farmed cervids. Each record-book entry shall bear the signature or initials of
6 the license holder attesting to the veracity of the entry. The record-book shall be
7 made available for inspection by a representative of the Commission upon
8 request, or during the facility's business hours; and

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

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

14 (i) a single button ear tag provided by the Commission shall be permanently affixed
15 by the license holder onto either the right or left ear of each non-farmed cervid,
16 provided that the ear chosen to bear the button tag shall not also bear a bangle tag,
17 so that each ear of the cervid bears only one tag;

18 (ii) a single bangle ear tag provided by the Commission shall be permanently affixed
19 by the license holder onto the right or left ear of each non-farmed cervid, provided
20 that the ear bearing the bangle tag does not also bear the button tag, so that each
21 ear of the cervid bears only one tag; and

22 (iii) once a tag is affixed in the manner required by this Rule, it shall not be removed;
23 and

24 (J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant
25 for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for
26 slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary
27 medical facility for treatment provided that the animal for which the permit is issued does
28 not exhibit clinical symptoms of CWD. Application for a transportation permit shall be
29 made to the Commission by completing and submitting the non-farmed cervid
30 transportation form detailed in Rule .1406 of this Section. Any person transporting a non-
31 farmed cervid shall present the transportation permit to any law enforcement officer or
32 representative of the Commission upon request, except that a person transporting a non-
33 farmed cervid by verbal authorization for veterinary treatment shall provide the name of
34 the person who issued the approval to any law enforcement officer or representative of the
35 Commission upon request.

Appendix A

1

2 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-272.5, 113-272.6; 113-274(c)(1b);*
3 *Eff. January 1, 2020.*

Appendix A

15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING

(a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for holding:

(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. 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; and

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

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

(A) all enclosures constructed of chain link or other approved materials shall be braced and securely anchored;

(B) enclosures shall be ventilated;

(C) enclosures with a natural substrate shall have a dig barrier, that prevents escape;

(D) the young of any animal may be kept with the parent or foster animal of the same species in a single-animal enclosure until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures shall apply;

(E) chains or tethers shall not be used as a method of confinement for wild animals inside the enclosure;

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

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

(3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or dimensional equivalents:

<u>Animal</u>	<u>Length (ft.)</u>	<u>Width (ft.)</u>	<u>Height (ft.)</u>	<u>Total Square Footage</u>
<u>Wild Turkey</u>	<u>6</u>	<u>4</u>	<u>8</u>	<u>24</u>
<u>Coyote</u>	<u>8</u>	<u>8</u>	<u>6</u>	<u>64</u>
<u>Fox (Red and Gray)</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Raccoon</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Bobcat</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>

Appendix A

<u>Otter</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>
<u>Squirrel</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>8</u>
<u>Groundhog</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Rabbit</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Opossum</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Skunk</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Armadillo</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>48</u>

1
2 for animals not mentioned elsewhere in this rule, single animal enclosures shall be a cage with one
3 horizontal dimension being at least four times the nose-rump length of the animal and the other
4 horizontal dimension being at least two times nose-rump length of the animal. The vertical
5 dimensions shall be at least two times the nose-rump length of the animal. No cages shall be less
6 than four feet by two feet by two feet, or eight square feet.

7 (4) The minimum square footage for multiple animal enclosures shall be determined by multiplying the
8 required square footage for a single animal enclosure by a factor of 1.5 for one additional animal
9 and that result by the same factor, successively, for each additional animal. Vertical dimensions
10 may remain the same as for single animal enclosures.

11 (b) Non-farmed Cervids

12 (1) the minimum size of the enclosure shall not be less than one-half acre for the first three animals and
13 an additional one-fourth acre for each additional animal. No more than 25 percent of the enclosure
14 shall be covered with water;
15 (2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design
16 to contain cervids and prevent contact with wild cervids;
17 (3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the
18 animals in the enclosure at the same time; and
19 (4) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that
20 has not been approved to hold cervids by the Commission, except as specifically authorized by law
21 or rule of the Wildlife Resources Commission.

22 (c) Alligators

23 (1) the minimum size of the enclosure shall be based upon the length of the longest animal. Land area
24 with both horizontal dimensions at least as long as the longest animal shall be provided. In case of
25 more than one animal, the combined area covered by all their bodies while aligned parallel without
26 overlap shall not exceed 50 percent of the land area;
27 (2) the enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall
28 prevent contact between the observer and alligator(s);
29 (3) in addition to the land area, the enclosure shall contain a pool of water large enough for all the
30 animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken
31 to prevent the surface of the water from freezing solid;
32 (4) steps shall be taken to provide opportunities for the alligator to regulate its body temperature;

Appendix A

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

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

6 (d) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is built to the
7 standards specified below and approved by the U.S. Fish and Wildlife Service.

8 (1) enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors
9 in Captivity: Guidelines for Care and Management".

10 (2) enclosure for all other wild birds shall be designed using the standards established by the National
11 Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of
12 Program Animals".

13 (e) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions
14 shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-
15 11.

16 (f) Cougar. Cougars held in captivity by facilities other than publicly operated zoos, educational, or scientific research
17 institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of
18 G.S. 113-272.5(e)(4).

19
20 *History Note:* *Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;*
21 *Eff. January 1, 2020.*

Appendix A

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

(a) Representatives of 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 or her designee may warn, cite, or revoke a license holder's captivity license, 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 this Chapter or any conditions of the license. The determination whether to warn, cite, or revoke a captivity license for rehabilitation or holding shall be based upon the seriousness of the violation, and may include:

(1) Failing to provide required facilities for the housing of wild animals and wild birds as specified in Rule .1402(h) and Rule .1404 of this Section;

(2) Providing false or inaccurate information on license applications or reports submitted to the Commission;

(3) Possessing wild animals or wild birds not permitted by the captivity license for rehabilitation, or the captivity license for holding;

(4) Using animals undergoing rehabilitation for education, exhibition, profit, or science involving contact with or proximity to the public;

(5) Failing to comply with monitoring or record-keeping requirements as provided by the rules of this Section;

(6) Taming, imprinting, or improperly handling animals held for rehabilitation;

(7) Failing to treat conditions that warrant medical attention;

(8) Failing to notify the appropriate agencies after a rabies exposure as described in this Section;

(9) Allowing a wild animal held under a captivity license for holding to roam free unrestrained outside of its enclosure; or

(10) 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) An individual holding a captivity license for rehabilitation with the apprentice designation shall notify the Commission within 10 business days if they no longer have a mentor. The apprentice shall obtain another mentor within 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor within 60 days, the Commission shall revoke his or her license and he or she shall be required to reapply for an apprentice license.

(d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for rehabilitation or holding, then the Commission may seize and determine future treatment of the wild animal or wild bird, to include release, relocation, or euthanasia.

Appendix A

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

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

9
10 *History Note:* Authority G.S. 106-549.97(b); 113-134; 113-137; 113-140; 113-272.5; 113-274; 113-276.2
11 Eff. January 1, 2020.

Appendix A

15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

(a) Individuals interested in obtaining a captivity license for rehabilitation shall apply to the Commission using the Captivity License for Rehabilitation Form available at www.ncwildlife.org. Information required 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 wild animals and wild birds to be rehabilitated;
- (5) A copy of a valid Federal Migratory Bird Permit, if applicable;
- (6) Name and signature of mentor, if applicable; and
- (7) Certification of at least 12 hours of rehabilitation related training, if applicable.

(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. 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 for holding animals 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. 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;
- (4) Species and sex of each non-farmed cervid transported;
- (5) Tag number(s) for each non-farmed cervid transported;
- (6) Date of transportation;
- (7) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the non-farmed cervid;
- (8) 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;
- (10) Date of slaughter, if applicable;
- (11) 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.

Appendix A

1 (d) Individuals rehabilitating white-tailed deer fawns or elk calves shall record the following information on the White-
2 tailed Deer Fawn / Elk Calf Rehabilitation Activity Form available at www.ncwildlife.org:

- 3 (1) Captivity license number:
- 4 (2) Date of acceptance:
- 5 (3) Species and sex:
- 6 (4) Tag number:
- 7 (5) Disposition; and
- 8 (6) Date and location of release, if applicable.

9 (e) Individuals rehabilitating rabies species shall record the following information on the Rabies Species Rehabilitation
10 Activity Form available at www.ncwildlife.org:

- 11 (1) Captivity license number:
- 12 (2) Date of acceptance:
- 13 (3) Species and sex:
- 14 (4) Location of origin, if known:
- 15 (5) Disposition; and
- 16 (6) Date of transfer to other appropriately licensed captivity license holder, if applicable; or
- 17 (7) Date and location of release, if applicable.

18 (f) Individuals holding species under a Captivity License for Holding, for educational and exhibition purposes shall
19 record the following information on the Captivity License for Holding Education and Exhibition Form available at
20 www.ncwildlife.org:

- 21 (1) Captivity license number:
- 22 (2) Date of educational or exhibition activity:
- 23 (3) Species and numbers of wild animals or wild birds used in the educational or exhibition activity;
- 24 (4) Organization or group involved in the educational or exhibition activity; and
- 25 (5) Description of educational or exhibition activity, if applicable;

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

29 *History Note:* Authority G.S. 113-134; 113-272.5;
30 Eff. January 1, 2020.