

1 15A NCAC 10B .0106 is proposed for amendment as follows:

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3 **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS**

4 (a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs  
5 (1) and (2) of this Paragraph. Only employees of the Wildlife Resources Commission (Commission) and Wildlife  
6 Damage Control Agents (WDCA) may issue depredation permits. ~~Each permit~~ Permits shall be written on a form  
7 supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while  
8 committing depredations on ~~the~~ that property; however the manner of taking, disposition of dead wildlife, and  
9 reporting requirements as described in this Rule still apply.

10 (b) No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I,  
11 except alligators, by reason of depredations to property. Only the Executive Director or his or her designee may issue  
12 depredation permits for Special Concern species listed in 15A NCAC 10I .0105 and for alligators. An individual may  
13 take an endangered or threatened species in immediate defense of his or her own life or of the lives of others without  
14 a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human  
15 safety shall be reported to a federal or ~~state~~ State wildlife enforcement officer, who, upon verification of the report,  
16 may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species ~~shall~~  
17 may be issued under the following conditions:

18 (1) for taking wildlife that is or has been damaging or destroying ~~property~~ property, provided there is  
19 evidence of property damage. No permit may be issued for the taking of ~~any~~ migratory birds and  
20 other federally-protected animals unless a ~~corresponding~~ corresponding, valid U.S. Fish and  
21 Wildlife Service depredation permit(s), if required, has been issued. A permit issued pursuant to  
22 this Rule shall name the species allowed to be taken and may ~~contain~~ include limitations as to age,  
23 sex, ~~or any other condition, such as~~ type of depredation, location of animal or damage, and local  
24 ~~laws, within the species so named.~~ laws. The permit shall be issued to a landholder or an authorized  
25 representative of a unit of local government for depredations on public ~~property; and the property.~~  
26 The permit shall be used only by individuals named on the permit.

27 (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources  
28 present a danger to human safety. ~~Cities~~ Cities, as defined in G.S. ~~460A-1(2)~~ 160A-1(2), seeking  
29 ~~such~~ a depredation permit pursuant to these circumstance shall apply to the ~~Executive Director~~  
30 Commission using ~~a form supplied by the Commission requesting an application available from the~~  
31 Commission. The application shall include the following information:

- 32 (A) the name and location of the city;  
33 (B) the acreage of the affected property;  
34 (C) a map of the affected property;  
35 (D) the signature of an authorized city representative;  
36 (E) the nature of the overabundance or the threat to public safety; and  
37 (F) a description of previous actions taken by the city to ameliorate the problem.

1 ~~(b)~~ (c) ~~Wildlife Damage Control Agents: Agents.~~ Upon completion of a training course designed for the purpose of  
2 reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques, and  
3 demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual ~~with no~~  
4 ~~record of wildlife law violations~~ that, within the last five years, has not been convicted of a wildlife misdemeanor as  
5 specified in G.S. 113-294 that resulted in a license suspension or revocation may apply to the ~~Wildlife Resources~~  
6 ~~Commission (Commission)~~ to become a ~~Wildlife Damage Control Agent (WDCA).~~ WDCA. Those ~~persons~~  
7 individuals who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing  
8 score of ~~85~~ 80 percent or better on a written examination provided by a representative of the ~~Wildlife Resources~~  
9 ~~Commission~~, in cooperation with the training course provider, shall be approved. Those ~~persons~~ individuals failing  
10 to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those ~~persons~~  
11 individuals approved as agents by the Commission may then issue depredation permits for depredation as defined in  
12 Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs  
13 may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington; big game  
14 animals; bats; or any species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104,  
15 and .0105 of this Chapter. WDCAs shall annually report to the ~~Wildlife Resources~~ Commission the number and  
16 disposition of animals ~~taken, by county, annually.~~ by county. Records shall be available for inspection by a ~~Wildlife~~  
17 ~~Enforcement~~ wildlife enforcement officer at any time during ~~normal business hours.~~ These business hours are the  
18 posted business hours of the Commission at ncwildlife.org. ~~WDCA status shall be revoked at any time by the~~ The  
19 Executive Director shall revoke WDCA status when there is evidence of violations of wildlife laws, failure to report,  
20 or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or  
21 her investigations and control services. ~~In order to maintain a knowledge of current laws, rules, and techniques, each~~  
22 Each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one  
23 training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane  
24 wildlife handling techniques within the previous 12 months or agency approved continuing education credits.

25 ~~(c)~~ (d) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer  
26 valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and shall be  
27 retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources  
28 under the authority of a depredation permit shall comply with the conditions written on the permit and the requirements  
29 specified in this Rule.

30 ~~(d)~~ (e) Manner of Taking:

- 31 (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to  
32 property may, during the open season on the species, be taken by the landholder by any lawful  
33 method. During the closed season, such depredating wildlife may be taken without a permit only  
34 by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- 35 (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method  
36 or methods authorized by the permit. When trapping is authorized, in order to limit the taking to  
37 the intended purpose, the permit may specify a reasonable distance from the property sought to be

1 protected, ~~according to the particular circumstances,~~ within which the traps shall be set. The  
2 Executive ~~Director~~ Director, Commission employee, or agent may also ~~state~~ state, in a permit  
3 authorizing ~~trapping~~ trapping, whether or not bait may be used and the type of ~~bait, if any, bait~~ that  
4 is authorized based upon factors such as type of depredation, locations of animal or damage, and  
5 local laws. In addition to any trapping restrictions that may be contained in the permit, the method  
6 of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6  
7 and other local laws passed by the General Assembly. No depredation permit shall authorize the  
8 use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North  
9 Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S.  
10 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of  
11 wildlife by any method by any landholder upon the lands of another except when the individual is  
12 listed as a second party on a depredation permit.

- 13 (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, to  
14 intentionally ~~to~~ wound a wild animal in a manner so as not to cause its immediate death as suddenly  
15 and humanely as the circumstances permit.

16 ~~(e)~~ (f) Disposition of Wildlife Taken:

- 17 (1) Generally. Except as provided by Subparagraphs (e)(2) through (5) of this Paragraph, any wildlife  
18 killed without a permit while committing depredations shall be buried or otherwise disposed of in a  
19 safe and sanitary manner on the property. Wildlife killed under a depredation permit may be  
20 transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals  
21 being transported under a depredation permit shall have the depredation permit in his or her  
22 possession. Except as provided by Subparagraphs (e)(2) through (5) of this Rule, all wildlife killed  
23 under a depredation permit shall be buried or otherwise disposed of as stated on the permit.
- 24 (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder  
25 for consumption but shall not be transported from the property where the depredations took place  
26 without a valid depredation permit. The landholder may give a second party the edible portions of  
27 the feral swine and deer taken under the depredation permit. The receiver of the edible portions shall  
28 hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head,  
29 hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or  
30 turned over to a wildlife enforcement officer for disposition.
- 31 (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph  
32 (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B  
33 .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- 34 (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for  
35 taking such furbearing animal for control of depredations to property, whether with or without a  
36 permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt

1 for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be  
2 sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

- 3 (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and  
4 beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely  
5 handle the euthanasia or released on the property where captured. Feral swine shall be euthanized  
6 while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the  
7 animal shall be euthanized or released on property with permission of the landowner. When the  
8 relocation site is public property, written permission shall be obtained from ~~an appropriate~~ the local,  
9 ~~state, State,~~ or federal official authorized to manage the property before any animal may be released.  
10 Animals transported or held for euthanasia shall be euthanized within 12 hours of capture. Anyone  
11 in possession of live animals being transported for relocation or euthanasia under a depredation  
12 permit shall have the depredation permit in his or her possession.

13 ~~(f)(g)~~ Reporting Requirements. Any landholder who kills an alligator; ~~a coyote~~ coyote, in the counties of Beaufort,  
14 Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit  
15 shall report ~~such~~ the kill on the form provided with the ~~permit~~ permit, including the number and species of animal(s)  
16 killed, and ~~mail~~ submit the form upon the expiration date of the depredation permit to the Wildlife Resources  
17 Commission. Any landowner who kills a coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, and Washington  
18 shall report ~~such kill as directed~~ the kill, including the number of coyotes killed, on the form provided with the  
19 depredation permit. The killing and method of disposition of every alligator; coyote in the counties of Beaufort, Dare,  
20 Hyde, Tyrrell, and Washington; bear; or elk taken without a permit shall be reported to the Wildlife Resources  
21 Commission within 24 hours following the time of such killing.

22 (h) Exemption for Animal Control Officers. Animal Control Officers, as defined by G.S. 130A-184(1) and when in  
23 the performance of official duties, shall be exempt from obtaining a depredation permit when taking wild animals that:

- 24 1) Exhibit visible signs of rabies;  
25 2) Exhibit unprovoked aggression that may be associated with rabies;  
26 3) Are suspected to be rabid; or  
27 4) Have exposed or potentially exposed humans, pets, or livestock to rabies.

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30 *History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307;*  
31 *113-331; 113-333; 113-334(a); 113-337;*  
32 *Eff. February 1, 1976;*  
33 *Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August*  
34 *1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990;*  
35 *Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as*  
36 *specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North*

1 *Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever*  
2 *date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org);*  
3 *Temporary Amendment Eff. February 27, 2015;*  
4 *Amended Eff. August 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016.*