Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10H .1501-.1509 and amend the rule cited as 15A NCAC 10B .0106.

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

Proposed Effective Date: May 1, 2021

Public Hearing:
Date: December 8, 2020
Time: 6:00 p.m.
Location: Register in advance for this webinar: https://ncwildlife.zoom.us/webinar/register/WN_aXViRwRsTnGAPbHLaT3RZA or join by phone: (877-853-5247 or 888-788-0099) using Webinar ID: 928 5632 3468

Reason for Proposed Action: Session Law 2019-204 established the Wildlife Control Agent License and Alligator Control Agent Certification in statute. The rules proposed for adoption in this Section 10H .1500 will replace current agency rules for the Wildlife Damage Control Agent Program found in 10B .0106. Because Wildlife and Alligator Control Agent Rules have been proposed, Rule 10B .0106 requires updates to remove the Wildlife Damage Control Agent Certification and requirements.

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

Comment period ends: January 15, 2021

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

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☐ State funds affected
☐ Local funds affected
☐ Substantial economic impact (>= $1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY
SUBCHAPTER 10B - HUNTING AND TRAPPING
SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS
(a) Depredation permits allow the taking of undesirable or excess wildlife resources as described in Subparagraphs (b)(1) and (b)(2) of this Paragraph. Only employees of the Wildlife Resources Commission (Commission) and Wildlife Damage Control Agents (WDCA) may issue depredation permits. Only depredation permits prepared on a form supplied by the Commission shall be valid. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on that property; however, the manner of taking, disposition of dead wildlife, and reporting requirements as described in this Rule still apply.
(b) The following conditions shall apply to depredation permits:
(1) depredation permits shall be prepared on a form supplied by the Commission; and
(2) depredation permits shall only be issued by authorized employees of the Commission or licensed Wildlife Control Agents (WCA).
(c) Depredation permits shall not be required for the owner or lessee of a property to take wildlife while committing depredations on that property; however, the manner of take, disposition of dead wildlife, and reporting requirements specified in this Rule shall apply.
(d) No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director or his or her designee may issue depredation permits for Special...
Constitution species listed in 15A NCAC 10I .0105 and for alligators. An individual may take an endangered or threatened species in immediate defense of his or her own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or Commission wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species may be issued under the following conditions:

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

2. for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities, as defined in G.S. 160A-1(2), seeking a depredation permit pursuant to these circumstances shall apply to the Commission using an application available from the Commission. The application shall include the following information:

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

(c) Wildlife Damage Control Agents. Individuals meeting the following eligibility requirements may apply to become a Wildlife Damage Control Agent (WDCA):

1. Successful completion of a training course that is designed to:
   (A) review wildlife laws;
   (B) review safe, humane wildlife handling techniques.

2. No wildlife misdemeanor conviction, as specified in G.S. 113-291.1 that resulted in a licence suspension or revocation, within the last five years prior to application to become a WDCA.

Those individuals who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of 80 percent or better on a written examination provided by a representative of the Commission, in cooperation with the training course provider, shall be approved. Those individuals failing to obtain a passing score shall be given one chance for retesting without re-taking the course. Those individuals approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCA's may not issue depredation permits for coyotes in the counties of Beaufort, Dare, Hyde, Tyrrell, Washington, big game animals; bats; or any species listed as endangered, threatened, or special concern under 15A NCAC 10I .0103, .0104, and .0105 of this Chapter. WDCA's shall annually report to the Commission the number and disposition of animals by county. Records shall be available for inspection by a wildlife enforcement officer at any time during the posted business hours of the Commission at ncwildlife.org. The Executive Director shall revoke WDCA status when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. Each WDCA shall renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months or agency approved continuing education credits.

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

(e) Manner of Taking:

1. Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season, such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.

2. Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, within which the traps shall be set. The Executive Director, Commission employee, or agent WCA may also state in a permit authorizing trapping whether or not bait or lure may be used and the type of bait or lure that is authorized based upon factors such as type of depredation, locations of animal or damage, and local laws. In addition to any trapping restrictions that may be contained in the permit, the method of trapping shall be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, G.S. 143, Article 52, the Structural Pest Control Act of 1955, G.S. 106, Article 4C, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.
Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, to intentionally wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances warrant.

Dispossession of Wildlife Taken:

Generally. Except as provided by Subparagraphs (2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or disposed of in a safe and sanitary manner on the property where taken. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs (4)(2) through (5) of this Rule, (2) through (5) of this Paragraph, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.

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

Disposition of Wildlife Taken:

(1) Generally. Except as provided by Subparagraphs (2) through (5) of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or disposed of in a safe and sanitary manner on the property where taken. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit shall have the depredation permit in his or her possession. Except as provided by Subparagraphs (4)(2) through (5) of this Rule, (2) through (5) of this Paragraph, all wildlife killed under a depredation permit shall be buried or otherwise disposed of as stated on the permit.

(2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but shall not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of feral swine or deer taken under a depredation permit. The receiver of the edible portions shall hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.

(3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.

(4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license; provided further that bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.

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

Reporting Requirements. Any landholder who kills an alligator; coyote in the counties of Beaufort, Dare, Hyde, Tyrrell, or Washington; deer; Canada goose; bear; elk; or wild turkey under a valid depredation permit shall report the kill on the form provided with the permit, including the number and species of animal(s) killed, and submit the form upon the expiration date of the depredation permit.

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

1. Exhibit visible signs of rabies;
2. Exhibit unprovoked aggression that may be associated with rabies;
3. Are suspected to be rabid; or
4. Have or may have exposed humans, pets, or livestock to rabies.

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; 113-331; 113-333; 113-334(a); 113-337;  
Eff. February 1, 1976;  
Amended Eff. August 1, 2013; January 1, 2012; August 1, 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990;  
Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina’s court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at www.ncwildlife.org;  
Temporary Amendment Eff. February 27, 2015;  
Amended Eff. October 1, 2019; December 1, 2016; July 1, 2016; May 1, 2016.
(a) The following definitions shall apply in this Section:

   (1) "Wildlife control agent" or "WCA" means an individual that holds a current and valid wildlife control agent license issued by the Commission.
   (2) "Wildlife control agent license" or "WCA license" means a license issued by the Commission that authorizes an individual to engage in wildlife damage control or wildlife removal activities by means of a depredation permit.

(b) It shall be unlawful to engage in wildlife damage control or wildlife removal activities for compensation, including eviction or exclusion activities, without first obtaining a wildlife control agent (WCA) license from the Commission, except that licensed trappers taking wild animals during the applicable open trapping season for that species shall not be required to obtain a WCA license.

(c) Individuals meeting the following requirements shall qualify for a WCA license:

   (1) completion of a Commission-approved, WCA training course, that reviews the following:
      (A) wildlife laws and rules, including methods of take, trapping, and depredation; and
      (B) safe, humane wildlife handling techniques.
   (2) a passing score of at least 80 percent on the WCA examination as specified in Paragraph (e) of this Rule.
   (3) no wildlife misdemeanor convictions, as specified in G.S. 113-294 or G.S. 14, Article 47, that resulted in a license suspension or revocation within the five years preceding completion of the WCA training course.

(d) Individuals may register for a Commission-approved training course at www.ncwildlife.org/wca. Required information shall include the following:

   (1) the applicant’s name, mailing address, email address, residence address, telephone number, driver's license number, and date of birth; and
   (2) organizational affiliation, if applicable.

(e) Individuals scoring at least an 80 percent on the WCA examination provided by the Commission shall be deemed to have received a passing score and to have successfully demonstrated knowledge of wildlife laws and safe, humane wildlife handling techniques. Individuals failing to obtain a passing score on the WCA examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the WCA training course.

(f) A WCA license shall not be transferable between individuals.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1502 DEPREDATION PERMITS ISSUED BY WILDLIFE CONTROL AGENTS

(a) WCAs may issue depredation permits to landholders and may be listed as a second party on the permit to provide wildlife damage control or wildlife removal services. Depredation permits shall be issued and administered in accordance with the applicable provisions and requirements of 15A NCAC 10B .0106.

(b) WCAs shall not issue depredation permits for the following:

   (1) any endangered, threatened, or special concern species listed in 15A NCAC 10I .0103 - .0105;
   (2) coyotes in Beaufort, Dare, Hyde, Tyrrell, or Washington counties;
   (3) big game animals, including Black Bear, White-tail Deer, and Wild Turkey;
   (4) elk; and
   (5) bats.

(c) WCAs shall be authorized to issue depredation permits for the taking of wildlife not prohibited in Paragraph (b) of this Rule, provided there is evidence that the wildlife is or has been damaging or destroying property.

(d) Depredation permits shall not be issued for the taking of migratory birds unless a corresponding, valid U.S. Fish and Wildlife Service depredation permit, as required by 50 CFR 21.41, has been obtained, if required.

(e) WCAs shall not receive compensation for the issuance of depredation permits; however, nothing in this Section shall be construed to limit the ability of a WCA to receive compensation for investigations or wildlife damage control and removal services.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1503 MANNER OF TAKE

(a) WCAs shall comply with applicable manner of taking and disposition of wildlife requirements specified in 15A NCAC 10B .0106.

(b) A WCA license number shall be equivalent to a trapper identification number for the purpose of meeting trap identification requirements specified in G.S. 113-291.6(b)(4) for all trap types used.

(c) WCAs may only engage in bat eviction and exclusion activities from August 1 through April 30 of the next calendar year unless otherwise approved by the Commission, on a case-by-case basis, for reasons of public health and safety, species conservation, or animal health.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1504 RECORDS AND REPORTING REQUIREMENTS

(a) WCAs shall maintain the following records:

   (1) a copy of each depredation permit issued; and
   (2) the species, number, and disposition of each animal taken, organized by county.

(b) WCAs shall submit the following information to the Commission each calendar quarter for each animal taken pursuant to a depredation permit:

   (1) depredation permit number and date of issue of the permit that authorized take;
   (2) WCA license number;
(3) county where permit issued;
(4) type of damage;
(5) species;
(6) number of animals estimated to be taken;
(7) number of animals taken;
(8) method of take; and
(9) disposition of animal.

(c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission’s business hours.
(d) Records shall be retained by the WCA for 12 months following expiration of the WCA license.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1505 WILDLIFE CONTROL AGENT LICENSE RENEWAL AND REVOCATION
(a) A WCA may renew his or her WCA license by completing at least one Commission-approved continuing education course within the previous year. A list of Commission-approved continuing education courses may be found at www.ncwildlife.org/wca.
(b) WCAs that do not renew their license for two consecutive calendar years shall be ineligible for renewal and shall be required to repeat the requirements specified in 15A NCAC 10H .1501, prior to obtaining a new WCA license.
(c) The Executive Director or his or her designee, may warn, cite, or revoke a WCA’s license, if the WCA violates any provision of G.S. 14, Article 47; G.S. 113, Subchapter IV; any rules promulgated by the Commission; conditions of the WCA license; or standards taught in a Commission-approved WCA training course. The determination whether to warn, cite, or revoke a WCA’s wildlife control agent license shall be based upon the seriousness of the violation.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1506 ALLIGATOR CONTROL AGENT CERTIFICATION ELIGIBILITY AND REQUIREMENTS
(a) The following definitions shall apply in this Section:
   (1) “Alligator control agent” or ”ACA” means a licensed Wildlife Control Agent that holds a current and valid alligator control agent certification issued by the Commission.
   (2) “Alligator control agent certification” or ”ACA certification” means a certification issued by the Commission that authorizes a Wildlife Control Agent to engage in alligator damage control or alligator removal activities by means of a Commission-issued depredation permit.
(b) It shall be unlawful to engage in alligator damage control or alligator removal activities for compensation without first obtaining an alligator control agent (ACA) certification from the Commission.
(c) Only individuals with a valid WCA license shall be eligible for ACA certification.
(d) WCAs meeting the following requirements shall qualify for ACA certification:
   (1) completion of a Commission-approved ACA training course that reviews the following:
       (A) alligator regulations;
       (B) procedures for alligator data collection activities; and
       (C) safe, humane alligator capture, handling, and transporting techniques.
   (2) a passing score on the ACA written examination as specified in Paragraph (d) of this Rule.
   (3) demonstration to the Commission of necessary equipment to safely and humanely capture and relocate alligators, including ropes, cables, snares, poles, passive integrated transponder (PIT) tag reader, and an alligator transport device.
(e) WCAs may register for a Commission-approved ACA training course at www.ncwildlife.org/wca.
(f) WCAs scoring at least an 80 percent on the ACA examination provided by the Commission shall be deemed to have received a passing score. WCAs failing to obtain a passing score on the examination shall receive one opportunity to re-take the examination and receive a passing score without being required to retake the ACA training course.
(g) An ACA certification shall not be transferable between individuals.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1507 ADDITIONAL PERMIT REQUIREMENTS FOR ALLIGATOR CONTROL AGENTS
(a) ACAs shall obtain an endangered species permit from the Commission each calendar year prior to conducting any alligator handling and relocation activities.
(b) ACAs shall only handle alligators after a separate depredation permit for each alligator has been issued from a representative of the Commission.
(c) In emergency situations, where an alligator must be moved without delay due to a current or imminent threat to human safety, the safety of the alligator, or disruption of traffic, ACAs shall obtain an authorization code from a representative of the Commission prior to conducting any alligator handling and relocation activities. Authorization codes may be obtained from Commission District Biologists or by contacting the Commission’s communications center at 1-800-662-7137 to be directed to an appropriate Commission representative.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1508 ALLIGATOR CONTROL AGENT RECORDS AND REPORTING REQUIREMENTS
(a) ACAs shall maintain alligator datasheets for each alligator handled or relocated, which shall include the following information:

1. dates and times of capture and release;
2. the GPS locations of the capture and release sites;
3. PIT tag number inserted or found upon scanning;
4. scute numbers removed;
5. total length and snout-to-vent length measurements;
6. gender as determined by cloacal examination;
7. general observations on physical condition including any injuries observed; and
8. the Commission-issued depredation permit number or authorization code.

(b) ACAs shall follow the reporting requirements on the endangered species permit.
(c) Records shall be available for inspection by representatives of the Commission upon request or during the Commission's business hours.
(d) Records shall be retained by the ACA for 12 months following expiration of the ACA certification.

History Note: Authority G.S. 113-134; 113-273; 113-274.

15A NCAC 10H .1509 ALLIGATOR CONTROL AGENT CERTIFICATION RENEWAL AND REVOCATION

(a) An ACA may renew his or her alligator control agent certification by certifying proof of attending at least one Commission-approved alligator-specific continuing education course within the previous year. A list of Commission-approved renewal courses may be found at www.ncwildlife.org.
(b) ACAs shall maintain a valid WCA license at all times.
(c) The Executive Director or his or her designee may warn, cite, suspend, or revoke an ACA’s certification, if the ACA violates any provision of G.S. 14, Article 47, or G.S. 113, Subchapter IV, or any rules promulgated by the Commission; conditions of the certification; or standards taught in a Commission-approved ACA training course. The determination whether to warn, cite, suspend, or revoke an ACA’s certification shall be based upon the seriousness of the violation.

History Note: Authority G.S. 113-134; 113-273; 113-274.