



Fiscal Note for Proposed Changes to Controlled Fox Hunting Preserve Rules and Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves Rule

Rule Amendments: 15A NCAC 10H .1201 Definitions and General Requirements
15A NCAC 10H .1202 Establishment and Operation
15A NCAC 10H .1203 Quality of Foxes and Coyotes Released
15A NCAC 10H .1204 Records Required
15A NCAC 10H .1205 Hunting License Required
15A NCAC 10H .1206 Minimum Standards for Care of Foxes and Coyotes
15A NCAC 10H .1207 License Revocation and Enforcement
15A NCAC 10B .0409 Sale of Live Foxes and Coyotes to Controlled Fox Hunting Preserves

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Impact Summary: State Government: Yes
Local Government: No
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

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

Controlled hunting preserves (CFHPs) are authorized by G.S. 113-273(g) and the Commission is authorized by rule, to set standards for and to license the operation of these preserves by private persons. This same statute also authorizes CFHP operators to purchase live foxes and coyotes from licensed trappers who live-trap foxes and coyotes during open seasons, and sale of live foxes from one licensed preserve to another.

There are currently 134 licensed controlled fox hunting preserves (CFHP) in North Carolina. According to a 2018 study by The Wildlife Management Institute, these preserves (133 at that time) were located in 46 counties and ranged in size from five acres to 1,250 acres.

I. Introduction and Purpose of Rule Change

The rules in 15A NCAC 10H .1200 were part of the agency's 2016 periodic review of rules package. All rules in this Section were determined to be necessary with substantive public interest and are thus required to be readopted.

Because these rules have only been amended once since 1990, for the addition of coyotes, revisions were necessary to update language, clarify requirements and improve regulatory oversight. Additionally, due to the proposed changes to the CFHP rules, the rule regulating live sale of foxes and coyotes to fox preserves also needed to be updated. Agency staff have worked with both licensed CFHP owners/operators and licensed trappers to propose revisions to these rules. The proposed rules can be found in Appendix A.

II. Quantifiable Impacts - Costs

State Impact

The proposed amendments to the CFHP rules and trapping rule are anticipated to have minimal economic impacts to the state.

CFHP Rules

License holders will be required to keep records of all foxes and coyotes released into and removed from their preserve on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in fox enclosures and aid in understanding the impacts that this activity has (or not) on wild populations. It will also provide information on the movement of foxes and coyotes between preserves to improve understanding of the demand for these animals in preserves. The records will need to be submitted to the Commission prior to the reissuance of a CFHP operator license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$5,334 per year related to review of records and reissuance of licenses associated with approximately 135 licensed CFHPs ($\$66.67/\text{hr} \times 80 \text{ hrs/yr} = \$5,334/\text{yr}$).

Trapping Rule

Licensed trappers selling live foxes and/or coyotes to CFHPs will be required to keep records of all foxes and coyotes sold on a form provided by the Commission. This information will allow the Commission to track the number of foxes and coyotes removed from the wild and placed in preserves and aid in understanding the impacts that this activity has (or not) on wild populations. These forms will need to be submitted to the Commission prior to the reissuance of the individual's trapping license. The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$533 for form development ($\$66.67/\text{hr} \times 8 \text{ hrs} = \533). Additionally, the agency estimates an annual recurring cost of approximately \$2,667 per year related to review of records and reissuance of licenses for approximately 126 trappers ($\$66.67/\text{hr} \times 40 \text{ hrs/yr} = \$2,667/\text{yr}$).¹

Local Impact

The proposed revisions to the CFHP rules and trapping rule are anticipated to have no local government economic impacts.

Private Impact

The proposed revisions to the CFHP rules and trapping rule are expected to have minimal private impacts.

CFHP Rules

Fencing²

The proposed CFHP rules require that preserve boundaries have a minimum four-foot high fence with electrified wires on both the top and bottom to prevent ingress and egress of wildlife and dogs. While the requirement of a dog-proof fence is not new, the details of this requirement are and could create a cost for CFHP owners.

The agency is unaware of any currently licensed CFHPs with fences that are less than four feet high. However, should one exist, there are two options for the preserve to meet the new height requirement - either add a section of fencing to the top of the existing fencing, or fence/re-fence the perimeter of the preserve.

Currently, licensed CFHPs range in size from five acres to approximately 1,250 acres. The actual amount of fencing required to enclose a preserve is dependent on the layout and topography of the property. However, assuming a flat, square, five-acre preserve needing to be completely fenced or re-fenced, a minimum of approximately 1/8 mile, or 1,980 feet, of fencing would be required. A 1,200-acre preserve would require approximately 19 miles, or 100,600 feet, of fencing to encompass a flat, square boundary. Assuming the operator used 16-gauge wire, 2"x 2" mesh, 4-foot fence around the entire perimeter of the preserve, fencing alone could cost anywhere from \$2,220 (20 rolls x \$111/100ft roll = \$2,220) to approximately \$111,666 (1,006 rolls x \$111/100ft roll = \$111,666).

¹ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

² Estimated material costs obtained from tractorsupply.com.

Fence posts (6-foot studded T-posts at approximately \$4 each placed every 10 feet around the perimeter of the enclosure) could add approximately \$792 to the expense on a 5 acre property (1,980 feet/10 feet/post = 198 posts x \$4/post = \$792) and approximately \$40,240 to the cost of fencing a 1,200 acre property (100,600 feet/10 ft/post = 10,060 posts x \$4/post = \$40,240). Post knob insulators (two per post) would be an additional \$96 for the 5-acre preserve (396 insulators/25 insulators/package = 16 packages x \$6/package = \$96) and approximately \$4,830 for a 1,200 acre preserve (20,120 insulators/25 insulators/package = 805 packages x \$6/package = \$4,830).

Approximate ¼ mile or 4,000 feet of electric wire and 38 miles or 201,200 feet of electric wire would be required to electrify the top and bottom of the fences of a 5-acre and 1,200-acre facility respectively. Assuming use of 4,000 feet of 14-gage, galvanized electric fence wire connected to a 5-mile electric fence charger, the additional cost for electrifying the fence at a five acre preserve would be approximately \$140 (4,000 feet/1,320 feet/spool = 3 spools x \$30/spool = \$90 + \$50 charger = \$140). Use of 201,200 feet of the same wire and a 60-mile charger, the estimated cost for electrified fencing at a 1,200-acre preserve would be approximately \$3,935 (201,200 feet/ 2,640 feet/spool = 76 spools x \$50/spool = \$3,800 + \$135 charger = \$3,935).

The total estimated cost for fencing a 5-acre CFHP to comply with proposed requirements is approximately \$3,248 (\$2,220 + \$792 + \$96 + \$140 = \$3,248). The total estimated cost for fencing a 1,200-acre CFHP to comply with proposed requirements is approximately \$158,259 (\$111,666 + \$40,240 + \$4,830 + \$3,935 = \$160,671).

Dog Densities

Some CFHPs charge a fee per dog for training events and field trials. The 2018 WMI study found that, of the operators responding, the average fee per dog for paid training events was \$10.50, paid unsanctioned field trials was \$30.80, and paid sanctioned field trials was \$34.02. However, over 90% of these same respondents indicated that the income earned from CFHPs was not important to their households.³

The WRC does not currently regulate the number of dogs on preserves. However, the proposed rule changes will include a maximum number of dogs per acre. Thus, some CFHPs may need to put a limit on the number of dogs they allow into their preserves for training and field trial events. While the agency knows this proposed change has the potential to financially impact some CFHP operators, there is no way, based on available data, to accurately estimate the potential loss of revenue or opportunity for CFHP operators.

III. Quantifiable Impacts - Benefits

State Impact

The proposed changes are expected to have no quantifiable state benefits.

Local Impact

³ A Comprehensive Review and Evaluation of the North Carolina Controlled Fox Hunting Preserve Program, WMI, 2018.

The proposed changes are expected to have no quantifiable local benefits.

Private Impact

The proposed changes are expected to have no quantifiable private benefits.

IV. Unquantifiable Impacts - Costs

Private Impact

CFHP Rules

Acreage

Currently, the smallest licensed CFHP is five acres. The proposed minimum size limit for all CFHPs is five acres. The Commission feels that this minimum standard, in conjunction with other proposed standards, is necessary for the welfare of foxes and coyotes in the preserve. While it is unlikely anyone would want to open a CFHP less than five acres (according to the WMI report, in 2018, only 3.8% of licensed CFHPs were less than 10 acres), it is possible that this proposed size limit could limit opportunities.

Escape Dens

Escape dens for foxes and coyotes are currently required in rule (1 per 35 acres). However, the proposed rule requires a minimum of 3 escape dens regardless of CFHP size to ensure adequate escape for foxes and coyotes regardless of natural habitat in the preserve. It is the agency's understanding that many CFHPs already have more escape dens than are required by rule. However, for smaller preserves impacted by the proposed minimum, there would be a cost associated with compliance, though it would likely only be the addition of one or two escape dens.

Because there is no prescribed way to build an escape den, a stationary manmade structure providing refuge from dogs, there are a variety of structures that could be built to accomplish this purpose. Thus, it is not feasible for the agency to estimate a cost associated with this proposed requirement.

Quarantine

Proposed changes to Rule 10H .1203 include specific details on quarantining facilities when contagious diseases are identified. It is likely that if quarantine is necessary, it would last for a minimum of 30 days. However, because the quarantine could be as a result of anything from a rabies outbreak to a parasite or other disease that persists in the environment, and depopulation of the preserve or contract tracing may be required, it is not feasible to speculate the upper time limit of a potential CFHP quarantine.

While specific costs cannot be attributed or estimated for potential requirements of quarantine, the affected CFHP would be prohibited from removing or introducing foxes and coyotes, may be required to clean or disinfect parts of the facility and may be prohibited from normal operation

by way of temporary license suspension. In addition to the unquantifiable monetary cost of quarantine, a preserve would also lose the opportunity to operate and potentially generate revenue due to the specific requirements added to the rule.

Acclimation

Acclimation is currently required by rule but there are no specific requirements for acclimating newly introduced foxes and coyotes. Proposed changes to 10H .1206 will require new foxes and coyotes be held in an area with no chase by dogs for seven days. This could be a separate area from the preserve where dogs run so the CFHP could still operate while new foxes and/or coyotes are acclimating, or it could be in the CFHP itself. Because all CFHPs are set-up and configured differently, the agency has no way to accurately determine if any monetary or opportunity costs are associated with the proposed acclimation requirements.

Trapping Rule

Record Keeping

Proposed changes to the trapping rule require trappers to keep records of all foxes and coyotes sold, transferred, or exchanged to controlled fox hunting preserves on a form provided by the Commission. These records must be submitted annually prior to reissuance of their trapping license and retained for 12 months. While these record-keeping requirements will not be a cost to the trappers, they will require minimal additional time and effort.

Minimum Standards for Care

The proposed amendments will also limit the holding time for foxes and coyotes trapped for live sale to 30-days after capture to ensure that they are not being held in long-term captivity because they are exempt from long-term holding requirements of a captivity license. Additionally, specific requirements for the trapper to provide food, drinking water and shelter have been proposed. It is unlikely these proposed requirements will introduce any new costs to licensed trappers, as they are already doing these things. However, limiting the holding time could introduce a burden or opportunity cost to trappers wanting to hold the animal longer.

V. Unquantifiable Impacts – Benefits

State Impact

The proposed changes are expected to benefit the state by improving regulatory oversight on fox preserves and fox and coyote trappers selling to preserves. Specifically, the proposed changes will provide information to help the Commission regulate the trapping of foxes and coyotes, regulate transfer of foxes and coyotes to and between preserves, and make more informed decisions on fox and coyote trapping in the future.

Private Impact

The proposed changes are expected to have no quantifiable private benefits to individuals but will provide licensed operators and trappers with clearer, better defined standards and requirements.

VI. Economic Impact Summary

Quantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, few costs identified were quantifiable. These include the following:

State

CFHP

- Form development, annual review, and license administration: Year 1 = \$5,867;
Recurring = \$5,334/year

Trapping

- Form development, annual review, and license administration: Year 1 = \$3,200;
Recurring = \$2,667/year

Based on these estimates, the agency expects a cost of approximately \$9,067 in year one, and a recurring cost of approximately \$8,001 each year thereafter.

Private

CFHP

- Fencing:
 - 5-acre CFHP = \$3,248
 - 1,200-acre CFHP = \$160,671
- Dog Density: Potential loss of \$10.50 to \$30.80 per dog, per training or field trial event

Potential quantifiable private costs range from an estimated one-time cost of \$3,245 to \$160,671 for fencing, to a recurring opportunity cost of \$10.50 - \$30.80 per dog, per event.

Unquantifiable Costs

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several costs and benefits identified were unquantifiable. These include the following:

State

Private

CFHP Costs

- Escape dens
- Minimum acreage restriction
- Quarantine requirements
- Acclimation requirements

Trapping Costs

- Value of trapper's time for record-keeping
- Maximum holding time and care requirements

Unquantifiable Benefits

In estimating the potential economic impact of the proposed amendments to the controlled fox hunting preserve rules and taxidermy rule, several unquantifiable benefits were identified. These include the following:

State

- Improved regulatory oversight
 - Information to help the Commission regulate the trapping of foxes and coyotes,
 - Information to help the Commission regulate transfer of foxes and coyotes to and between preserves.

Private

- Clear, unambiguous standards and requirements for license holders.

Although several proposed changes are accompanied by anticipated fiscal impacts and/or may limit opportunities, the agency does not anticipate significant impact to currently licensed preserves operators or trappers, not does the Commission anticipate fewer opportunities for new licensees. Thus, the anticipated benefits of the proposed rule changes, though unquantifiable, are expected to outweigh the estimated costs.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1201 ~~LICENSE TO OPERATE~~ DEFINITIONS AND GENERAL REQUIREMENTS

(a) The Rules in this section apply to all controlled hunting preserve operator licenses issued by the Wildlife Resources Commission (Commission) in accordance with G.S. 113-273(g) for controlled fox hunting preserves.

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

- (1) “Acclimation” means an adjustment period to allow foxes and coyotes to become accustomed to the controlled fox hunting preserve.
- (2) “Controlled fox hunting preserve” means an enclosed area where foxes and coyotes are pursued with dogs.
- (3) “Escape den” means a stationary manmade structure that provides refuge for foxes and coyotes from dogs.
- (4) “Dog proof fence” means a perimeter fence designed to prevent the ingress or egress of dogs, foxes, or coyotes over, under, or through the fence.
- (5) “Fox” means red fox and gray fox including their color morphs.

~~(c) It shall be unlawful for any individual, firm, association or corporation~~ Any individual wanting to operate a controlled fox hunting preserve without shall first obtain a controlled hunting preserve operator license from the Commission. ~~North Carolina Wildlife Resources Commission a license for this purpose.~~

~~(b) A controlled fox hunting preserve license shall entitle the holder or holders and their guests, to hunt foxes and coyotes at any time within the fenced area. Controlled fox hunting preserve licenses shall not be transferable, either as to operator or as to site of operation.~~

~~(e)(d) Applicants for a controlled hunting preserve operator license shall be prepared to show proof of ownership or lease of the land contained in the proposed controlled fox hunting preserve, preserve or that they have this land under lease for the duration of the license period.~~

~~(e) Application for a controlled fox hunting preserve operator licenses shall be made on forms obtained from the Commission.~~ online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606. Information required by the applicant shall include:

- (1) the applicant’s name, address, telephone number, date of birth;
- (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and
- (3) species within the preserve.

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

~~(d) Upon receipt of an application accompanied by the statutory fee, the Commission shall issue a license, provided it is determined that the location and operation of such a hunting preserve is consistent with the wildlife conservation program and in the public interest; and further provided that all regulations herein regarding establishment of such areas have been complied with.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1202 ESTABLISHMENT AND OPERATION

~~(a) Size of Preserve. Controlled fox hunting preserves operated for commercial purposes shall be an area of not less than 500 acres except that smaller areas containing terrain and topographical features which offer escape cover to the fox and coyote populations are allowed under specific approval by the Wildlife Resources Commission. Controlled fox hunting preserves shall be at least five (5) acres in size.~~

~~(b) Boundary of Preserve. Unless otherwise approved by the Commission based upon the topography and hydrology of the preserve, A a controlled fox hunting preserve must preserve shall be enclosed with a dog-proof fence that is also designed to prevent the escape of foxes and coyotes released within the pen. This fencing must be maintained at all times. meets the following minimum requirements:~~

- ~~(1) is at least four (4) feet high;~~
- ~~(2) has a top electrified wire at least three (3) feet above the ground surface;~~
- ~~(3) has a bottom electrified wire no more than one (1) foot above the ground surface; and~~
- ~~(4) is free from structures or vegetation purposely placed or allowed to exist that enables wild animals to enter or exit the preserve.~~

~~(c) Escape Dens. A controlled fox hunting preserves shall have a minimum of one escape den per 35 acres with no less than three escape dens.~~

~~(d) Stocking Preserve With with Game. Game: The following shall apply to foxes and coyotes released into a preserve:~~

- ~~(1) only foxes and coyotes may be released onto controlled fox hunting preserves;~~
- ~~(2) In addition to purchasing operators may purchase live foxes and coyotes as provided in from:
 - ~~(A) licensed trappers in accordance with G.S. 113-273(g); operators of controlled fox hunting preserves may also purchase live foxes and coyotes from~~
 - ~~(B) other licensed controlled fox hunting preserves, preserves;~~
 - ~~(C) licensed North Carolina fur propagators, propagators; or~~
 - ~~(D) persons holding foxes or coyotes legally under a North Carolina wildlife captivity license. license.~~~~
- ~~(2)(3) Licensed licensed controlled fox hunting preserve operators may hold legally obtained foxes and coyotes under rules that apply to a captivity license in accordance with food, sanitation, and enclosure requirements in 15A NCAC 10H .1404;~~
- ~~(4) licensed controlled fox hunting preserve operators and may transport legally acquired foxes and coyotes from the place of purchase to the controlled fox hunting preserve. preserve; and~~
- ~~(3)(5) Foxes foxes and coyotes may shall not be imported into North Carolina for release into controlled fox hunting preserves.~~
- ~~(4) The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.~~
- ~~(5) The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.~~
- ~~(6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a valid transportation permit.~~
- ~~(7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a valid transportation permit or a copy of the operator's current license.~~

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

(e) Dog Density. Each controlled fox hunting preserve shall have an upper limit for dog density rounded to the nearest dog as follows:

- (1) fox only preserve: .5 dog per 1 acre;
- (2) fox and coyote preserve: .75 dog per 1 acre; and
- (3) coyote only preserve: 1 dog per 1 acre

*History Note: Authority G.S. 113-134; 113-273(g); 113-291.3(a)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED

~~(a) All foxes and coyotes purchased-purchased, acquired, transferred, released, sold, or raised for release on controlled fox hunting preserves shall be appear visibly healthy and free from disease. disease of any kind. An examination and inspection of the foxes and coyotes by the Wildlife Resources Commission may be conducted at any time.~~

~~(b) All dead foxes and coyotes, except those killed taken by lawful method(s) dogs during a hunt, or diseased foxes and coyotes found within the pen shall be reported to the Commission within 48-hours of discovery. submitted to a North Carolina Department of Agriculture diagnostic lab for diagnosis. A copy of the diagnostic report shall be mailed to the Wildlife Resources Commission. Possession of unhealthy or diseased foxes and coyotes shall be grounds for revocation or denial of a controlled fox hunting preserve license.~~

~~(c) The Commission may quarantine any controlled fox hunting preserve where contagious diseases are located- identified, depending on the type and severity of the disease and the risk to other wildlife or humans. Quarantine may include:~~

- ~~(1) temporarily prohibiting removal or introduction of foxes and coyotes except as specifically provided by written permit issued by the Commission.~~
- ~~(2) notification to the county health department;~~
- ~~(3) cleaning or disinfection of the facility; and~~
- ~~(4) temporary license suspension.~~

~~(d) A quarantine shall not be lifted or cancelled until the Commission determines that there is no longer a threat of disease exposure to foxes, coyotes, domestic dogs or other animals.~~

History Note: Authority G.S. 113-134; 113-273(g);113-132(b)
Eff. August 1, 1990;
Amended Eff. June 1, 2004.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1204 RECORDS REQUIRED

(a) License holders shall keep an accurate record, on a form provided by the Commission, including bill of sale for all foxes and coyotes released into and or removed from the preserve from licensed trappers, other licensed controlled fox hunting preserves, licensed fur propagators, or persons holding foxes or coyotes legally under a captivity license. released into the controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license, propagator license, or captivity license number, if applicable;
- (2) trapper identification number or name and address, if applicable;
- (3) transportation permit number, if applicable;
- (4) species and quantity of each;
- (5) date of purchase or transfer; and
- (6) county of origin.

(b) Records shall be maintained and available for inspection by officials of representatives of the North Carolina Wildlife Resources Commission at all times, upon request and during normal operating hours.

(c) Records shall be submitted to the Commission prior to the reissuance of the license.

(d) Records shall be retained by the license holder for 12 months following expiration of the license.

History Note: Authority G.S. 113-134; 113-273(g);

Eff. August 1, 1990;

Amended Eff. June 1, 2004.

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1205 HUNTING LICENSE REQUIRED

(a) ~~Every person hunting-participating in the pursuit of wildlife on a controlled fox hunting preserve shall have in his possession a proper-valid~~ resident or nonresident hunting license or ~~special-controlled hunting preserve~~ hunting license for the current year as required by law. in his or her possession, in accordance with 15A NCAC 10B .0114.

(b) ~~Nonresidents participating in a Commission-sanctioned field trial-trial, as defined in 15A NCAC 10B .0114, properly approved in advance by a Wildlife Enforcement Officer are exempt from North Carolina licensing requirements in section (a) of this Rule, provided providing they possess-have~~ a valid hunting license from their state of ~~residence-residence in their possession.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES

~~(a) A minimum of one dog proof escape den for each 35 acres contained in the controlled fox hunting preserve must be provided and maintained.~~

~~(b)(a) Adequate food, Food and clean water water, and cover shall be provided to foxes and coyotes. provided to maintain a viable population of foxes within the controlled fox hunting preserve as follows:~~

- ~~(1) food shall be of a type and quantity that is appropriate for the species; and~~
- ~~(2) a constant supply of drinking water shall be available or provided.~~

~~(c) Since the intent of these rules is to promote a fair chase situation involving a resident population of foxes, the~~

~~(b) operator should make provisions. The following conditions shall apply to acclimate the acclimation of newly introduced foxes and coyotes: to the escape mechanisms located within the pen prior to pursuing the foxes with dogs.~~

- ~~(1) the acclimation period shall be at least seven (7) days;~~
- ~~(2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area used for acclimation; and~~
- ~~(3) chase by dogs during the acclimation period shall be prohibited.~~

*History Note: Authority G.S. 113-134; 113-273(g);
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE

(a) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled fox hunting preserve upon request to the license holder or during the preserve’s operating hours for inspection, enforcement, or scientific purposes.

(b) The Executive Director of the Commission or his or her designee may warn, cite, suspend, or revoke a license holder’s controlled hunting preserve operator license if the license holder violates applicable provisions of Subchapter IV of Chapter 113 of the North Carolina General Statutes, certain provisions of G.S. 14-360, the Rules of this Section, or any condition of the license. The determination whether to warn, cite, suspend, or revoke a license shall be based upon the seriousness of the violation, which may include:

- (1) felony animal abuse as specified in G.S. 14-360(a1) and (b) of the North Carolina General Statutes;
- (2) purposefully releasing foxes and coyotes into the wild;
- (3) falsifying records; or
- (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

In accordance with provisions of G.S. 113-273(g) the Wildlife Resources Commission may revoke or suspend the license of any controlled fox hunting preserve operator upon violation of these rules.

(c) ~~Where there is evidence of such a violation, the Executive Director or his designee~~ The Commission shall give the ~~operator~~ license holder written notice in accordance with G.S. 113-276.2(e) before revoking a license. ~~20 days notice in writing to show cause to the Executive Director or his designee why his license should not be suspended or revoked.~~

(d) If a fox or coyote is unlawfully possessed, the Commission may determine disposition of the unlawfully possessed animal(s), which may include seizure, release, relocation, or euthanasia.

(e) If the Commission revokes a controlled hunting preserve operator license, the Commission may determine disposition of the animals, which may include seizure, release, relocation, or euthanasia.

*History Note: Authority G.S. 113-134; 113-273(g); 113-276.2;
Eff. August 1, 1990.*

APPENDIX A – Proposed Controlled Fox Hunting Preserve and Trapping for Live Sale Rules

15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING PRESERVES

(a) In counties with a trapping season for foxes and coyotes that do not prohibit live sale, Licensed licensed trappers may, subject to the restrictions on taking foxes in G.S.113- 291.4, live-trap foxes and coyotes during any open trapping that season for foxes and coyotes, and sell them to licensed controlled fox hunting preserves in accordance with the following conditions: conditions set forth in this rule.

(1)(b) Licensed trappers are exempt from eaging, captivity permit or and captivity license requirements set forth in 15A NCAC 10H .0300 for any live-trapped foxes or coyotes trapped for the purpose of sale to controlled fox hunting preserves. This exemption shall apply during the trapping season for foxes and coyotes, and for no more than 40-30 days after the trapping season.

(c) Live-trapped foxes and coyotes shall not be held for more than 30 days after capture.

(d) Licensed trappers shall provide drinking water, food of a type and quantity appropriate for the species, and shelter that protects the foxes and coyotes from direct sunlight and precipitation.

(2)(e) Licensed trappers are shall be exempt from tagging requirements set forth in this Section so long as the foxes are kept alive.

(f) Licensed trappers and any individual(s) transporting live foxes and coyotes shall have a current and valid transportation permit prior to taking possession of the live foxes and coyotes.

(g) Licensed trappers shall keep accurate written records, on a form provided by the Commission, for all foxes and coyotes sold or transferred to a controlled fox hunting preserve. Records shall contain the following information:

- (1) preserve operator license number, if applicable;
- (2) transportation permit number;
- (3) county of origin;
- (4) number of animals of each species;
- (5) date of capture; and
- (6) date of sale or transfer.

(h) Records required pursuant to this Rule shall meet the following requirements:

- (1) available for inspection by representatives of the Commission upon request;
- (2) submitted to and received by the Commission annually by May 1; and
- (3) retained by the trapper for 12 months following transportation permit expiration.

*History Note: Authority G.S. 113-274; 113-291.3(4); 113-134; 113-273(g);113-291.4;
Eff. January 1, 1992;
Amended Eff. July 10, 2010; June 1, 2004.*