Fiscal Note for Chronic Wasting Disease Rules

Rules: 15A NCAC 10B .0501 Definitions and General Requirements
15A NCAC 10B .0502 CWD Surveillance Areas Defined
15A NCAC 10B .0503 Surveillance Area
15A NCAC 10B .0504 Primary Surveillance Areas
15A NCAC 10B .0505 Secondary Surveillance Areas

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Impact: State Government: Yes
Local Government: Yes
Private Impact: Yes
Substantial Economic Impact: Possible

Authority: G.S. 113-134; 113-306

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 North Carolina Wildlife Resources Commission (hereinafter NCWRC, Commission, or agency) 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 NCWRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134). In accordance with the supply of wildlife and other factors it determines to be of public importance, the NCWRC may fix seasons and bag limits upon the
wild animals and wild birds authorized to be taken that it deems necessary or desirable in the interests of the conservation of wildlife resources (G.S. 113.291.2(a)).

Chronic Wasting Disease (CWD) is a transmissible, always fatal, neurological disease that affects deer and other cervids such as elk, moose, and reindeer/caribou. It takes several decades for population effects of CWD to become noticeable. During this time the prevalence of the disease (percentage of the population that is infected) slowly increases. As disease prevalence rises, the average life span of deer slowly declines because more deer are becoming infected and dying at a younger age because of CWD. Over time, CWD causes a decline in the population because does die at younger ages with less opportunity to reproduce.

The NCWRC has been testing for CWD since 1999 and has tested over 39,000 deer. CWD was detected in North Carolina in March 2022 in Yadkin County then subsequently in Surry, Stokes, Wilkes, and Cumberland Counties. North Carolina currently has detected eleven positive cases as of March 15, 2023.

Currently, routine statewide surveillance occurs each year. Samples are collected from a variety of sources including vehicle-kills, voluntary hunter submissions and those supplied from cooperating taxidermists and meat processors. Additionally, more intensive surveillance is conducted in areas where CWD has been found.

An emergency response plan was initiated by emergency powers of the NCWRC Executive Director on April 12, 2022. Subsequently, and in accordance with G.S. 113-306, temporary rules were adopted to replace the emergency powers. The proposed permanent rules will replace two of the temporary rules that do not change with new detections of the disease. The other temporary rules are more adaptive and will remain temporary until additional index locations have been identified or the agency no longer has the ability to manage adaptively due to resource constraints.

TEMPORARY RULES – NOT PROPOSED FOR PERMANENT ADOPTION AT THIS TIME

The following rules are being implemented as temporary rules. These rules are not part of the proposed permanent rulemaking package, but are included here to provide context for the proposed permanent rules and because they are a critical part of the state’s response to CWD.

15A NCAC 10B .0502 CWD Surveillance Areas Defined - TEMPORARY

This temporary rule establishes and defines the Primary and Secondary CWD Surveillance Areas by County. Primary Surveillance Areas (PSAs) have had confirmed CWD infected deer within the counties. Secondary Surveillance Areas (SSAs) are counties around PSAs. Restrictions to control the spread of CWD and continue delineation of the disease area are based on the PSA and SSA designations.
15A NCAC 10B .0504 Primary Surveillance Areas - TEMPORARY

This temporary rule specifies mandatory testing dates and requirements for sample submission in the PSAs. Mandatory sampling in the PSAs is necessary to determine the extent of the disease in those counties, and dates within the season have been specified for sample submission to ensure the agency obtains adequate samples to make the determination.

15A NCAC 10B .0505 Secondary Surveillance Areas - TEMPORARY

This temporary rule specifies mandatory testing dates and requirements for sample submission in the SSA counties. Mandatory sampling in the SSAs is necessary to determine the presence and extent of the disease in those counties, and dates within the season have been specified for sample submission to ensure the agency obtains adequate samples to make the determination.

PROPOSED PERMANENT RULES

The following rules are proposed for permanent adoption to replace the equivalent temporary rules already in effect.

15A NCAC 10B .0501 Definitions and General Requirements

This proposed permanent rule establishes definitions that apply to any area of the state where CWD has been detected.

15A NCAC 10B .0503 Surveillance Area

To determine the extent of CWD in a given location, the agency designates surveillance areas around a confirmed detection of the disease. Collectively, PSAs and SSAs are called Surveillance Areas, or SAs.

This proposed permanent rule restricts activities within the PSAs and SSAs, including placement of bait and food outside of deer season; export of live and harvested cervids, except for the carcass parts with lower risk of spreading the disease; fawn rehabilitation; and use of certain cervid excretions used to take, attract, or scout wildlife. Cervid carcass and carcass part transport restrictions outside of the PSAs and SSAs are also specified in this proposed rule to limit potential movement of CWD from counties already known to have the disease. These restrictions are proposed in both the PSAs and SSAs because these activities have greater transmission risks associated with them. Prohibition of these activities, with few exceptions, will help the agency determine the extent and control the spread of CWD.

IMPACT ANALYSIS

This analysis considers the costs and benefits of the proposed permanent rules and the existing temporary rules collectively since their implementation is inextricably linked. Considering the impacts of all the rules together also provides a more complete picture of the potential economic impacts of the state’s CWD response.
COSTS
State Government

The NCWRC pays for the costs associated with sampling and testing deer for CWD. Harvested deer are sampled by removing both medial retropharyngeal lymph nodes, which are sent to a laboratory for testing. The cost for testing lymph nodes is $40 for each set of two samples and $35 for individual samples. The agency tested 4,857 deer in the one SA (3 county, 5 partial county area) during the mandatory testing period of the 2022-2023 season at a cost of $97,155 [(4,856 samples/2 samples per set = 2,428 sample sets) (2,428 sample sets x $40 per set = $97,120 + $35/one sample = $97,155)]. The agency expects to sample at least 11,000 individual cervids across the SAs. The level of sampling would cost the agency approximately $220,000 [(11,000 samples/2 samples per set = 5,500 sets) (5,500 sets x $40 per set = $220,000)] depending on the actual number of samples pulled and submitted. The sampling cost will be recurring each year, but is subject to change depending on new CWD detections. Based on the additional detections from the previous season, it is likely that total sampling costs will increase in subsequent years. However, the agency does not know how many additional areas will be designated as SAs, or where they will be located. As such, costs beyond this coming season could not be reasonably projected. Eventually, the funds spent on sampling will likely be limited by availability of staff to perform the work.

Hunters do not remove lymph nodes from harvested deer for CWD testing. Agency staff and Cervid Health Cooperators (taxidermists and meat processors) conduct all sampling. To accomplish this, the agency hires temporary staff to work at check stations (locations where successful hunters take their deer to be sampled by NCWRC staff) in the PSA and SSA counties. During the 2022-2023 season, the agency hired 9 full-time temporary staff to work the 2-month season and assist with mandatory testing. This cost the agency $60,480 [($21/hr x 40 hrs = $840/week) ($840/week x 8 weeks x 9 staff = $60,480)]. For the upcoming season, the agency expects to hire 15 full-time temporary staff to assist with mandatory testing and sample submission at a cost of approximately $100,800 [($21/hr x 40 hrs = $840/week) ($840/week x 8 weeks x 15 staff = $100,800)]. This cost will likely be recurring each year but, is subject to change depending on future sampling needs. The number of individuals the agency is able to hire to perform this work is also likely to be limited by ability to find employees and temporary staff costs.

Agency staff drove approximately 500 miles/week, at a cost of approximately $6,210 (500 mi/wk x 3 wks = 1,500 mi x .46/mi = $690 x 9 staff = $6,210), for mandatory CWD testing related travel during the 2022-2023 season. Mileage is expected to increase to at least $6,900 (500 miles/wk x 2 wks = 1,000 miles x .46/mi = $460 x 15 staff = $6,900) for next season based on SA locations. The cost of mileage is likely to increase in subsequent years. Eventually, the funds spent on mileage will likely be limited by availability of staff to perform the work.

To help facilitate sampling, the NCWRC is building two CWD necropsy facilities, one in each of two known SAs. These facilities will be located at existing depots and will be used for CWD sampling. Each facility is estimated to cost $150,000, for a total of $300,000.
To encourage CWD testing and make it as easy as possible for hunters, the agency has partnered with Cervid Health Cooperators. The agency pays cooperators $10/head or $15/lymph node to sample deer that are brought to them. During the SA mandatory sampling period of the 2022-2023 season, the agency received 1,356 samples from cooperators at a cost of $13,560 (1,356 x $10 = $13,560) and 1,646 lymph node samples at a cost of $24,690 (1,646 x $15 = $24,690). Based on this information, the agency expects that up to half of the total CWD samples in a SA mandatory sampling period are anticipated to come from cooperators next season. Thus, the agency estimates approximately $55,000 to $82,500 will be spent on cooperator samples [(5,500 samples x $10/head = $55,000) (5,500 samples x $15/lymph node = $82,500)]. However, the actual costs will depend on how many samples are submitted by paid cooperators, as well as whether they take head versus lymph node samples. This cost will be recurring each year at some level in the SAs because of transportation restrictions in proposed permanent rule 10B .0503.

The agency has already incurred one-time costs of $199,516 for equipment required for mandatory CWD sampling and testing in the SA for the 2022-2023 season. Because they were incurred under the temporary rule (which cannot be considered the baseline), they are still considered impacts for purposes of this analysis.

- 25 freezers at $385 each = $9,625
- 1 mobile trailer cooler = $89,891
- 1 incinerator = $50,000
- Miscellaneous lab supplies = $50,000

Additional equipment costs of at least $206,505 are anticipated before or during the 2023-2024 season because of the new CWD detections resulting in the expansion of SAs.

- 25 freezers at $385 each = $9,625
- 8 freezers at $735 each = $5,880
- 1 mobile trailer cooler = $91,000
- 1 incinerator = $50,000
- Miscellaneous lab supplies = $50,000

Local Government

The potential exists when CWD is detected, that deer hunters will no longer want to hunt in a CWD positive area not only because of the disease itself, but possibly because of the restrictions in the SAs. A decrease in the number of hunters could result in decreased tax revenues to local governments in and around the affected areas. To date, there have been some signs that this may be the case, as there was a 23% decrease in total deer harvest last season in the SA. However, there is not adequate data to conclude a trend at this point. Additionally, states that have detected CWD typically see an initial decrease in hunting effort the first season post-detection (down about 2% state-wide), but a return to normal effort soon thereafter. If a long-term decrease in harvest were to occur, it would likely be a result of factors associated with the disease itself (i.e., reduced deer population, concerns around consuming the meat, etc.) and not the result of the proposed rules.
If there is a decrease in the number of hunters, this could result in decreased revenue to the businesses those hunters frequent, such as restaurants, gas stations, sporting goods stores, and convenience stores. Additionally, the proposed prohibition on use of mineral or saltlicks, bait, food, and food products outside of the hunting season may impact purchases at some stores that sell these items. Though the agency did see an approximately 23% decrease in total deer harvest last season in the SA, based on the experiences of other CWD-positive states, this is not likely to continue. Additionally, there are not adequate data to conclude that this decrease was due to the disease, thus, this potential impact cannot be confirmed at this point.

Individuals who hunt in the SAs and have taken their carcass and/or carcass parts outside of SA counties for processing or taxidermy will no longer be able to unless those carcasses are boned out or cleaned to remove high-risk parts, or they have authorization from the Commission. The proposed restrictions on carcass transport outside of the SAs could decrease the business of taxidermists and processors outside of those counties. This has the potential to affect at least 35 licensed taxidermists that are located in close proximity to current SA boundaries, and nine processors that the agency knows of because they are Cervid Health Cooperators (processors are not regulated by the NCWRC). Unfortunately, the agency has no way to estimate the potential impacts.

Though no licensed fawn rehabilitators are currently located in SA counties at this time, the proposed restrictions on fawn rehabilitation in this rule would prohibit the activity in the future. While the agency does not anticipate this being an issue, it could be considered an opportunity cost. Some opportunity costs may also be realized by hunters in SAs, like a potential decrease in harvest, the agency has made a concerted effort to keep monetary costs close to nil. While some behaviors and practices may need change, like using a different taxidermist or processor inside a SA or disposing of the carcass by burying it on the property where harvested (rather than transporting the carcass outside a SA) or in a landfill, no net costs should be realized for these activities.

**BENEFITS**

The goal of the CWD rules as a whole is to identify the prevalence and reduce human assisted movement of the disease. This is accomplished through state-wide surveillance and targeted monitoring of disease prevalence within the cervid population in and around areas where CWD has been identified. Requiring testing of harvested deer in the PSAs and SSAs helps the agency identify where CWD exists, the extent to which it exists, and where it may spread geographically. It is also the most effective and efficient use of agency resources (time and money) to understand CWD - a concentrated effort to maximize the number of samples collected in a short period of time. The more harvested deer that are tested, the better the agency’s data on the severity of the disease. By requiring testing and limiting transportation of deer, deer carcasses and parts, CWD is more likely to remain contained in the area identified for a longer period of time, less impacting hunting statewide. More specifically, the two proposed permanent rules provide context and consistency in CWD terminology as they interact with the existing and adapting temporary rules.
Benefits of the proposed rules will likely be limited in the near term as hunters become accustomed to the new requirements in the SAs. The most likely near-term benefit will be to taxidermists (39) and processors (12) in the SAs that may see an increase in their business because of proposed transportation restrictions in the PSAs and SSAs.

It is the agency’s hope that identifying and potentially containing the distribution of CWD within the NC deer herd will have significant long-term benefits to hunters, local businesses, wildlife conservation, and the North Carolina economy. If the CWD interventions are successful, the bulk of the benefits will be realized over the course of many years, increasing as the WRC’s understanding of the prevalence of the disease increases.

According to annual hunter harvest surveys, deer remain the most hunted species in North Carolina. Eighty-one percent of licensed hunters (241,619) hunt deer. Eighty percent of NC resident hunters (238,478) hunt deer. These individuals contribute over $731M to the economy annually.\(^1\)

Though the NCWRC does not have data on how many hunting trips are made to the SAs specifically, Northwestern NC is known to be popular with deer hunters and Southeastern NC provides hunting opportunities for many local residents. By avoiding losses to local business visitation and sales, the state and local governments will likely also avoid losses to their tax revenue from the economic activity generated by the deer hunting.

Licensed hunters provide a significant portion of funding to the agency, not only through the license fees themselves, but also the matching federal funding dollars from the U.S. Fish and Wildlife Service based on license sales. Maintaining the NC deer herd will help avoid potential losses to this source of conservation funding.

**ALTERNATIVES**

Although the benefits could not be quantified, it is possible that the total impact (costs + benefits) of the proposed rules could be substantial (greater than $1 million) in a given year. As such, alternatives to the rules as proposed were considered in compliance with G.S. 150B-21.4.

**Option 1**

Because management of CWD requires an understanding of distribution and prevalence of the disease, the agency could require mandatory sampling statewide now that CWD has been detected in more than one geographic area. However, sampling is costly and this option would result in more samples than the agency could collect, process or pay for. Additionally, voluntary CWD sampling outside of SAs generates adequate data to manage the deer herd and the disease. Therefore, the agency is not proposing the option of mandatory state-wide sampling.

**Option 2**

The agency has CWD surveillance goals designed to understand prevalence and spread of the disease. As stewards of the resource, it’s important for the agency to appropriately manage the deer herd and keep the public informed about issues that could impact them.

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Prior to NC becoming CWD positive, the agency offered voluntary testing statewide. At that time, most samples came from Cervid Health Cooperators throughout the season and staff check stations at cooperator locations the opening weekend of gun season. While this method was appropriate at the time, it would require expending a lot of resources to reach surveillance goals now that the state is CWD positive.

During the 2021-2022 season, 7,369 deer (approximately 18% of total harvest) state-wide were tested for CWD. While the number of samples would likely increase even if testing were voluntary, this way of collecting samples is much less efficient from a data gathering standpoint (cost per sample) than targeted mandatory sampling and would take longer to reach surveillance goals. For these reasons, the option of statewide voluntary testing was not selected.

**SUMMARY**

**Quantifiable Impacts**

*State*

The following one-time quantifiable costs associated with mandatory CWD sampling and testing were incurred for the 2022-2023 deer season under temporary rules (not considered part of the regulatory baseline):

- Mandatory testing = $97,155
- Temporary employees = $60,480
- Mileage = $6,210
- Cervid Health Cooperator payments = $38,250
- Sampling supplies = $199,516

**TOTAL = $401,611**

The following one-time quantifiable costs associated with CWD sampling and testing are anticipated to occur before or during the 2023-2024 deer season.

- Necropsy Facilities = $300,000
- Supplies = $206,505

The following quantifiable future annual costs associated with CWD sampling and testing are anticipated from the proposed permanent CWD rules before, during, and after the 2023-2024 season:

- Mandatory testing ($40 per set of 2 samples) = $220,000
- Temporary employees ($6,720 per employee for 2-months) = $100,800
- Mileage ($0.46 per mile) = $6,900
- Cervid Health Cooperator payments = $55,000 - $82,500
TOTAL = $382,700 - $410,200

The State costs broken down by deer season are summarized in Table 1. It is important to note that for future costs, including 2023-2024, these are estimates based on currently available data and the State is still in the phase of disease discovery. Costs for testing, temporary staff, mileage, cooperators, and supplies may be higher in the near future if CWD is detected in new areas. However, a more intensive monitoring effort (expending more resources) in the near term will result in less expenditures long term. Getting to the point of disease maintenance will help the agency relax sampling requirements and restrictions on the public (movement, transportation, rehabilitation).

The agency expects several additional seasons to reach surveillance goals and understand the prevalence and spread of the disease. After this point, sampling will likely go back to voluntary. However, regardless of the sampling and testing requirements, the total costs in any given year are most likely to be limited by staff capacity.

### Table 1: Summary of Estimated Costs to the State by Deer Season

<table>
<thead>
<tr>
<th></th>
<th>Yr 22-23*</th>
<th>Yr 23-24</th>
<th>Yr 24-25</th>
<th>Yr 25-26</th>
<th>Yr 26-27</th>
<th>Yr 27-28</th>
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<td>Testing</td>
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<tr>
<td>Cooperators (high)</td>
<td>$38,250</td>
<td>$82,500</td>
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<td>Supplies</td>
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<td>$206,505</td>
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<td>$75,000</td>
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<td><strong>Total Estimated Costs in $2022</strong>(Low)</td>
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<td><strong>$889,205</strong></td>
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<td><strong>Total Estimated Costs in $2022</strong> (High)</td>
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<td><strong>$115,050</strong></td>
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</tbody>
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*Yr 22-23 costs have already been incurred and are not included in the 5-year NPV calculations.*

Seventy-five percent of all CWD related costs, including staff time, supplies, sampling, and facilities are paid for with U.S. Fish & Wildlife Service grants. Thus, the agency only uses State funds to cover 25% of costs associated with these items. The adjusted quantifiable State costs associated with the proposed CWD rules are estimated at $100,403 for the 2022-2023 season, $222,301 - $229,176 for the 2023-2024 season, and $108,175 - $127,550 for each year thereafter.
Unquantifiable Impacts

State

The following unquantifiable benefits are anticipated from the proposed CWD rules:
• Better understanding of disease distribution and necessary long-term requirements within and around CWD detections.
• Improved containment of the disease.
• Significant avoided losses to the state economy from deer hunters. This includes avoided losses from hunting license sales, tax revenue, and jobs-related income, benefits that will be realized over the long term. The magnitude of this benefit is highly uncertain and will depend on compliance of the hunting community and how successful the proposed measures are at containing the spread of CWD.

Local

The following unquantifiable costs are anticipated from the proposed CWD rules:
• Decreased business for processors and taxidermists just outside of the SAs because of transport restrictions.
• Decreased tax revenues to local governments in and around the SAs if hunters choose to hunt elsewhere.

The following unquantifiable benefits are anticipated from the proposed CWD rules:
• Increased business for taxidermists and processors inside the SAs.
• Significant avoided losses to the local economy from the revenue generated by deer hunting. This includes avoided losses from spending on lodging, restaurant, and gear. These benefits will be realized long term. The magnitude of this benefit will depend on compliance of the hunting community and how successful the proposed measures are at containing the spread of CWD.

Private

The following unquantifiable costs are anticipated from the proposed CWD rules:
• A decrease in the number of hunters could result in decreased revenue to the businesses those hunters frequent, such as restaurants, gas stations, sporting goods stores, and convenience stores.
• Decreased business to taxidermists and processors located just outside of the SA boundaries.
• Lost opportunity for fawn rehabilitation in SA counties.

If the CWD interventions are successful, the long-term benefits of slowing the spread of CWD in the SAs are likely to be significant. Although the long-term benefits are highly uncertain and could not be quantified, if successful, the benefits are likely to exceed the costs associated with increased surveillance and carcass transport requirements. If no action is taken, this could potentially
contribute to significant losses to the cervid population and harm to local and state economies which benefit from significant revenues generated by NC hunting.
15A NCAC 10B.0501 DEFINITIONS AND GENERAL REQUIREMENTS

(a) The rules in this Section apply to any area of the State where Chronic Wasting Disease (CWD) has been detected, as determined by the Commission.

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

1. "Cervid" means all animals in the Family Cervidae not otherwise regulated by the NC Department of Agriculture and Consumer Services.

2. "Cervid Health Cooperator" means an individual authorized to collect CWD samples on behalf of the Commission.

3. "Chronic Wasting Disease" or "CWD" means the transmissible spongiform encephalopathy prion disease affecting species within the deer (Cervidae) Family.

4. "CWD Management Area" means the area delineated by the Commission where CWD has been determined to be endemic and the rules of this Section apply.

5. "Primary Surveillance Area" or "PSA" means a county delineated by the Commission for CWD surveillance where a confirmed CWD positive deer has been found.

6. "Sample" means the cervid head and at least three inches of the neck.

7. "Secondary Surveillance Area" or "SSA" means an area around a PSA delineated by the Commission for CWD surveillance.

8. “Submit” means to deliver a sample to a Commission staffed facility, cervid health cooperator, or qualified Commission employee or deposit in a Commission CWD Testing Drop-off Station.

9. "Surveillance Area" means the PSA and SSA collectively.

History Note: Authority G.S. 113-134; 113-306;
15A NCAC 10B .0502 CWD SURVEILLANCE AREAS DEFINED (TEMPORARY RULE INCLUDED FOR CONTEXT ONLY – NOT PART OF CURRENT PERMANENT RULEMAKING PACKAGE)

(a) The following Counties are Primary Surveillance Areas:

(1) Cumberland County;
(2) Stokes County;
(3) Surry County;
(4) Wilkes County; and
(5) Yadkin County.

(b) The following Counties are Secondary Surveillance Areas:

(1) Alexander County;
(2) Alleghany County;
(3) Ashe County;
(4) Bladen County;
(5) Davie County;
(6) Forsyth County;
(5) Guilford County;
(7) Harnett County;
(8) Hoke County;
(9) Iredell County;
(10) Robeson County;
(11) Rockingham County; and
(12) Sampson County;

History Note: Authority G.S. 113-134; 113-306;
15A NCAC 10B .0503  SURVEILLANCE AREA

(a) Inside a surveillance area, placement of minerals or salt licks to purposefully congregate wildlife shall be prohibited. Placement of bait, food, or food product to purposefully congregate wildlife shall be prohibited from January 2 through August 31 each year inside a Surveillance Area, except that feeders specifically designed for nongame birds and other activities specifically permitted by the Commission shall be allowed. Placement of bait, food, or food products for the purpose of hunting during the urban archery season shall be allowed within the established season in participating municipalities.

(b) It is unlawful to export a live cervid, cervid carcass, or carcass parts originating from inside a Surveillance Area except:

(1) meat that has been boned out such that no pieces or fragments of bone remain;
(2) caped hides with no part of the skull or spinal column attached;
(3) antlers, antlers attached to cleaned skull plates, or skulls free from meat or brain tissue;
(4) cleaned lower jawbones with teeth or cleaned teeth;
(5) finished taxidermy products and tanned hides; and
(6) carcass or carcass parts permitted by the Commission for disposal outside of the Surveillance Area.

(c) White-tailed deer fawn rehabilitation is prohibited in a Surveillance Area.

(d) White-tailed deer fawns originating from within a Surveillance Area shall not be transported outside the Surveillance area.

(e) No person shall possess or use any substance or material that contains or is labeled as containing any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid for the purposes of taking or attempting to take, attracting, or scouting wildlife inside a surveillance area. This prohibition shall not apply to the following substances:

(1) products containing synthetic analogs of cervid excretions and labeled as such;
(2) natural substances collected from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such;
(3) natural deer urine products containing excretions from facilities within North Carolina that have a valid Farmed Cervid License from the North Carolina Department of Agriculture and Consumer Services and are labeled as such; and
(4) natural deer urine products containing excretions from facilities that meet all the following requirements and are labeled as such:
   (A) determined to be free of chronic wasting disease (CWD) based on testing by an independent laboratory using a method that may help detect the presence of CWD prions;
   (B) complies with a federally approved CWD herd certification program and any federal CWD protocols; and
   (C) participates in additional herd management requirements as specified by the
Wildlife Resources Commission.

History Note: Authority G.S. 113-134; 113-306;
15A NCAC 10B .0504 PRIMARY SURVEILLANCE AREAS (TEMPORARY RULE INCLUDED FOR CONTEXT ONLY – NOT PART OF CURRENT PERMANENT RULEMAKING PACKAGE)

(a) Any hunter who harvests a cervid in the Stokes County, Surry County, Wilkes, or Yadkin County PSAs during the all lawful weapons season from the Saturday prior to Thanksgiving Day through the 3rd Sunday thereafter shall submit a sample to the Commission for CWD testing no later than 2 weeks following the harvest.

(b) Any hunter who harvests a cervid in the Cumberland County PSA from the Saturday 12 days prior to Thanksgiving Day through the 3rd Sunday thereafter shall submit a sample to the Commission for CWD testing no later than 2 weeks following the harvest.

(c) No cervid carcass or carcass part originating from inside a PSA shall be transported outside the PSA unless it is taken into an adjacent county that is also designated as a PSA, or the carcass parts comply with Rule .0503(b) of this Section, or as authorized by the Commission.

History Note: Authority G.S. 113-134; 113-306;
15A NCAC 10B .0505 SECONDARY SURVEILLANCE AREAS (TEMPORARY RULE INCLUDED FOR CONTEXT ONLY – NOT PART OF CURRENT PERMANENT RULEMAKING PACKAGE)

(a) Any hunter who harvests a cervid in the Alexander County, Alleghany County, Ashe County, Davie County, Forsyth County, Guilford County, Iredell County, or Rockingham County SSA from the opening day of the all lawful weapons season through the 3rd Sunday thereafter shall submit a sample to the Commission for CWD testing no later than 2 weeks following the harvest.

(b) Any hunter who harvests a cervid in the Bladen County, Harnett County, Hoke County, Robeson County, or Sampson County SSA from the Saturday prior to Thanksgiving through the 3rd Sunday thereafter shall submit a sample to the Commission for CWD testing no later than 2 weeks following the harvest.

(c) Cervid carcass and carcass parts originating from inside an SSA may be transported into an adjacent PSA.

(d) Except as provided in Rule .0503(b) of this Section, cervid carcasses or carcass parts shall not be transported outside of the SSA unless authorized by the Commission.

History Note: Authority G.S. 113-134; 113-306;