

1 15A NCAC 10B .0409 is readopted as published in 35:07 NCR 779 with changes as follows:

2
3 **15A NCAC 10B .0409 SALE OF LIVE FOXES AND COYOTES TO CONTROLLED FOX HUNTING**
4 **PRESERVES**

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

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

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

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

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

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

20 (g) Licensed trappers shall keep accurate written records, on a form provided by the Commission **online at**
21 **www.ncwildlife.org**, for **[all foxes and coyotes]** **each fox or coyote** sold or transferred to a controlled fox hunting
22 preserve. Records shall contain the following information:

23 (1) preserve operator license number, if applicable;

24 (2) transportation permit number;

25 (3) county of origin;

26 (4) number of animals of each species;

27 (5) date of capture; and

28 (6) date of sale or transfer.

29 (h) Records required pursuant to this Rule shall ~~[meet the following requirements:]~~ **be:**

30 (1) available for inspection by representatives of the Commission upon request;

31 (2) submitted to and received by the Commission annually by May 1; and

32 (3) retained by the **licensed** trapper for 12 months following transportation permit expiration.

33
34 *History Note: Authority G.S. 113-134; 113-273(g);113-291.4;*
35 *Eff. January 1, 1992;*
36 *Amended Eff. July 10, 2010; June 1, 2004;*
37 *Readopted Eff. February 1, 2021.*

1 15A NCAC 10F .0317 is amended as published in 35:06 NCR 669 with changes as follows:

2
3 **15A NCAC 10F .0317 STANLY COUNTY**

4 (a) Regulated Areas. This Rule shall apply to the following waters ~~and portions of waters~~ described as follows:

5 (1) ~~Narrows Reservoir, otherwise known as Badin Lake; and Badin~~ Lake. Lake; and

6 ~~(2) Lake Tillery; Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.~~

7 (2) Lake Tillery.

8 (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 [W.] W; and

9 (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry
10 Hill Drive in Norwood.

11 (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any
12 public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

13 (c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any
14 marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

15 (d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area
16 described in Paragraph (a) of this Rule. Rule.

17 (e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for
18 placement of markers implementing this Rule.

19 *(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake*
20 *speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73*
21 *bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina*
22 *Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this*
23 *regulated area.*

24
25 *History Note: Authority G.S. 75A-3; 75A-15;*

26 *Eff. February 1, 1976;*

27 *Amended Eff. July 1, 1995; March 25, 1978; November 1, 1977;*

28 *Temporary Amendment Eff. June 1, 1998;*

29 *Amended Eff. July 1, 2000; April 1, 1999; July 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
31 *6, 2016;*

32 *Amended Eff. October 1, 2018;*

33 *Emergency Amendment Eff. July 30, 2019;*

34 *Temporary Amendment Eff. June 1, 2020; October 1, 2019;*

35 *Amended Eff. February 1, 2021.*

1 15A NCAC 10F .0323 is amended as published in 35:06 NCR 669-670 with changes as follows:

3 **15A NCAC 10F .0323 BURKE COUNTY**

4 (a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County:

5 (1) Lake Hickory;

6 (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following
7 locations:

8 (A) Holiday Shores Subdivision;

9 (B) Lake James Campground;

10 (C) Laurel Pointe Subdivision;

11 (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the
12 northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558
13 N, 81.82245 W;

14 (E) East Shores development;

15 (F) Eastern shore of Lake James at Mallard Cove;

16 (G) That portion of Lake James shore to shore, ~~beginning 50 yards northeast of the NC~~
17 ~~Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W,~~
18 ~~to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards~~
19 ~~southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257~~
20 ~~N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W; 385 yards~~
21 ~~northeast of the NC Highway 126 bridge at a line from a point on the north shore at~~
22 ~~35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and~~
23 ~~ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of~~
24 ~~the Canal Bridge Boating Access Area dock from a point on the northwest shore at~~
25 ~~35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;~~

26 (H) ~~Within 50 yards of the Canal Bridge Boating Access area dock;~~

27 ~~(H)~~ (H) The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a
28 point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from
29 a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to
30 a point west of the peninsula at 35.76307 N, 81.83648 W; and

31 ~~(I)~~ (I) The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters
32 beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423
33 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the
34 northeast shore of Linville Point at 35.76596 N, 81.82432 ~~W.~~ **W; and**

35 (3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.

(e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters known as Mill Creek at Lake James State Park, on Lake James shore to shore, beginning 345 yards northwest of a line from a point on the southwest shore at 35.76016 N, 81.87322 W to a point on the northeast shore at 35.762040 N, 81.87150 W, and ending at a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. Vessel entry not authorized by the North Carolina Wildlife Resources Commission shall be prohibited by establishment of a safety zone in the waters of Mill Creek on Lake James, northeast and northwest of a line from a point on the southwest shore at 35.76215 N, 81.87624 W to a point on the northeast shore at 35.76343 N, 81.87442 W. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.

*History Note: Authority G.S. 75A-3; 75A-15; ~~102-1.1~~
Eff. July 1, 1976;
Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;
Temporary Amendment Eff. April 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. August 15, 2001;
Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. November 1, 2017;
Emergency Amendment Eff. November 2, 2020.
Temporary Amendment Eff. December 30, 2020
Amended Eff. February 1, 2021*

1 15A NCAC 10H .1201 is readopted as published in 35:07 NCR 780 with changes as follows:

2
3 **15A NCAC 10H .1201 ~~LICENSE TO OPERATE~~ DEFINITIONS AND GENERAL REQUIREMENTS**

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

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

7 (1) “Acclimation” means an adjustment period to allow foxes and coyotes to become accustomed to the
8 controlled fox hunting preserve.

9 (2) “Controlled fox hunting preserve” means an enclosed area where foxes and coyotes are pursued
10 with dogs.

11 (3) “Escape den” means a stationary manmade structure that provides refuge for foxes and coyotes from
12 dogs.

13 (4) “Dog proof fence” means a perimeter fence designed to prevent the ingress or egress of dogs, foxes,
14 or coyotes over, under, or through the fence.

15 (5) “Fox” means red fox and gray ~~[fox]~~ fox, including their color morphs.

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

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

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

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

28 (1) the applicant’s name, address, telephone number, date of birth;

29 (2) the preserve name, address, county, acreage, and GPS coordinates of preserve entrance; and

30 (3) species within the preserve.

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

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

1 *History Note:* *Authority G.S. 113-134; 113-273(g);*
2 *Eff. August 1, 1990;*
3 *Amended Eff. June 1, 2004;*
4 *Readopted Eff. February 1, 2021.*

15A NCAC 10H .1202 is readopted with changes as published in 35:07 NCR 780 with changes as follows:

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 acres in size.]

(b)(a) Boundary of Preserve. ~~Unless otherwise approved by the Commission based upon the topography and hydrology of the preserve, 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 feet high;
- (2) has a top electrified wire at least three feet above the ground surface;
- (3) has a bottom electrified wire no more than one 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.

[(e)(b) Escape Dens. ~~Controlled fox hunting preserves less than 106 acres shall have a minimum of three escape dens. Those preserves equal to or greater than 106 acres shall have one additional escape den per 1-35 acre interval thereafter.~~

[(d)(c) 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.] license;~~
- ~~(2)(3)~~ (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)~~ (5) Foxes ~~foxes~~ and coyotes may shall not be imported into North Carolina for release into controlled fox hunting ~~preserves.~~ preserves;
- ~~(4)~~ The release of exotic wildlife into the controlled fox hunting preserves is specifically prohibited.

1 (5) ~~The possession of exotic wildlife on controlled fox hunting preserves is specifically prohibited.~~

2 (6) individuals transporting live foxes and coyotes to or from a licensed operator shall have a **current**
3 **and** valid transportation ~~[permit.]~~ **permit; and**

4 (7) individuals transporting live foxes and coyotes on behalf of a licensed operator shall have a **current**
5 **and** valid transportation permit or a copy of the operator's current **controlled fox hunting preserve**
6 **operator's** license.

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

9 (1) fox only preserve: .5 dog per 1 acre;

10 (2) fox and coyote preserve: .75 dog per 1 acre; and

11 (3) coyote only preserve: 1 dog per 1 acre.

12
13 *History Note: Authority G.S. 113-134; 113-273(g);*
14 *Eff. August 1, 1990;*
15 *Amended Eff. June 1, 2004;*
16 *Readopted Eff. February 1, 2021.*

1 15A NCAC 10H .1203 is readopted as published in 35:07 NCR 781 with changes as follows:

2
3 **15A NCAC 10H .1203 QUALITY OF FOXES AND COYOTES RELEASED**

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

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

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

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

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

22
23 *History Note: Authority G.S. 113-134; 113-273(g);*
24 *Eff. August 1, 1990;*
25 *Amended Eff. June 1, 2004;*
26 *Readopted Eff. February 1, 2021.*

1 15A NCAC 10H .1204 is readopted as published in 35:07 NCR 781 as follows:

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3 **15A NCAC 10H .1204 RECORDS REQUIRED**

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

8 (1) preserve operator license, propagator license, or captivity license number, if applicable;

9 (2) trapper identification number or name and address, if applicable;

10 (3) transportation permit number, if applicable;

11 (4) species and quantity of each;

12 (5) date of purchase or transfer; and

13 (6) county of origin.

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

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

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

18
19 *History Note: Authority G.S. 113-134; ~~113-273 (g)~~; 113-273;*
20 *Eff. August 1, 1990;*
21 *Amended Eff. June 1, 2004;*
22 *Readopted Eff. February 1, 2021.*

1 15A NCAC 10H .1206 is readopted as published in 35:07 NCR 782 with changes as follows:

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3 **15A NCAC 10H .1206 MINIMUM STANDARDS FOR CARE OF FOXES AND COYOTES**

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

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

8 (1) food shall be of a type and quantity that is appropriate for the species; and

9 (2) a constant supply of drinking water shall be [available or provided.] available.

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

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

13 (1) the acclimation period shall be at least seven days;

14 (2) food and water meeting the requirements in Paragraph (a) of this Rule shall be provided in the area
15 used for acclimation; and

16 (3) chase by dogs during the acclimation period shall be prohibited.

17
18 *History Note: Authority G.S. 113-134; 113-273(g);*

19 *Eff. August 1, 1990;*

20 *Readopted Eff. February 1, 2021.*

1 15A NCAC 10H .1207 is readopted as published in 35:07 NCR 782 with changes as follows:

2
3 **15A NCAC 10H .1207 LICENSE REVOCATION AND ENFORCEMENT OF LICENSE TO OPERATE**

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

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

12 (1) felony animal abuse as specified in G.S. 14-360(a1) and (b); [(b) of the North Carolina General
13 Statutes;]

14 (2) purposefully releasing foxes and coyotes into the wild;

15 (3) falsifying records; or

16 (4) failing to notify the appropriate agencies after a potential disease exposure or outbreak.

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

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

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

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

26
27 *History Note:* Authority G.S. 113-134; ~~113-273 (g);~~ 113-273;

28 *Eff. August 1, 1990;*

29 *Readopted Eff. February 1, 2021.*