

1 15A NCAC 10H .1401 is adopted **with changes** as published in 33:18 NCR 1876 as follows:

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3 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

4 (a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources Commission, including
5 those applicable to non-farmed cervids in accordance with G.S. 106-549.97.

6 (b) The possession of any species of native wild animal or wild bird and any member of the family Cervidae is
7 unlawful, unless the individual in possession obtains a captivity license from the Commission as provided by this
8 Rule. This Rule shall not apply to any endangered, threatened, or special concern species as defined by 15A NCAC
9 10I .0100 or farmed cervids as defined by G.S. 106-549.97.

10 (c) Captivity licenses may be issued by the Commission to qualified individuals meeting the requirements for
11 rehabilitation and captivity licenses detailed in this Section for holding of wild animals or wild birds alive in captivity
12 for scientific, educational, exhibition, or other purposes, as specified in G.S. 113-272.5.

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

14 (1) “Animal” means a wild animal and wild bird, as defined in this Rule.

15 ~~(4)~~(2) “Category” means a designation on a captivity license for rehabilitation that defines a species or
16 subset of species.

17 ~~(2)~~(3) “Educational institution” or “scientific research institution” means any public or private school,
18 facility, organization, or institution of vocational, professional, or higher education that uses live
19 animals as part of a course of training, or for research, or other experiments, and is at least 50%
20 funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of
21 federal, State, or local government. These terms do not include elementary or secondary schools.

22 ~~(3)~~(4) “Education” means providing instruction or information to the public about wild animals or wild
23 birds.

24 ~~(4)~~(5) “Enclosure” means a structure housing captive wild animals or wild birds that prevents escape,
25 protects the animal from injury, and is equipped with structural barriers to prevent any physical
26 contact between the animal and the public.

27 ~~(5)~~(6) “Exhibition” mean any display of wild animals or wild birds for the public, whether for-profit or
28 not-for-profit.

29 ~~(6)~~(7) “Facility” means a designated location in North Carolina where wild animals or wild birds are held
30 for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.

31 ~~(7)~~(8) “Farmed cervid” means the term as defined in G.S. 106-549.97.

32 ~~(8)~~(9) “Foster” or “surrogate” means a bird held under a U.S. Fish and Wildlife Service federal migratory
33 bird rehabilitation permit used to rear wild birds being held under a captivity license for
34 rehabilitation.

35 ~~(9)~~(10) “Habituation” means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or
36 objects that impacts its ability to survive in the wild unassisted.

1 ~~(40)~~(11) “Imprinting” means causing a wild animal or wild bird to permanently lose fear of humans,
2 pets, or objects that impacts its ability to survive in the wild unassisted, and is a non-reversible
3 condition.

4 ~~(44)~~(12) “Migratory birds” means all birds as the term as defined in G.S. 113-129.

5 ~~(42)~~(13) “Native” means a wild animal or wild bird that occurs or historically occurred in the wild in
6 North Carolina.

7 ~~(43)~~(14) “Nest box” or “den” means a structure that provides a retreat area that is within, attached
8 to, or adjacent to an enclosure.

9 ~~(44)~~(15) “Non-farmed cervid” means the term as defined in G.S. 106-549.97.

10 ~~(45)~~(16) “Non-native” means a wild animal or wild bird that has not historically occurred in the wild in
11 North Carolina.

12 ~~(46)~~(17) “Pet” means any animal kept or used for amusement or companionship.

13 ~~(47)~~(18) “Publicly operated zoo” means a park or facility where living animals are kept and exhibited to
14 the public, and that is operated by a federal, State, or local government agency.

15 ~~(48)~~(19) “Rabies species” are raccoon, skunk, fox, bat, bobcat, or coyote.

16 ~~(49)~~(20) “Residence” means a private home, dwelling unit in a multiple family structure, hotel, motel,
17 camp, manufactured home, or any other place where people reside.

18 ~~(20)~~(21) “Shelter” means a structure or feature that protects captive wild animals or wild birds from
19 direct sunlight and precipitation.

20 ~~(24)~~(22) “Scientific use” and “scientific purpose” means the use of wild animals or wild birds for
21 application of the scientific method to investigate any relationships amongst natural phenomena or
22 to solve a biological or medical problem. This definition applies only to educational or scientific
23 research institutions unless otherwise approved by the Commission.

24 ~~(22)~~(23) “Unfit” means wild animals or wild birds that are:

25 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
26 themselves without human assistance;

27 (B) rendered imprinted by proximity to humans, pets, or objects; or

28 (C) a non-native species.

29 ~~(23)~~(24) “Wild animal” means game animals, fur-bearing animals, and all other wild mammals except
30 feral swine or marine mammals found in coastal fishing waters.

31 ~~(24)~~(25) “Wild bird” means the term as defined in 15A NCAC 10B .0121.

32 (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply
33 for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

34 (f) Applicants for either license shall meet the following requirements:

35 (1) Be 18 years of age or older at the time of application;

36 (2) Have no criminal convictions under Article 47 of Chapter 14, of the North Carolina General Statutes
37 within 10 years of the date of application; and

1 (3) Have no criminal convictions under the federal Animal Welfare Act within 10 years of the date of
2 application.

3 (g) No captivity license shall be transferable either by license holder or by site of a holding facility.

4 (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is
5 issued.

6 (i) Except as otherwise ~~provided,~~ provided in this Section, no transportation permit shall be required to move wild
7 animals or wild birds held under a captivity license within the State. Any person transporting an animal that is held
8 under a captivity license shall have the captivity license in his or her possession. An exportation or importation permit
9 as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds into or out of the State.

10 (j) Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and Consumer
11 Services requirements for disclosing reportable diseases. A list of current reportable diseases ~~[may be found on the~~
12 ~~North Carolina Department of Agriculture and Consumer Services website this list is hereby incorporated by~~
13 ~~reference, including subsequent amendments and editions and may be found at www.ncagr.gov;~~ as determined by the
14 North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov, and is
15 incorporated by reference, including subsequent amendments and editions.

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17 History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;
18 Eff. January 1, 2020.
19

1 15A NCAC 10H .1402 is adopted **with changes** as published in 33:18 NCR 1876 as follows:

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3 **15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION**

4 (a) A captivity license for rehabilitation shall be required for lawful possession of injured, crippled, ~~orphaned, or~~
5 ~~otherwise unfit~~ **or orphaned** native wild animals or wild birds for the purpose of providing short term care and eventual
6 release into the animal's natural habitat. A captivity license for rehabilitation shall not be issued for:

- 7 (1) Endangered, threatened, or special concern species as defined by 15A NCAC 10I .0100.
8 Rehabilitation of these species requires an endangered species permit from the Commission;
9 (2) Domestic animals;
10 (3) Feral swine;
11 (4) Nutria;
12 (5) Coyote;
13 (6) Adult black bear; or
14 (7) Adult white-tailed deer or elk.

15 (b) A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 16 (1) As pets;
17 (2) For education, exhibition, or scientific purposes, except as provided in Rule .1403 of this Section;
18 (3) For dog training;
19 (4) For hunting; or
20 (5) Acquired unlawfully.

21 (c) Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,
22 crippled, or orphaned wild animals or wild birds, provided they are surrendered to a North Carolina licensed
23 veterinarian or an individual licensed under this Rule within 24 hours of taking possession of such animals.

24 (d) North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild
25 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians
26 without a captivity license for rehabilitation may hold wild animals or wild birds until the animal is medically stable.
27 Once medically stable, the wild animal or wild bird shall be transferred to an individual possessing a captivity license
28 for rehabilitation with the appropriate category for the given species. Licensed veterinarians rehabilitating wild
29 animals or wild birds shall have a valid captivity license for rehabilitation.

30 (e) Individuals applying for a captivity license for rehabilitation that have never held this license in North Carolina or
31 a similar license in another ~~state,~~ **state** shall be designated as an apprentice. The following requirements shall apply
32 to an apprentice license:

- 33 (1) On the application, the apprentice shall designate a mentor with a valid captivity license for
34 rehabilitation in NC, who has held that license for two or more years;
35 (2) An apprentice shall complete at least 12 months of supervised rehabilitation activities under a
36 licensed rehabilitator; and
37 (3) An apprentice license shall only authorize the possession of squirrels, rabbits, and opossums.

(f) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory ~~requirements~~ requirements, including those in G.S. 113-272.5 and ~~[Rule .1401]~~ all applicable Rules of this Section. Individuals seeking to rehabilitate migratory birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird Rehabilitation permit for each category of migratory birds to be rehabilitated. The Commission shall ~~indicate~~ state on the captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to possess.

(g) Required facilities.

(1) Individuals holding a captivity license for rehabilitation shall conduct their rehabilitation activities at the facility designated on their license that meets the minimum standards set forth in the "Miller, E.A., edition. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition. National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." ~~[This publication is available online, free of charge, at http://www.nwrawildlife.org/page/Minimum_Standards and is hereby incorporated by reference, excluding subsequent amendments and editions.]~~ This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available at no cost at http://www.nwrawildlife.org/page/Minimum_Standards.

(2) All wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.

(3) All wild animals shall be kept in separate enclosures by species.

(4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.

(5) Handling of animals shall be for treatment only.

(h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.

(i) Release of rehabilitated wild animals and wild birds.

(1) All rehabilitated wild animals and wild birds shall be released as soon as the animal can be expected to survive in the wild or has attained full recovery from illness or injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.

(2) Wild animals and wild birds may remain in a rehabilitation facility for no longer than 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.

(3) Wild animals and wild birds shall not be released on property owned by another unless the rehabilitator has written permission dated within the last 12 months from the landowner.

(4) ~~[The following conditions shall render a wild animal or wild bird non-releasable and the animals shall be humanely euthanized:]~~

(A) ~~any animal with deformities or injuries that preclude survival without human assistance in the wild after treatment; or~~

(B) ~~any animal that has become imprinted.~~

Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized.

However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.

(j) Transfer of Animals.

(1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.

(2) Wild animals received for rehabilitation may not be exported outside the State for the purpose of rehabilitation or release after rehabilitation unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.

(3) It shall be unlawful for a license holder to sell any wild animal or wild bird being held under a license for rehabilitation.

(4) It shall be lawful for a license holder to transfer a wild animal or wild bird to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given ~~species.~~ species or a wild bird to another individual with a valid permit for the given species.

(k) White-tailed Deer Fawn.

(1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may possess, rehabilitate, and release white-tailed deer fawns. To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.

(2) No white-tailed deer fawn shall be possessed until the applicant has constructed or acquired an enclosure for keeping fawn that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.

(3) Any white-tailed deer fawn held for more than 48 hours shall be permanently tagged using only Commission-provided tags.

(4) Orphaned white-tailed deer fawns shall be held for no longer than 90 days. Injured white-tailed deer fawns shall be held for no longer than 180 days or until December 31, whichever occurs first. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis. A fawn shall be considered an adult on December 31 of the birth year.

(5) Records of all white-tail deer fawn rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, ~~provided by the Commission at www.newwildlife.org,~~ and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license.

1 (6) Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn
2 on properties licensed for farmed cervids.

3 (l) Elk Calves.

4 (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation
5 objectives shall be authorized to rehabilitate elk calves.

6 (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for
7 rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual
8 shall meet all the requirements of the captivity license for rehabilitation.

9 (3) Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-
10 provided tags.

11 (4) Any individual or facility with the elk calf category may not rehabilitate elk calves on properties
12 licensed for farmed cervids.

13 (5) No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for
14 keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the
15 facility has been verified by a representative of the Commission.

16 (6) Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this
17 Section, [provided by the Commission at www.newwildlife.org], and submitted to the Commission
18 within 15 days of expiration of the license or prior to the request for reissuance of the license

19 (m) Black Bear Cubs.

20 (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation
21 objectives shall be authorized to rehabilitate black bear cubs.

22 (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for
23 rehabilitation with the black bear category. To become licensed to rehabilitate black bear cubs, an
24 individual shall meet all the requirements of the captivity license for rehabilitation.

25 (2) No black bear shall be possessed until the applicant has constructed or acquired an enclosure for
26 keeping black bear that complies with the standards set forth in Paragraph (g) of this Rule, and the
27 facility has been verified by a representative of the Commission.

28 (n) Rabies Species.

29 (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may
30 possess, rehabilitate, or release rabies species. To become licensed to rehabilitate rabies species,
31 an individual shall meet all requirements of the general captivity license for rehabilitation and
32 shall:

33 (A) have held an active rehabilitation license within or outside of the State for at least the
34 previous three years and have rehabilitated during that time;

35 (B) certify 12 hours of [rabies,] rabies or rabies species-specific [training;] training or a
36 combination thereof;

- (C) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any rehabilitator, staff member or volunteer, who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;
- (D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being rehabilitated;
- (E) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and location. Contact information for these agencies shall be posted at the facility where the rabies species are being rehabilitated.
- (F) have separate facilities from non-rabies species adequate for the species to be rehabilitated. Enclosures within the facility shall prevent escape of the animal and exposure to people, pets, livestock, and other captive or free-ranging wildlife. Exterior caging shall be locked and surrounded by double fencing or a solid wall barrier; and
- (G) coordinate with appropriate local health department regarding euthanasia and testing of rabies species. A written protocol for testing shall be posted at the facility and made available for inspection by the Commission upon request.
- (2) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.
- (3) Except as otherwise specified in this Section, [Rabies] rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.
- (4) Rehabilitated rabies species must be released in either the county where they were rehabilitated or the county where they were found.
- (5) All rabies species shall be considered potentially infected with the rabies virus. If any human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain and spinal cord, or brain and spinal cord material from any rabies species, the license holder shall contact the local Health Department immediately to report the incident. The local Health Department may require euthanasia of the animal and submission of the brain for rabies testing. Rehabilitators shall abide by all requests made by authorized public health department personnel, animal control, or Commission personnel regarding disposition of the animal. No rabies species that has scratched or bitten a human or domestic animal or dies in captivity can be released or

1 disposed of until the local Health Department investigates the situation to determine if testing is
2 necessary.

3 (6) Records of all rabies species rehabilitation shall be maintained on a form, as described in Rule
4 .1406 of this Section, [provided by the Commission at www.newwildlife.org], and submitted to the
5 Commission within 15 days of expiration of the license or prior to the request for reissuance of the
6 license.

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8 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
9 *Eff. January 1, 2020.*
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1 15A NCAC 10H .1403 is adopted **with changes** as published in 33:18 NCAC 1876 as follows:

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3 **15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING**

4 (a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native
5 wild animals or wild birds for education, exhibition, or scientific purposes. A captivity license for holding shall not
6 be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of
7 these species requires an endangered species permit from the Commission.

8 (b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

9 (1) As pets;

10 (2) For breeding unless approved by the Commission;

11 (3) For dog training;

12 (4) For hunting; or

13 (5) Acquired unlawfully.

14 (c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a
15 valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

16 (d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license
17 from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining
18 the animal.

19 (e) No captivity license for holding shall be issued and no wild animals or wild birds shall be possessed until the
20 applicant has constructed or acquired an enclosure for keeping a wild animal or wild bird in captivity that complies
21 with the standards set forth in Rule .1404 of this Section, and the facility has been verified by a representative of the
22 Commission or the individual has shown proof of a valid, concurrent, and applicable U.S. Department of Agriculture
23 license or exemption from USDA licensing requirements. Any changes to an animal's enclosure after verification
24 shall be reported to the Commission in writing within 10 business days.

25 (f) The following conditions shall apply to captivity licenses for holding wild animals or wild birds:

26 (1) Wild animals and wild birds shall not comingle with pets, non-native animals, livestock, or wild
27 animals or wild birds held under a captivity license for rehabilitation. This provision shall not apply
28 to surrogate animals or wild animals or wild birds used to foster other wild animals and wild birds;

29 (2) Rabies species outside of their enclosure shall be kept restrained at all times so that the license holder
30 or their designee is in control of the animal and it does not have physical contact with the public,
31 domestic animals, non-native animals, livestock, or other wild animals or wild birds;

32 (3) Wild animals outside their enclosure shall be kept restrained at all times so that the license holder
33 or their designee is in control of the animal and it presents no danger to the public; and

34 (4) Wild animals shall not roam free unrestrained outside of an enclosure.

35 (g) License holders with wild animals or wild birds used for education or exhibition outside of their facility, shall
36 maintain records of all education and exhibition activities on a form, as described in Rule .1406 of this Section,

[provided by the Commission at www.newwildlife.org], and shall retain records for a period of 12 months following expiration of the license.

(h) It is unlawful for a license holder to sell, transfer, or release the wild animal or wild bird held under the license, except that such wild animal or wild bird may be surrendered to an agent of the Commission, or transferred to another individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy of the record shall be retained by the transferee for three years from the date of transfer.

(i) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule.1402 of this Section, except for white-tailed deer fawns and elk calves, may be transferred to a captivity license for holding under the following conditions:

(1) A North Carolina licensed veterinarian submits a written recommendation stating the reason or reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;

(2) The Commission authorizes the transfer and continued possession of the wild animal or wild bird; and

(3) For imprinted animals, the individual with the captivity license for holding shall not be the same individual that rehabilitated that specific animal.

(j) Rabies Species

(1) License holders with rabies species shall:

(A) certify up-to-date rabies immunization in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any staff member or volunteer who may come in contact with rabies species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon request of the Commission and shall be kept at the license holder's facility;

(B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being held;

(C) certify notification to the appropriate animal control authority and their local health department prior to making application to the Commission, to inform them of their anticipated activities and location. Contact information for these agencies shall be posted at the facility where the rabies species are being held;

(D) have separate [facilities] enclosures from non-rabies species. Enclosures [within the facility] shall prevent escape of the animal and exposure to people, pets, livestock and

1 other captive or free-ranging wildlife. ~~[Exterior caging]~~ Enclosures shall be locked and
2 surrounded by ~~[double fencing or a solid wall barrier;]~~ a secondary barrier to prevent
3 unauthorized contact with the public; and

4 (E) coordinate with appropriate local health department regarding euthanasia and testing of
5 rabies species. Written protocols for testing shall be posted at the facility and made
6 available for inspection by the Commission upon request.

7 (2) All rabies species shall be considered potentially infected with the rabies virus. If any human or
8 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain
9 and spinal cord, or brain and spinal cord material from any rabies species, he or she shall contact
10 the local health department immediately to report the incident. The local health department may
11 require euthanasia of the animal and submission of the brain for rabies testing. License holders
12 shall abide by all requests made by authorized public health department personnel, animal control,
13 or Commission personnel regarding disposition of the animal. No rabies species that has scratched
14 or bitten a human or domestic animal or dies in captivity can be disposed of until the local Health
15 Department investigates the situation to determine if testing is necessary.

16 (k) Black Bear:

17 (1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license may be issued for a black
18 bear, except to:

19 (A) a publicly operated zoo;

20 (B) an educational institution; or

21 (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule
22 .1404(e) of this Section.

23 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
24 transport black bear for any purpose without first obtaining a transportation permit from the
25 Commission.

26 (l) Cougar:

27 (1) In accordance with G.S. 113-272.5, no captivity license may be issued for a cougar, except to:

28 (A) a publicly operated zoo;

29 (B) an educational or scientific institution; or

30 (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule
31 .1404(f) of this Section.

32 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
33 transport cougar for any purpose without first obtaining a transportation permit from the
34 Commission.

35 (m) Non-Farmed Cervids:

- 1 (1) It is unlawful to hold any non-farmed cervids under a captivity licenses for holding, except for
2 animals being held under a valid captive cervid license issued prior to September 30, 2015 that are
3 not farmed cervids, as specified by G.S. 106-549.97.
- 4 (2) The following conditions shall apply to non-farmed cervid licenses issued prior to September 30,
5 2015:
- 6 (A) no reproduction within the existing herd;
- 7 (B) no new non-farmed cervids shall be added to the existing herd from the wild or from farmed
8 cervids held under the North Carolina Department of Agriculture and Consumer Services
9 farmed cervid program;
- 10 (C) the escape of any non-farmed cervid from the facility shall be reported to the Commission
11 within one hour of discovery. The license holder shall request a permit to take the escaped
12 non-farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted
13 by the license holder to a North Carolina Department of Agriculture (NCDA) approved
14 laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines
15 that the risk of CWD transmission as a result of this escape is negligible;
- 16 (D) the Commission shall be notified within 24 hours if any non-farmed cervid within the
17 facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at
18 www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.
19 All non-farmed cervids that exhibit symptoms of CWD shall be tested for CWD;
- 20 (E) the carcass of any non-farmed cervid that was six months or older at time of death shall be
21 submitted by the license holder to a NCDA approved laboratory and tested for CWD within
22 48 hours of knowledge of the cervid's death, or by the end of the next business day,
23 whichever is later. The Commission-issued ear tag shall not be removed from the cervid's
24 head prior to submitting the head for CWD testing;
- 25 (F) the license holder shall make all records pertaining to tags, licenses, or permits issued by
26 the Commission available for inspection by the Commission upon request, during the
27 facility's business hours, or at any time an outbreak of CWD is suspected or confirmed
28 within five miles of the facility or within the facility itself;
- 29 (G) the license holder shall make all licensed facilities, enclosures, and the record-book(s)
30 documenting required monitoring of the outer fence of the enclosure(s) at each licensed
31 facility available for inspection by the Commission upon request, during the facility's
32 business hours, or at any time an outbreak of CWD is suspected or confirmed within five
33 miles of the facility or within the facility itself;
- 34 (H) the fence surrounding the enclosure shall be inspected by the license holder once a week
35 to verify its stability and to detect the existence of any conditions or activities that threaten
36 its stability. In the event of severe weather or any other condition that presents potential for
37 damage to the fence, inspection shall occur every three hours until cessation of the

1 threatening condition, except that no inspection is required under circumstances that
2 threaten the safety of the person conducting the inspection and inspections shall resume as
3 soon as possible.

4 (i) a record-book shall be maintained to record the time and date of each inspection
5 of the fence, the name of the person who performed the inspection of the fence,
6 and the condition of the fence at time of inspection. The person who performs the
7 inspection shall enter the date and time of detection and the location of any
8 damage threatening the stability of the fence. If the fence is damaged, the license
9 holder shall record a description of measures taken to prevent ingress or egress by
10 non-farmed cervids. Each record-book entry shall bear the signature or initials of
11 the license holder attesting to the veracity of the entry. The record-book shall be
12 made available for inspection by a representative of the Commission upon
13 request, or during the facility's business hours; and

14 (ii) any opening or passage through the enclosure fence shall, within one hour of
15 detection, be sealed or otherwise secured to prevent a non-farmed cervid from
16 entry or escape. Any damage to the enclosure fence that threatens its stability shall
17 be repaired within one week of detection;

18 (I) each non-farmed cervid held under this license shall be tagged as follows:

19 (i) a single button ear tag provided by the Commission shall be permanently affixed
20 by the license holder onto either the right or left ear of each non-farmed cervid,
21 provided that the ear chosen to bear the button tag shall not also bear a bangle tag,
22 so that each ear of the cervid bears only one tag;

23 (ii) a single bangle ear tag provided by the Commission shall be permanently affixed
24 by the license holder onto the right or left ear of each non-farmed cervid, provided
25 that the ear bearing the bangle tag does not also bear the button tag; and

26 (iii) once a tag is affixed in the manner required by this Rule, it shall not be removed;

27 (J) a permit to transport non-farmed cervids may be issued by the Commission to an applicant
28 for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for
29 slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary
30 medical facility for treatment provided that the animal for which the permit is issued does
31 not exhibit clinical symptoms of CWD. Application for a transportation permit shall be
32 made to the Commission by completing and submitting the non-farmed cervid
33 transportation form detailed in Rule .1406 of this Section. Any person transporting a non-
34 farmed cervid shall present the transportation permit to any law enforcement officer or
35 representative of the Commission upon request, except that a person transporting a non-
36 farmed cervid by verbal authorization for veterinary treatment shall provide the name of

1 the person who issued the approval to any law enforcement officer or representative of the
2 Commission upon request.

3

4 *History Note:* *Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
5 *Eff. January 1, 2020.*

6

1 15A NCAC 10H .1404 is adopted **with changes** as published in 33:18 NCR 1876 as follows:

2
3 **15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING**

4 (a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for
5 holding:

6 (1) General Sanitation and Food Requirements. Each license holder shall comply with the following
7 general requirements in addition to any requirements specified by species:

8 (A) water: clean drinking water shall be provided. All pools, tanks, water areas, and water
9 containers provided for swimming, wading, or drinking shall be clean. Enclosures shall
10 provide drainage for surface water and runoff;

11 (B) sanitation: water disposal and waste disposal shall be in accordance with all applicable
12 local, State, and federal laws;

13 (C) food: food shall be of a type and quantity that is appropriate for the particular species and
14 shall be provided in an unspoiled and uncontaminated condition; and

15 (D) waste: fecal and food waste shall be removed from inside, under, and around enclosures
16 and disposed of in a manner that prevents noxious odors or pests.

17 (2) General Enclosure Requirements. Each license holder shall comply with the following general
18 requirements in addition to any requirements specified by species:

19 (A) all enclosures constructed of chain link or other approved materials shall be braced and
20 securely anchored;

21 (B) enclosures shall be ventilated;

22 (C) enclosures with a natural substrate shall have a dig barrier that prevents escape;

23 (D) the young of any animal may be kept with the parent or foster animal of the same species
24 in a single-animal enclosure until weaning. After weaning, if the animals are kept together,
25 the requirements for multiple-animal enclosures shall apply;

26 (E) chains or tethers shall not be used as a method of confinement for wild animals inside the
27 enclosure;

28 (F) each enclosure shall be equipped with at least one shelter, nest box, or den large enough to
29 accommodate all animals in the enclosure at the same time; and

30 (G) each enclosure shall have at least one elevated area large enough to accommodate all
31 animals in the enclosure at the same time.

32 (3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or
33 dimensional equivalents:

<u>Animal</u>	<u>Length (ft.)</u>	<u>Width (ft.)</u>	<u>Height (ft.)</u>	<u>Total Square Footage</u>
<u>Wild Turkey</u>	<u>6</u>	<u>4</u>	<u>8</u>	<u>24</u>
<u>Coyote</u>	<u>8</u>	<u>8</u>	<u>6</u>	<u>64</u>

<u>Fox (Red and Gray)</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Raccoon</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Bobcat</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>
<u>Otter</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>50</u>
<u>Squirrel</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>8</u>
<u>Groundhog</u>	<u>8</u>	<u>4</u>	<u>4</u>	<u>32</u>
<u>Rabbit</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Opossum</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Skunk</u>	<u>6</u>	<u>3</u>	<u>3</u>	<u>18</u>
<u>Armadillo</u>	<u>8</u>	<u>6</u>	<u>4</u>	<u>48</u>

For animals not mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least two times nose-rump length of the animal. The vertical dimensions shall be at least two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or eight square feet.

- (4) The minimum square footage for multiple animal enclosures shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

(b) Non-farmed Cervids.

- (1) the minimum size of the enclosure shall not be less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal. No more than 25 percent of the enclosure shall be covered with water;
- (2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;
- (3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and
- (4) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been approved to hold cervids by the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.

(c) Alligators.

- (1) the minimum size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions at least as long as the longest animal shall be provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land area;
- (2) the enclosure shall have a structural barrier of sufficient strength to contain the animals, and shall prevent contact between the observer and alligator(s);

- (3) in addition to the land area, the enclosure shall contain a pool of water large enough for all the animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the water from freezing solid;
- (4) steps shall be taken to provide opportunities for the alligator to regulate its body temperature;
- (5) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all animals in the enclosure at the same time; and
- (6) the facility shall have a perimeter boundary to prevent unauthorized entry and confine the animals. This boundary should be located at least 3 feet from the primary enclosure, be no less than 8 feet in height, and be constructed of not less than 11.5 gauge chain link or equivalent.

(d) Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is built to the standards specified below and permitted by the U.S. Fish and Wildlife Service.

- (1) enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors in Captivity: Guidelines for Care and [Management.]" Management," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at <https://bookstores.umn.edu/product/gift/raptors-captivity-0>.

- (2) enclosure for all other wild birds shall be designed using the standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program [Animals.]" Animals," which is hereby incorporated by reference, excluding subsequent amendments and editions, and is available for order at <https://www.nwrawildlife.org/store/default.aspx>.

(e) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 19A-11.

(f) Cougar. Cougars held in captivity by facilities other than publicly operated zoos, educational, or scientific research institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of G.S. 113-272.5(c)(4).

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;
Eff. January 1, 2020.

1 15A NCAC 10H .1405 is adopted **with changes** as published in 33:18 NCR 1876 as follows:

2
3 **15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT**

4 (a) Representatives of the Commission shall be permitted to enter the premises of any license holder's facility upon
5 request or during the facility's business hours for inspection or scientific purposes.

6 (b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's
7 captivity license, if the license holder violates any provision of Article 47 of Chapter 14 of the North Carolina General
8 Statutes, or Subchapter IV of Chapter 113 of the North Carolina General Statutes, or any Rules promulgated by the
9 Commission of Chapter 10 of the North Carolina Administrative Code or any conditions of the license. The
10 determination whether to warn, cite, or revoke a captivity license for rehabilitation or holding shall be based upon the
11 seriousness of the violation, and may include:

12 (1) Failing to provide required facilities for the housing of wild animals and wild birds as specified in
13 Rule .1402(g) and Rule .1404 of this Section;

14 (2) Providing false or inaccurate information on license applications or reports submitted to the
15 Commission;

16 (3) Possessing wild animals or wild birds not permitted by the captivity license for rehabilitation, or the
17 captivity license for holding;

18 (4) Using animals undergoing rehabilitation for education, exhibition, profit, or science involving
19 contact with or proximity to the public;

20 (5) Failing to comply with monitoring or record-keeping requirements as provided by the rules of this
21 Section;

22 (6) Taming, imprinting, or otherwise improperly handling animals held for rehabilitation;

23 (7) Failing to treat conditions that warrant medical attention;

24 (8) Failing to notify the appropriate agencies after a rabies exposure as described in this Section;

25 (9) Allowing a wild animal held under a captivity license for holding to roam free unrestrained outside
26 of its enclosure; or

27 (10) The license holder of a facility holding captive cervid(s) failing to:

28 (A) comply with tagging requirements as provided by rules of this Section; or

29 (B) comply with requirements for maintaining the enclosure fence as provided by rules of this
30 [Section; or] Section.

31 (c) An individual holding a captivity license for rehabilitation with the apprentice designation shall notify the
32 Commission within 10 business days if [they] he or she no longer [have] has a mentor. The apprentice shall obtain
33 another mentor within 30 days and notify the Commission with that individuals information. If the apprentice fails to
34 obtain another mentor within 60 days, the Commission shall revoke his or her license and he or she shall be required
35 to reapply for an apprentice license.

1 (d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for
2 rehabilitation or holding, then the Commission may seize and determine future treatment of the wild animal or wild
3 bird, to include release, relocation, or euthanasia.

4 (e) The Commission shall revoke a non-farmed cervid license, and the holder of that license shall forfeit the right to
5 keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request
6 of the Commission, under any of the following circumstances or conditions:

7 (1) The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for
8 Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next
9 business day, whichever is later, as provided by Rule .1403(m) in this Section;

10 (2) A cervid has been transported without a permit; or

11 (3) Chronic Wasting Disease has been confirmed in a cervid at that facility.

12
13 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
14 *Eff. January 1, 2020.*

1 15A NCAC 10H .1406 is adopted **with changes** as published in 33:18 NCR 1876 as follows:

2
3 **15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES**

4 (a) Individuals interested in obtaining a captivity license for rehabilitation shall apply to the Commission using the
5 Captivity License for Rehabilitation Form available at www.ncwildlife.org. Information required by the applicant
6 shall include:

- 7 (1) The applicant's name, mailing address, residence address, telephone number, and date of birth;
- 8 (2) The facility site address;
- 9 (3) Any organizational affiliation, if applicable;
- 10 (4) The categories of wild animals and wild birds to be rehabilitated;
- 11 (5) A copy of a valid Federal Migratory Bird Permit, if applicable;
- 12 (6) The name and signature of mentor, if applicable; and
- 13 (7) Certification of at least 12 hours of rehabilitation related training, if applicable.

14 (b) Individuals interested in obtaining a captivity license for holding shall apply to the Commission using the Captivity
15 License for Holding Form available at www.ncwildlife.org. Information supplied by the applicant shall include:

- 16 (1) The Applicant's name, mailing address, residence address, telephone number, and date of birth;
- 17 (2) The facility site address;
- 18 (3) Any organizational affiliation, if applicable;
- 19 (4) The species information including quantity and source for all animals to be held; and
- 20 (5) The purpose for holding animals in captivity.

21 (c) Individuals requesting a transportation permit for non-farmed cervids shall apply to the Commission using the
22 Non-farmed Cervid Transportation Form available at www.ncwildlife.org. Information supplied by the applicant shall
23 include:

- 24 (1) The applicant's name, mailing address, residence address, and telephone number;
- 25 (2) The facility site address;
- 26 (3) The captivity license number;
- 27 (4) The species and sex of each non-farmed cervid transported;
- 28 (5) The tag number(s) for each non-farmed cervid transported;
- 29 (6) The date of transportation;
- 30 (7) The vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to
31 transport the non-farmed cervid;
- 32 (8) The name, address, county and phone number of the destination facility to which the non-farmed
33 cervid will be transported;
- 34 (9) The symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;
- 35 (10) The date of slaughter, if applicable;
- 36 (11) The name and location of the North Carolina Department of Agriculture Diagnostic lab where the
37 head of the non-farmed cervid is to be submitted for CWD testing, if applicable.

1 (d) Individuals rehabilitating white-tailed deer fawns or elk calves shall record the following information on the White-
2 tailed Deer Fawn / Elk Calf Rehabilitation Activity Form available at www.ncwildlife.org:

- 3 (1) The captivity license number;
- 4 (2) The date of acceptance;
- 5 (3) The species and sex;
- 6 (4) The [Tag] tag number;
- 7 (5) The disposition; and
- 8 (6) The date and location of release, if applicable.

9 (e) Individuals rehabilitating rabies species shall record the following information on the Rabies Species Rehabilitation
10 Activity Form available at www.ncwildlife.org:

- 11 (1) The captivity license number;
- 12 (2) The date of acceptance;
- 13 (3) The species and sex;
- 14 (4) The location of origin, if known;
- 15 (5) The disposition; and
- 16 (6) The date of transfer to other appropriately licensed captivity license holder, if applicable; or
- 17 (7) The date and location of release, if applicable.

18 (f) Individuals holding species under a Captivity License for Holding, for educational and exhibition purposes shall
19 record the following information on the Captivity License for Holding Education and Exhibition Form available at
20 www.ncwildlife.org:

- 21 (1) The captivity license number;
- 22 (2) The date of educational or exhibition activity;
- 23 (3) The species and numbers of wild animals or wild birds used in the educational or exhibition activity;
- 24 (4) The organization or group involved in the educational or exhibition activity; and
- 25 (5) The description of educational or exhibition activity, if applicable;

26 (g) All forms shall be signed, dated, and submitted to the Wildlife Resources Commission with applicable fees
27 mandated by G.S. 113-272.5 and 113-270.1B.

28
29 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
30 *Eff. January 1, 2020.*
31