

1 15A NCAC 10H .0901 is readopted as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .0901 GAME BIRD PROPAGATION LICENSE**

4 (a) The game bird propagation license ~~authorizes~~ shall authorize the purchase, possession, propagation, sale,
5 ~~transportation~~ transportation, transfer, and release of propagated upland game birds, except wild turkey, and migratory
6 game birds and their eggs, subject to the following limitations and conditions:

7 (1) The sale of dead pen-raised quail for food is governed by the regulations of the North Carolina
8 Department of Agriculture; and

9 (2) The purchase, possession, sale, transportation, and transfer of migratory game birds and their eggs
10 is subject to additional requirements ~~contained in Title 50 of the Code of Federal Regulations.~~ 50
11 CFR 21, which is hereby incorporated by reference, including subsequent amendments and editions.
12 50 CFR 21 may be found free of charge at: www.ecfr.gov.

13 (3) ~~No propagation license shall be issued for wild turkeys.~~

14 (b) Application for a game bird propagation license shall be made on a form available from the Commission at
15 www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576.

16 Information required from the applicant shall ~~include:~~ include the applicant's:

17 (1) ~~The applicant's name;~~ name;

18 (2) ~~mailing~~ mailing ~~address;~~ address;

19 (3) ~~residence~~ residence ~~address;~~ address;

20 (4) ~~telephone~~ telephone ~~number;~~ number; and

21 (5) ~~date of~~ date of ~~birth;~~ birth.

22 ~~(2) The facility site address;~~

23 ~~(3) Any organizational affiliation, if applicable; and~~

24 ~~(3) The species of animal to be propagated.~~

25 (c) The game bird propagation license shall be ~~conspicuously~~ posted and displayed at the propagation facility so that
26 it is visible to visitors or patrons at all times.

27
28 *History Note: Authority G.S. 106-549.94; 113-134; 113-273; 50 C.F.R., Part 21;*

29 *Eff. January 1, 1981;*

30 *Amended Eff. July 1, 1988; July 1, 1987;*

31 *Temporary Amendment Eff. July 1, 2001;*

32 *Amended Eff. June 1, 2005; July 18, ~~2002-2002~~;*

33 *Readopted Eff. November 1, 2019.*

1 15A NCAC 10H .0903 is readopted as published in 33:23 NCR 2250 with changes as follows:

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3 **15A NCAC 10H .0903 ACQUISITION OF GAME BIRDS OR GAME BIRD EGGS**

4 ~~(a) A game bird propagator license under this Section~~ propagation license holder shall not take ~~no~~ game birds or game
5 bird eggs from the wild for the purpose of propagation or ~~sale, sale, but~~

6 (b) License holders may purchase or acquire live game birds, ~~or the eggs thereof,~~ birds or game bird eggs from ~~any~~
7 other licensed game bird ~~propagator, propagators.~~ propagators. ~~Upon such acquisition, he~~

8 (c)The license holder shall obtain ~~a copy of a receipt~~ or other written evidence of the transaction showing the date, ~~the~~
9 ~~names~~ names, and license numbers of both parties, ~~and [parties]~~ as well as the species and quantity of the game birds,
10 ~~or eggs, so~~ birds or game bird eggs acquired. This receipt shall be retained by the ~~licensee as part of his records~~ license
11 holder as provided by Rule .0906 of this Section.

12

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

14 *Eff. January 1, ~~1981-1981~~;*

15 *Readopted Eff. November 1, 2019.*

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1 15A NCAC 10H .0904 is readopted as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .0904 DISPOSITION OF GAME BIRDS OR GAME BIRD EGGS**

4 (a) ~~Diseased Birds. No game bird propagator licensed under this Section shall~~ It shall be unlawful for a game bird
5 propagation license holder to knowingly sell or otherwise transfer possession of any live game bird that shows
6 evidence of any a communicable disease, except that such transfer may be made for transfers to a veterinarian or
7 pathologist for examination and diagnosis. diagnostic purposes. ~~Disposition of any game bird having with a~~
8 ~~communicable disease in a manner not likely to infect wild game bird populations is shall be~~ the responsibility of the
9 licensee. license holder.

10 (b) Sale of Live Birds or Eggs. ~~Subject to the limitations set forth in Rule .0901 of this Section, any healthy game~~
11 ~~birds which that are authorized to be propagated under this Section, or the eggs thereof, may be sold or transferred~~
12 ~~alive by any a licensed game bird propagator to any other another licensed game bird propagator. propagator or~~
13 ~~Licensed game bird propagators may also sell or transfer healthy live game birds to licensed controlled shooting~~
14 ~~preserve operators operator or to any person who that holds a valid state license or permit to possess the same. that~~
15 authorizes possession.

16 (c) Receipt Required. ~~Upon any such sale or transfer, a written receipt or other written evidence of the transaction~~
17 ~~shall be prepared in duplicate showing the date, the names and license or permit numbers of both parties, and the~~
18 ~~species and quantity of the game birds or game bird eggs transferred. A copy of such the receipt or writing shall be~~
19 ~~retained by each of the parties as a part of his records as provided by Rule .0906 of this Section.~~

20 (d) Bird Marking. ~~Any live migratory waterfowl sold or transferred to any person for use in training retrievers or~~
21 ~~conducting retriever trials must shall be marked by one of the methods provided by 50 C.F.R. 21.13. 50 CFR {21.13,}~~
22 ~~21.13, which is hereby incorporated by reference, including subsequent amendments and editions. 50 CFR 21.13 may~~
23 ~~be found free of charge at: www.ecfr.gov.~~ Each pheasant All other domestically raised game birds sold or transferred
24 for such the same purposes shall be banded prior to the transfer with a metal leg band which is shall be individually
25 marked on one leg with a band imprinted with the number of the propagator's license. license number.

26 (e) (c) Sale of Dead Game Birds as Food. ~~Subject to the limitations and conditions indicated in Rule .0901 of this~~
27 ~~Section Section and to any applicable laws and regulations relating to pure foods, public health health, and advertising,~~
28 ~~game birds produced by licensed game bird propagators licensed under this Section may be killed at any time in any~~
29 ~~manner, except by shooting during the closed season on the species concerned, and season. Dead game birds, except~~
30 ~~for dead pen-raised quail, and game bird eggs may be sold for food purposes as provided by the following~~
31 Subparagraphs: as follows:

- 32 (1) Sale Direct to Consumer. ~~Unprocessed dead game birds may be sold directly to a consumer when~~
33 ~~accompanied by a receipt showing the name of the consumer, the name and license number of the~~
34 ~~propagator, and the quantity and species of the game birds sold. A copy of such the receipt shall be~~
35 ~~retained by the propagator as part of his records. propagator for [at least] one year after the~~
36 ~~transaction. No such bird shall be resold by any such consumer. It shall be unlawful for the consumer~~
37 to resell unprocessed dead game birds.

1 (2) Sale to or Through a Processor.

2 (A) Unprocessed dead Game game birds may be sold to ~~any~~ a commercial food processor who
3 that holds a permit to possess them or ~~delivered~~ transferred to such a commercial food
4 processor for processing and packaging prior to sale. ~~In either case, the transfer~~ Sale or
5 transfer shall be evidenced by a duplicate receipt- written receipt retained by each party for
6 a year after the sale or transfer, that includes the following information:

7 (i) ~~identifying the processor by- the processor's name and permit number and~~
8 number;

9 (ii) ~~the propagator by- propagator's name and license number,~~ number; and

10 (iii) ~~indicating the number and species of game birds transferred.~~ sold or transferred.

11 A copy of such receipt shall be retained by each of the parties as part of his records.

12 (B) ~~The processed carcasses of the birds~~ Game bird carcasses processed by a commercial food
13 processor for wholesale or retail sale shall be enclosed in a wrapper or container marked
14 with the following:

15 (i) the number and species of game birds contained;

16 (ii) the license number of the propagator; and

17 (iii) the words "domestically [~~raised~~], raised."

18 ~~on the outside of which is indicated the number and species of birds contained, the license number~~
19 ~~of the propagator, and the fact that such birds were domestically raised. When so packaged, such~~
20 ~~processed game birds may be sold at wholesale or at retail through ordinary channels of commerce.~~
21 ~~This Paragraph does not apply to dead quail marketed for food purposes under the regulations of the~~
22 ~~North Carolina Department of Agriculture.~~

23 (3) ~~The eggs of propagated game birds may~~ Propagated game bird eggs shall not be sold for food [or
24 food] purposes. food.

25
26 *History Note: Authority G.S. 113-134; 113-273; 50 C.F.R., Part 21.13;*
27 *Eff. January 1, 1981;*
28 *Amended Eff. August 1, 2010; May 1, 2008; June 1, 2005-2005;*
29 *Readopted Eff. November 1, 2019.*

1 15A NCAC 10H .0905 is amended as published in 33:23 NCR 2250 as follows:

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3 **15A NCAC 10H .0905 TRANSPORTATION**

4 (a) Live Game Birds or Game Bird Eggs

5 (1) Private Carriers. Live propagated game birds or ~~the eggs thereof~~ game bird eggs may be transported
6 by private carrier when accompanied by a copy of ~~the receipt required by specified in Rule Rules~~
7 ~~.0903 or Rule .0904(b) or (c)(2)~~ .0904 of this Section.

8 (2) Common Carriers. When live propagated game birds or ~~the eggs thereof~~ game bird eggs are
9 transported by common carrier, each separate container shall be tagged or labeled ~~to show with~~
10 the name, ~~address~~ address, and license number of the shipping ~~propagator~~, propagator; the name,
11 ~~address~~ address, and license or permit number of the ~~consignee~~, consignee; and the number and
12 species of game birds or game bird eggs contained therein.

13 (b) Dead Game Birds

14 (1) Private Consumers. Unprocessed dead game birds may be transported by consumers or hunters
15 when accompanied by a ~~copy of the~~ receipt from a licensed game bird propagator required by Rule
16 ~~.0904(e)(1)~~ .0904(e)(1) of this Section or by a copy of the receipt from a controlled shooting preserve
17 operator as required by 15A NCAC 10H .0105.

18 (2) Processed Game Birds. The carcasses of processed propagated game birds other than quail may be
19 transported in any manner when packaged in a wrapper or container marked as required by Rule
20 ~~.0904(e)(2)~~ .0904(e)(2) of this Section.

21
22 *History Note: Authority G.S. 113-134; 113-273;*
23 *Eff. January 1, 1981;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
25 *6, ~~2016-2016~~;*
26 *Amended Eff. November 1, 2019.*

1 15A NCAC 10H .0906 is amended as published in 33:23 NCR 2250 with changes as follows:

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3 **15A NCAC 10H .0906 RECORDS**

4 ~~Each licensed~~ (a) Licensed game bird propagator propagators shall maintain a ~~chronological~~ file of receipts by
5 ~~[calendar year]~~ calendar year or copies thereof showing with the following information:

6 (1) The dates and sources of acquisition of game birds and ~~their eggs and~~ game bird eggs;

7 (2) ~~the~~ The species and quantities thereof of the game birds and game bird eggs, as required by Rule
8 .0903 of this ~~Section,~~ Section; and

9 (3) ~~a chronological file of copies of receipts~~ Receipts showing all transfers of propagated game birds,
10 except dead quail sold for food purposes, and ~~their game bird~~ eggs as required by Rule .0904 of this
11 Section.

12 ~~Such records shall be segregated as to each license year,~~

13 (b) Records shall be made available for inspection by any authorized agent at the request of the Wildlife Resources
14 Commission, and Commission.

15 (c) Records shall be retained for at least one year following the close of the license year to which they pertain.

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

17 *Eff. January 1, 1981;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016-2016;*

20 *Amended Eff. November 1, 2019.*

1 15A NCAC 10H .0907 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .0907 QUAIL CALL-PEN TRAPS**

4 ~~Any licensed game bird propagator who raises quail and who wishes to release live pen raised quail on his premises~~
5 ~~for dog training purposes may use quail call pen traps for the purpose of recovering such quail subject to the following~~
6 ~~restrictions:~~ Licensed game bird propagators that raise and release pen-raised quail on his or her property for dog
7 training shall be authorized to use quail call-pen traps to recover released quail, subject to the following requirements:

- 8 (1) All traps shall ~~have a~~ be marked with an attached weather-resistant permanent tag ~~attached with~~
9 that includes the propagator's name and address written legibly on it; ~~[legibly;]~~
10 (2) No ~~such~~ trap shall be located ~~with~~ within 100 yards of any ~~outside~~ boundary of the ~~premises;~~
11 property; and
12 ~~(3) All quail released for dog training shall be banded; and~~
13 ~~(4)(3) No trapped, unbanded quail caught in any such trap shall be retained.~~

14
15 *History Note: Authority G.S. 113-134; 113-273; 113-291.1;*

16 *Eff. January 1, 1981;*

17 *Amended Eff. May 1, 2009; July 1, 1987;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
19 *6, 2016-2016;*

20 *Amended Eff. November 1, 2019.*

1 15A NCAC 10H .1101 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .1101 APPLICATION FOR LICENSE ~~FURBEARER PROPAGATION LICENSE~~**

4 ~~Application for a license to propagate any species of furbearing animal or red foxes (Vulpes vulpes, including all color~~
5 ~~phases) for use as fur shall be made to the Wildlife Resources Commission on a form which is available from the~~
6 ~~Commission upon request. All pertinent information required on the application form shall be filled in to include the~~
7 ~~nature and name of the applying entity, mailing address, telephone number, species of animal to be propagated, and~~
8 ~~physical location of the propagation facility. The application must be accompanied by the annual license fee in the~~
9 ~~amount of twenty five dollars (\$25.00) and mailed or otherwise delivered to the Wildlife Resources Commission, 512~~
10 ~~N. Salisbury Street, Raleigh, North Carolina 27611.~~

11 ~~(a) The furbearer propagation license shall authorize the propagation of furbearing animals and red foxes, including~~
12 ~~all color phases, for use as fur. Furbearer propagation license holders shall be authorized to do the following:~~

13 ~~(1) Breed the species of animal designated on the license;~~

14 ~~[(2) Acquire live specimens authorized on the license from permitted ranch raised breeding stock;]~~

15 ~~(2)[(3)] Raise live specimens for the production of marketable fur;~~

16 ~~(3)[(4)] Sell domestically produced fur to a licensed fur dealer; and~~

17 ~~(4)[(5)] Buy and sell live specimens from or to a furbearer propagation license holder, a captivity license~~
18 ~~holder, or a licensed non-resident producer of ranch-raised breeding stock.~~

19 ~~(b) Application for a furbearer propagation license shall be made on a form available from the Commission at~~
20 ~~www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576.~~

21 ~~Information required from the applicant shall include:~~

22 ~~(1) The applicant's name;~~

23 ~~(2) The applicant's residence or mailing address;~~

24 ~~(3) The physical address of the propagation facility;~~

25 ~~(4) The applicant's telephone number; and~~

26 ~~(5) The species of animal to be propagated.~~

27 ~~(c) The furbearer propagation license shall be ~~conspicuously~~ posted and displayed at the propagation facility ~~so that~~~~
28 ~~it is visible to visitors or patrons at all times.~~

29
30 *History Note: Authority G.S. 113-134; 113-273;*

31 *Eff. April 1, 1986;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
33 *6, 2016-2016;*

34 *Amended Eff. November 1, 2019.*

1 15A NCAC 10H .1104 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .1104 CAGES MINIMUM STANDARDS FOR CAGING AND CARE**

4 ~~(a) Types of Cages. Cages for holding the animals being propagated shall be of two types:~~

5 ~~(1)(a)~~ Breeder cages shall be used to hold a pair of animals for breeding and to hold the female and her
6 litter from the time the litter is born until ~~weaning;~~ **weaning.**

7 ~~(2) (b)~~ Pelter cages shall only be used ~~only~~ to hold single animals.

8 ~~(b) Sizes of Cages. (c)~~ The minimum dimensions of cages in depth (d), width (~~w~~) (w), and height (h) measured in
9 feet shall be as follows depending on the species of animals being held:

10 SPECIES	11 BREEDER CAGE	12 PELTER CAGE
	(d x w x h)	(d x w x h)
13 Beaver	3 x 6 x 2.5	3 x 4 x 2.5
14 Bobcat	3 x 6 x 2.5	3 x 4 x 2.5
15 Fox	3 x 6 x 2.5 5.0 x 3.0 x 3.0	2.5 x 4 x 2.5 2.5 x 3.0 x 3.0
16 Mink	2 x 3 x 1.5 2.0 x 0.8 x 1.0	2 x 2 x 1.5 2.0 x 0.5 x 1.0
17 Nutria	3 x 3 x 2.0	3 x 2 x 2.0
18 Opossum	3 x 3 x 2.0	3 x 2 x 2.0
19 Otter	3 x 5 x 1.5	3 x 3 x 1.5
20 Raccoon	3 x 4 x 2.0	3 x 2 x 2.0
21 Skunk	3 x 3 x 1.5	3 x 2 x 1.5
22 Weasel	2 x 2 x 1.5	1 x 2 x 1.5

23
24
25 ~~(e) Cage Construction. The cages must be sturdily constructed of appropriate materials sufficient to retain the animals~~
26 ~~without tethers or chains, which may be used to restrain the animals only during the transfer of the animals from one~~
27 ~~cage to another. Cages must be provided with den areas in which the animals can retire from view and which are large~~
28 ~~enough to permit the animals to turn around and lie down.~~

29 ~~(d) Cage Arrangement. All cages must be maintained within a larger escape proof enclosure that must also be~~
30 ~~designed to prevent access by domestic dogs and cats. The cages must provide protection of the animals from excess~~
31 ~~exposure to the sun and inclement weather. The cages must be solidly based at least two feet above ground or floor~~
32 ~~level to facilitate cleaning.~~

33 (d) Each license holder shall comply with the following general cage requirements:

34 (1) cages shall be constructed of non-toxic, corrosion-resistant materials sufficient to retain animals
35 without tethers or chains;

36 (2) cages shall have a den area large enough for all the animals in that cage to turn around and lie down;

37 (3) cages shall be housed in an area that provides protection from direct sunlight, precipitation, wind,
38 and other weather conditions;

39 (4) cages shall be designed to minimize [extreme] heat build-up and provide sufficient light to maintain
40 the animal's circadian rhythms;

41 (5) caging shall be ventilated;

42 (6) cages shall be solidly based at least two feet above ground or floor level to facilitate cleaning;

1 (7) cages shall be arranged in rows to allow visual and physical inspection of all areas and all species
2 and to allow space for operations and cleaning; and

3 (8) a perimeter fence shall be maintained around the housing area and shall include a dig barrier
4 designed to prevent escape and access by domestic and wild animals.

5 (e) Each license holder shall comply with the following general care requirements:

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

9 (2) sanitation: water disposal and waste disposal shall be in accordance with all applicable local, State,
10 and federal ~~laws.~~ laws;

11 (3) food: food shall be of a type and quantity that is appropriate for the particular species and shall be
12 provided in an unspoiled and uncontaminated condition; ~~and~~

13 (4) waste: fecal and food waste shall be removed from inside, under, and around enclosures and
14 disposed of in a manner that prevents noxious odors or ~~pests~~ pests;

15 (5) ectoparasites: a program for the control of ectoparasites and vermin shall be established and
16 maintained. Methods to control insects shall be employed and only ~~EPA approved~~ EPA-approved
17 insecticides shall be used. Biological pest control methods may be used where appropriate.

18
19 *History Note: Authority G.S. 113-134; 113-273;*
20 *Eff. April 1, 1986;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
22 *6, 2016-2016;*
23 *Amended Eff. November 1, 2019.*
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1 15A NCAC 10H .1106 is readopted as published in 33:23 NCR 2250 with changes as follows:

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3 **15A NCAC 10H .1106 HUMANE TREATMENT**

4 ~~No act or omission shall be allowed to occur nor any circumstance to continue which shall result in the infliction of~~
5 ~~unnecessary harassment or physical discomfort on any furbearing animals or fox. Animals shall be observed daily for~~
6 ~~signs of poor health or injury. Animals that are visibly sick, injured, in [~~pain~~] pain, or suffering shall be provided~~
7 ~~[prompt] medical care or euthanized as soon as possible. The killing euthanization of the animal in preparation for~~
8 ~~marketing the fur shall be by a method which is quick and effective to the end that the animal is not subjected to~~
9 ~~prolonged harassment or physical abuse. designed to cause minimal distress and pain as well as rapid, irreversible loss~~
10 ~~of consciousness and cardiac arrest. The license holder shall confirm death by ensuring respiration has ceased.~~

11

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

13 *Eff. April 1, ~~1986~~-1986;*

14 *Readopted Eff. November 1, 2019.*

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1 15A NCAC 10H .1107 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .1107 RECORDS AND INSPECTIONS**

4 (a) The licensee Furbearer propagation license holders shall maintain ~~accurate records reflecting~~ records containing
5 the following information:

6 (1) the numbers and species of furbearing animals or foxes ~~acquired,~~ acquired;

7 (2) the dates and sources of ~~acquisition,~~ acquisition;

8 (3) the numbers of animals produced by breeding and the numbers ~~successfully~~ raised for ~~market,~~
9 market; and

10 (4) the numbers of animals or pelts sold or otherwise disposed ~~of of, together with~~ the dates of
11 ~~disposition~~ disposition, and the identities of the ~~recipients.~~ recipients, if the animals were sold alive.

12 ~~Such records shall be maintained on a calendar year basis concurrent with the license year and shall be retained on the~~
13 ~~licensed premises for at least one year following the year to which they pertain.~~

14 (b) The records required by this Rule shall be maintained by [calendar year] calendar year and shall be retained for
15 [at least] one year following the end of the calendar year to which they pertain. The records required pursuant to this
16 [rule] Rule shall be available for inspection at the request of the Commission.

17 (c) Representatives of the Commission shall be permitted to enter the premises of a license holder's furbearer
18 propagation facility upon request or during the facility's business hours for inspection, enforcement, or scientific
19 purposes.

20
21 *History Note: Authority G.S. 113-134; 113-273;*

22 *Eff. April 1, 1986;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
24 *6, 2016-2016;*

25 *Amended Eff. November 1, 2019.*

1 15A NCAC 10H .1301 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .1301 COMMERCIAL TAKE OF CERTAIN TURTLES AND TERRAPINS**
4 **PROHIBITED**

5 (a) For the purposes of this Rule, "commercial taking" means the taking, possession, collection, transportation,
6 [purchase] purchase, or sale of five or more individual turtles or any turtle part, per person in a calendar year. It is
7 unlawful to engage in the commercial taking of any native turtle or terrapin species in the families Emydidae or
8 Trionychidae, except the public may obtain possession permits from the Wildlife Resources Commission for
9 possession, transportation, purchase or sale of these turtles and terrapins as described pursuant to Rule .1302 of this
10 Section.

11 (b) For purposes of this Rule, "commercial taking" is defined as the taking, possession, collection, transportation,
12 purchase or sale of five or more individual turtles or terrapins, or any part thereof, per person in any given year. It
13 shall be unlawful to engage in the commercial taking of any native turtle species in the families Emydidae or
14 Trionychidae.

15 (c) The prohibition on collection commercial taking in this Rule shall not apply to the following:

- 16 (1) A licensed veterinarian when holding for purposes of medical treatment;
- 17 (2) A holder of a valid rehabilitation captivity permit for the purposes of rehabilitation;
- 18 (3) A publicly-financed zoo, scientific research facility or institution of higher education, or any state
19 State or federal agency;
- 20 (4) Any person who accidentally collects five or more turtles or terrapins incidental to any lawful
21 activity, and who immediately returns them to the wild; or
- 22 (5) Property owners who legally apply for and receive depredation permits from the Wildlife Resources
23 Commission, or one of its Wildlife Damage Control Agents.

24 (d) Any person who was in lawful possession of five or more native turtles or terrapins in aggregate at the time of the
25 effective date of this Rule shall apply for a possession permit to retain them. The permit to retain these animals shall
26 be applied for before January 1, 2008. No native turtles or terrapins turtle shall be purchased or sold without a permit.
27 Permittees are subject to all requirements and conditions described in Rule .1302 of this Section. sold, [except] except:

- 28 (1) as authorized by 10A NCAC 41A .0302; and
- 29 (2) snapping turtles (Chelydra serpentina) with a curved carapace length of 11 inches or greater.

30 (e) Violators are shall be subject to a replacement cost per individual turtle that shall equal the replacement cost for
31 "species with no open season" as set forth in 15A NCAC 10B .0117(c). .0117(e) until such time as replacement costs
32 for each genus of turtle in these families is established by the Wildlife Resources Commission.

33
34 *History Note: Authority G.S. 113-333(a)(6);*

35 *Eff. May 1, 2007;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
37 *6, 2016-2016;*

1 15A NCAC 10H .1302 is amended as published in 33:23 NCR 2250 with changes as follows:

2
3 **15A NCAC 10H .1302 POSSESSION OF REPTILES AND AMPHIBIANS**

4 (a) ~~Permits required.~~ Possession permits are required for the possession, importation, transportation, purchase, and
5 sale of:

- 6 (1) 25 or more individuals of any combination of native amphibian species; or
7 (2) five or more individuals of native reptile species.

8 (b) ~~Permits not required.~~ Possession permits ~~are not~~ shall not be required for the possession, importation,
9 transportation, purchase, and sale of:

- 10 (1) 24 or fewer individuals of any combination of native amphibian species; or
11 (2) four or fewer individuals of native reptile species, ~~except snapping turtles (Chelydra serpentina) less~~
12 ~~than 11 inches (curved carapace length) shall not be possessed. Individuals in possession of snapping~~
13 ~~turtles (Chelydra serpentina) less than 11 inches (curved carapace length) prior to May 1, 2017 are~~
14 ~~exempt from this restriction. species.~~

15 (c) ~~Unauthorized activities.~~ Nothing in this Rule shall be construed to authorize the collection of any wildlife resources
16 from the wild or the taking, possession, transportation, sale, purchase, or release to the wild of any wildlife resources
17 or their parts in violation of State or federal laws or regulations.

18 (d) At no time shall permitted animals be released to the wild, except under situations of research or rehabilitation
19 with written permission from the Wildlife Resources Commission.

20 (e) The sale of native turtles shall be unlawful, except ~~[for]~~ as authorized by 10A NCAC 41A .0302 and snapping
21 turtles (Chelydra serpentina) with a curved carapace length of 11 inches or greater.

22 (d) ~~Denial of possession permits. Circumstances for which, and persons to whom a~~ (f) A possession permit shall not
23 be issued ~~include: for:~~

- 24 (1) ~~for the purpose of~~ holding reptiles and amphibians that were acquired unlawfully;
25 (2) ~~for the purpose of~~ holding reptiles and amphibians for unlawful sale or trade;
26 (3) ~~for the purpose of possessing or selling~~ snapping turtles (Chelydra serpentina) less than 11 inches
27 (curved carapace length) ~~[length].] [length];~~ however, individuals in possession of snapping turtles
28 (Chelydra serpentina) less than 11 inches (curved carapace length) prior to May 1, 2017 are exempt
29 from this restriction;
30 (4) ~~to persons who collect~~ collecting five or more individual native turtles ~~or terrapins~~ from the families
31 Emydidae or Trionychidae from the wild in a given year, except those entities exempted from
32 collection in Paragraph (c) of Rule .1301 Rule .1301(c) of this Section;
33 (5) ~~to persons who collect~~ collecting five or more individuals in aggregate from other native reptile
34 families or 25 or more individual amphibians from the wild in a given year without first having
35 secured a valid Collection License;
36 (6) ~~to persons~~ individuals found to be in violation of the requirements of a Collection License,
37 Endangered Species Permit, or Possession Permit collection license, as set forth in 15A NCAC 10B

1 .0119, endangered species permit, as set forth in 15A NCAC 10I .0100, or possession permit as set
2 forth in this Section; or requirements as provided in 15A NCAC 10B .0119, 10I .0100, and 10H
3 .1300.

4 (7) ~~to persons~~ individuals who do not first obtain possession permits prior to acquiring the following
5 wildlife resources unless the acquisition of these animals was made prior to May 1, 2007 and a
6 permit was acquired within 12 months of that date: ~~[resources:]~~ resources in Paragraph (a) of this
7 Rule.

8 (A) — 25 or more individuals of any combination of native amphibian species; or

9 (B) — five or more individuals of native reptile species.

10 ~~(e) Term of Permit.~~ (g) The permit shall be valid from January 1 through December 31 of the applicable year.

11 ~~(f) Reports on Permitted Animals. Each individual~~ (h) Individuals permitted under this Rule shall submit a report to
12 the Wildlife Resources Commission within 15 days following the date of ~~expiration of the permit.~~ permit expiration.
13 The report shall ~~show~~ contain the numbers of each species held under the permit and the use or disposition thereof.
14 The Executive Director may require additional information for statistical purposes such as the source and date of
15 acquisition of additional animals and the sex, size, weight, condition, reproductive success and approximate age of
16 each animal in possession.

17 ~~(g) Other Requirements and Restrictions. The Executive Director may, pursuant to G.S. 113-274(c), impose such~~
18 ~~other requirements and restrictions on persons permitted under this Rule as he may deem to be necessary to the~~
19 ~~efficient administration of the wildlife conservation statutes and rules.~~

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21 *History Note: Authority G.S. 113-274(c)(1c);*
22 *Eff. May 1, 2007;*
23 *Amended Eff. August 1, 2017; May 1, 2009, 2009;*
24 *Amended Eff. November 1, 2019.*
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26
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