

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0301

DEADLINE FOR RECEIPT: Monday, November 17, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Please add commas as follows:

Lines 11 and 13, after "crippled"
Line 14, after "elk"
Line 23, after "facsimile"
Line 32, after "release"
Page 2, line 30, after "license"
Page 7, line 1, after "investigation"

Page 2, line 12, replace "which" with "that"

Page 3, line 26, how does one know how to request a "wildlife take permit"?

Page 3, line 28, "CWD" is used, but has the term previously been defined? I see the text beginning on line 35, but that is later in the rule after the acronym is used twice.

Page 3, line 33, add an "and" at the end of the line

Page 4, line 2, what are the "symptoms" and how does one know what symptoms to look for?

Page 4, line 11, if the "state" being referenced is North Carolina, please capitalize.

For the following, please note the stylistic tip for lists: if the list sets forth incomplete phrases, begin each Subparagraph or Sub-Item with a lowercase letter. End each line with a semicolon. End the last line with a period. This is a style issue and staff counsel realizes this may be inconsistent with other rules within this Subchapter. However, please note this style formatting in the following locations:

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Monday, November 10, 2014

Page 5, lines 4 thru 8

Page 5, line 37, and page 6, lines 1 thru 5

Page 8, lines 20 thru 31, and line 37

Page 9, lines 1 thru 12, and 17 thru 26

Page 10, lines 7 thru 18, and lines 22 thru 29

Page 5, lines 27 thru 28, replace “are not required to” with “shall not”

Page 7, lines 16 and 36, and page 8, line 9, replace “Dec.” with “December”

Page 8, line 6, why not use the acronym for “Chronic Wasting Disease”?

Page 9, lines 31 and 32, how does one know how to contact the Wildlife Telecommunications Centers or the Wildlife Management Division?

Page 10, line 32 is defining “Certified Herd” and the term should be placed in quotation marks.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Monday, November 10, 2014



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: N.C. Wildlife Resources Commission

2. Rule citation & name: 15A NCAC 10H .0301 General Requirements

3. Action: Adoption Amendment Repeal

4. Was this an Emergency Rule: Yes No Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: September 2, 2014
- b. Proposed Temporary Rule published on the OAH website: September 8, 2014
- c. Public Hearing date: October 7, 2014 and October 14, 2014
- d. Comment Period: September 2, 2014 to October 16, 2014
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 29, 2014
- f. Adoption by agency on: October 30, 2014
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: December 1, 2014
- h. Rule approved by RRC as a permanent rule: N/A

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2014-100
Effective date: August 7, 2014
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain: The proposed changes to 15A NCAC 10H .0301 would allow the Commission to issue new captivity licenses and permits for the purpose of holding farmed cervids in captivity and allow certified herd owners to sell or transfer cervids to any licensed facility.

Senate Bill 744 ratified in the 2014 session of the General Assembly contains six sections that direct the Commission to change how captive cervids are managed. Section 14.26(c) reads as follows "Nothing in this section is intended to limit the issuance by the Commission of new captivity licenses or permits for cervid facilities containing only cervids originating within the State from facilities with an existing captivity license or permit that have achieved certified status." In order to respond in a timely manner to the intention of the General Assembly identified in this section, the Commission is initiating temporary rule-making.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

As a result of a recent act of the General Assembly, the law creates a contradiction with existing rules from the previous law. Therefore, it is in the public's interest to eliminate the contradiction and resolve the conflict between existing rule and the new law.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Erica Garner

Phone: 919-707-0014

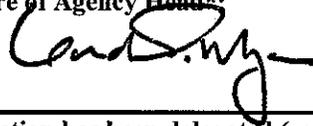
E-Mail: erica.garner@ncwildlife.org

Agency contact, if any: Kate Pipkin

Phone: 919-707-0065

E-Mail: kathryn.pipkin@ncwildlife.org

10. Signature of Agency Head:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Gordon S. Myers

Title: Executive Director

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

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- ...
(3) Adult Resident Lifetime Sportsman License – \$500.00. This license shall be issued only to an individual resident of the ~~State~~ State who is 12 years of age or older but younger than 70 years of age.
(4) Nonresident Lifetime Sportsman License – ~~\$1,200~~ \$1,200. This license shall be issued only to an individual nonresident of the State.
(5) Age 70 Resident Lifetime Sportsman License – \$15.00. This license shall be issued only to an individual resident of the State who is at least 70 years of age.
(6) Repealed by Session Laws 2005-455, s. 1.7 effective January 1, 2007.
(7) Resident Disabled Veteran Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is a fifty percent (50%) or more disabled veteran as determined by the United States Department of Veterans Affairs or as established by rules of the Wildlife Resources Commission. This license remains valid for the lifetime of the licensee so long as the licensee remains fifty percent (50%) or more disabled.
(8) Resident Totally Disabled Lifetime Sportsman License – \$100.00. This license shall be issued only to an individual who is a resident of the State and who is totally and permanently disabled as determined by the Social Security Administration or as established by rules of the Wildlife Resources Commission."

23 **SECTION 14.25.(f)** Subsections (a) and (e) of this section become effective
24 August 1, 2014.
25

26 **OVERSIGHT OF CERVIDS**

27 **SECTION 14.26.(a)** The Wildlife Resources Commission shall not issue a
28 transportation permit for the importation of cervids into the State prior to July 1, 2017.

29 **SECTION 14.26.(b)** For purposes of this section, "USDA Standards" means the
30 United States Department of Agriculture's Chronic Wasting Disease Program Standards, May
31 2014 edition, and subsequent updates, but does not include any authority given to a State to
32 adopt standards more stringent than those expressly set out in the May 2014 edition or
33 subsequent updates.

34 **SECTION 14.26.(c)** Nothing in this section is intended to limit the issuance by the
35 Commission of new captivity licenses or permits for cervid facilities containing only cervids
36 originating within the State from facilities with an existing captivity license or permit that have
37 achieved certified status.

38 **SECTION 14.26.(d)** Except as further limited by subsection (a) of this section, or
39 as modified by subsection (c) of this section, and notwithstanding any other provision of law or
40 regulations adopted by the Commission to the contrary, the Commission shall follow the
41 USDA Standards in carrying out its authority to regulate cervids.

42 **SECTION 14.26.(e)** G.S. 113-272.6(a) reads as rewritten:

43 "(a) The Wildlife Resources Commission shall regulate the transportation, including
44 importation and exportation, and possession of cervids, including game carcasses and parts of
45 game carcasses extracted by hunters. The Commission shall allow the sale of antlers, antler
46 velvet, or hides from captive populations of cervids. The Commission shall adopt rules to
47 implement this section, including requirements for captivity licenses, captivity permits, and
48 transportation permits. The rules adopted pursuant to this section shall establish standards of
49 care for the transportation and possession of cervids, including requirements for fencing,
50 tagging, record keeping, and inspection of captive cervid facilities. Notwithstanding any other
51 provision of law, the Commission may charge a fee of up to fifty dollars (\$50.00) for the
52 processing of applications for captivity licenses, captivity permits, and transportation permits,
53 and the renewal or modification of those licenses and permits. The fees collected shall be
54 applied to the costs of administering this section."

55 **SECTION 14.26.(f)** No later than March 1, 2015, the Wildlife Resources
56 Commission shall report to the Agriculture and Forestry Awareness Study Commission
57 regarding differences between the USDA Standards and rules adopted by the Wildlife
58 Resources Commission under the authority granted by G.S. 113-272.6. The report shall include

1 a list and brief summary of rules adopted by the Commission in effect immediately prior to the
2 enactment of this act that are more stringent than the USDA Standards.

3 4 INTERSTATE CHEMICALS CLEARINGHOUSE

5 SECTION 14.27. The Department of Environment and Natural Resources is
6 authorized to join the Interstate Chemicals Clearinghouse for the purpose of access to key data
7 necessary to enhance safety in the use of toxic substances.

8 9 WATER AND SEWER FUNDS/FOREST CITY

10 SECTION 14.28. Of the funds appropriated in this act to the Department of
11 Environment and Natural Resources for grants to local governments for critical needs water
12 infrastructure development grants, the sum of seventeen thousand five hundred dollars
13 (\$17,500) shall be allocated to the town of Forest City for a water line extension.

14 15 PART XV. DEPARTMENT OF COMMERCE

16 17 ABC COMMISSION/USE OF FUNDS CREDITED TO ABC COMMISSION FUND

18 SECTION 15.1. G.S. 18B-208 reads as rewritten:

19 "§ 18B-208. ABC Commission bonds and funds.

20 ...
21 (b) Special Fund. – A special fund in the office of the State Treasurer, the ABC
22 Commission Fund, is created. On and after November 1, 1982, all moneys derived from the
23 collection of bailment charges and bailment surcharges shall be deposited in the ABC
24 Commission Fund for the purpose of carrying out the provisions of this Chapter. The ABC
25 Commission Fund shall be subject to the provisions of the State Budget Act except that no
26 unexpended surplus of this fund shall revert to the General Fund. The Commission shall fix the
27 level of the bailment surcharges at an amount calculated to cover operating expenses of the
28 Commission and the retirement of bonds issued for construction of a Commission warehouse
29 and offices. Upon payment of the bonds issued pursuant to this section, the Commission shall
30 reduce the bailment surcharge to an amount no greater than necessary to pay operating
31 expenses of the Commission as authorized by the General Assembly.

32 All moneys credited to the ABC Commission Fund shall be used to carry out the intent and
33 purposes of the ABC law in accordance with plans approved by the North Carolina ABC
34 Commission and the Director of the Budget, and all these funds are appropriated, reserved, set
35 aside, and made available until expended for the administration of the ABC law. Budget. The
36 moneys in the Fund shall be expended only upon an appropriation by an act of the General
37 Assembly."

38 39 TRANSFER ABC COMMISSION TO DEPARTMENT OF PUBLIC SAFETY

40 SECTION 15.2A.(a) The North Carolina Alcoholic Beverage Control Commission
41 is hereby transferred to the Department of Public Safety. This transfer shall have all of the
42 elements of a Type II transfer, as described in G.S. 143A-6, except that the management
43 functions of the ABC Commission shall not be performed under the direction and supervision
44 of the Secretary of the Department of Public Safety.

45 SECTION 15.2A.(b) G.S. 143B-431(a)(2)a. is repealed.

46 SECTION 15.2A.(c) G.S. 143B-433(1)a. is repealed.

47 SECTION 15.2A.(d) G.S. 18B-200(a) reads as rewritten:

48 "§ 18B-200. North Carolina Alcoholic Beverage Control Commission.

49 (a) Creation of Commission; compensation. – The North Carolina Alcoholic Beverage
50 Control Commission is created to consist of a chairman and two associate members. The
51 Commission shall be administratively located within the Department of Public Safety but shall
52 exercise its powers independently of the Secretary of Public Safety. The chairman shall devote
53 his full time to his official duties and receive a salary fixed by the General Assembly in the
54 Current Operations Appropriations Act. The associate members shall be compensated for per
55 diem, subsistence and travel as provided in Chapter 138 of the General Statutes."

56 SECTION 15.2A.(e) G.S. 143B-600 reads as rewritten:

57 "§ 143B-600. Organization.

58 (a) There is established the Department of Public Safety. The head of the Department of
59 Public Safety is the Secretary of Public Safety, who shall be known as the Secretary.

1 15A NCAC 10H .0301 General Requirements is amended under temporary procedures as follows:

2
3 **15A NCAC 10H .0301 GENERAL REQUIREMENTS**

4 (a) Captivity Permit or License Required

5 (1) Requirement. The possession of any species of wild animal that is or once was native to this State
6 or any species of wild bird, native or migratory, that naturally occurs or historically occurred in
7 this State or any member of the family Cervidae is unlawful unless the institution or individual in
8 possession obtains from the North Carolina Wildlife Resources Commission (Commission) a
9 captivity permit or a captivity license as provided by this Rule.

10 (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured,
11 crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within
12 24 hours of taking possession in order to apply for a captivity permit, provided, however, that
13 under no circumstances shall an individual take possession of an injured, crippled or orphaned
14 wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described
15 in Subparagraph (3) of this Paragraph.

16 (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become
17 a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals
18 deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may
19 receive a captivity permit to possess fawns only for such a period of time as may be required for
20 the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild
21 white-tailed deer fawns and are available only to individuals recognized by the Commission as
22 white-tailed deer fawn rehabilitators.

23 (b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or
24 in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be
25 required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as
26 provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal
27 or bird if the application for such license is denied, or when an existing captivity license is not renewed or is
28 terminated. Captivity permits shall not be issued for wild ~~turkey or black bear. turkey, black bear, deer, elk or any~~
29 ~~other member of the family Cervidae except as described in Subparagraph (a)(3) of this Rule.~~

30 (c) Captivity License.

31 (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that
32 are unfit for release or for possession of cervids. ~~release.~~ For purposes of this Rule, wild animals
33 are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native
34 species that poses a risk to the habitat or to other species in that habitat; or if they have been
35 rendered tame by proximity to humans to the extent that they cannot feed or care for themselves
36 without human assistance. Persons interested in obtaining a captivity license shall contact the
37 Commission for an application.

- 1 (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be
2 issued include the following:
- 3 (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
- 4 (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this
5 Rule, the term "pet" means an animal kept for amusement or companionship. The term
6 shall not be construed to include cervids held in captivity for breeding for sale to another
7 licensed operator.
- 8 (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
- 9 (D) For the purpose of holding wild turkey or black bear.
- 10 (E) For the purpose of holding white-tailed deer (*Odocoileus*
11 *virginianus*) deer, or elk (*Cervus elaphus* or *Cervus canadensis*) or any other member of
12 the family Cervidae, except current licenses issued before December 1, 2014 which may
13 be renewed as specified in Subparagraph (6) of this Paragraph.
- 14 (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or
15 acquired a facility for keeping the animal or bird in captivity that complies with the standards set
16 forth in Rule .0302 of this Section and the adequacy of such facility has been verified on
17 inspection by a representative of the Commission.
- 18 (4) Term of License
- 19 (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered
20 incapable of subsisting in the wild, the license authorizing its retention in captivity shall
21 be an annual license terminating on December 31 of the year for which issued.
- 22 (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated,
23 and may be rehabilitated for release to the wild, any captivity license that is issued shall
24 be for a period less than one year as rehabilitation may require.
- 25 (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened
26 species or a migratory bird, regardless of the term specified, shall operate to authorize
27 retention thereof for a longer period than is allowed by any concurrent federal permit that
28 may be required for retention of the bird or animal.
- 29 (5) Holders of Captivity License for cervids.
- 30 (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or
31 permits issued by the Commission available for inspection by the Commission at any
32 time during normal business hours, or at any time an outbreak of Chronic Wasting
33 Disease (CWD) is suspected or confirmed within five miles of the facility or within the
34 facility itself.
- 35 (B) Inspection. The licensee shall make all enclosures at each licensed facility and the
36 record-book(s) documenting required monitoring of the outer fence of the enclosure(s)
37 available for inspection by the Commission at any time during normal business hours, or

- 1 at any time an outbreak of CWD is suspected or confirmed within five miles of the
2 facility or within the facility itself.
- 3 (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected
4 by the licensee or licensee's agent once a week during normal weather conditions to
5 verify its stability and to detect the existence of any conditions or activities that threaten
6 its stability. In the event of severe weather or any other condition that presents potential
7 for damage to the fence, inspection shall occur every three hours until cessation of the
8 threatening condition, except that no inspection is required under circumstances that
9 threaten the safety of the person conducting the inspection.
- 10 (D) A record-book shall be maintained to record the time and date of the inspection, the name
11 of the person who performed the inspection, and the condition of the fence at time of
12 inspection. The person who performs the inspection shall enter the date and time of
13 detection and the location of any damage threatening the stability of the fence. If damage
14 has caused the fence to be breachable, the licensee shall enter a description of measures
15 taken to prevent ingress or egress by cervids. Each record-book entry shall bear the
16 signature or initials of the licensee attesting to the veracity of the entry. The record-book
17 shall be made available to inspection by a representative of the Commission upon request
18 during normal business operating hours.
- 19 (E) Maintenance. Any opening or passage through the enclosure fence that results from
20 damage shall, within one hour of detection, be sealed or otherwise secured to prevent a
21 cervid from escape. Any damage to the enclosure fence that threatens its stability shall
22 be repaired within one week of detection.
- 23 (F) Escape. When a licensee discovers the escape of any cervid from the facility, the
24 licensee or designee shall report within 24 hours the escape to the Commission. If
25 possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the
26 licensee shall request a wildlife take permit and take the escaped cervid pursuant to the
27 terms of the permit. A recaptured live cervid shall be submitted to the Commission for
28 CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease
29 Study unless the executive director determines that the risk of CWD transmission as a
30 result of this escape is negligible based upon:
- 31 (i) amount of time the escaped cervid remained out of the facility;
32 (ii) proximity of the escaped cervid to wild populations;
33 (iii) known susceptibility of the escaped cervid species to CWD;
34 (iv) nature of the terrain in to which the cervid escaped.
- 35 (G) Chronic Wasting Disease (CWD)
- 36 (i) Detection. Each licensee shall notify the Commission within 24 hours if any
37 cervid within the facility exhibits clinical symptoms of CWD or if a quarantine

1 is placed on the facility by the State Veterinarian. All captive cervids that
 2 exhibit symptoms of CWD shall be tested for CWD.

3 (ii) Cervid death. The carcass of any captive cervid that was 12 ~~six~~ months or older
 4 at time of death shall be transported and submitted by the licensee or his
 5 designee to a North Carolina Department of Agriculture diagnostic lab for CWD
 6 evaluation within 48 hours of the cervid's death, or by the end of the next
 7 business day, whichever is later. Ear tags distributed by the Commission and
 8 subsequently affixed to the cervids as required by this Rule, may not be removed
 9 from the cervid's head prior to submitting the head for CWD evaluation.

10 (iii) The Commission shall require testing or forfeiture of cervids from a facility
 11 holding cervids in this state should the following circumstances or conditions
 12 occur:

13 (I) The facility has transferred a cervid that is received by a facility in
 14 which CWD is confirmed within five years of the cervid's transport
 15 date and that transferred cervid has tested positive for CWD or the test
 16 for CWD was inconclusive or the transferred cervid was no longer
 17 available for testing.

18 (II) The facility has received a cervid that originated from a facility in
 19 which CWD has been confirmed within five years of the cervid's
 20 transport date and that received cervid has tested positive for CWD or
 21 the test for CWD was inconclusive or the received cervid was no longer
 22 available for testing.

23 (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee
 24 shall implement the tagging requirement using only the tags provided by the Commission
 25 as follows:

26 (i) All cervids born within a facility shall be tagged by March 1 following the
 27 birthing season each year.

28 (ii) All cervids transferred to a facility shall be tagged within five days of the
 29 cervid's arrival at the licensee's facility. However, no cervids shall be
 30 transported from one facility to another unless both sending and receiving herds
 31 are certified according to 15A NCAC 10H .0304, or the sending herd is a
 32 Certified herd and the receiving herd is a licensed facility. ~~However, no cervids~~
 33 ~~shall be transported from one facility to another unless both sending and~~
 34 ~~receiving herds are certified according to 15A NCAC 10H .0304.~~

35 (I) Application for Tags.

36 (i) Application for tags for calves and fawns. Application for tags for cervids born
 37 within a facility shall be made by the licensee by December 1 following the

1 birthing season of each year. The licensee shall provide the following
 2 information, along with a statement and licensee's signature verifying that the
 3 information is accurate:

- 4 (I) Applicant name, mailing address, and telephone number;
- 5 (II) Facility name and site address;
- 6 (III) Captivity license number;
- 7 (IV) Species of each cervid; and
- 8 (V) Birth year of each cervid.

- 9 (ii) Application for tags for cervids that were not born at the facility site shall be
 10 made by written request for the appropriate number of tags along with the
 11 licensee's application for transportation of the cervid, along with a statement and
 12 licensee's signature verifying that the information is accurate. These tag
 13 applications shall not be processed unless accompanied by a completed
 14 application for transportation. However, no transportation permits shall be
 15 issued nor shall cervids be transported from one facility to another unless both
 16 sending and receiving herds are certified according to 15A NCAC 10H .0304 ,
 17 or the sending herd is a Certified Herd and the receiving herd is a licensed
 18 facility. ~~15A NCAC 10H .0304.~~

19 (J) Placement of Tags.

- 20 (i) A single button ear tag provided by the Commission shall be permanently
 21 affixed by the licensee onto either the right or left ear of each cervid, provided
 22 that the ear chosen to bear the button tag shall not also bear a bangle tag, so that
 23 each ear of the cervid bears only one tag.
- 24 (ii) A single bangle ear tag provided by the Commission shall be permanently
 25 affixed by the licensee onto the right or left ear of each cervid except Muntjac
 26 deer, provided that the ear bearing the bangle tag does not also bear the button
 27 tag, so that each ear of the cervid bears only one tag. Muntjac deer are not
 28 required to be tagged with the bangle tag.
- 29 (iii) Once a tag is affixed in the manner required by this Rule, it shall not be
 30 removed.

31 (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall
 32 submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae
 33 Tagging Reports for calves and fawns shall be submitted by March 1 following the
 34 birthing season each year. A Cervidae Tagging Report shall provide the following
 35 information and be accompanied by a statement and licensee's signature verifying that the
 36 information is accurate:

- 37 (i) Licensee name, mailing address, and telephone number;

- 1 (ii) Facility name and site address, including the County in which the site is located;
- 2 (iii) Captivity license number;
- 3 (iv) Species and sex of each cervid;
- 4 (v) Tag number(s) for each cervid; and
- 5 (vi) Birth year of each cervid.
- 6 (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and
7 shall extend the time within which a licensee shall tag cervids consistent with time
8 required to issue a replacement.
- 9 (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee
10 and application shall be made for a replacement upon discovery of the loss.
11 Application for a replacement shall include the information required by Part
12 (c)(5)(I) of this Rule along with a statement and applicant's signature verifying
13 that the information is accurate. Lost tags shall be replaced on the animal by the
14 licensee within 30 days of receipt of the replacement tag.
- 15 (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or
16 that cannot be read because of malformation or damage to the tags or
17 obscurement of the tag numbers shall be returned to the Commission along with
18 an application for a replacement tag with a statement and applicant's signature
19 verifying that the information in the application is accurate.
- 20 (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids
21 at existing facilities shall be renewed as long as the applicant for renewal ~~has live cervids and~~
22 continues to meet the requirements of this Section for the license. Only licensees with Certified
23 Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand
24 pen size or the number of pens on the licensed facility to increase the holding capacity of that
25 facility. A licensee whose license has lapsed shall not be eligible to renew his or her license, but
26 may apply for a new license. ~~No renewals shall be issued for a license that has been allowed to~~
27 ~~lapse due to the negligence of the former licensee.~~
- 28 (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall
29 only be issued to an individual who is 18 years of age or older. If the licensee of an existing
30 facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally
31 incompetent, or dies, a person who has obtained lawful possession of the facility from the previous
32 licensee or that licensee's estate, may request that the existing captivity license be transferred to
33 him or her to operate the existing facility. Any license transferred under this provision shall be
34 subject to the same terms and conditions imposed on the original licensee at the time of his or her
35 surrender or death and shall be valid only for the purpose of holding the cervids of the existing
36 facility within that existing facility. In addition, any actions pending from complaint,

1 investigation or other cause shall be continued notwithstanding the termination of the original
2 license.

3 (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or
4 the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.

5 (e) Sale, Transfer or Release of Captive Wildlife.

6 (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held
7 under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or
8 bird may be surrendered to an agent of the Commission. This Subparagraph does not apply to
9 persons holding cervids under a captivity permit.

10 (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to
11 sell or transfer the animal or bird held under such license, except that such animal or bird may be
12 surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal
13 or bird (except members of the family Cervidae) to another person who has obtained a license to
14 hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only
15 between Certified Herds, as defined in 15A NCAC 10H .0304, or from a Certified Herd to a
16 licensed facility, except facilities licensed or permitted on or after Dec. 1, 2014 shall not take
17 possession of white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus*
18 *canadensis*). ~~15A NCAC 10H .0304.~~ Upon such a sale or transfer, the seller or transferor shall
19 obtain a receipt for the animal or bird showing the name, address, and license number of the buyer
20 or transferee, a copy of which shall be provided to the Commission.

21 (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:

22 (A) any species of deer, elk or other members of the family Cervidae, or

23 (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or

24 (C) any member of the family Suidae.

25 (f) Transportation Permit.

26 (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully
27 held wild animal or wild bird within the State.

28 (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a
29 transportation permit from the Commission.

30 (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued
31 for deer, elk, or other species in the family Cervidae ~~except:except~~

32 (A) into and between Certified Herds as defined in ~~15A NCAC 10H .0304.~~ 15A NCAC 10H
33 .0304; or

34 (B) from a Certified Herd to a licensed [facility,] facility, except no transportation permits
35 shall be issued for white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus*
36 *canadensis*) if the receiving facility was licensed or permitted on or after Dec. 1, 2014.

1 (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae
 2 may be issued by the Commission to an applicant for the purpose of transporting the animal or
 3 animals for export out of state, to a slaughterhouse for slaughter, from a Certified Herd to another
 4 Certified Herd as defined in 15A NCAC 10H .0304, from a Certified Herd to a licensed
 5 facility, ~~15A NCAC 10H .0304~~, or to a veterinary medical facility for treatment provided that the
 6 animal for which the permit is issued does not exhibit clinical symptoms of Chronic
 7 Wasting ~~Disease, Disease~~. except no transportation permits shall be issued for white-tailed deer
 8 (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus canadensis*) if the receiving facility
 9 was licensed or permitted on or after Dec. 1, 2014. No person shall transport a cervid to slaughter
 10 or export out of state without bearing a copy of the transportation permit issued by the
 11 Commission authorizing that transportation. No person shall transport a cervid for veterinary
 12 treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of
 13 this Rule. Any person transporting a cervid shall present the transportation permit to any law
 14 enforcement officer or any representative of the Commission upon request, except that a person
 15 transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the
 16 person who issued the approval to any law enforcement officer or any representative of the
 17 Commission upon request.

18 (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be
 19 submitted in writing to the Commission and shall include the following information along
 20 with a statement and applicant's signature verifying that the information is accurate:

- 21 (i) Applicant name, mailing address, and telephone number;
- 22 (ii) Facility site address;
- 23 (iii) Captivity license number;
- 24 (iv) Name, address, county and phone number of the slaughter house to which the
 25 cervid will be transported;
- 26 (v) Vehicle or trailer license plate number and state of issuance of the vehicle or
 27 trailer used to transport the cervid;
- 28 (vi) Name and location of the North Carolina Department of Agriculture Diagnostic
 29 lab where the head of the cervid is to be submitted for CWD testing;
- 30 (vii) Date of transportation;
- 31 (viii) Species and sex of each cervid; and
- 32 (ix) Tag number(s) for each cervid.

33 (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of
 34 a member of the family Cervidae for sale out of state. Application for a transportation
 35 permit for purpose of exportation out of state shall be submitted in writing to the
 36 Commission and shall include the following information along with a statement and
 37 applicant's signature verifying that the information is accurate:

- 1 (i) Applicant's name, mailing address and telephone number;
- 2 (ii) Facility site address;
- 3 (iii) Captivity license number;
- 4 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
- 5 trailer used to transport the cervid;
- 6 (v) Name, site address, county, state and phone number of the destination facility to
- 7 which the cervid is exported;
- 8 (vi) A copy of the importation permit from the state of the destination facility that
- 9 names the destination facility to which the animal is to be exported;
- 10 (vii) Date of departure;
- 11 (viii) Species and sex of each cervid; and
- 12 (ix) Tag number(s) for each cervid.
- 13 (C) Between herds. Application for a transportation permit for purpose of moving a cervid
- 14 from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304,
- 15 or from a Certified Herd to a licensed facility, ~~15A NCAC 10H .0304~~, shall be submitted
- 16 in writing to the Commission and shall include the following information along with a
- 17 statement and applicant's signature verifying that the information is accurate:
- 18 (i) Applicant's name, mailing address and telephone number;
- 19 (ii) Facility site address;
- 20 (iii) Captivity license number;
- 21 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
- 22 trailer used to transport the cervid;
- 23 (v) Name, site address, county, and phone number of the destination facility to
- 24 which the cervid is moved;
- 25 (vi) Date of departure;
- 26 (vii) Species and sex of each cervid; and
- 27 (viii) Tag number(s)for each cervid.
- 28 (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a
- 29 veterinary clinic out of the state of North Carolina, or for transportation from a facility
- 30 out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant
- 31 from a North Carolina facility seeking to transport a cervid for veterinary treatment to a
- 32 facility within North Carolina shall contact the Wildlife Telecommunications Center or
- 33 the Wildlife Management Division of the Commission to obtain verbal authorization to
- 34 transport the cervid to a specified veterinary clinic and to return the cervid to the facility.
- 35 Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only
- 36 to the specified veterinary clinic and directly back to the facility, and shall not be
- 37 construed to permit intervening destinations. To obtain verbal authorization to transport,

1 the applicant shall provide staff of the Commission the applicant's name and phone
 2 number, applicant's facility name, site address and phone number, the cervid species, sex
 3 and tag numbers, and the name, address and phone number of the veterinary facility to
 4 which the cervid shall be transported. Within five days of transporting the cervid to the
 5 veterinary facility for treatment, the licensee shall provide the following information in
 6 writing to the Commission, along with a statement and applicant's signature verifying that
 7 the information is correct:

- 8 (i) Applicant's name, mailing address and telephone number;
- 9 (ii) Facility name and site address;
- 10 (iii) Captivity license number;
- 11 (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or
 12 trailer used to transport the cervid;
- 13 (v) Date of transportation;
- 14 (vi) Species and sex of each cervid;
- 15 (vii) Tag number(s) for each cervid;
- 16 (viii) Name, address and phone number of the veterinarian and clinic that treated the
 17 cervid;
- 18 (ix) Symptoms for which cervid received treatment; and
- 19 (x) Diagnosis of veterinarian who treated the cervid.

20 (g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be
 21 submitted in writing to the Commission and shall include the following information along with a statement and
 22 applicant's signature verifying that the information is accurate:

- 23 (1) Applicant name, mailing address, and telephone number;
- 24 (2) Facility site address;
- 25 (3) Captivity license number;
- 26 (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the
 27 head of the cervid is to be submitted for CWD testing;
- 28 (5) Date of slaughter;
- 29 (6) Species and sex of each cervid; and
- 30 (7) Tag number(s) for each cervid.

31 Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of
 32 captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

33 (h) As used in this Rule, Certified Herd means a captive cervid herd certified in North Carolina according to the
 34 procedure set forth in rule 10H .0304 of this Section available to North Carolina licensees only.

35
 36 *History Note:* Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;
 37 *Eff. February 1, 1976;*

1 *Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;*
2 *Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the*
3 *permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1,*
4 *2001;*
5 *Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*
6 *Temporary Amendment Effective December 1, 2014*