

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1106

RECOMMENDED ACTION:

- X Note staff's comment
- X Designate the Rule as "necessary with substantive public interest."

COMMENT:

G.S. 150B-21.3A(a)(5) defines a public comment as "[W]ritten comments objecting to the Rule, in whole or in part[.]" G.S. 150B-21.3A(c)(2) states that if an agency receives written comments for a rule determined by the agency to be "unnecessary" or "necessary without substantive public interest," the Commission is to determine whether the comment has "merit." The statute states that a comment has merit if it relates to a specific substance of the rule and relates to any of the standards of review set forth in G.S. 150B-21.9(a).

The agency received a comment from Heidi Cope that stated:

NC needs to treat animals more humanely. This rule is completely insufficient. We have dominion over animals and it is our responsibility to treat them well. This rule allows people to kill these animals any way they like, it doesn't say which specific methods are humane and which are not. Humane treatment should include life and death. Standards for life should be spelled out, access to water, no wire bottom cages, shade, able to engage in natural behaviors. We need to think more about the animals and less about the money made from the killing of animals.

The text of the Rule states:

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

No act or omission shall be allowed to occur nor any circumstance to continue which shall result in the infliction of unnecessary harassment or physical discomfort on any furbearing animals or fox. The killing of the animal in preparation for marketing the fur shall be by a method which is quick and effective to the end that the animal is not subjected to prolonged harassment or physical abuse.

History Note: Authority G.S. 113-134; 113-273;  
Eff. April 1, 1986.

Amanda J. Reeder  
Commission Counsel

*Staff agrees with the commenter that this Rule is unclear as written. Therefore, staff recommends the Commission designate the Rule as “necessary with substantive public interest”*

Amanda J. Reeder  
Commission Counsel