

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10B .0209

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

PLEASE NOTE: *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(2), line 7, you refer to "Spring Youth Only" and on line 9, you refer to "youth hunter." Therefore, I am simply inquiring if on line 7, should it be "Spring Youth Hunter Only"?

In (b), you state that the daily bag limit is one bird and the annual limit is two birds. But that does not apply to (a)(2), correct?

In the History Note, why are you citing to G.S. 113-276.1 and 291.2?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

15A NCAC 10B .0209 is amended as published in 32:05 NCR 292 as follows:

15A NCAC 10B .0209 WILD TURKEY

(a) Open Seasons:

(1) Spring Wild Turkey Season is from the second Saturday in April through the Saturday of the fourth week thereafter on only bearded or male turkeys ~~only~~ in all counties statewide.

(2) Spring Youth Only Wild Turkey Season is from the first Saturday in April until the Friday thereafter on only bearded or male wild ~~turkeys. turkeys only.~~ The bag limit during the Spring Youth Only Wild Turkey season is one bird. For purposes of this ~~Subparagraph~~ Subparagraph, a youth hunter is younger than 18 years of age. ~~Each youth hunting during this season shall be accompanied by a licensed adult at least 21 years of age. The adult shall remain in close enough proximity to monitor the activities of, and communicate with, the youth at all times.~~

(b) Bag ~~Limits: Limits.~~ The daily bag limit is one bird and the annual bag limit shall be two birds. Possession limit is two birds.

(c) ~~Dogs: Dogs.~~ The use of dogs for hunting wild turkeys is prohibited.

(d) Kill Reports. The kill shall be validated at the site of kill and the kill reported as provided by 15A NCAC 10B .0113.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; 113-291.2; 113-291.5.
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995; July 1, 1994; July 1, 1993;
July 1, 1992;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. July 1, 2001;
Temporary Amendment Eff. July 1, 2002;
Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);
Temporary Amendment Eff. June 1, 2003;
Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July 17, 2003);
Amended Eff. February 1, 2018; August 1, 2017; January 1, 2013; May 1, 2009; May 1, 2007;
November 1, 2005.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0801

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(5), what is the authority for this delegation?

In the History Note, line 28, it appears that 50 CFR 21.28 was made reserved in 2008.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0801 is amended as published in 32:05 NCR 292 as follows:

2
3 **15A NCAC 10H .0801 DEFINITIONS**

4 (a) In addition to the definitions contained in G.S. 113-130, and unless the context requires otherwise, as used in 15A
5 NCAC 10B .0216 and in this Section, the following definitions apply:

- 6 (1) "Falconry permit" or "permit" means a falconry permit or license issued by another state, ~~tribe, tribe~~
7 or territory ~~that which~~ has been ~~certified approved~~ by the U.S. Fish and Wildlife ~~Service~~. Service, as
8 meeting the federal falconry standards in 50 CFR 21.29.
- 9 (2) "Falconry license" means the annual special purpose falconry license ~~which is~~ required by G.S. 113-
10 270.3(b)(4) and referenced in the rules of this Section.
- 11 (3) "State" means the State of North Carolina, except when the context indicates reference to another
12 state of the United States.
- 13 (4) "Commission" means the North Carolina Wildlife Resources Commission.
- 14 (5) "Executive ~~director~~" Director" means the Executive Director of the North Carolina Wildlife
15 Resources Commission. When action is required by the ~~commission~~ Commission by any provision
16 of this Section, such action may be performed by the ~~executive director~~ Executive Director on behalf
17 of the ~~commission~~ Commission.
- 18 (6) "Bred in captivity" or "captive-bred" ~~refers to~~ means raptors hatched in captivity from parents that
19 mated or otherwise transferred gametes in captivity.
- 20 (7) "Raptor" means a live migratory bird of the Order Accipitriformes, Order ~~Falconiformes~~
21 Falconiformes, or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).
- 22 (8) "Wild-caught" and "wild" raptors means any free-ranging wild raptor held in captivity regardless of
23 its length of captivity or ownership changes ~~according to~~ in accordance with 50 CFR 21.29(f)(1), 50
24 CFR 21.29(f)(1) which is hereby incorporated by reference, including subsequent amendments and
25 editions.

26 (b) For this Section, 50 CFR 21.29 is hereby incorporated by reference, including all subsequent amendments and
27 editions. 50 CFR 21.29 may be found free of charge at: www.ecfr.gov.

28 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;*

29 *Eff. September 1, 1979;*

30 *Amended Eff. January 1, 2012; May 1, 2007; May 1, 1995; August 1, 1988; February 1, 1985;*

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

33 *Amended Eff. February 1, 2018.*
34

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0802

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (c), what are the consequences if the individual does not observe the laws and regulations of the states? And I take it you aren't granting reciprocal licensure on behalf of other jurisdictions?

In (d), line 18, is the applicable law either going to be state or federal law?

In the History Note, line 20, it appears that 50 CFR 21.28 was made reserved in 2008.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0802 is amended as published in 32:05 NCR 293 as follows:

2
3 **15A NCAC 10H .0802 PERMIT AND LICENSE REQUIREMENTS**

4 (a) ~~No non-resident~~ Non-residents of this ~~state~~ State shall not take, possess, transport, or import a raptor for falconry
5 purposes or practice falconry in this ~~state~~ State without ~~having first obtained the following: obtained and having in~~
6 ~~possession:~~

7 (1) a falconry license or permit from a state, ~~tribe~~ tribe, or territory ~~which that~~ that has been ~~certified~~
8 approved by the U.S. Fish and Wildlife Service as meeting federal falconry standards; and

9 (2) a North Carolina falconry license as required by G.S. 113-270.3(b)(4), unless traveling through
10 North Carolina with no intention of practicing falconry while in North Carolina.

11 (b) ~~No resident~~ Residents of this ~~state~~ State shall not take, possess, transport, or import a raptor for falconry purposes
12 or practice falconry in this ~~state~~ State without having first obtained ~~and having in possession~~ a North Carolina falconry
13 license.

14 (c) A North Carolina resident who holds a falconry license issued by the Commission may transport his or her raptors
15 into or through other states, tribal lands, and territories for use in falconry, and shall observe all laws and regulations
16 of such states governing the possession and transportation of raptors and the practice of falconry.

17 ~~(e)(d)~~ In addition to criminal penalties for violation provided by federal law and state statute, licenses ~~are~~ shall be
18 subject to suspension or revocation in accordance with applicable law.

19
20 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29.*

21 *Eff. September 1, 1979;*

22 *Amended Eff. January 1, 2012; July 1, 1998;*

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

25 *Amended Eff. February 1, 2018;*
26

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0803

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, please capitalize "State" since I assume you are referring to North Carolina.

On line 5, what are the contents of the application? Are the contents set forth in these Rules?

On line 8, what part of Rule .0807 requires this letter?

Line 9, replace "which" with "that"

In (f), for individuals whose licenses have been expired more than five years, is there anything that they will not be required to do, such that they won't treated exactly like new applicants? Or is this intended to implement 50 CFR 21.29(c)(4)(ii)?

In the History Note, line 33, it appears that 50 CFR 21.28 was made reserved in 2008.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0803 is amended as published in 32:05 NCR 293 as follows:

3 **15A NCAC 10H .0803 APPLICATION FOR LICENSE**

4 (a) Any individual who wishes to take raptors ~~in this state~~ or to practice falconry in this state shall ~~must~~ submit an
 5 application for a falconry license on a form supplied by the ~~commission~~ Commission. ~~and Applicants shall either~~
 6 ~~proof of a have successful~~ passed the examination as described in Rule .0804 of this ~~Section~~, or ~~Section~~. ~~Non residents~~
 7 ~~may substitute~~ provide proof of a valid falconry permit or license from ~~their another state~~, state in lieu of the proof of
 8 ~~a successful examination~~ and a letter, if required as described in Rule .0807 of this Section, provided that the state
 9 which issued the falconry permit or license has been ~~certified~~ approved by the U.S. Fish and Wildlife ~~Service~~ Service
 10 ~~as meeting federal falconry standards~~.

11 (b) Individuals who have relocated to North Carolina have 60 days from the date of relocation to apply for a North
 12 Carolina falconry license. Until his or her license is ~~granted~~, issued by the Commission, the individual may keep any
 13 lawfully obtained raptors in facilities described in Rule .0808 of this Section, and may practice falconry provided he
 14 or she has a permit or license from a state, ~~tribe~~ tribe, or territory that has been ~~certified~~ approved by the U.S. Fish and
 15 Wildlife Service.

16 (c) Apprentice license applications ~~must~~ shall include a letter from a sponsor as described in ~~50 CFR 21.29(c)(3)(i)~~
 17 50 CFR 21.29(c)(2)(i)(C), ~~which is hereby incorporated by reference, including subsequent amendments and editions~~.

18 (d) General license applications ~~must~~ shall include a letter from a General or Master falconer as described in ~~50 CFR~~
 19 21.29(c)(3)(ii) 50 CFR 21.29(c)(2)(ii)(C), ~~which is hereby incorporated by reference, including subsequent~~
 20 ~~amendments and editions~~.

21 (e) Any application submitted by an individual less than 18 years of age ~~must~~ shall be co-signed by that individual's
 22 parent or legal guardian. The parent or legal guardian is ~~legally~~ responsible for the underage falconer's activities.

23 (f) A falconer with an expired license ~~less than five years old~~ may apply for a new license at his or her previous level
 24 level, on a form supplied by the Commission, provided the license has not been expired for more than five years, and
 25 the falconer can show ~~proof~~ he or she has previously met the requirements for the level of license sought. A falconer
 26 ~~who whose license has been expired for more than~~ has not had an active license within the past five years may apply
 27 for a new license, ~~license on a form supplied by the Commission~~, but he or she ~~must~~ shall pass the examination
 28 described in Rule .0804 of this Section and pass ~~facilities~~ a facility inspection described in Rule .0808 of this Section,
 29 in order to be reinstated at his or her previous level. He or she ~~must~~ shall provide records showing ~~prove he has~~
 30 ~~previously met the requirements for the level of license sought~~, sought have been previously met.

31 (g) Applications shall be accompanied by a fee in the amount of ten dollars (\$10.00).

33 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;*

34 *Eff. September 1, 1979;*

35 *Amended Eff. January 1, 2012;*

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

1 *Amended Eff. February 1, 2018.*
2

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0804

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 5, do you mean to refer to 50 CFR 21.29(c), rather than (f)?

In (d), are you relying upon this portion of G.S. 113-270(b)(4) for the authority for this fee?

To defray the costs of administering required examinations, the Wildlife Resources Commission may charge reasonable fees upon giving them.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0804 is amended as published in 32:05 NCR 293 as follows:

2
3 **15A NCAC 10H .0804 EXAMINATION**

4 (a) Prior to applying for a falconry license, an applicant shall successfully pass, with a score of at least 80 percent,
5 a falconry examination administered by the Commission, as detailed in 50 CFR 21.29(f). ~~answer correctly at least 80~~
6 ~~percent of the questions on a supervised examination administered by the Commission relating to basic biology, care,~~
7 ~~and handling of raptors, literature, laws, and regulations before the Commission grants a falconry license.~~

8 (b) The examination is not required of any applicant who holds a currently valid permit from another state, tribe
9 or territory meeting the federal standards and which has been certified that has been approved by the U.S. Fish and
10 Wildlife Service.

11 (c) The examination shall not be required for license renewal, provided the license has not been expired for more than
12 five years.

13 (d) The cost for taking the examination is ten dollars (\$10.00).

14
15 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

16 *Eff. September 1, 1979;*

17 *Amended Eff. January 1, 2012;*

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

20 *Amended Eff. February 1, 2018;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0805

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the History Note, line 7, it appears that 50 CFR 21.28 was made reserved in 2008. Do you mean to cite to 50 CFR 21.29?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0805 is amended as published in 32:05 NCR 294 as follows:

2
3 **15A NCAC 10H .0805 DURATION OF LICENSE**

4 A falconry license ~~or the renewal of such a license is~~ shall be valid when issued by the state upon issuance and expires
5 on June ~~30-30~~ of each year.

6
7 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28;*

8 *Eff. September 1, 1979;*

9 *Amended Eff. January 1, 2012;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
11 *6, 2016.*

12 *Amended Eff. February 1, 2018;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0806

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the History Note, line 30, it appears that 50 CFR 21.28 was made reserved in 2008. Do you mean to cite to only 50 CFR 21.29?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0806 is amended as published in 32:05 NCR 294 as follows:

3 **15A NCAC 10H .0806 ACQUISITION, SALE AND STATUS CHANGE**

4 (a) ~~Sale, transfer, purchase and barter.~~ A licensee may transfer a wild-caught raptor to another licensee if no ~~money~~
 5 ~~or other consideration~~ money, goods, or services are is involved. exchanged. A licensee may purchase, ~~trade, sell, sell,~~
 6 ~~trade,~~ or barter any lawfully possessed raptor that is bred in captivity under a federal raptor propagation permit and
 7 banded with a numbered seamless marker ~~provided issued by the issuing office, provided: Commission, provided that~~
 8 ~~the parties involved in the transaction are authorized to possess the raptor under this Section, 50 CFR 21, or the foreign~~
 9 ~~country of his or her residence or domicile, in accordance with 50 CFR 21.29(f)(15).~~

10 (1) ~~the person receiving the raptor is authorized to possess it under this Section, or 50 CFR 21, or the~~
 11 ~~foreign country of his residence or domicile in accordance with 50 CFR 21.29(f)(15); and~~

12 (2) ~~the licensee transferring such raptor has acquired it from a person authorized to possess it as~~
 13 ~~provided by 15A NCAC 10H .0807.~~

14 (b) ~~Acquisition from a rehabilitator.~~ A licensee may acquire a raptor from a permitted rehabilitator subject to the
 15 restrictions and conditions set forth in ~~50 CFR 21.29(e)(7)(i) (ii) 50 CFR 21.29(e)(7) which is hereby incorporated by~~
 16 ~~reference, including subsequent amendments and editions.~~

17 (c) A licensee ~~may~~ shall not take, possess, or transport a raptor in violation of the restrictions, conditions, and
 18 requirements of the CFR 21.28 – 21.29, G.S. 113-270.3, and this Section. ~~federal and state falconry regulations.~~

19 (d) ~~Death. If a licensee dies his~~ Upon the death of a licensee, any lawfully held raptors may shall be transferred in
 20 accordance with ~~50 CFR 21.29 (f)(21), 50 CFR 21.29(f)(21), which is hereby incorporated by reference, including~~
 21 ~~subsequent amendments and editions, for up to 90 days. After 90 days the Commission shall take possession of the~~
 22 ~~birds.~~

23 (e) ~~Status change.~~ Any status change of a raptor, including death of the raptor or the licensee, loss due to theft,
 24 acquisition, sale, transfer, intentional ~~release~~ release, and rebanding ~~must shall~~ be reported to the U.S. Fish and
 25 Wildlife Service, as set forth in ~~50 CFR 21.29(e)(6)(i) (iii) 50 CFR 21.29(e)(6) which is hereby incorporated by~~
 26 ~~reference, including subsequent amendments and editions.~~

27 (f) ~~Disposition of dead birds.~~ Dead birds ~~must shall~~ be disposed of in a manner described in ~~50 CFR 21.29(f)(13)(i)~~
 28 ~~(v) 50 CFR 21.29(f)(13), which is hereby incorporated by reference, including subsequent amendments and editions.~~

30 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;*

31 *Eff. September 1, 1979;*

32 *Amended Eff. January 1, 2012; February 1, 1994; April 1, 1991; February 1, 1985;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
 34 *6, 2016.*

35 *Amended Eff. February 1, 2018;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
2 *6, 2016.*
3 *Amended Eff. February 1, 2018:*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0807

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), line 8, please insert "the requirements of" after "In addition to"

In (b)(1)(A), line 24, please simply correct the space between "apprentice" and "s" Please note, you do not need to show this as a change, as it was published correctly.

In (b)(1)(B), line 27, please replace "their" with "his or her" or "the apprentice's"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0807 is amended as published in 32:05 NCR 294 as follows:

3 **15A NCAC 10H .0807 LEVELS OF LICENSES**

4 (a) ~~Falconry licenses.~~ Falconry licenses ~~are~~ shall be issued at three levels based upon the age and experience of the
5 falconer.

6 (b) Apprentice level falconry licenses ~~are~~ shall be subject to the conditions, ~~requirements~~ requirements, and limitations
7 set forth in ~~50 CFR 21.29(c)(3)(i)~~ 50 CFR 21.29(c)(2)(i), ~~which is hereby incorporated by reference, including~~
8 ~~subsequent amendments and editions. The following restrictions~~ In addition to 50 CFR 21.29(c)(2)(i), the following
9 conditions apply: ~~are in addition to those set forth in federal code: The apprentice's sponsor must live within 200~~
10 ~~miles of the apprentice. A sponsor may not have more than three apprentices at any one time. A sponsor must provide~~
11 ~~written notification to the Commission when he decides to stop sponsoring an apprentice. The Commission shall~~
12 ~~notify the apprentice who must obtain another sponsor and so advise the Commission within 90 days. The apprentice's~~
13 ~~raptors shall be seized by the Commission and the permit revoked if after the 90 day period the apprentice fails to~~
14 ~~obtain another sponsor and to notify the Commission of the new sponsor. If after 180 days, the apprentice fails to~~
15 ~~obtain another sponsor and to notify the Commission of the same, he shall reapply and be reexamined prior to the~~
16 ~~reissuance of his license.~~

17 (1) the apprentice's sponsor shall live within 200 miles of the apprentice;

18 (2) a sponsor shall not have more than three apprentices at any one time; and

19 (3) a sponsor shall provide written notification to the Commission when he or she decides to stop
20 sponsoring an apprentice. The Commission shall notify the apprentice, who must obtain another
21 sponsor and notify the Commission within 90 days.

22 (A) If after the 90-day period, the apprentice fails to obtain another sponsor, the disposition of
23 the raptor(s) shall be determined on a case-by-case basis by the Commission and may
24 include release or transfer to another licensed falconer, and the apprentices' s license shall
25 be suspended.

26 (B) If after 180 days, the apprentice fails to obtain another sponsor, the Commission shall
27 revoke their license and he or she shall be required to reapply for an apprentice license.

28 (c) General level falconry licenses ~~are~~ shall be subject to the conditions, ~~requirements~~ requirements, and limitations
29 set forth in ~~50 CFR 21.29(c)(3)(ii)~~ 50 CFR 21.29(c)(2)(ii), ~~which is hereby incorporated by reference, including~~
30 ~~subsequent amendments and editions.~~

31 (d) Master level falconry licenses ~~are~~ shall be subject to ~~the following~~ conditions, ~~requirements~~ requirements, and
32 limitations set forth in ~~50 CFR 21.29(c)(3)(iii)~~ 50 CFR 21.29(c)(2)(iii), ~~which is hereby incorporated by reference,~~
33 ~~including subsequent amendments and editions.~~

34
35 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

36 *Eff. September 1, 1979;*

37 *Amended Eff. January 1, 2012; May 1, 1995; May 1, 1991; February 1, 1985;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
2 *6, 2016.*
3 *Amended Eff. February 1, 2018:*
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0808

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

To be clear, in (a), you refer to "indoor facilities or outdoor facilities." In (b), line 10, you refer to "holding facilities." Are these the same thing?

In (b)(2), line 19, please insert a comma after "outside"

In (b)(3), line 28, I recommend replacing "insure" with "ensure"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0808 is amended as published in 32:05 NCR 295:

2
3 **15A NCAC 10H .0808 FACILITIES AND EQUIPMENT**

4 (a) ~~Inspection and Certification.~~ Prior to initial issuance of a North Carolina falconry license to a resident of North
5 Carolina, the applicant's raptor housing facilities and falconry equipment shall be ~~certified~~ inspected and approved by
6 a representative of the Commission as meeting the standards set forth in this Rule. Applicants ~~must~~ shall have indoor
7 facilities or outdoor facilities as described in Paragraph (b) of the Rule. Applicants may have both types of facilities.

8 (b) ~~Housing Facilities. The primary consideration of raptor housing, whether indoors (mews) or outdoors (weathering~~
9 ~~area), being protection of the raptor from the environment, predators, and domestic animals, the~~ The applicant shall
10 have holding facilities meeting the following standards, regardless of whether the facilities are located on
11 property owned by the licensee or owned by another:

12 (1) ~~All facilities.~~ All facilities ~~must~~ shall conform to the standards in ~~50 CFR 21.29(d)(1)(ii)(A)~~ 50 CFR
13 21.29(d)(1)(ii)(A). ~~which is hereby incorporated by reference, including subsequent amendments~~
14 ~~and editions.~~

15 (2) ~~Indoor Facilities (Mews).~~ Indoor facilities ~~must~~ shall conform to the standards in ~~50 CFR~~
16 ~~21.29(d)(1)(ii)(B)~~ 50 CFR 21.29(d)(1)(ii)(B). ~~which is hereby incorporated by reference, including~~
17 ~~subsequent amendments and editions.~~ In addition to the ~~federal standards, incorporated CFR,~~ the
18 ~~mews mew must~~ shall have a door that allows ~~easy~~ access ~~and for~~ maintenance, ~~and that shall close~~
19 ~~automatically or be is~~ securable inside and ~~outside.~~ outside and closes automatically. Mews shall be
20 located away from disturbance and shade shall be provided. The floor of the ~~mews mew~~ shall ~~permit~~
21 allow easy for cleaning and ~~shall be well drained.~~ drainage. The interior of the ~~mews mew~~ shall be
22 free of ~~splinters, protruding nails and other~~ obstructions that could be injurious to the raptor. Any
23 lighting fixtures shall be shielded or otherwise protected.

24 (3) ~~Outdoor Facilities (Weathering Areas).~~ Outdoor facilities ~~must~~ shall conform to the standards in ~~50~~
25 ~~CFR 21.29(d)(1)(ii)(D)~~ 50 CFR 21.29(d)(1)(ii)(D). ~~which is hereby incorporated by reference,~~
26 ~~including subsequent amendments and editions.~~ In addition to the ~~federal standards, incorporated~~
27 CFR, covers or roofs shall not be less than seven ~~feet.~~ feet high. The enclosed area shall be large
28 enough to insure the raptor cannot strike the ~~fence, sides, cover~~ cover, or roof of the enclosure when
29 flying from the perch. The floor of the weathering area shall allow for drainage to prevent standing
30 water. ~~Protection from sun, wind, and inclement weather shall be provided for the raptor.~~ At least
31 two perches shall be provided for the raptor.

32 (4) ~~Human facilities.~~ Raptors may be brought inside a human dwelling as needed to address health,
33 ~~training training,~~ and safety issues. ~~Human facilities~~ The residence must shall conform to the
34 standards in ~~50 CFR 21.29(d)(1)(ii)(C)~~ 50 CFR 21.29(d)(1)(ii)(C). ~~which is hereby incorporated by~~
35 ~~reference, including subsequent amendments and editions.~~

(5) A licensee may have his or her raptors outside in the open ~~temporarily~~ under the conditions set forth in ~~21.29(d)(1)(iii) 50 CFR 21.29(d)(1)(iii).~~ which is hereby incorporated by reference, including subsequent amendments and editions.

(c) ~~Equipment.~~ Licensees ~~must~~ shall possess the equipment listed in ~~50 CFR 21.29(d)(3) 50 CFR 21.29(d)(3).~~ which is hereby incorporated by reference, including subsequent amendments and editions.

(d) ~~Maintenance.~~ All facilities and equipment shall be ~~kept~~ maintained at or above the standards contained in Paragraphs (b) and (c) of this Rule at all times. ~~times, regardless whether the facilities are located on property owned by the licensee or owned by another.~~

(e) ~~Transportation and Temporary Holding.~~ A raptor may be transported or held in temporary facilities as described in ~~50 CFR 21.29(d)(4)(5) 50 CFR 21.29(d)(4) and (5).~~ which is hereby incorporated by reference, including subsequent amendments and editions.

(f) ~~Care by others.~~ A licensee may leave his or her raptors in the care of another person subject to the restrictions in ~~50 CFR 21.29(d)(6)(7) 50 CFR 21.29(d)(6) and (7).~~ which is hereby incorporated by reference, including subsequent amendments and editions.

(g) ~~Change of location.~~ A licensee ~~must~~ shall inform the Commission within five business days if he or she moves his or her facilities.

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;

Eff. September 1, 1979;

Amended Eff. January 1, 2012; May 1, 1995; April 1, 1991;

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

Amended Eff. February 1, 2018;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0809

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (c), line 10, is this calendar days?

In (d), line 15, what is the numbering part of? The band?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0809 is amended as published in 32:05 NCR 295 as follows:

2
3 **15A NCAC 10H .0809 BANDING AND MARKING**

4 (a) All peregrine falcons (*Falco peregrinus*), ~~gryfalcons-gyrfalcons~~ (*Falco rusticolus*), Harris's hawks (*Parabuteo*
5 ~~unicinctus~~)unicinctus), and goshawks removed from the wild or acquired from a falconer or rehabilitator for falconry
6 purposes ~~must~~shall be banded as set forth in ~~50 CFR 21.29(e)(7)(i)~~ 50 CFR 21.29(c)(6)(i). ~~which is hereby~~
7 ~~incorporated by reference, including subsequent amendments and editions.~~

8 (b) Raptors bred in captivity ~~must~~shall be banded as set forth in ~~50 CFR 21.29(e)(7)(ii)~~ 50 CFR 21.29(c)(6)(ii). ~~which~~
9 ~~is hereby incorporated by reference, including subsequent amendments and editions.~~

10 (c) Loss or removal of any band ~~must~~shall be reported to the ~~issuing office~~Commission within five days of the loss
11 and ~~must~~shall be replaced as described in ~~50 CFR 21.29(e)(7)(iii)~~ 50 CFR 21.29(c)(6)(iii). ~~which is hereby~~
12 ~~incorporated by reference, including subsequent amendments and editions.~~

13 (d) No person shall counterfeit, alter, or deface any band marker required by this Rule, except that licensees may
14 remove the rear tabs on bands markers and may smooth any surface ~~imperfections~~imperfections, provided the integrity
15 of the bands markers and numbering are not affected.

16 (e) ~~No A~~ raptor removed from the wild ~~may~~shall not be marked with a seamless numbered band.

17 (f) A falconer may request and receive a band exemption from the ~~issuing office~~Commission for a raptor with
18 documented health problems or injuries caused by a ~~band-band~~, but ~~must~~shall adhere to the restrictions set forth in
19 ~~50 CFR 21.29(e)(7)(v)~~ 50 CFR 21.29(c)(6)(v). ~~which is hereby incorporated by reference, including subsequent~~
20 ~~amendments and editions.~~

21
22 *History Note: Authority G.S. 113-134;113-270.3(b)(4);50 C.F.R. 21.29;*

23 *Eff. September 1, 1979;*

24 *Amended Eff. January 1, 2012; April 1, 1991; July 1, 1988;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
26 *6, 2016.*

27 *Amended Eff. February 1, 2018;*
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0810

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (d)(1), line 17, shouldn't "general or master" be capitalized?

In (d)(1), you have "from" on line 18; in (d)(2), you state "during the period" on line 20, and in (d)(3), line 25, you say "time period" I think you should be consistent with these terms, particularly in (d)(2) and (3).

In (d)(5), I take it your regulated public knows how to get these permits?

In (e)(1), Page 2, line 1, you may want to retain "Leg noose snare traps." Or state "Leg noose snare traps, the nooses of which shall be tied..."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0810 is amended as published in 32:05 NCR 296 as follows:

2
3 **15A NCAC 10H .0810 TAKING RAPTORS**

4 (a) No raptor shall be taken from the wild in this ~~state~~ State except by an individual holding a ~~currently valid~~ current
5 falconry license as defined in Rule .0801 of this ~~Section and~~ Section, or a falconry permit or license from the
6 individual's state of residence if the individual is a non-resident of North Carolina. Falconers may only take species
7 of raptors from the wild that are authorized under their level of ~~permit~~ permit or license. If a falconer captures an
8 unauthorized species of raptor or other bird, he or she must release that bird ~~immediately~~ immediately upon capture.

9 (b) All levels of licensees may take up to two raptors from the wild ~~annually~~ annually, subject to the conditions and
10 restrictions set forth in ~~50 CFR 21.29(e)(2)(i)(viii)~~ 50 CFR 21.29(e)(2), ~~which is hereby incorporated by reference,~~
11 ~~including subsequent amendments and editions.~~ Apprentices may keep only one bird at a time.

12 (c) Apprentices may take any species of raptor from the wild except for those species specified in ~~50 CFR~~
13 ~~21.29(e)(3)(i)~~ 50 CFR 21.29 (c)(2)(i)(E), ~~which is hereby incorporated by reference, including subsequent amendments~~
14 ~~and editions.~~

15 (d) Any raptor native to this ~~state~~ State may be taken from the wild subject to the restrictions on species and license
16 level as follows:

17 (1) ~~Nestlings.~~ Only persons holding general or master level falconry licenses may take nestlings.
18 Nestlings may only be taken from May 1 through June 30. No more than two nestlings may be
19 taken by the same licensee. At least one nestling ~~must~~ shall be left in the nest or aerie.

20 (2) ~~Young birds.~~ First year (passage) birds may be taken only during the period August 1 through the
21 last day of February, except that marked raptors may be retrapped at any time.

22 (3) ~~Only~~ American kestrels (*Falco sparverius*) and great horned owls (*Bubo Virginianus*) may only be
23 taken when over one year old. Only General and Master falconers may take this age class in
24 accordance with ~~50 CFR 21.29(e)(3)(i)~~ 50 CFR 21.29(e)(3)(i), ~~which is hereby incorporated by~~
25 ~~reference, including subsequent amendments and editions.~~ The time period for taking is August 1
26 through the last day of February.

27 (4) ~~Federally Listed Species.~~ Only General and Master falconers may take a federally threatened
28 species and the falconer ~~must~~ shall follow the restrictions in ~~50 CFR 21.29(e)(3)(ix)~~ 50 CFR
29 21.29(e)(3)(ix), ~~which is hereby incorporated by reference, including subsequent amendments and~~
30 ~~editions.~~

31 (5) ~~State listed species.~~ A falconer ~~must~~ shall obtain a North Carolina endangered species permit before
32 taking any raptors listed in 15A NCAC 10I .0103, ~~15A NCAC 10I .0104~~ 15A NCAC 10I .0104, or
33 15A NCAC 10I .0105. Furthermore, a falconer ~~must~~ shall possess a special hunt permit to take a
34 passage peregrine falcon (*Falco peregrinus tundrius*).

35 (e) Traps ~~must~~ shall be designed to prevent injury to the raptor. All traps except box-type traps ~~must~~ shall be attended
36 and visible to the trapper at all times when in use. Box-type traps must be checked every 24 hours. Traps must be of
37 one of the following types:

(1) ~~Leg noose snare traps.~~ Nooses on ~~these leg noose snare traps~~ must shall be tied in such a manner as to prevent the noose from locking when under pressure. The trapper ~~must shall~~ use a drag weight based on the species being trapped.

(2) Nets that collapse on and enclose around the raptor.

(3) Box-type traps with automatic closing entry doors or funnels.

(f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of banded birds, captive-bred ~~birds~~ birds, and birds wearing falconry equipment is as allowed in accordance with 50 CFR 21.29(e)(3)(iv)-(v) ~~50 CFR 21.29(e)(3)(iv)-(v) which is hereby incorporated by reference, including subsequent amendments and editions.~~

(g) Licensees ~~must shall~~ keep their license on their person when trapping raptors.

(h) Raptors injured due to falconry trapping efforts ~~must shall~~ be treated humanely and in accordance with ~~50 CFR 21.29(e)(5)~~ 50 CFR 21.29(e)(5) ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;

Eff. September 1, 1979;

Amended Eff. January 1, 2012; July 1, 1998;

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

Amended Eff. February 1, 2018;

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0811

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (f), line 17, since 50 CFR 21.29(f)(12) only contains (i) through (v), consider citing to only "50 CFR 21.29(f)(12)."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

15A NCAC 10H .0811 is amended as published in 32:05 NCR 296 as follows:

15A NCAC 10H .0811 OTHER RESTRICTIONS AND CONDITIONS

(a) Every falconer ~~must~~ shall carry his or her license on his or her person when conducting any falconry activities away from approved facilities as described in Rule .0808 of this Section.

(b) Visitors to the United States may practice falconry under the conditions set forth in ~~50 CFR 21.29(f)(14)~~ 50 CFR 21.29(f)(14), ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~

(c) A licensee may take his or her raptors to another country to practice falconry under the conditions set forth in ~~50 CFR 21.29(f)(15)~~ 50 CFR 21.29(f)(15), ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~

(d) A licensee who practices falconry in the vicinity of a federally listed species ~~must~~ shall avoid take of the listed species as described in ~~50 CFR 21.29(f)(17)~~ 50 CFR 21.29(f)(17), ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~

(e) If a licensee's raptor unintentionally takes a ~~non-target~~ species, the licensee may allow his or her bird to feed on the prey, but shall not take the ~~non-target~~ species into his or her possession.

(f) Feathers that are molted may be retained and exchanged by falconry licensees only for imping purposes or otherwise disposed of as set forth in ~~50 CFR 21.29(f)(12)(i)-(v)~~ 50 CFR 21.29(f)(12)(i)-(v), ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;

Eff. September 1, 1979;

Amended Eff. January 1, 2012;

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

Amended Eff. February 1, 2018;

1 15A NCAC 10H .0812 is repealed as published in 32:05 NCR 297 as follows:

2
3 **15A NCAC 10H .0812 INTERSTATE TRANSPORTATION**

4
5 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

6 *Eff. September 1, 1979;*

7 *Amended Eff. January 1, 2012;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
9 *6, 2016.*

10 *Repealed Eff. February 1, 2018.*

15A NCAC 10H .0814 is amended as published in 32:05 NCR 297 as follows:

15A NCAC 10H .0814 RELEASE OF RAPTORS OR-AND MOVED-MOVING RAPTORS TO OTHER
ANOTHER LICENSE OR PERMIT

(a) ~~No raptor which is not Non-native to the state of North Carolina and no hybrid raptors of any kind may shall not~~
be released ~~to~~into the wild. Native, captive-bred birds may only be released upon written request and approval with
~~written permission~~ from the Commission and under the conditions set forth in ~~50 CFR 21.29(e)(9)(ii) 50 CFR~~
~~21.29(e)(9)(ii). which is hereby incorporated by reference, including subsequent amendments and editions.~~

(b) ~~Native, Native~~ wild birds may be released ~~to~~into the wild under the conditions set forth in ~~50 CFR 21.29(e)(9)(iii)~~
~~50 CFR 21.29(e)(9)(iii). which is hereby incorporated by reference, including subsequent amendments and editions.~~

(c) Wild-caught birds may be transferred to another type of license or permit under the conditions set forth in ~~50 CFR~~
~~21.29(f)(5)(i) (ii) 50 CFR 21.29(f)(5). which is hereby incorporated by reference, including subsequent amendments~~
~~and editions.~~

(d) Captive-bred birds may be transferred to another type of license or permit under the conditions set forth in ~~50~~
~~CFR 21.29(f)(6) 50 CFR 21.29(f)(6). which is hereby incorporated by reference, including subsequent amendments~~
~~and editions.~~

(e) Hacking and other training and conditioning techniques are allowed under conditions set for in ~~50 CFR~~
~~21.29(f)(2)(3) 50 CFR 21.29(f)(2) and (3). which is hereby incorporated by reference, including subsequent~~
~~amendments and editions.~~

History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;

Eff. January 1, 2012;

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

Amended Eff. February 1, 2018:

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .0815

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On lines 6, 10, and 13, should "master" be capitalized to be consistent with the term elsewhere?

In (b), line 7, since 50 CFR 21.29(f)(8) only contains (i) through (vi), consider citing to only "50 CFR 21.29(f)(8)."

In (d), line 13, since 50 CFR 21.29(f)(10) only contains (i) through (v), consider citing to only "50 CFR 21.29(f)(10)."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .0815 is amended as published in 32:05 NCR 297 as follows:

3 **15A NCAC 10H .0815 OTHER USES AND ALLOWED ACTIVITIES**

4 (a) Raptors may be used in captive propagation as allowed under ~~the conditions set forth in 50 CFR 21.29(f)(7) 50~~
5 ~~CFR 21.29(f)(7), which is hereby incorporated by reference, including subsequent amendments and editions.~~

6 (b) General and master falconers may use raptors in conservation education programs as set forth in ~~50 CFR~~
7 ~~21.29(f)(8)(i)-(vi) 50 CFR 21.29(f)(8)(i)-(vi), which is hereby incorporated by reference, including subsequent~~
8 ~~amendments and editions.~~ Other educational uses of raptors are restricted to those allowed in ~~50 CFR 21.29(f)(9)(i)-~~

9 ~~(ii) 50 CFR 21.29(f)(9), which is hereby incorporated by reference, including subsequent amendments and editions.~~

10 (c) General and master falconers may use raptors in abatement activities under the conditions set forth in ~~50 CFR~~
11 ~~21.29(f)(11)(i)-(ii) 50 CFR 21.29(f)(11), which is hereby incorporated by reference, including subsequent amendments~~
12 ~~and editions.~~

13 (d) General and master falconers may assist in raptor rehabilitation under the conditions set forth in ~~50 CFR~~
14 ~~21.29(f)(10)(i)-(v) 50 CFR 21.29(f)(10)(i)-(v), which is hereby incorporated by reference, including subsequent~~
15 ~~amendments and editions.~~

16 (e) Licensees may take bird species for which there is a federal depredation order by means of falconry in accordance
17 with ~~50 CFR 21.29(f)(20) 50 CFR 21.29(f)(20), which is hereby incorporated by reference, including subsequent~~
18 ~~amendments and editions.~~

20 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

21 *Eff. January 1, 2012;*

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

24 *Amended Eff. February 1, 2018;*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1002

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), I take it the basis of "reasonable" is as set forth on lines 7-8?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .1002 is amended as published in 32:05 NCR 297 as follows:

2
3 **15A NCAC 10H .1002 DUTY OF A TAXIDERMIST**

4 (a) ~~Before a~~ Prior to a taxidermist ~~accepts~~ accepting delivery of ~~any wildlife which may be that has been lawfully~~
5 taken in North Carolina or in any other state, ~~state during a prescribed open season~~, he or she shall ~~must~~ make a
6 reasonable effort to determine ~~effort, satisfactory to himself~~, that the wildlife was lawfully taken. ~~To aid in making~~
7 ~~this determination, the~~ The taxidermist may rely upon the statement of the person delivering the wildlife or upon any
8 applicable license or permit that ~~may provide~~ provides verification of entitlement to take or possess the wildlife in
9 question. ~~It is unlawful for a taxidermist to accept delivery of any wildlife the acquisition of which he knows or~~
10 ~~through the exercise of reasonable effort as described herein should know to be illegal.~~

11 (b) ~~No taxidermist shall accept delivery of any wildlife on which there is no open season from any person other than~~
12 ~~a representative of a museum or other institution who has a permit to possess such wildlife for scientific or educational~~
13 ~~purposes.~~ A taxidermist may accept delivery of wildlife resources killed accidentally or found dead of natural causes
14 as specified by 15A NCAC 10B .0127 for taxidermy purposes.

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

17 *Eff. March 1, 1981;*

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

20 *Amended Eff. February 1, 2018.*
21

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1003

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(2), line 10, please make "specimen" singular to conform with the rest of the Rule.

In (a)(4), line 12, please insert a comma after "specimen"

In (a)(6), line 14, please insert a comma after "number"

Line 19, please delete the comma after "inspection"

Also on line 19, do you want to retain "by" rather than replacing it with "to"?

In (b), line 21, please insert a comma after "birds"

On line 22, please give a website where the CFR can be accessed (like www.ecfr.gov) and cost, if any. If there is none, state "and can be accessed at no cost at [url]."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .1003 is amended as published in 32:05 NCR 298 as follows:

2
3 **15A NCAC 10H .1003 RECORDS**

4 (a) ~~Every licensed taxidermist~~ Licensed taxidermists shall keep ~~an accurate record~~ records of each wildlife specimen
5 delivered and contained within his or her place of business. ~~Such record~~ Records shall ~~include~~ include: ~~the species~~
6 ~~and sex of the specimen, the date of delivery, the name and address of the person delivering the specimen, the name~~
7 ~~and address of the person killing the specimen if different from those of the person delivering the same, the date when~~
8 ~~and the location where the specimen was killed, and the date and disposition of the mounted specimen.~~

9 (1) the species and sex of the specimen;

10 (2) the date the specimens were delivered;

11 (3) the name and address of the person delivering the specimen;

12 (4) the name and address of the person responsible for take of the specimen if different;

13 (5) the date and location of the take;

14 (6) the big game harvest authorization number if applicable; and

15 (7) the date and disposition of the mounted specimen.

16 ~~Such records~~ Records shall be maintained chronologically by ~~dates~~ the date the specimen was delivered. ~~of delivery~~
17 ~~of specimens to the taxidermist during the taxidermy license year;~~ Records shall be retained by the taxidermist for ~~at~~
18 ~~least one year after the termination following expiration of the applicable taxidermy license~~ license year, and shall be
19 made available for inspection, ~~upon request by~~ to any agent of the Wildlife Resources Commission.

20 (b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for
21 migratory game birds ~~(50 C.F.R. 21.24)~~ as set forth in 50 CFR 21.24, which is hereby incorporated by reference
22 including subsequent amendments and editions, are sufficient to shall satisfy requirements under this Rule.

23
24 *History Note: Authority G.S. 113-134; 113-273;*

25 *Eff. March 1, 1981;*

26 *Amended Eff. September 1, 1989;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016.*

29 *Amended Eff. February 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1004

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On the Submission for Permanent Rule Form, please insert a "10H" in the citation in Box 2.

On line 1 of the Rule, please change "adopted" to "readopted" in the Introductory Statement.

In (c), line 9, so that I'm clear – bobcats, opossum, and racoons are not fur-bearing?

In (d), line 12, please insert a comma after "opossum"

In (e), so that I'm clear – while the parts of black bears cannot be sold or bought, they can be traded or gifted?

In the History Note, isn't more of G.S. 113-291.3 applicable than just (b)(4)?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .1004 is adopted as published in 32:05 NCR 298 as follows:

3 **15A NCAC 10H .1004 PURCHASE AND SALE OF WILDLIFE**

4 (a) Except as provided in ~~Paragraphs (b), (c), (d), (e), and (f) of this Rule, it is~~ shall be unlawful for any taxidermist
5 to purchase or sell ~~any~~ wildlife.

6 (b) ~~Any species of nongame wildlife~~ Wildlife resources that have ~~which has~~ been lawfully killed and ~~which that~~ may
7 be lawfully bought, ~~sold~~ sold, and possessed may be purchased and sold by a taxidermist without any restriction other
8 than the records required by Rule .1003 of this Section.

9 (c) Lawfully acquired specimens of fur-bearing animals, ~~including bobcats, opossum~~ opossum, and raccoon taken by
10 hunting, may be purchased ~~only~~ for taxidermy purposes and ~~may be sold only~~ as mounted specimens. A ~~fur dealer~~
11 licensee Fur-Dealer License, as specified in G.S. 113-273, ~~shall be~~ is required to purchase furs for resale.

12 (d) No game or ~~inland~~ game fish that has been mounted, other than bobcats, opossum and raccoon taken by hunting,
13 may be purchased or sold, except that a mounted specimen of a game ~~animal, game bird or inland~~ game fish, ~~in~~ for
14 which a taxidermist has acquired a possessory lien by reason of labor or materials furnished in the mounting thereof,
15 may be sold in satisfaction of ~~said the~~ the lien as provided by Article 1 of 44A of the General Statutes of North Carolina.
16 ~~The taxidermy license shall authorize such sale.~~ Upon the sale of a mounted specimen ~~in satisfaction of a lien as~~
17 authorized by this Paragraph, the taxidermist shall prepare a receipt showing the name and address of the ~~purchaser~~
18 purchaser. The receipt shall be provided to the purchaser as evidence of the transaction and right to possess the
19 specimen, and keep a copy shall be retained by the taxidermist for of such receipt as a part of his or her records in
20 accordance with Rule .1003 of this Section. ~~10B .1003.~~ ~~He shall provide the purchaser with the receipt as evidence~~
21 ~~of his right to possess the specimen. A condition for renewal of the taxidermy license annually shall be a report~~
22 ~~submitted with the application for renewal that accurately describes the mounted specimens of game that have been~~
23 ~~sold by the taxidermist during the previous license year and to whom they were sold.~~

24 (e) Nothing in this ~~Section-Rule~~ shall prevent a taxidermist from obtaining parts of lawfully acquired game by gift,
25 trade, or purchase from any other taxidermist or ~~person~~ person, provided that a record is maintained of all such
26 exchanges that identifies the article and includes the name and address of the taxidermist or person from whom the
27 article was ~~obtained~~ obtained; ~~except that no~~ No part of any black ~~bear~~ bear, fox, or wild turkey ~~may~~ shall be bought
28 or sold under this ~~provision~~ Paragraph. Parts of game acquired under ~~provisions of this Paragraph~~ may shall be used
29 only for taxidermy purposes and ~~may~~ shall not be resold.

30 (f) The mounted specimens of commercially-raised ~~inland~~ game fish or pen-raised game ~~birds~~ birds, ~~except wild~~
31 ~~turkey and grouse~~, may be sold under authority of the taxidermy ~~license~~ license, provided that records are maintained
32 by the taxidermist ~~accurately~~ showing the source of all commercially-raised ~~inland~~ game fish or pen-raised game birds
33 that are to be mounted, including the name, address, and propagation license number of the supplier. Upon sale of a
34 mounted specimen of a commercially-raised ~~inland~~ game fish or pen-raised game ~~bird~~ bird, ~~bird under provision of this~~
35 ~~Paragraph~~, the taxidermist shall prepare a receipt ~~for showing the name and address of the purchaser~~ purchaser's
36 records, as and give it to the purchaser to show evidence of the transaction and ~~of his right to possess the specimen.~~
37 A copy of the receipt shall be maintained as a part of the taxidermist's records.

1
2 *History Note:* *Authority G.S. 113-134; 113-273; 113-291.3(b)(4); 113-292;*
3 *Eff. March 1, 1981;*
4 *Amended Eff. December 1, 1983.*
5 *Readopted Eff. February 1, 2018.*
6

REQUEST FOR TECHNICAL CHANGE

AGENCY: Wildlife Resources Commission

RULE CITATION: 15A NCAC 10H .1005

DEADLINE FOR RECEIPT: Wednesday, January 10, 2018

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

So that I'm clear – in (a), I take it is entirely up to the taxidermist to determine whether to use off-site storage?

In (d), line 13, insert a comma after "facility:

Line 15, replace "Subchapter" with "Section"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 22, 2017

1 15A NCAC 10H .1005 is amended as published in 32:05 NCR 298 as follows:

2
3 **15A NCAC 10H .1005 TAXIDERMY PRESERVATION FACILITY**

4 (a) A taxidermist may utilize an off-site preservation facility to provide storage for wildlife specimens accepted for
5 taxidermy purposes.

6 ~~(a)(b) Every individual~~ Individuals operating a preservation facility for a licensed taxidermist shall be listed on the
7 ~~sponsoring taxidermist's annual license, license application and on the license itself.~~ The taxidermist shall provide the
8 operator of each ~~listed sponsored~~ preservation facility with a copy of the annual taxidermy license ~~to which shall serve~~
9 ~~as a permit authorizing the facility to possess wildlife owned by another. The purpose of this possession shall be to~~
10 ~~provide temporary storage for wildlife specimens accepted for taxidermy purposes. Preservation facility operators are~~
11 ~~not authorized to process, skin, or conduct any regulated taxidermy activities.~~

12 (c) Preservation facility operators shall not be authorized to process, skin, or conduct any taxidermy activities.

13 ~~(b)(d) Before a taxidermist delivers and stores wildlife in an individual operating a preservation facility accepts~~
14 ~~delivery of any wildlife he or she shall must~~ ascertain that the wildlife was lawfully taken ~~taken~~ in accordance with
15 Rule .1002 of this Section and shall keep written records as specified in Rule .1003 of this Subchapter.

16 ~~(e)(e)~~ The preservation facility and its records shall be accessible for inspection upon request by any agent of the
17 Wildlife Resources Commission.

18 ~~(d)(f)~~ It shall be the responsibility of the sponsoring taxidermist to ensure that each preservation facility listed on his
19 or her license is operated in compliance with this Section. ~~all rules governing this activity.~~

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

22 *Eff. September 1, 1989;*

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

25 *Amended Eff. February 1, 2018.*
26