

1 15A NCAC 10H .0801 is amended with changes 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;~~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 by any provision of this  
16 Section, such action may be performed by the executive director on behalf of the commission.
- 17 (6) "Bred in captivity" or "captive-bred" ~~refers to~~ means raptors hatched in captivity from parents that  
18 mated or otherwise transferred gametes in captivity.
- 19 (7) "Raptor" means a live migratory bird of the Order Accipitriformes, Order ~~Falconiformes~~  
20 Falconiformes, or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).
- 21 (8) "Wild-caught" and "wild" raptors means any free-ranging wild raptor held in captivity regardless of  
22 its length of captivity or ownership changes ~~according to~~ in accordance with 50 CFR 21.29(f)(1). ~~50~~  
23 ~~CFR 21.29(f)(1) which is hereby incorporated by reference, including subsequent amendments and~~  
24 ~~editions.~~

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

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

28 *Eff. September 1, 1979;*

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

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

32 *Amended Eff. February 1, 2018.*

1 15A NCAC 10H .0802 is amended with changes 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~~ obtaining the following: ~~obtained and having in~~  
6 ~~possession~~:

7 (1) a falconry license or permit from a state, ~~tribe~~ tribe, or territory ~~which that~~ which 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 state and federal 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

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

2  
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] ~~State shall~~ must submit  
5 an application apply for a falconry license ~~on a form supplied by the commission~~ from the Commission, at  
6 www.ncwildlife.org, by providing the following information: applicant's name, residence address, date of birth, and  
7 facility address, if applicable. ~~and Applicants shall either proof of a have successful passed the examination as~~  
8 described in Rule .0804 of this ~~Section, or Section.~~ ~~Non residents may substitute provide proof of a valid falconry~~  
9 permit or license from ~~their another state, state in lieu of the proof of a successful examination and a letter, if required~~  
10 as described in Rule .0807 of this Section, provided ~~that~~ the state ~~which that~~ issued the falconry permit or license has  
11 been ~~certified approved~~ approved by the U.S. Fish and Wildlife ~~Service.~~ Service as meeting federal falconry standards.

12 (b) Individuals who have relocated to North Carolina have 60 days from the date of relocation to apply for a North  
13 Carolina falconry license. Until his or her license is ~~granted, issued by the Commission,~~ the individual may keep any  
14 lawfully obtained raptors in facilities described in Rule .0808 of this Section, and may practice falconry provided he  
15 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  
16 Wildlife Service.

17 (c) Apprentice license applications ~~must shall~~ include a letter from a sponsor as described in ~~50 CFR 21.29(c)(3)(i)~~  
18 50 CFR 21.29(c)(2)(i)(C), which is hereby incorporated by reference, including subsequent amendments and editions.

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

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

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

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

33  
34 *History Note:* Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.28; 50 C.F.R. 21.29;  
35 Eff. September 1, 1979;  
36 Amended Eff. January 1, 2012;

1  
2  
3  
4

*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 .0804 is amended with changes 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 ~~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),(c)~~. answer correctly at  
6 least 80 percent of the questions on a supervised examination administered by the Commission relating to basic  
7 biology, care, and handling of raptors, literature, laws, and regulations before the Commission grants a falconry  
8 license.

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

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

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

15

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

17 *Eff. September 1, 1979;*

18 *Amended Eff. January 1, 2012;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
20 *6, 2016.*

21 *Amended Eff. February 1, 2018;*

22

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;~~ 50 C.F.R. 21.29;

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;*

13

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

2  
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 21.29, 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.~~

29  
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 15A NCAC 10H .0807 is amended with changes 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 the requirements of 50 CFR  
9 21.29(c)(2)(i), the following conditions apply: ~~are in addition to those set forth in federal code: The apprentice's~~  
10 ~~sponsor must live within 200 miles of the apprentice. A sponsor may not have more than three apprentices at any one~~  
11 ~~time. A sponsor must provide written notification to the Commission when he decides to stop sponsoring an~~  
12 ~~apprentice. The Commission shall notify the apprentice who must obtain another sponsor and so advise the~~  
13 ~~Commission within 90 days. The apprentice's raptors shall be seized by the Commission and the permit revoked if~~  
14 ~~after the 90 day period the apprentice fails to obtain another sponsor and to notify the Commission of the new sponsor.~~  
15 ~~If after 180 days, the apprentice fails to obtain another sponsor and to notify the Commission of the same, he shall~~  
16 ~~reapply and be reexamined prior to the 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 apprentice'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]his or her license and he or she shall be required to reapply for an apprentice  
28 license.

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

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

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

37 *Eff. September 1, 1979;*



1  
2  
3  
4  
5

*Amended Eff. January 1, 2012; May 1, 1995; May 1, 1991; February 1, 1985;*  
*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 .0808 is amended with changes 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~~ indoor or outdoor holding facilities as described in Paragraph (b) of the Rule. Applicants may  
8 have both types of facilities.

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

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

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

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

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

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

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

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

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

12 (f) ~~Care by others.~~ A licensee may leave his or her raptors in the care of another person subject to the restrictions in  
13 ~~50 CFR 21.29(d)(6)(7)~~ 50 CFR 21.29(d)(6) and (7), ~~which is hereby incorporated by reference, including subsequent~~  
14 ~~amendments and editions.~~

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

17  
18 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

19 *Eff. September 1, 1979;*

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

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

23 *Amended Eff. February 1, 2018;*

1 15A NCAC 10H .0810 is amended with changes 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~~ General or Master level falconry licenses may  
18 take nestlings. Nestlings may only be taken from May 1 through June 30. No more than two  
19 nestlings may be taken by the same licensee. At least one nestling ~~must~~ shall be left in the nest or  
20 aerie.

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

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

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

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

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

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

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

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

9 (f) Licensees may recapture their own birds or any birds wearing falconry equipment at any time. Disposition of  
10 banded birds, captive-bred ~~birds birds~~, and birds wearing falconry equipment is as allowed in accordance with 50 CFR  
11 21.29(e)(3)(iv)-(v) - 50 CFR 21.29(e)(3)(iv)-(v), ~~which is hereby incorporated by reference, including subsequent~~  
12 ~~amendments and editions.~~

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

14 (h) Raptors injured due to falconry trapping efforts ~~must shall~~ be treated humanely and in accordance with 50 CFR  
15 21.29(e)(5) 50 CFR 21.29(e)(5), ~~which is hereby incorporated by reference, including subsequent amendments and~~  
16 ~~editions.~~

17  
18 *History Note: Authority G.S. 113-134; 113-270.3(b)(4); 50 C.F.R. 21.29;*

19 *Eff. September 1, 1979;*

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

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

23 *Amended Eff. February 1, 2018;*

24

1 15A NCAC 10H .0811 is amended with changes as published in 32:05 NCR 296 as follows:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**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), ~~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 .0815 is amended with changes as published in 32:05 NCR 297 as follows:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

- (a) Raptors may be used in captive propagation as allowed under ~~the conditions set forth in 50 CFR 21.29(f)(7) 50 CFR 21.29(f)(7).~~ which is hereby incorporated by reference, including subsequent amendments and editions.
- (b) General and ~~master~~ Master falconers may use raptors in conservation education programs as set forth in 50 CFR 21.29(f)(8)(i) (vi) 50 CFR 21.29(f)(8). ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~ Other educational uses of raptors are restricted to those allowed in ~~50 CFR 21.29(f)(9)(i) (ii) 50 CFR 21.29(f)(9).~~ which is hereby incorporated by reference, including subsequent amendments and editions.
- (c) General and ~~master~~ Master falconers may use raptors in abatement activities under the conditions set forth in ~~50 CFR 21.29(f)(11)(i) (ii) 50 CFR 21.29(f)(11).~~ which is hereby incorporated by reference, including subsequent amendments and editions.
- (d) General and ~~master~~ Master falconers may assist in raptor rehabilitation under the conditions set forth in 50 CFR 21.29(f)(10)(i) (v) 50 CFR 21.29(f)(10). ~~which is hereby incorporated by reference, including subsequent amendments and editions.~~
- (e) Licensees may take bird species for which there is a federal depredation order by means of falconry in accordance with ~~50 CFR 21.29(f)(20) 50 CFR 21.29(f)(20).~~ 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;*

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

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

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

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

- (1) the species and sex of the specimen;
- (2) the date the ~~[specimens were]~~ specimen was delivered;
- (3) the name and address of the person delivering the specimen;
- (4) the name and address of the person responsible for take of the ~~[specimen]~~ specimen, if different;
- (5) the date and location of the take;
- (6) the big game harvest authorization ~~number,~~ if applicable; and
- (7) the date and disposition of the mounted specimen.

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

(b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for migratory game birds birds, (50 C.F.R. 21.24) as set forth in 50 CFR 21.24, which is hereby incorporated by reference including subsequent amendments and editions, are sufficient to shall satisfy requirements under this Rule. Rule, and can be accessed at no cost at [www.ecfr.gov](http://www.ecfr.gov).

*History Note: Authority G.S. 113-134; 113-273;  
Eff. March 1, 1981;  
Amended Eff. September 1, 1989;  
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 .1004 is readopted with changes as published in 32:05 NCR 298 as follows:

2  
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 license 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 opossum, and raccoon taken  
13 by hunting, may be purchased or sold, except that a mounted specimen of a game ~~animal, game bird or inland~~ game  
14 fish, ~~in~~ for which a taxidermist has acquired a possessory lien by reason of labor or materials furnished in the mounting  
15 thereof, may be sold in satisfaction of ~~said the~~ the lien as provided by Article 1 of 44A of the General Statutes of North  
16 Carolina. ~~The taxidermy license shall authorize such sale.~~ Upon the sale of a mounted specimen ~~in satisfaction of a~~  
17 ~~lien as~~ authorized by this Paragraph, the taxidermist shall prepare a receipt showing the name and address of the  
18 ~~purchaser~~ purchaser. The receipt shall be provided to the purchaser as evidence of the transaction and right to possess  
19 the 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  
3  
4  
5  
6

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

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

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

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

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

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

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

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

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

*History Note: Authority G.S. 113-134; 113-273;  
Eff. September 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.  
Amended Eff. February 1, 2018.*