

1 15A NCAC 10H .1404 is proposed for amendment as follows:

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3 **15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING**

4 (a) The following minimum standards shall apply to wild animals and wild birds held under a captivity license for  
5 ~~holding; holding.~~ Each license holder shall comply with the following general requirements in addition to requirements  
6 specified by species.

7 (1) General Sanitation and Food Requirements. ~~Each license holder shall comply with the following~~  
8 ~~general requirements in addition to any requirements specified by species:~~

9 (A) ~~water; clean~~ Clean drinking water shall be provided. All pools, tanks, water areas, and  
10 water containers provided for swimming, wading, or drinking shall be clean. Enclosures  
11 shall provide drainage for surface water and ~~runoff; runoff.~~

12 (B) ~~sanitation; water~~ Water disposal and waste disposal shall be in accordance with all  
13 applicable local, State, and federal ~~laws; laws.~~

14 (C) ~~food; food~~ Food shall be of a type and quantity that is appropriate for the ~~particular~~ species  
15 and shall be provided in an unspoiled and uncontaminated ~~condition; and condition.~~

16 (D) ~~waste; fecal~~ Fecal and food waste shall be removed from inside, under, and around  
17 enclosures and disposed of in a manner that prevents noxious odors or pests.

18 (2) General Enclosure Requirements. ~~Each license holder shall comply with the following general~~  
19 ~~requirements in addition to any requirements specified by species:~~

20 (A) ~~all enclosures~~ Enclosures constructed of chain link or other approved materials shall be  
21 braced and securely ~~anchored; anchored.~~

22 (B) ~~enclosures~~ Enclosures shall be ~~ventilated; ventilated.~~

23 (C) ~~enclosures~~ Enclosures with a natural substrate shall have a dig barrier that prevents ~~escape;~~  
24 escape.

25 (D) ~~the~~ The young of ~~any~~ an animal may be kept with the parent or foster animal of the same  
26 species in a single-animal enclosure until ~~weaning; weaned.~~ After weaning, if the animals  
27 are kept together, the requirements for multiple-animal enclosures shall ~~apply; apply.~~

28 (E) ~~chains~~ Chains or tethers shall not be used as a method of confinement for wild animals  
29 inside ~~the enclosure; an enclosure.~~

30 (F) ~~each enclosure~~ Enclosures shall be equipped with ~~at least~~ one shelter, nest box, or den large  
31 enough to accommodate all animals in the enclosure at the same ~~time; and time.~~

32 (G) ~~each enclosure~~ Enclosures shall have ~~at least~~ one elevated area large enough to  
33 accommodate all animals in the enclosure at the same time.

34 (3) Single animal enclosures shall have the following minimum dimensions and horizontal areas, or  
35 dimensional equivalents:

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Animal	Length (ft.)	Width (ft.)	Height (ft.)	Total Square Footage
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Wild Turkey	6	4	8	24
Coyote	8	8	6	64
Fox (Red and Gray)	8	4	4	32
Raccoon	8	4	4	32
Bobcat	10	5	5	50
Otter	10	5	5	50
Squirrel	4	2	2	8
Groundhog	8	4	4	32
Rabbit	6	3	3	18
Opossum	6	3	3	18
Skunk	6	3	3	18
Armadillo	8	6	4	48

For animals not mentioned elsewhere in this Rule, a single animal ~~enclosures~~ enclosure shall be a cage with one horizontal dimension being ~~at least~~ four times the nose-rump length of the animal and the other horizontal dimension being ~~at least~~ two times the nose-rump length of the animal. The vertical dimensions shall be ~~at least~~ two times the nose-rump length of the animal. No cages shall be less than four feet by two feet by two feet, or less than eight square feet.

- (4) The minimum square footage for a multiple animal ~~enclosures~~ enclosure shall be determined by multiplying the required square footage for a single animal enclosure by a factor of 1.5 for one additional animal and that result by the same factor, successively, for each additional animal. Vertical dimensions may remain the same as for single animal enclosures.

~~(b) Non farmed Cervids.~~

- ~~(1) the minimum size of the enclosure shall not be less than one half acre for the first three animals and an additional one fourth acre for each additional animal. No more than 25 percent of the enclosure shall be covered with water;~~
- ~~(2) the enclosure shall be surrounded by a fence at least eight feet high, of sufficient strength and design to contain cervids and prevent contact with wild cervids;~~
- ~~(3) each enclosure shall be equipped with a shelter or shelters large enough to accommodate all the animals in the enclosure at the same time; and~~
- ~~(4) cervids shall not be contained within or allowed to enter a place of residence or any enclosure that has not been approved to hold cervids by the Commission, except as specifically authorized by law or rule of the Wildlife Resources Commission.~~

~~(e)(b) Alligators.~~

- (1) ~~the~~ The minimum land area size of the enclosure shall be based upon the length of the longest animal. Land area with both horizontal dimensions ~~at least~~ as long as the longest animal shall be

1 provided. In case of more than one animal, the combined area covered by all their bodies while  
2 aligned parallel without overlap shall not exceed 50 percent of the land ~~area;~~ area.

3 (2) The enclosure shall contain a pool of water large enough for all the animals in the enclosure to  
4 completely submerge themselves at the same time. Steps shall be taken to prevent the surface of the  
5 water from freezing solid.

6 (3) ~~the~~ The enclosure shall have a structural barrier of sufficient strength to contain the animals, and  
7 shall prevent contact between an the observer and ~~alligator(s);~~ the alligators.

8 ~~(3) in addition to the land area, the enclosure shall contain a pool of water large enough for all the~~  
9 ~~animals in the enclosure to completely submerge themselves at the same time. Steps shall be taken~~  
10 ~~to prevent the surface of the water from freezing solid;~~

11 ~~(4) steps shall be taken to provide opportunities for the alligator to regulate its body temperature;~~

12 ~~(5)(4) each enclosure~~ Enclosures shall be equipped with a shelter or shelters large enough to accommodate  
13 all ~~alligators~~ animals in the enclosure at the same ~~time;~~ and time.

14 ~~(6)(5) the~~ The facility shall have a perimeter boundary 8 ~~eight~~ feet in height, to prevent unauthorized entry  
15 and confine the animals. This boundary should be located at least 3 ~~three~~ feet from the primary  
16 enclosure, ~~be no less than 8 feet in height, and be~~ and constructed of ~~not less than~~ 11.5 gauge chain  
17 link or equivalent.

18 ~~(d)(c)~~ Wild Birds. Enclosures for wild birds may house more than one animal, provided that the enclosure is ~~built to~~  
19 the standards specified below and permitted by the U.S. Fish and Wildlife Service.

20 (1) Enclosures for wild birds shall be designed using the standards established by the National Wildlife  
21 Rehabilitators Association's "Wildlife in Education: A Guide for the Care and Use of Program  
22 Animals," which is hereby incorporated by reference, excluding subsequent amendments and  
23 editions, and is available for a fee at [https://national-wildlife-rehabilitators-](https://national-wildlife-rehabilitators-association.myshopify.com/)  
24 association.myshopify.com/.

25 ~~enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors~~  
26 ~~in Captivity: Guidelines for Care and Management," which is hereby incorporated by reference,~~  
27 ~~excluding subsequent amendments and editions, and is available for order at~~  
28 ~~<https://bookstores.umn.edu/product/gift/raptors-captivity-0>.~~

29 (2) Enclosures for raptors shall be built to standards detailed in the University of Minnesota's "Raptors  
30 in Captivity: Guidelines for Care and Management," which is hereby incorporated by reference,  
31 excluding subsequent amendments and editions, and is available for a fee at  
32 <https://www.hancockhouse.com/>. enclosure for all other wild birds shall be designed using the  
33 standards established by the National Wildlife Rehabilitators Association's "Wildlife in Education:  
34 A Guide for the Care and Use of Program Animals," which is hereby incorporated by reference,  
35 excluding subsequent amendments and editions, and is available for order at  
36 <https://www.nwrawildlife.org/store/default.aspx>.

1 ~~(e)~~(d) Black Bear. Black bears held in captivity at facilities other than publicly operated zoos or educational  
2 institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the requirements of  
3 G.S. 19A-11.

4 ~~(e)~~(c) Cougar. Cougars held in captivity ~~by~~ at facilities other than publicly operated zoos, educational, or scientific  
5 research institutions shall be held in enclosures simulating a natural habitat, developed in accordance with the  
6 requirements of G.S. 113-272.5(e)(4).

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8 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*

9 *Eff. January 1, 2020.*

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