

EXHIBIT H-2

June 18, 2026



Wildlife Resources Commission Fiscal Note for Proposed Rule Amendments to Endangered/Threatened/Special Concern Species

Rule Amendments: 15A NCAC 10I .0102 PROTECTION OF ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES

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Fiscal Impact: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Economic Impact: No

Authority: G.S. 113-134; 113-333

BACKGROUND

The wildlife resources of North Carolina belong to the public (G.S. 113-131(a)) and the Wildlife Resources Commission (WRC) is the agency tasked with the conservation of these resources (G.S. 143-239). This responsibility includes managing, as equitably as possible, the various competing interests regarding these resources, including the use and take of such resources (G.S. 113-131.1(a)). The statutes governing wildlife resources are found in Chapter 113, Subchapter IV of the General Statutes, and WRC has been granted rulemaking authority to implement the provisions of these statutes (G.S. 113-134).

As part of its mission, WRC adopts rules for the protection of endangered, threatened, and special concern species and rules containing an endangered species list, a threatened species list and a list of special concern species, as required by G.S. 113-333. Lists are amended from time to time, in response to public proposals or as the Commission deems necessary. The WRC conducts investigations of its wild animals, as defined in G.S. 113-331, to determine whether the state listings need to be adjusted to accomplish the objectives of managing wildlife resources through sound conservation. The WRC also adopts and implements conservation programs for endangered, threatened and special concern species to limit, regulate, or prevent the taking, collection, or sale of protected species (G.S. 113-333). The management goal with any state listing is to ensure the stability of a species for long term viability. The permitting process ensures that species are protected, while allowing for reasonable, desirable, and permissible take and possession of these species.

The process for updating the state listing is a multi-year, transparent process defined by science-based decision making. Per G.S. 113-335, the Nongame Wildlife Advisory Committee (NWAC) is the panel of experts from scientific disciplines who review scientific evidence and submit their state-listing recommendations to the Commission. The Commission is required by G.S. 113-334 to consider the recommendations while examining relevant data and factual information. The proposed changes to the state listings are based on actual data and the status of each species population as proposed by the North Carolina Species Assessment Tool and detailed in the Wildlife Action Plan (<https://www.ncwildlife.gov/state-wildlife-action-plan>).

Proposed Amendments

Proposed amendments to 15A NCAC 10I .0102 specify that Endangered Species Permits are required for species parts (e.g., tail clip, bodily fluids, etc.) and specify that additional permits or authorizations are required for transfer of animals or their parts.

The agency issues Endangered Species Permits for research that sometimes only requires a part of an animal, for example a tail clip or fish scale. Current Rule language could be interpreted to allow unrestricted movement of species parts between individuals. The proposed change closes this loophole and allows for additional oversight and control of these animals and prevents transfer and movement to entities who are not permitted.

Fiscal Impact

State Impact

The proposed amendments to 10I .0102 are expected to have minimal economic impact on the state. Under the current rule, any individual who wishes to collect a nongame species for research purposes is required to obtain a collection license. Collection of a listed species also requires an endangered species permit. The agency's Regulated Activities and Permits Section currently processes and issues Endangered Species (ES) Permits with assistance from biologists. Approximately 100 ES Permits are issued annually¹. The proposed amendments have the potential to add a minor administrative burden on the agency in the form of additional permit paperwork and review. Because transfers of listed species or their parts have not been explicitly permitted before, the agency cannot precisely estimate how many additional ES permit applications may result from these amendments. However, based on staff experience, the WRC believes that misinterpretation of the existing rule is infrequent and that very few entities have been transferring listed species parts without appropriate authorization. Accordingly, the agency anticipates between zero and fewer than 10 additional permit applications per year. At a permit fee of \$13 (effective July 2026), this would generate between \$0 and \$130 in additional annual revenue. Permit application review and long-term tracking of these permit holders will be performed as part of the regular duties of agency staff.

Requiring permits for the movement of animal parts helps the WRC track and control the use, possession, and distribution of species or their parts, enhancing protection for endangered, threatened, and special concern species.

¹ The WRC issued 110 ES Permits in FY2025 and has issued or received 83 ES Permits/ES Permit Applications for FY2026 as on April 28, 2026.

Local Impact

The proposed amendments have no anticipated local government impact.

Private Impact

The proposed amendments to 10I .0102 are expected to have minimal private impacts. Per G.S. 113-337(a)(1), it is unlawful to take any animal on the protected species list. Because all the proposed species are nongame, the changes are not anticipated to impact hunting, fishing or trapping.

Any qualified private entity who wishes to collect a species on the protected animal list is required to obtain an endangered species permit. There is a \$12 fee (increasing to \$13 in July 2026) for the endangered species permit, but the project scope must be submitted and approved by agency staff and requires that the applicant supply the following information: project description, dates for the project, list of expertise and names of any individuals who will be assisting in collection. Depending on the species, restrictions are often placed on the project to minimize stress to a listed species. Additionally, entities operating under endangered species permits are required to submit their project data annually if they wish to renew their collection permit(s). These data are valuable to the agency and assist in minimizing additional stresses on the species.

The agency issued 110 endangered species permits in FY 2025. Though the agency is unable to predict the exact number of permittees impacted by these changes, impacted entities may incur a minimal cost of \$12 (increasing to \$13 in July 2026) if they did not previously possess a permit. Additionally, the proposed amendments result in a minor increase in administrative burden for individuals holding and/or transferring parts of endangered species; however, this is expected to impact relatively few permit holders. The new language closes a loophole and eliminates ambiguity about when authorization is required. This reduces the risk of unauthorized handling, supporting compliance and reducing the likelihood of unlawful possession or misuse.

1 15A NCAC 10I .0102 is proposed for amendment as follows:

2
3 **15A NCAC 10I .0102 PROTECTION OF ENDANGERED, THREATENED, AND SPECIAL CONCERN**
4 **SPECIES**

5 (a) There is no open season for taking the species listed in Rules .0103, .0104, or .0105 of this Section, except for the
6 American alligator (*Alligator mississippiensis*) as set forth in 15A NCAC 10B .0224.

7 (b) Except as provided in Paragraphs (d) and (h) of this Rule, there is no purchase, sale, or take of the species listed
8 in Rules .0103, .0104, or .0105 of this Section.

9 (c) Take of federally listed endangered and threatened fish and wildlife species requires a federal permit, as specified
10 in 50 C.F.R Chapter 1, Subchapter B, hereby incorporated by reference, including subsequent amendments and
11 additions, and a state endangered species permit, as specified in Paragraph (d) of this Rule. 50 C.F.R. is available free
12 of charge at www.ecfr.gov.

13 (d) The Executive Director or his or her designee may issue endangered species permits to take, possess, sell,
14 propagate, transport, import, export, transfer, barter, trade, or stock federally and state listed endangered, threatened,
15 or special concern ~~species~~ species or their parts to:

- 16 (1) an individual or institution conducting a scientific investigation for the perpetuation, restoration, or
17 management of a species;
- 18 (2) a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the
19 specimens in his or her possession, possesses the equipment and expertise to care for the specimens,
20 and abides by applicable caging requirements for the species set forth in 15A NCAC 10H .1404;
- 21 (3) a person who lawfully possessed the species for 90 days immediately prior to the date that the
22 species was listed and who abides by applicable caging requirements for the species set forth in 15A
23 NCAC 10H .1404;
- 24 (4) a person with demonstrable depredation from a Special Concern Species, or American alligator
25 (*Alligator mississippiensis*);
- 26 (5) a licensed falconer who meets the requirements of the rules in 15A NCAC 10H .0800;
- 27 (6) a retail or wholesale establishment whose primary function is providing scientific supplies, provided
28 that:
- 29 (A) the specimens were lawfully obtained from captive populations or wild populations outside
30 of North Carolina;
- 31 (B) the specimens are possessed in indoor facilities; and
- 32 (C) safeguards are provided during transportation to prevent accidental escape of the
33 specimens.
- 34 (7) state and federal government agencies, corporate research entities, and research institutions within
35 North Carolina provided that:
- 36 (A) the specimens are possessed in indoor facilities;

- 1 (B) safeguards are provided during transportation to prevent accidental escape of the
2 specimens; and
- 3 (C) the agency's or institution's Animal Care and Use Committee has approved the research
4 protocol for the species.
- 5 (e) Additional permits or authorizations from the Commission shall be required for importation, exportation,
6 propagation, transfer, transportation, stocking, and release of endangered, threatened, or special concern species or
7 their parts. ~~species.~~
- 8 (f) An individual may apply for an endangered species permit online at www.gooutdoorsnorthcarolina.com by
9 providing the following information:
- 10 (1) name, address, phone number, and email of the applicant;
11 (2) applicant's affiliation, if applicable;
12 (3) species name and quantity;
13 (4) proposed activities;
14 (5) map with specific location of activities identified, if applicable;
15 (6) the source of the specimens and documentation of lawful acquisition;
16 (7) caging or confinement plans for specimens, if applicable;
17 (8) qualifications and explanation of experience for anyone working with the species;
18 (9) research proposal, if applicable;
19 (10) proof that federal permits have been applied for or obtained, if applicable;
20 (11) plans for care of specimens and copy of Institutional Animal Care and Use Committee permit, if
21 applicable; and
22 (12) plans for final disposition of specimens.
- 23 (g) Endangered species permits shall not be transferrable by license holder or by site.
- 24 (h) The species listed in Rules .0103, .0104, and .0105 of this Section may be taken or possessed without a permit
25 when:
- 26 (1) an individual takes the species in defense of his or her own life or the lives of others, as described
27 in 15A NCAC 10B .0106.
- 28 (2) an individual has obtained a permit to take an American alligator in accordance with 15A NCAC
29 10B .0224.
- 30 (3) an individual possesses meat or other parts of American alligators that have been lawfully taken,
31 possessed, or bought in a state where there is an open season for harvesting alligators and the
32 products are marketed in packages or containers that are labeled to indicate the state in which the
33 animals were taken and the identity, address, and lawful authority of the processor or distributor.
- 34 (4) an individual is taking or harassing a red wolf (*Canis rufus*) pursuant to the conditions in 50 C.F.R.
35 17.84(c), hereby incorporated by reference, including subsequent amendments and editions,
36 available free of charge at www.ecfr.gov.

- 1 (5) an individual who meets the requirements of G.S. 113-261, who, when acting in the course of his or
2 her official duties, takes, possesses, or transports endangered, threatened, or special concern species
3 if the action is necessary to:
- 4 (A) aid a sick, injured, diseased, or orphaned specimen;
 - 5 (B) dispose of a dead specimen;
 - 6 (C) salvage a dead specimen that may be useful for scientific study; or
 - 7 (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety
8 and release the specimen unharmed, in a habitat that is suitable for survival.
- 9 (i) Take, possession, sale, propagation, transportation, importation, exportation, transfer, barter, trade, or stocking of
10 endangered, threatened, or special concern species under Paragraphs (d) and (h) of this Rule is subject to federal
11 reporting requirements, and reporting requirements of the endangered species permit.
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13 *History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; 113-337;*

14 *Eff. June 11, 1977;*

15 *Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April*
16 *1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

17 *Temporary Amendment Eff. February 27, 2015;*

18 *Amended Eff. February 1, 2023; July 1, 2016;*

19 *Readopted Eff. October 1, 2024.*
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