

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

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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.~~ CFR 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.~~ CFR Chapter 1,
12 Subchapter B is available free of charge at ~~www.ecfr.gov.~~ [https://www.ecfr.gov/current/title-50/chapter-I/subchapter-](https://www.ecfr.gov/current/title-50/chapter-I/subchapter-B)
13 B.

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

- 17 (1) an individual or institution conducting a scientific investigation for the perpetuation, restoration, or
18 management of a species;
- 19 (2) a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the
20 specimens in his or her possession, possesses the equipment and expertise to care for the specimens,
21 and abides by applicable caging requirements for the species set forth in 15A NCAC 10H .1404;
- 22 (3) a person who lawfully possessed the species for 90 days immediately prior to the date that the
23 species was listed and who abides by applicable caging requirements for the species set forth in 15A
24 NCAC 10H .1404;
- 25 (4) a person with demonstrable depredation from a Special Concern Species, or American alligator
26 (*Alligator mississippiensis*);
- 27 (5) a licensed falconer who meets the requirements of the rules in 15A NCAC 10H .0800;
- 28 (6) a retail or wholesale establishment whose primary function is providing scientific supplies, provided
29 that:
 - 30 (A) the specimens were lawfully obtained from captive populations or wild populations outside
31 of North Carolina;
 - 32 (B) the specimens are possessed in indoor facilities; and
 - 33 (C) safeguards are provided during transportation to prevent accidental escape of the
34 specimens.
- 35 (7) state and federal government agencies, corporate research entities, and research institutions within
36 North Carolina provided that:
 - 37 (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 CFR
35 C.F.R. 17.84(c), hereby incorporated by reference, including subsequent amendments and editions,
36 available free of charge at ~~www.ecfr.gov~~ [https://www.ecfr.gov/current/title-50/part-17/section-](https://www.ecfr.gov/current/title-50/part-17/section-17.84)
37 [17.84](https://www.ecfr.gov/current/title-50/part-17/section-17.84).

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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