



Fiscal Note for Wildlife Captivity and Rehabilitation

Rule Amendments: 15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES
15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION
15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING
15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING
15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT
15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

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

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

Background

The proposed amendments to Rules within 15A NCAC 10H .1400 provide minor updates to the framework for Wildlife Captivity and Rehabilitation in North Carolina. Highlights below include updates to language throughout the rules for improved clarity, additional requirements and conditions for rehabilitation Apprentices and Mentors, and the removal of language regarding the rehabilitation and holding of elk calves and non-farmed cervids. Amendments to the Wildlife Captivity and Rehabilitation rules were informed by captivity license holders and agency staff. Input and feedback were collected via two in-person meetings and an online survey distributed to license holders.

Proposed Rule Amendments and Impacts

15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES

- The definition of Apprentice is now included in the definitions section.
- Captivity license holders must not have convictions for violations of the Rules of this Section in the previous three years to be eligible for a Captivity License.
 - The proposed amendments are anticipated to have a minimal impact on existing and future captivity license holders. Captivity licenses are issued on an annual basis. Individuals seeking to maintain a captivity license are required to reapply annually, as licenses expire no later than December 31 of the year they are issued. Due to updated licensing requirements -- specifically, the provision that applicants must have no convictions for violations of the rules in Section 10H .1400 within the previous three years -- some individuals may no longer qualify for a captivity license. However, the agency expects that this change will affect very few existing and future applicants. The WRC's Regulated Activities and Permits Section is aware of previous license holders' convictions and estimates that less than 1% of the approximately 473 current captivity license holders would be impacted upon reapplication. If an existing captivity license no longer qualifies for a captivity license because of a conviction, the Commission may seize and determine future treatment of the wild animal or wild bird, including release, relocation, or euthanasia. This change could negatively impact license holders who violate the rules and rehabilitate wild animals or wild birds as part of a business. Their business may lose money or donations because of this. The WRC does not have a mechanism to quantify the specific impacts of the proposed change on private entities.
 - The proposed amendments significantly improve rule clarity which should make compliance with the rules and standards easier. Most existing captivity license holders will be in compliance with the proposed rules pending minor

administrative adjustments to record keeping and forms. Overall, these clarifications should lead to small administrative efficiencies for the agency and improve overall compliance. The effect on agency workload and time savings for licensees is expected to be minimal.

- The proposed amendments are anticipated to have no impact on local government.

15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION

- Conditions and recordkeeping for Apprentices and Mentors are more clearly defined. Apprentices and Mentors will be required to keep a list of small mammals held by the apprentice including species, quantity, date acquired, and final disposition and date.
 - The recordkeeping requirements impose a minor administrative burden on Apprentices and Mentors; however, they prepare the apprentice for continued recordkeeping requirements when holding other species as a rehabilitator (post-apprenticeship).
- The rehabilitation of elk calves has been removed. Elk calves may not be rehabilitated.
 - Due to the size and complexity of elk calve rehabilitation, the agency will no longer allow license holders to rehabilitate the species. The agency has never issued a rehabilitation license for elk calves.
- Nine-banded armadillo may be rehabilitated under a captivity license for rehabilitation.
 - Over the past decade Nine-banded armadillos have expanded their range into much of NC and are increasingly coming into contact with humans, mostly through vehicle collisions. A recent survey distributed to license holders revealed that about 10% have been asked to rehabilitate armadillos and about 60% are willing to rehabilitate the species.
- Chipmunks are added to the species that are allowed to be possessed by an apprentice.
 - Chipmunks are found throughout the northwestern half of NC and have similar rehabilitation requirements as other small mammals like squirrels. Since the rule already allows apprentices to rehabilitate other small mammals, it is appropriate that apprentices may also rehabilitate Chipmunks.
- Individuals rehabilitating rabies species must post the following information at their facility: (1) proof of immunization or titer checks and (2) a written protocol for euthanasia.
 - This information was previously required but it must now be posted at the license holder's facility. This improves safety and transparency among license holders, volunteers, and employees, and makes it easier if a representative of the Commission needs to inspect the facilities records.
- Positive rabies test results shall be reported to the Commission within five business days of receipt from the health department.

- Rehabilitators are no longer required to obtain advice from a licensed veterinarian before treating or euthanizing a wild animal or wild bird showing symptoms of a zoonotic disease.
 - All rehabilitators already have a veterinarian who they work with. Removing this requirement may expedite treatment or reduce suffering of sick animals and reduce the burden to the license holder that knows the animal needs to be euthanized.
- The proposed amendments are anticipated to have no impact on local government.

15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING

- Changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10 business days.
- Individuals holding rabies species must post the following information at their facility: (1) proof of immunization or titer checks and (2) a written protocol for euthanasia.
- The holding of non-farmed cervids has been removed. No captivity licenses for holding will be issued for non-farmed cervids.
 - Removing non-farmed cervids from the rules will have no practical impact on licensed individuals in North Carolina. Currently, there are no facilities housing non-farmed cervids under legacy licenses, and the rule changes do not affect the rehabilitation of wild, free-ranging fawns, which is governed by separate regulations. The change simply eliminates obsolete requirements for a category of animals and facilities that no longer exist in the State.
 - Similarly, removing non-farmed cervids from the rules will have little practical impact on the WRC's workload. The current rule does not allow for new permits to be issued for non-farmed cervids; it only applies to licenses that were issued prior to September 30, 2015. As a result, there is no time or resource savings related to reviewing permit applications. While the rule change could theoretically reduce the time spent on facility inspections, there are currently no facilities in North Carolina housing non-farmed cervids. Therefore, in practice, this change will not result in any savings or reduction in workload for the WRC.
 - The proposed amendments are anticipated to have no impact on local government.

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

15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT

- Standards for non-farmed cervids have been removed.
- Revocation and enforcement rules for non-farmed cervids have been removed.
 - A rule regarding holding non-farmed cervids for licenses issued prior to 2015 is no longer needed because there are no remaining facilities in North Carolina

holding non-farmed cervids under these legacy licenses. After legislative changes in 2015, any animal registered or tagged in a licensed captive cervid facility as of July 1, 2015, is now classified as a farmed cervid, and new non-farmed cervid licenses cannot be issued. The remaining rules for non-farmed cervids applied only to animals and facilities grandfathered in before this date, with conditions such as no reproduction and no addition of new animals.

- Since there are currently no such facilities or animals in the State, maintaining these rules serves no practical purpose and eliminating them will have no impact on current operations.
- The proposed amendments are anticipated to have no impact on local government.

15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES

- Information required on the Wildlife Rehabilitation Mentor-Apprentice Agreement Form is defined.
- Information required on the Wildlife Rehabilitation Apprentice Upgrade Form is defined.
 - These changes will improve rule clarity which should make compliance easier for both agency staff and licensees. By specifying exactly what information is needed, it will help streamline the form review process, reduce errors or incomplete submissions, and minimize the time spent on follow-up or corrections. Overall, these clarifications can lead to small efficiencies in administrative processing and improve overall compliance, but the effect on agency workload and time savings to licensees is expected to be minimal.
 - The proposed amendments are anticipated to have no impact on local government.

1 **SECTION .1400 – WILDLIFE CAPTIVITY AND REHABILITATION**

2

3 **15A NCAC 10H .1401 DEFINITIONS AND GENERAL REQUIREMENTS FOR CAPTIVITY LICENSES**

4 (a) The rules in this Section apply to all captivity licenses issued by the Wildlife Resources ~~Commission, Commission.~~

5 ~~including those applicable to non-farmed cervids in accordance with G.S. 106-549.97.~~

6 (b) The possession of ~~any species of~~ native wild ~~animal~~ animals or wild ~~birds~~ bird ~~and any member of the family~~

7 Cervidae is unlawful, unless the individual in possession obtains a captivity license from the Commission as provided

8 by this Rule. This Rule shall not apply to ~~any endangered, threatened, or special concern species as defined by 15A~~

9 ~~NCAC 10I-0100~~ or farmed cervids as defined by G.S. 106-549.97.

10 (c) Captivity licenses may be issued by the Commission to ~~qualified~~ individuals meeting the requirements ~~for~~

11 ~~rehabilitation and captivity licenses~~ detailed in this Section for holding ~~of~~ wild animals or wild birds alive in captivity

12 for ~~scientific, educational, exhibition, or other purposes, as~~ purposes specified in G.S. 113-272.5.

13 (d) The following definitions shall apply to ~~all rules~~ the Rules in this Section:

14 (1) "Apprentice" means an individual applying for a captivity license for rehabilitation that has not held

15 this license in North Carolina or a similar license in another state.

16 ~~(1)(2)~~ "Animal" means a wild animal and wild bird, as defined in this Rule.

17 ~~(2)(3)~~ "Category" means a designation on a captivity license for rehabilitation that defines a species or

18 subset of species.

19 ~~(3)(4)~~ "Educational institution" or "scientific research institution" means any public or private school,

20 facility, organization, or institution of vocational, professional, or higher education that uses live

21 animals as part of a course of training, or for research, or other experiments, and is at least 50 percent

22 funded by grants, awards, loans, or contracts from a department, agency, or instrumentality of

23 federal, State, or local government. These terms do not include elementary or secondary schools.

24 ~~(4)(5)~~ "Education" or "educational purposes" means providing instruction or information to the public

25 about wild animals or wild birds.

26 ~~(5)(6)~~ "Enclosure" means a structure housing captive wild animals or wild birds that prevents escape,

27 protects the animal from injury, and is equipped with structural barriers to prevent any physical

28 contact between the animal and the public.

29 ~~(6)(7)~~ "Exhibition" means any display of wild animals or wild birds for the public, whether for-profit or

30 not-for-profit.

31 ~~(7)(8)~~ "Facility" means a designated location in North Carolina where wild animals or wild birds are held

32 for rehabilitation or holding purposes. This includes enclosures, rooms, and buildings.

33 ~~(8)(9)~~ "Farmed cervid" means the term as defined in G.S. 106-549.97.

34 ~~(9)(10)~~ "Foster" or "surrogate" means a wild animal, or a wild bird held under a U.S. Fish and Wildlife

35 Service federal migratory bird rehabilitation ~~permit~~ permit, used to rear wild animals or wild birds

36 being held under a captivity license for rehabilitation.

1 ~~(10)~~(11) "Habituation" means causing a wild animal or wild bird to temporarily lose fear of humans, pets, or
2 objects that impacts its ability to survive in the wild unassisted.

3 ~~(11)~~(12) "Imprinting" means causing a wild animal or wild bird to permanently lose fear of humans, pets, or
4 objects that impacts its ability to survive in the wild unassisted, and is a non-reversible condition.

5 ~~(12)~~(13) "Migratory birds" means the term as defined in G.S. 113-129.

6 ~~(13)~~(14) "Native" means a wild animal or wild bird that occurs or historically occurred in the wild in North
7 Carolina.

8 ~~(14)~~(15) "Nest box" or "den" means a structure that provides a retreat area that is within, attached to, or
9 adjacent to an enclosure.

10 ~~(15)~~(16) "Non-farmed cervid" means the term as defined in G.S. 106-549.97.

11 ~~(16)~~(17) "Non-native" means a wild animal or wild bird that does not occur and has not historically occurred
12 in the wild in North Carolina.

13 ~~(17)~~(18) "Pet" means ~~any~~ an animal kept or used for amusement or companionship.

14 ~~(18)~~(19) "Publicly operated zoo" means a park or facility where living animals are kept and exhibited to the
15 public, and that is operated by a federal, State, or local government agency.

16 ~~(19)~~(20) "Rabies species" are raccoon, skunk, fox, bat, bobcat, ~~or~~ and coyote.

17 ~~(20)~~(21) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, camp,
18 manufactured home, or any other place where people reside.

19 ~~(21)~~(22) "Shelter" means a structure or feature that protects captive wild animals or wild birds from direct
20 sunlight and precipitation.

21 ~~(22)~~(23) "Scientific use" and "scientific purpose" means the use of wild animals or wild birds for application
22 of the scientific method to investigate any relationships amongst natural phenomena or to solve a
23 biological or medical problem. This definition applies only to educational or scientific research
24 institutions unless otherwise approved by the Commission.

25 ~~(23)~~(24) "Unfit" means wild animals or wild birds that are:

26 (A) incapacitated by injury or other means to the extent that they cannot feed or care for
27 themselves without human assistance;

28 (B) rendered imprinted by proximity to humans, pets, or objects; or

29 (C) a non-native species.

30 ~~(24)~~(25) "Wild animal" means game animals, fur-bearing animals, and all other wild mammals except feral
31 swine or marine mammals found in coastal fishing waters.

32 ~~(25)~~(26) "Wild bird" means the term as defined in 15A NCAC 10B .0121.

33 (e) Individuals interested in obtaining a captivity license for rehabilitation or a captivity license for holding shall apply
34 for the license by completing and submitting the appropriate forms set forth in Rule .1406 of this Section.

35 (f) Applicants for either license shall meet the following requirements:

36 (1) ~~Be~~ be 18 years of age ~~or older~~ at the time of application;

1 (2) have no convictions for violations of the Rules of this Section in the previous three years;

2 ~~(2)(3)~~ Have have no criminal convictions under G.S. 113-294 or G.S. 14, Article 47 of the North Carolina
3 General Statutes within 10 years of the date of application; and

4 ~~(3)(4)~~ Have have no criminal convictions under the federal Animal Welfare Act within 10 years of the date
5 of application.

6 (g) ~~No~~ A captivity license shall not be transferable either by license holder or by site of a holding facility.

7 (h) Captivity licenses are annual licenses and shall terminate no later than December 31 of the year the license is
8 issued.

9 (i) Except as otherwise provided in this Section, ~~no~~ a transportation permit ~~shall be~~ is not required to move wild
10 animals or wild birds held under a captivity license within the State. ~~Any~~ A person transporting an animal ~~that is~~ held
11 under a captivity license shall have the captivity license or a copy of the license in ~~his or her~~ their possession. ~~An~~
12 ~~exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild birds~~
13 ~~into or out of the State.~~

14 ~~(j)~~ An exportation or importation permit as defined in G.S. 113-274(c)(3) is required to transport wild animals or wild
15 birds into or out of the State.

16 ~~(j)(k)~~ Individuals holding a captivity license shall comply with North Carolina Department of Agriculture and
17 Consumer Services requirements for disclosing reportable diseases. A list of current reportable diseases as determined
18 by the North Carolina Department of Agriculture and Consumer Services is available at no cost at www.ncagr.gov,
19 and is incorporated by reference, including subsequent amendments and editions.

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

22 *Eff. January 1, 2020.*

1 **15A NCAC 10H .1402 CAPTIVITY LICENSE FOR REHABILITATION**

2 (a) A captivity license for rehabilitation ~~shall be required for~~ authorizes the lawful possession of injured, crippled, or
3 orphaned native wild animals or wild birds for the purpose of providing short term care and eventual release into the
4 animal's natural habitat. ~~A captivity license for rehabilitation shall not be issued for:~~

- 5 ~~(1) — Possession of~~ endangered, threatened, or special concern species ~~as defined by 15A NCAC 10I~~
6 ~~.0100, specified in Rules 10I .0103 through .0105 of this Chapter~~ Rehabilitation of these species
7 also requires an endangered species permit from the ~~Commission;~~ Commission.

8 **(b) A captivity license for rehabilitation shall not be issued for:**

- 9 ~~(2)(1)~~ domestic animals;
10 ~~(3)(2)~~ feral swine;
11 ~~(4)(3)~~ nutria;
12 ~~(5)(4)~~ coyote;
13 ~~(6)(5)~~ adult black bear;
14 ~~(7)(6)~~ adult white-tailed ~~deer or elk;~~ deer;
15 ~~(8)(7)~~ elk; ~~nine banded armadillo;~~ or
16 ~~(9)(8)~~ eggs of upland game birds.

17 ~~(b)(c)~~ A captivity license for rehabilitation shall not be issued for the purpose of holding wild animals or wild birds:

- 18 (1) as pets;
19 (2) for education, exhibition, or scientific purposes, ~~except as provided in Rule .1403 of this Section;~~
20 purposes;
21 (3) for dog training;
22 (4) for hunting; or
23 (5) acquired unlawfully.

24 ~~(e)(d)~~ Individuals who do not possess a captivity license for rehabilitation may take temporary possession of injured,
25 crippled, or orphaned wild animals or wild birds, except rabies species and black bear cubs, provided they are
26 surrendered to a North Carolina licensed veterinarian or an individual licensed under this Rule within 24 hours of
27 taking possession of such animals.

28 ~~(d)(e)~~ North Carolina licensed veterinarians providing medical care to sick, injured, or crippled wild animals or wild
29 birds are not required to have a license for rehabilitation from the Commission. North Carolina licensed veterinarians
30 without a captivity license for rehabilitation may ~~hold~~ treat wild animals or wild birds until the animal is medically
31 stable. Once medically stable, the wild animal or wild bird shall be transferred to an individual ~~possessing with a valid~~
32 captivity license for rehabilitation with the appropriate category for the given species. ~~Licensed veterinarians~~
33 ~~rehabilitating wild animals or wild birds shall have a valid captivity license for rehabilitation.~~

34 ~~(e)(f)~~ Apprenticeship. Individuals shall designate a rehabilitation mentor with a valid captivity license for
35 rehabilitation in North Carolina on their application for a captivity license for rehabilitation and submit the Wildlife
36 Rehabilitation Mentor Apprentice Agreement Form described in Rule .1406 of this Section. ~~applying for a captivity~~
37 ~~license for rehabilitation that have never held this license in North Carolina or a similar license in another state shall~~

1 ~~be designated as an apprentice.~~ The following ~~requirements~~ conditions shall apply to an ~~apprentice license:~~
2 apprentices:

3 (1) ~~On the application, the apprentice shall designate a mentor with a valid captivity license for~~
4 ~~rehabilitation in NC, who has held that license for two or more years;~~

5 (2) ~~An apprentice shall complete at least 12 months of supervised rehabilitation activities under a~~
6 ~~licensed rehabilitator; and~~

7 ~~(3)(1) An apprentice license shall may only possess at their own facility authorize the possession of~~
8 ~~squirrels, rabbits, and opossums. opossums, and chipmunks acquired through their mentor if the~~
9 ~~mentor is authorized to rehabilitate small mammals.~~

10 (2) An apprentice shall keep records of small mammals at their facility. Records shall contain the
11 following information:

12 (i) species;

13 (ii) quantity;

14 (iii) date acquired; and

15 (iv) final disposition and date.

16 To remove the apprentice conditions from a captivity license for rehabilitation, an apprentice shall complete 12 months
17 of supervised rehabilitation activities under a licensed rehabilitator and submit a completed Wildlife Rehabilitation
18 Apprentice Upgrade Form described in Rule .1406 of this Section.

19 (g) Mentorship. Individuals who have held a valid captivity license for rehabilitation in North Carolina for two years
20 may serve as a rehabilitation mentor to apprentices. Mentors shall:

21 (1) have no convictions for violations of the Rules of this Section in the previous three years; and

22 (2) keep records of the small mammals assigned to their apprentices for rehabilitation, if applicable.
23 Records shall contain the following information:

24 (i) species;

25 (ii) quantity;

26 (iii) date acquired; and

27 (iv) final disposition and date.

28 ~~(f)(h) Individuals applying for a captivity license for rehabilitation shall meet statutory and regulatory requirements,~~
29 ~~including those in G.S. 113-272.5 and all applicable rules of this Section.~~ Individuals seeking to rehabilitate migratory
30 birds shall provide proof of a valid and concurrent U.S. Fish and Wildlife Service Federal Migratory Bird
31 Rehabilitation permit for each category of migratory birds to be rehabilitated. ~~The Commission shall state on the~~
32 ~~captivity license for rehabilitation the categories of wild animals and wild birds that the individual is licensed to~~
33 ~~possess.~~

34 ~~(g)(i)~~ Required facilities.

35 (1) Individuals ~~holding~~ with a captivity license for rehabilitation shall conduct their rehabilitation
36 activities at the facility designated on their license that meets the minimum standards set forth in the
37 "Miller, E.A., ~~edition.~~ E.A. 2000. Minimum Standards for Wildlife Rehabilitation, 3rd edition.

National Wildlife Rehabilitators Association, St. Cloud, MN. 116 pages. ISBN 1-931439-00-1." This publication is hereby incorporated by reference, excluding subsequent amendments and editions, and is available at no cost at http://www.nwrawildlife.org/page/Minimum_Standards. free of charge at www.ncwildlife.gov.

(2) ~~All wild~~ Wild animals and wild birds undergoing rehabilitation shall be separated from pets, domestic animals, livestock, and non-native animals.

(3) ~~All wild~~ Wild animals shall be kept in separate enclosures by species.

(4) Rehabilitation in a residence shall have designated, separate rooms used only for housing, treatment, and rehabilitation.

(5) Handling of wild animals and wild birds shall be for treatment only.

~~(h) Wild animals or wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release, based upon advice from a North Carolina licensed veterinarian.~~

~~(i)(j)~~ Release of rehabilitated wild animals and wild birds.

(1) Wild animals and wild birds showing symptoms of or believed to be infected with a zoonotic disease shall be euthanized or treated prior to release.

~~(1)(2) All rehabilitated~~ Rehabilitated wild animals and wild birds shall be released ~~as soon as~~ when the animal can be expected to survive in the wild or has attained full recovery from illness or ~~injury, as determined by the rehabilitator or a North Carolina licensed veterinarian.~~ injury.

~~(2)(3)~~ Wild animals and wild birds may remain in a rehabilitation facility for ~~no longer than~~ 180 days. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case-by-case basis by evaluation, which may include the nature of the animal's condition and recommended treatment plan.

~~(3)(4)~~ Wild animals and wild birds shall not be released on the property ~~owned by~~ of another unless the rehabilitator has written permission dated within the last 12 months from the landowner.

~~(4) Wild animals or wild birds that are unfit shall be non-releasable and humanely euthanized. However, the Commission shall consider transfer of wild animals and wild birds on a case-by-case basis when written authorization is requested from the Commission. The wild animal or wild bird shall only be transferred to an individual or facility with a captivity license for holding as set forth in Rule .1403 of this Section when written authorization is obtained from the Commission.~~

~~(j)(k)~~ Transfer of Animals.

(1) Wild animals originating outside the State shall not be accepted for the purpose of rehabilitation unless written authorization is obtained from the Commission.

(2) Wild animals received for rehabilitation ~~may~~ shall not be exported outside the State for the purpose of rehabilitation or release ~~after rehabilitation~~ unless written authorization is obtained from both the Commission and the state where the wild animal will be exported to or released from.

(3) ~~It shall be unlawful for a license holder to sell any wild animal or wild bird~~ Wild animals and wild birds being held under a captivity license for rehabilitation, rehabilitation shall not be sold.

(4) ~~It shall be lawful for a license holder to transfer a wild animal or wild bird~~ Wild animals and wild birds may be transferred to another individual who possesses a valid captivity license for rehabilitation with the appropriate category for the given species ~~or a wild bird to another individual with a valid permit for the given species.~~

(5) Wild animals and wild birds that are unfit for release shall be humanely euthanized, except that the Commission may consider transfer of wild animals and wild birds upon written request from the rehabilitator. The wild animal or wild bird unfit for release may be transferred to an individual or facility with a valid captivity license for holding as set forth in Rule .1403 of this Section after written authorization is obtained from the Commission.

~~(4)(l)~~ White-tailed Deer Fawn. Fawns.

(1) Only individuals holding a captivity license for rehabilitation with the white-tailed deer fawn category may ~~possess, rehabilitate, and release~~ possess and rehabilitate white-tailed deer fawns. ~~To become licensed to rehabilitate white-tailed deer fawns, an individual shall meet all the requirements of the captivity license for rehabilitation.~~

(2) ~~No white-tailed~~ White-tailed deer ~~fawn~~ fawns shall not be possessed until the applicant has constructed or acquired an enclosure for keeping ~~fawn~~ fawns that complies with the standards set forth in Paragraph ~~(g)~~(i) of this Rule, and the facility has been verified by a representative of the Commission.

(3) ~~Any white-tailed~~ White-tailed deer ~~fawn-fawns~~ held for more than 48 hours shall be permanently tagged using ~~only~~ Commission-provided tags.

(4) Orphaned white-tailed deer fawns shall be held ~~for~~ no longer than 90 days. Injured white-tailed deer fawns shall be held ~~for~~ no longer than 180 ~~days~~ days. No white-tailed deer fawns shall be possessed after or until December 31, whichever occurs first. 31. If a longer rehabilitation period is needed, the license holder shall notify the Commission in writing. The Commission shall consider extended rehabilitation on a case by case basis. A fawn shall be considered an adult on December 31 of the birth year. Upon written request from the rehabilitator, the Commission may consider extended rehabilitation depending on the likelihood of rehabilitation success as determined by the Commission.

(5) Records of ~~all white-tail~~ white-tailed deer fawn rehabilitation shall be ~~maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission on the Annual White-tailed Deer Fawn Rehabilitation Activity Form specified in Rule .1406 of this Section~~ within 15 days of license expiration, expiration of the license or prior to the request for reissuance of the license.

(6) ~~Any individual or facility with the white-tailed deer category may not rehabilitate white-tailed fawn~~ White-tailed deer fawns shall not be rehabilitated on properties licensed for farmed cervids.

~~(4)~~ Elk Calves.

~~(1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate elk calves.~~

- (2) ~~Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the elk calf category. To become licensed to rehabilitate elk calves, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
- (3) ~~Any elk calves held for more than 48 hours shall be permanently tagged using only Commission-provided tags.~~
- (4) ~~Any individual or facility with the elk calf category may not rehabilitate elk calves on properties licensed for farmed cervids.~~
- (5) ~~No elk calf shall be possessed until the applicant has constructed or acquired an enclosure for keeping elk calves that complies with the standards set forth in Paragraph (g) of this Rule, and the facility has been verified by a representative of the Commission.~~
- (6) ~~Records of all elk calf rehabilitation shall be maintained on a form, as set forth in Rule .1406 of this Section, and submitted to the Commission within 15 days of expiration of the license or prior to the request for reissuance of the license~~

(m) Black Bear Cubs.

- (1) Only individuals under a signed cooperative agreement with the Commission to meet conservation objectives shall be authorized to rehabilitate black bear cubs.
- (2) Individuals in a cooperative agreement with the Commission shall obtain a captivity license for rehabilitation with the black bear cub category. ~~To become licensed to rehabilitate black bear cubs, an individual shall meet all the requirements of the captivity license for rehabilitation.~~
- (2) No black bear cub shall be possessed until the applicant has constructed or acquired an enclosure for keeping black bear cubs that complies with the standards set forth in Paragraph ~~(g)~~(i) of this Rule, and the facility has been verified by a representative of the Commission.

(n) Rabies Species.

- (1) Only individuals holding a captivity license for rehabilitation with the rabies species category may ~~possess, rehabilitate, or release~~ possess and rehabilitate rabies species. ~~To become licensed to rehabilitate rabies species, an individual shall meet all requirements of and~~ In addition to the general captivity license for rehabilitation requirements, individuals requesting to rehabilitate rabies species shall:
- (A) have held an active rehabilitation license within or outside of the State for ~~at least~~ the previous three years and have rehabilitated wild animals during that time;
- (B) certify 12 hours of rabies or rabies species-specific ~~training~~ training, or a combination ~~thereof; thereof, for their initial application;~~
- (C) certify up-to-date rabies ~~immunization~~ pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for ~~any rehabilitator, themselves, staff member members, or volunteer, and volunteers~~ who may ~~come in contact with rabies species. Proof species; of immunization to demonstrate that the vaccine was administered shall be~~

- ~~provided and upon the request of the Commission or authorized representative and shall be kept at the license holder's facility;~~
- (D) provide the name and contact information of a North Carolina licensed veterinarian with whom the rehabilitator has consulted and who agrees to provide necessary medical treatment to the rabies species. ~~Contact information for the veterinarian shall be posted at the facility where the rabies species are being rehabilitated;~~
- (E) certify notification to the appropriate animal control authority and local health department prior to making application to the Commission, to inform them of their anticipated activities and ~~location. location, and to coordinate future rabies testing activities; Contact information for these agencies shall be posted at the facility where the rabies species are being rehabilitated.~~
- (F) have separate ~~facilities~~ enclosures from non-rabies species adequate for the species ~~to be rehabilitated. being rehabilitated. Enclosures within the facility shall that are locked to prevent escape of the animal and egress of the animal, and ingress of other wild mammals; exposure to people, pets, livestock, and other captive or free ranging wildlife. Exterior~~ eaging shall be locked and surrounded by double fencing or a solid wall barrier; and
- (G) have a secondary barrier surrounding the rabies species enclosure that restricts contact with people other than those identified in Part (n)(2)(A) of this Rule, pets, and livestock.
- ~~(G) coordinate with appropriate local health department regarding euthanasia and testing of rabies species. A written protocol for testing shall be posted at the facility and made available for inspection by the Commission upon request.~~
- (2) The following information shall be posted at the license holder's facility and be provided, upon request, by an authorized representative of the Commission:
- (A) proof of immunization or titer checks for individuals who have contact with rabies species;
- (B) contact information for the veterinarian who agrees to provide medical treatment to the rabies species;
- (C) contact information for the local animal control authority and local health department; and
- (D) a written protocol for euthanasia and rabies testing.
- ~~(2)(3)~~ (3) Except for bats, rehabilitation and release of rabies species is not authorized in counties where the United States Department of Agriculture-Animal and Plant Health Inspection Service Oral Rabies Vaccination (ORV) program is conducted, as specified by the United States Department of Agriculture-Animal and Plant Health Inspection Service at www.aphis.usda.gov.
- ~~(3)(4)~~ (4) Except as otherwise specified in this Section, rabies species shall not be removed from their containment except for treatment, release, maintenance of the enclosure, or euthanasia.

1 ~~(4)~~(5) Rehabilitated rabies species ~~must~~ shall be released in ~~either~~ the county where they were rehabilitated
2 or the county where they were found.

3 ~~(5)~~(6) All rabies species shall be considered potentially infected with the rabies virus. If ~~any~~ a human or
4 domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds the brain
5 and spinal cord, or brain ~~and~~ or spinal cord material from ~~any~~ a rabies species, the license holder
6 shall contact the local ~~Health Department~~ health department immediately to report the incident. ~~The~~
7 ~~local Health Department may require euthanasia of the animal and submission of the brain for rabies~~
8 ~~testing.~~ Rehabilitators shall abide by ~~all requests made by~~ requests from authorized public health
9 department personnel, animal control, ~~or~~ and Commission personnel regarding disposition of the
10 animal. ~~No rabies~~ Rabies species that ~~has~~ have scratched or bitten a human or domestic animal or
11 ~~dies~~ die in captivity ~~can be~~ shall not be released or disposed of until the local ~~Health Department~~
12 health department investigates the situation to determine if testing is necessary. Positive rabies test
13 results shall be reported to the Commission within five business days of receipt from the health
14 department.

15 ~~(6)~~(7) Records of ~~all~~ rabies species rehabilitation shall be ~~maintained on a form, as described~~ submitted to
16 the Commission on the Annual Rabies Vector Species Rehabilitation Activity Report specified in
17 Rule .1406 of this ~~Section, and submitted to the Commission~~ Section within 15 days of license
18 expiration. ~~expiration of the license or prior to the request for reissuance of the license.~~

20 History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;
21 Eff. January 1, 2020;
22 Amended Eff. May 1, 2022.

1 **15A NCAC 10H .1403 CAPTIVITY LICENSE FOR HOLDING**

2 (a) The purpose of a captivity license for holding is to authorize the possession of lawfully taken or acquired native
3 wild animals or wild birds for education, exhibition, or scientific purposes. ~~A captivity license for holding shall not~~
4 ~~be issued for endangered, threatened, or special concern species as defined in 15A NCAC 10I .0100. Possession of~~
5 ~~these endangered, threatened, or special concern species specified in Rules 10I .0103 through .0105 of this Chapter~~
6 also requires an endangered species permit from the Commission.

7 (b) A captivity license for holding shall not be issued for holding wild animals or wild birds:

- 8 (1) ~~As~~ as pets;
9 (2) ~~For~~ for breeding unless approved by the Commission;
10 (3) ~~For~~ for dog training;
11 (4) ~~For~~ for hunting; or
12 (5) ~~Acquired~~ acquired unlawfully.

13 (c) Individuals seeking to obtain a captivity license for holding migratory birds shall possess and provide proof of a
14 valid, concurrent, and applicable federal permit from U.S. Fish and Wildlife Service, if required.

15 (d) Individuals seeking to hold wild animals for education, exhibition, or scientific purposes that require a license
16 from the U.S. Department of Agriculture shall obtain a captivity permit as defined by G.S. 113-274 prior to obtaining
17 the animal.

18 ~~(e) No captivity license for holding shall be issued and no wild~~ Wild animals ~~or and~~ wild birds shall not be possessed
19 until ~~the applicant~~ an individual has ~~constructed or acquired~~ an enclosure for keeping a wild animal or wild bird in
20 captivity that complies with the standards set forth in Rule .1404 of this Section, ~~and the facility has been verified by~~
21 ~~a representative of the Commission or and~~ the individual has ~~shown proof of~~ a valid, concurrent, and applicable U.S.
22 Department of Agriculture license or exemption from ~~USDA licensing requirements.~~ requirements, both verified
23 proven by a representative of the Commission.

24 ~~(f) Changes to an animal's enclosure after verification shall be reported to the Commission in writing within 10~~
25 ~~business days.~~

26 ~~(f)(g)~~ The following conditions ~~shall~~ apply to captivity licenses for holding wild animals ~~or and~~ wild birds:

- 27 (1) Wild animals and wild birds shall not come in contact with pets, non-native animals, livestock, or wild
28 animals or wild birds held under a captivity license for ~~rehabilitation. This provision shall not apply~~
29 to rehabilitation, except for surrogate animals or wild animals or wild birds used to foster other wild
30 animals and wild birds;
31 (2) Rabies species outside of their enclosure shall be kept restrained ~~at all times so that~~ the license holder
32 or their designee is in control of the animal and it does not have physical contact with the public,
33 domestic animals, non-native animals, livestock, or other wild animals or wild birds; and
34 (3) Wild animals outside their enclosure shall be kept restrained ~~at all times so that~~ the license holder
35 or their designee is in control of the animal and it presents no danger to the public; and public.
36 ~~(4) Wild animals shall not roam free unrestrained outside of an enclosure.~~

~~(g)~~(h) License holders with wild animals or wild birds used for education or exhibition outside of their facility, facility shall maintain records of all education and exhibition activities on a form, as described activities. Records shall be submitted to the Commission on the Captivity License for Holding Education and Exhibition Activity Form specified in Rule .1406 of this Section, Section within 15 days of license expiration, and shall retain records be retained for a period of 12 months following expiration of the license.

~~(h)~~(i) It is unlawful for a license holder to sell, Sale, transfer, or and release the of a wild animal or wild bird held under the license, a captivity license for holding is prohibited, except that such the wild animal or wild bird may be surrendered to an agent of the Commission, Commission or transferred to another individual who has obtained a license to hold the wild animal or wild bird in captivity. Upon transfer, the transferor shall create a record for the wild animal or wild bird showing the transferors transferor's name, address, tag number if available, license number, date of transfer, and transferor's signature, verifying that the information contained in the record is true and correct. A copy of the record shall be retained by the transferee for three years from the date of transfer.

~~(i)~~(j) Non-releasable animals lawfully held under a captivity license for rehabilitation pursuant to Rule .1402 of this Section, except for white-tailed deer fawns and elk calves, fawns, may be transferred to a captivity license for holding under the following conditions:

- (1) A a North Carolina licensed veterinarian submits a written recommendation stating the reason or reasons why the wild animal or wild bird cannot be released into the wild. The explanation shall include a description of the incapacitation of the animal and a detailed explanation of why the animal will not experience chronic pain from its condition or injuries;
- (2) The the Commission authorizes the transfer and or continued possession of the wild animal or wild bird; and
- (3) For for an imprinted animals, animal, the individual with the captivity license for holding shall not be the same individual that rehabilitated that specific the animal.

~~(j)~~(k) Rabies Species Species.

- (1) License holders with rabies species shall:
 - (A) certify up-to-date rabies immunization pre-exposure prophylaxis in accordance with current Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention at www.CDC.gov for any themselves, staff member members and or volunteer volunteers who may come in contact with rabies species; species. Proof of immunization to demonstrate that the vaccine was administered shall be provided upon request of the Commission and shall be kept at the license holder's facility;
 - (B) provide the name and contact information of a North Carolina licensed veterinarian with whom the license holder has consulted and who agrees to provide necessary medical treatment to the rabies species; species. Contact information for the veterinarian shall be posted at the facility where the rabies species are being held;
 - (C) certify notification to the appropriate animal control authority and their local health department prior to making application to the Commission, to inform them of their

- 1 anticipated activities and location, and to coordinate future rabies testing activities;
2 location. Contact information for these agencies shall be posted at the facility where the
3 rabies species are being held;
- 4 (D) have separate enclosures from non-rabies species. Enclosures shall that are locked
5 to prevent escape egress of the animal animal and ingress of other wild mammals; and
6 exposure to people, pets, livestock and other captive or free ranging wildlife. Enclosures
7 shall be locked and surrounded by a
- 8 (E) have a secondary barrier to prevent unauthorized contact with the public; and barrier
9 surrounding the rabies species enclosure that restricts contact with people other than those
10 identified in Part (k)(2)(A) of this Rule, pets, and livestock.
- 11 (F) coordinate with appropriate local health department regarding euthanasia and testing of
12 rabies species. Written protocols for testing shall be posted at the facility and made
13 available for inspection by the Commission upon request.
- 14 (2) The following information shall be posted at the license holder's facility and be provided, upon
15 request, by an authorized representative of the Commission:
- 16 (A) proof of immunization or titer checks for individuals who have contact with rabies
17 species;
- 18 (B) contact information for the veterinarian who agrees to provide medical treatment to the
19 rabies species;
- 20 (C) contact information for the local animal control authority and local health department;
21 and
- 22 (D) a written protocol for euthanasia and rabies testing.
- 23 (2)(3) All rabies Rabies species shall be considered potentially infected with the rabies virus. If any a
24 human or domestic animal has been scratched, bitten, or exposed to saliva, the fluid that surrounds
25 the brain and spinal cord, or brain and or spinal cord material from any a rabies species, he or she
26 the license holder shall immediately contact the local health department immediately to report the
27 incident. The local health department may require euthanasia of the animal and submission of the
28 brain for rabies testing. License holders shall abide by all requests made by from authorized public
29 health department personnel, animal control, or and Commission personnel regarding disposition of
30 the animal. No rabies Rabies species that has have scratched or bitten a human or domestic animal
31 or dies die in captivity can shall not be disposed of until the local Health Department health
32 department investigates the situation to determine if testing is necessary. Positive rabies test results
33 shall be reported to the Commission within 5 business days of receipt from the health department.
- 34 (k)(1) Black Bear: Bear.
- 35 (1) In accordance with G.S. 19A-10 and G.S. 19A-11, no captivity license licenses for black bear may
36 be issued for a black bear, except to:
- 37 (A) a publicly operated zoo;

- 1 (B) an educational institution; or
- 2 (C) a facility holding a black bear under conditions simulating natural habitat pursuant to Rule
- 3 ~~.1404(e)~~ .1404(d) of this Section.
- 4 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
- 5 transport black bear ~~for any purpose~~ without first obtaining a transportation permit from the
- 6 Commission.
- 7 ~~(h)(m) Cougar:~~ Cougar.
- 8 (1) In accordance with G.S. 113-272.5, ~~no captivity license~~ licenses for cougars may be issued ~~for a~~
- 9 ~~cougar, except to:~~
- 10 (A) a publicly operated zoo;
- 11 (B) an educational or scientific institution; or
- 12 (C) a facility holding a cougar under conditions simulating a natural habitat pursuant to Rule
- 13 ~~.1404(f)~~ .1404(e) of this Section.
- 14 (2) Except for emergency transport to a North Carolina licensed veterinarian, no individual shall
- 15 transport cougar ~~for any purpose~~ without first obtaining a transportation permit from the
- 16 Commission.
- 17 ~~(m)(n) Non-Farmed Cervids:~~ Cervids.
- 18 (1) ~~It is unlawful to hold any non farmed cervids under a~~ No captivity licenses for holding shall be
- 19 issued for cervids. holding, except for animals being held under a valid captive cervid license issued
- 20 prior to September 30, 2015 that are not farmed cervids, as specified by G.S. 106-549.97.
- 21 ~~(2) The following conditions shall apply to non farmed cervid licenses issued prior to September 30,~~
- 22 ~~2015:~~
- 23 ~~(A) no reproduction within the existing herd;~~
- 24 ~~(B) no new non farmed cervids shall be added to the existing herd from the wild or from farmed~~
- 25 ~~cervids held under the North Carolina Department of Agriculture and Consumer Services~~
- 26 ~~farmed cervid program;~~
- 27 ~~(C) the escape of any non farmed cervid from the facility shall be reported to the Commission~~
- 28 ~~within one hour of discovery. The license holder shall request a permit to take the escaped~~
- 29 ~~non farmed cervid pursuant to the terms of the permit. The dead cervid shall be submitted~~
- 30 ~~by the license holder to a North Carolina Department of Agriculture (NCDA) approved~~
- 31 ~~laboratory for Chronic Wasting Disease (CWD) testing, unless the Commission determines~~
- 32 ~~that the risk of CWD transmission as a result of this escape is negligible;~~
- 33 ~~(D) the Commission shall be notified within 24 hours if any non farmed cervid within the~~
- 34 ~~facility exhibits clinical symptoms of CWD, as described on the CWD Alliance website at~~
- 35 ~~www.cwd-info.org, or if a quarantine is placed on the facility by the State Veterinarian.~~
- 36 ~~All non farmed cervids that exhibit symptoms of CWD shall be tested for CWD;~~

- (E) ~~the carcass of any non farmed cervid that was six months or older at time of death shall be submitted by the license holder to a NCDA approved laboratory and tested for CWD within 48 hours of knowledge of the cervid's death, or by the end of the next business day, whichever is later. The Commission issued ear tag shall not be removed from the cervid's head prior to submitting the head for CWD testing;~~
- (F) ~~the license holder shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;~~
- (G) ~~the license holder shall make all licensed facilities, enclosures, and the record book(s) documenting required monitoring of the outer fence of the enclosure(s) at each licensed facility available for inspection by the Commission upon request, during the facility's business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself;~~
- (H) ~~the fence surrounding the enclosure shall be inspected by the license holder once a week to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection and inspections shall resume as soon as possible.~~
- (i) ~~a record book shall be maintained to record the time and date of each inspection of the fence, the name of the person who performed the inspection of the fence, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If the fence is damaged, the license holder shall record a description of measures taken to prevent ingress or egress by non farmed cervids. Each record book entry shall bear the signature or initials of the license holder attesting to the veracity of the entry. The record book shall be made available for inspection by a representative of the Commission upon request, or during the facility's business hours; and~~
- (ii) ~~any opening or passage through the enclosure fence shall, within one hour of detection, be sealed or otherwise secured to prevent a non farmed cervid from entry or escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection;~~
- (I) ~~each non farmed cervid held under this license shall be tagged as follows:~~

- 1 (i) ~~a single button ear tag provided by the Commission shall be permanently affixed~~
2 ~~by the license holder onto either the right or left ear of each non-farmed cervid,~~
3 ~~provided that the ear chosen to bear the button tag shall not also bear a bangle tag,~~
4 ~~so that each ear of the cervid bears only one tag;~~
- 5 (ii) ~~a single bangle ear tag provided by the Commission shall be permanently affixed~~
6 ~~by the license holder onto the right or left ear of each non-farmed cervid, provided~~
7 ~~that the ear bearing the bangle tag does not also bear the button tag; and~~
- 8 (iii) ~~once a tag is affixed in the manner required by this Rule, it shall not be removed;~~
- 9 (J) ~~a permit to transport non-farmed cervids may be issued by the Commission to an applicant~~
10 ~~for the purpose of transporting the animal(s) for export out of State, to a slaughterhouse for~~
11 ~~slaughter, between non-farmed cervid facilities covered by this Rule, or to a veterinary~~
12 ~~medical facility for treatment provided that the animal for which the permit is issued does~~
13 ~~not exhibit clinical symptoms of CWD. Application for a transportation permit shall be~~
14 ~~made to the Commission by completing and submitting the non-farmed cervid~~
15 ~~transportation form detailed in Rule .1406 of this Section. Any person transporting a non-~~
16 ~~farmed cervid shall present the transportation permit to any law enforcement officer or~~
17 ~~representative of the Commission upon request, except that a person transporting a non-~~
18 ~~farmed cervid by verbal authorization for veterinary treatment shall provide the name of~~
19 ~~the person who issued the approval to any law enforcement officer or representative of the~~
20 ~~Commission upon request.~~

21
22 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
23 *Eff. January 1, 2020.*

1 **15A NCAC 10H .1404 MINIMUM STANDARDS CAPTIVITY LICENSE FOR HOLDING**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34

Animal	Length (ft.)	Width (ft.)	Height (ft.)	Total Square Footage
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 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 provided. In case of more than one animal, the combined area covered by all their bodies while aligned parallel without overlap shall not exceed 50 percent of the land ~~area; area.~~ area.

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

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

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

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

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

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

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

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

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

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

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

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

4
5 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
6 *Eff. January 1, 2020.*

1 **15A NCAC 10H .1405 CAPTIVITY LICENSE REVOCATION AND ENFORCEMENT**

2 (a) Representatives of the Commission ~~shall be permitted to~~ may enter the premises of ~~any~~ a license holder's facility
3 upon request or during the facility's business hours for inspection or scientific purposes.

4 (b) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a license holder's
5 captivity ~~license~~, license if the license holder violates ~~any~~ a provision of G.S. 14, Article 47, or G.S. 113, Subchapter
6 IV, ~~or any~~ rules promulgated by the Commission in this ~~Chapter~~ Chapter, or any conditions of the license. The
7 determination whether to warn, cite, suspend, or revoke a captivity license for rehabilitation or holding shall be based
8 upon the seriousness of the violation, and may include:

- 9 (1) ~~Failing~~ failure to provide required facilities for the housing of wild animals and wild birds as
10 specified in Rule ~~.1402(g)~~ .1402(i) and Rule .1404 of this Section;
- 11 (2) ~~Providing~~ providing false or inaccurate information on license applications or reports submitted to
12 the Commission;
- 13 (3) ~~Possessing~~ possessing wild animals or wild birds not permitted by the captivity license for
14 rehabilitation, or the captivity license for holding;
- 15 (4) ~~Using~~ using animals undergoing rehabilitation for education, exhibition, profit, or ~~science~~ science;
- 16 (5) ~~allowing wild animals undergoing rehabilitation to have~~ involving contact with or proximity to the
17 public;
- 18 ~~(5)(6)~~ Failing failure to comply with monitoring or record-keeping ~~requirements as provided by the rules~~
19 ~~of this Section;~~ requirements;
- 20 ~~(6)(7)~~ Taming, taming, taming, imprinting, or otherwise improperly handling animals held for
21 rehabilitation;
- 22 ~~(7)(8)~~ Failing failure to treat conditions that warrant medical attention;
- 23 ~~(8)(9)~~ Failing failure to notify the appropriate agencies after a rabies exposure as described in Rules .1402
24 and .1403 this Section; or
- 25 ~~(9)(10)~~ Allowing allowing a wild animal held under a captivity license for holding to roam free unrestrained
26 outside of its ~~enclosure~~; or enclosure.
- 27 (10) — ~~The license holder of a facility holding captive cervid(s) failing to:~~
28 ~~(A) —~~ comply with tagging requirements as provided by rules of this Section; or
29 ~~(B) —~~ comply with requirements for maintaining the enclosure fence as provided by rules of this
30 Section.

31 (c) An individual holding a captivity license for rehabilitation with ~~the apprentice designation~~ apprenticeship
32 conditions shall notify the Commission within 10 business days if he or she no longer has a mentor ~~mentor~~, and
33 provide a list of animals in their possession by species and quantity. The apprentice shall obtain another mentor within
34 30 days and notify the Commission with that individual's information. If the apprentice fails to obtain another mentor
35 ~~within 60 days~~, the Commission shall revoke ~~his or her~~ their license and he or she shall be required to reapply for a
36 license with apprenticeship conditions. ~~an apprentice license.~~

1 (d) If a wild animal or wild bird is unlawfully possessed or the Commission revokes a captivity license for
2 rehabilitation or holding, ~~then~~ the Commission may seize and determine future treatment of the wild animal or wild
3 bird, to include release, relocation, or euthanasia.

4 ~~(e) The Commission shall revoke a non-farmed cervid license, and the holder of that license shall forfeit the right to~~
5 ~~keep non-farmed cervids and be required to turn the animals over to a representative of the Commission upon request~~
6 ~~of the Commission, under any of the following circumstances or conditions:~~

7 ~~(1) The license holder fails to submit a cervid carcass to a NCDA approved laboratory for testing for~~
8 ~~Chronic Wasting Disease within 48 hours of knowledge of that cervid's death or close of the next~~
9 ~~business day, whichever is later, as provided by Rule .1403(m) in this Section;~~

10 ~~(2) A cervid has been transported without a permit; or~~

11 ~~(3) Chronic Wasting Disease has been confirmed in a cervid at that facility.~~

12
13 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*

14 *Eff. January 1, 2020.*

1 **15A NCAC 10H .1406 FORMS FOR CAPTIVITY LICENSES**

2 (a) Individuals interested in obtaining a captivity license ~~for rehabilitation~~ shall apply ~~to the Commission using the~~
3 ~~Captivity License for Rehabilitation Form available at www.newwildlife.org, www.gooutdoorsnorthcarolina.com.~~

4 (b) Information required ~~by~~ from the applicant ~~for a captivity license for rehabilitation~~ shall include:

- 5 (1) ~~The applicant's~~ name, mailing address, residence address, telephone number, and date of birth;
- 6 (2) ~~The~~ facility site address;
- 7 (3) ~~Any~~ organizational affiliation, if applicable;
- 8 (4) ~~The~~ categories of wild animals and wild birds to be rehabilitated;
- 9 (5) ~~A~~ a copy of a valid Federal Migratory Bird Permit, if applicable;
- 10 (6) ~~The name and signature~~ of mentor, if applicable; ~~and~~
- 11 (7) a completed Wildlife Rehabilitation Mentor-Apprentice Agreement Form or Wildlife Rehabilitation
12 Apprentice Upgrade Form, if applicable;
- 13 ~~(7)(8)~~ ~~Certification~~ certification of 12 hours of rehabilitation related ~~training~~; training for initial
14 application, if applicable. applicable; and
- 15 (9) certification of up-to-date rabies pre-exposure prophylaxis, if applicable.

16 ~~(b)(c)~~ Individuals interested in obtaining a captivity license ~~for holding~~ shall apply ~~to the Commission using the~~
17 ~~Captivity License for Holding Form available at www.newwildlife.org.~~ Information ~~supplied by~~ required from the
18 applicant for a captivity license for holding shall include:

- 19 (1) ~~The Applicant's~~ name, mailing address, residence address, telephone number, and date of birth;
- 20 (2) ~~The~~ facility site address;
- 21 (3) ~~Any~~ organizational affiliation, if applicable;
- 22 (4) ~~The~~ species information including quantity and source for all animals to be held; ~~and~~
- 23 (5) ~~The purpose for holding animals in captivity.~~ captivity; and
- 24 (6) a copy of a valid Federal Migratory Bird Permit and USDA License, if applicable.

25 ~~(c)~~ Individuals requesting a transportation permit for non farmed cervids shall apply ~~to the Commission using the~~
26 ~~Non farmed Cervid Transportation Form available at www.newwildlife.org.~~ Information supplied by the applicant shall
27 include:

- 28 (1) ~~— The applicant's name, mailing address, residence address, and telephone number;~~
- 29 (2) ~~— The facility site address;~~
- 30 (3) ~~— The captivity license number;~~
- 31 (4) ~~— The species and sex of each non farmed cervid transported;~~
- 32 (5) ~~— The tag number(s) for each non farmed cervid transported;~~
- 33 (6) ~~— The date of transportation;~~
- 34 (7) ~~— The vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to~~
35 ~~transport the non farmed cervid;~~
- 36 (8) ~~— The name, address, county and phone number of the destination facility to which the non farmed~~
37 ~~cervid will be transported;~~

1 ~~(9) — The symptoms for which the non-farmed cervid requires veterinary treatment, if applicable;~~

2 ~~(10) — The date of slaughter, if applicable;~~

3 ~~(11) — The name and location of the North Carolina Department of Agriculture Diagnostic lab where the~~
4 ~~head of the non-farmed cervid is to be submitted for CWD testing, if applicable.~~

5 (d) Individuals rehabilitating white-tailed deer fawns ~~or elk calves~~ shall record their name, license number, and the
6 following information for each cervid on the Annual White-tailed Deer Fawn / Elk Calf Fawn Rehabilitation Activity
7 Form available at www.newwildlife.org; www.ncwildlife.gov;

8 ~~(1) — The captivity license number;~~

9 ~~(2)(1) The date of acceptance; received;~~

10 ~~(3)(2) The species and sex;~~

11 ~~(4)(3) The tag number;~~

12 ~~(5)(4) The disposition; and disposition and date;~~

13 ~~(5) name and license number of transferee, if applicable; and~~

14 ~~(6) The date and location county of release, if applicable.~~

15 (e) Individuals rehabilitating rabies species shall record their name, license number, and the following information
16 for each animal on the Annual Rabies Vector Species Rehabilitation Activity Form Report available at
17 www.newwildlife.org; www.ncwildlife.gov;

18 ~~(1) — The captivity license number;~~

19 ~~(2)(1) The date of acceptance; received;~~

20 ~~(3)(2) The species and sex; species;~~

21 ~~(4)(3) The location county of origin, if known;~~

22 ~~(4) sex;~~

23 ~~(5) estimated age;~~

24 ~~(5)(6) The disposition; disposition and date; and~~

25 ~~(6)(7) The date name and license number of transferee, transfer to other appropriately licensed captivity~~
26 ~~license holder, if applicable; or and~~

27 ~~(7)(8) The date and location county of release, if applicable.~~

28 (f) Individuals holding species under a Captivity captivity License license for ~~Holding~~, holding for educational and
29 exhibition purposes shall record the following information on the Captivity License for Holding Education and
30 Exhibition Form available at www.newwildlife.org; www.ncwildlife.gov;

31 ~~(1) The captivity license number;~~

32 ~~(2) The date of educational or exhibition activity;~~

33 ~~(3) The species and numbers of wild animals or wild birds used in the educational or exhibition activity;~~

34 ~~(4) The organization or group involved in the educational or exhibition activity; and~~

35 ~~(5) The description of educational or exhibition activity, if applicable; applicable.~~

1 (g) Information required from an apprentice on the Wildlife Rehabilitation Mentor-Apprentice Agreement Form,
2 available at www.ncwildlife.gov shall include:

3 (1) apprentice's name, facility address, phone number, and signature;

4 (2) mentor's name, address, WRC number, rehabilitation license number, and signature.

5 (h) Wildlife rehabilitation mentors shall provide the following information on the Wildlife Rehabilitation Apprentice
6 Upgrade Form, available at www.ncwildlife.gov, to certify compliance with requirements of Rule .1402(f) of this
7 Section:

8 (1) name, address, phone number, captivity license number, and signature;

9 (2) apprentice name, address, phone number, and captivity license number; and

10 (3) dates of mentorship.

11 ~~(g)(i) All forms~~ Reports and forms shall be signed, dated, and submitted to the Wildlife Resources Commission with
12 ~~applicable fees mandated by G.S. 113-272.5 and G.S. 113-270.1B.~~ rapr@ncwildlife.gov, 1707 Mail Service Center,
13 Raleigh NC 27699-1700, or through www.gooutdoorsnorthcarolina.com upon application or within 15 days of license
14 expiration, as required by the Rules of this Section.

15
16 *History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-274;*
17 *Eff. January 1, 2020.*
18
19