

SUBCHAPTER 10H – REGULATED ACTIVITIES

SECTION .0100 - CONTROLLED HUNTING PRESERVES FOR DOMESTICALLY RAISED GAME BIRDS

15A NCAC 10H .0101 GENERAL REQUIREMENTS

- (a) It shall be unlawful to operate a controlled hunting preserve without first obtaining a controlled hunting operator's license from the North Carolina Wildlife Resources Commission (Commission).
- (b) A controlled hunting preserve operator's license shall authorize an operator, guest, or customer to take the following:
- (1) Mallard Ducks (in accordance with 50 C.F.R. 21.13);
 - (2) Chukar Partridges;
 - (3) Hungarian Partridges; and
 - (4) Other domestically raised game birds, except Wild Turkey.
- (c) The following conditions shall apply to the take of birds on a controlled hunting preserve:
- (1) take shall be by shooting, which may include the use of dogs;
 - (2) there shall be no bag limits or sex restrictions; and
 - (3) take shall be authorized from October 1 to March 31.
 - (4) domestically raised migratory gamebirds shall be marked by one of the methods provided in 50 C.F.R. 21.13, all other domestically raised game birds, except Chukar Partridges and Hungarian Partridges, shall be individually marked on one leg with a band imprinted with the propagator's license number.
- (d) Application for a controlled hunting preserve operator's license shall be made on a form available from the Commission online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. The application shall include the following information:
- (1) The applicant's name, mailing address, residence address, telephone number, and date of birth;
 - (2) The preserve name and address;
 - (3) GPS coordinates of preserve entrance;
 - (4) The total preserve acres owned or leased;
 - (5) The name, address, and telephone number of the landowner, if applicable;
 - (6) The type of preserve; and
 - (7) The species of domestically raised game birds to be offered for hunting.
- (e) Applicants shall certify and demonstrate ownership or proof of lease of the land for the license period and for the operation of a controlled hunting preserve.
- (f) A licensed controlled hunting preserve operator shall be authorized to purchase, possess, propagate, sell, transport, and release propagated migratory game birds, their eggs, and propagated upland game birds, except for wild turkey, subject to limitations in Section .0900 of this Subchapter.
- (g) Representatives of the Commission shall be permitted to enter the premises upon request or during business hours for inspection, enforcement, or scientific purposes.

*History Note: Authority G.S. 113-134; 113-273;
Eff. February 1, 1976;
Amended Eff. August 1, 2010; May 1, 2008; July 1, 1994; November 1, 1990; July 1, 1988; July 1, 1987;
Readopted Eff. April 1, 2020.*

15A NCAC 10H .0102 ESTABLISHMENT AND OPERATION

- (a) Controlled hunting preserves shall be at least 100 acres and shall be one contiguous block of land.
- (b) The boundary of each controlled hunting preserve shall be posted with printed signs that face both outward and inward from the preserve boundary and meet the following requirements:
- (1) Signs shall be at least 12 inches wide and at least nine inches tall with white background and black lettering of uniform font.
 - (2) Signs shall be placed along the boundaries of the controlled hunting preserve, not more than 150 feet apart.
 - (3) Text of signs facing outward from the boundary shall contain the following information in font no less than ¼ of an inch in height:
 - (A) the words "Controlled Hunting Preserve";
 - (B) the words, "The owner or lessee of this property is operating by authority of a license issued by the N.C. Wildlife Resources Commission. Hunting on this preserve shall be in accordance with regulations of the Commission.";
 - (C) the words, "State hunting license is required"; and
 - (D) the name of the licensed operator of the controlled hunting preserve.
 - (4) Text of signs facing inward from the boundary shall bear the words "Controlled Hunting Preserve"

in font no less than ¾ of an inch in height.

History Note: Authority G.S. 113-134; 113-273;
Eff. February 1, 1976;
Amended Eff. June 1, 2009; January 1, 1992; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0103 LABELING OF HARVESTED BIRDS

(a) It shall be unlawful to remove harvested birds from the hunting preserve or to possess harvested birds unless the birds are packaged and marked with a label provided by the preserve. The label shall contain the following information:

- (1) the name and address of the hunting preserve;
- (2) the name and address of the possessor of the harvested birds;
- (3) the number of harvested birds contained in the package;
- (4) a statement that the package may be opened for inspection by an enforcement officer; and
- (5) the signature of the licensed operator or his or her designee.

(b) The packaged and marked harvested birds shall be accompanied at all times by the hunter's receipt, which shall be completed and signed by the operator or his or her designee as described in Rule .0105 of this Section.

History Note: Authority G.S. 113-134; 113-273; 113-274;
Eff. February 1, 1976;
Amended Eff. November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0104 QUALITY OF BIRDS RELEASED

All birds purchased or raised for release on controlled hunting preserves shall be free from disease. Pursuant to the authority granted to the Commission in G.S. 113-276.2, possession of diseased birds may be grounds for the suspension, revocation, or denial of a controlled hunting preserve license.

History Note: Authority G.S. 113-134; 113-273; 113-276.2;
Eff. February 1, 1976;
Amended Eff. August 1, 2010; June 1, 2005; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0105 RECORDS AND REPORTING REQUIREMENTS

(a) The controlled hunting preserve operator shall maintain a written record of each hunter using the controlled hunting preserve. This record shall contain the following information:

- (1) name, address, and license number of the preserve;
- (2) the name, address, and state hunting license number of each hunter using the preserve;
- (3) the date(s) of the hunt;
- (4) the number and species of each bird harvested by the hunter on the preserve; and
- (5) the signature of the operator.

This record shall be executed in duplicate. The original record shall be given to the hunter to serve as a receipt for birds harvested on the preserve as required in Rule .0103 of this Section. The duplicate record shall be retained by the operator for 12 months after the date(s) of the hunt. It shall be unlawful for a person to possess game birds harvested on controlled hunting preserves without a receipt as described in this Rule.

(b) The operator shall maintain a written record of each bird species released on the preserve. This record shall include the number and species of each bird released and the date of the release.

(c) The records required by this Rule shall be available for inspection at the request of the Commission.

(d) Licensed operators that release birds shall report the number released, the species of the birds released, and the county where the release occurred to renew their operator's license. This reporting requirement shall be limited to those birds released during the time period of the operator's current valid license or last valid license and shall be reported on the Controlled Shooting Preserve Game Birds Report Form found online at www.ncwildlife.org or at the Commission headquarters.

History Note: Authority G.S. 113-134; 113-273; 113-274;
Eff. February 1, 1976;
Amended Eff. November 1, 1990; April 15, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0106 HUNTING LICENSE REQUIRED

A valid North Carolina hunting license or controlled hunting preserve hunting license shall be required of all persons hunting domestically raised birds on controlled hunting preserves.

History Note: Authority G.S. 113-134; 113-270.2; 113-273;
Eff. February 1, 1976;
Amended Eff. November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0107 REVOCATION OF LICENSE TO OPERATE

(a) As authorized in G.S. 113-276.2, the Executive Director of the Commission may revoke, suspend, or deny the renewal of the license of any controlled hunting preserve operator upon violation of the rules in this Section.

(b) The determination whether to revoke, suspend, or deny a controlled hunting preserve operator license shall be based upon the seriousness of the violation and any previous violations.

History Note: Authority G.S. 113-134; 113-273; 113-276.2;
Eff. February 1, 1976;
Amended Eff. November 1, 1990; January 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amendment Eff. April 1, 2020.

15A NCAC 10H .0108 FEEDING OF STOCKED BIRDS

(a) Types of Feeders. Bird feeders used on controlled hunting preserves shall meet the following conditions:

- (1) not disperse grain or other food on the ground around the feeders; and
- (2) be sheltered to protect the grain or other food from dampness and precipitation.

(b) Location of Feeders. No bird feeder shall be placed within 100 yards of any boundary of a controlled hunting preserve.

(c) Supplemental feeding. Licensed operators shall be authorized to broadcast supplemental feed on the preserve. It shall be lawful for licensed hunters to take all birds authorized in 15A NCAC 10H .0101(b) in supplemented areas. Wild birds may not be taken with the use or aid of bait, including in supplemental feeding areas.

History Note: Authority G.S. 113-134; 113-273;
Eff. September 30, 1979;
Amended Eff. May 1, 2009; November 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.

15A NCAC 10H .0109 QUAIL CALL-PEN TRAPS

Licensed controlled hunting preserve operators that release pen-raised quail for hunting or dog training shall be authorized to use quail call-pen traps, between September 1 and April 30, to recover released quail, subject to the following requirements:

- (1) all traps shall have a weather-resistant permanent tag attached with the operator's name and address written legibly;
- (2) no trap shall be located within 100 yards of any boundary of the hunting preserve; and
- (3) no trapped, unbanded quail shall be retained.

*History Note: Authority G.S. 113-134; 113-291.1;
Eff. September 1, 1980;
Amended Eff. May 1, 2009; December 1, 1993; November 1, 1990; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. April 1, 2020.*

15A NCAC 10H .0110 SUPPLEMENTAL FEEDING

*History Note: Authority G.S. 113-134; 113-273;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Repealed Eff. April 1, 2020.*