



Fiscal Note for Proposed Controlled Rabbit Hunting Preserve Rule

Rule Adoption: 15A NCAC 10H .1601 Controlled Rabbit Hunting Preserves

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Impact Summary: State Government: Yes
Local Government: No
Private Impact: Yes
Substantial Impact: No

Authority: G.S. 113-131, 113-134, 113-273(g), 113-276(k)

Background

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

Controlled rabbit hunting preserves are authorized by G.S. 113-273(g) and the Commission is authorized by rule, to set standards for and to license the operation of these preserves by private persons.

I. Introduction and Purpose of Rule

Due to the authorization of regulating enclosed areas on which rabbits may be hunted with dogs, a rule was needed to put standards for these preserves in place. This activity was already occurring on the landscape and establishing a minimum standard of operation would ensure that the public trust resource's health is taken into consideration and allow the Commission to

enforce them if there was ever an issue in the future. The rule also provides legal protections to operators and potentially avoids the cost of lawsuits by issuing licenses for this activity.

Lastly, regulating this activity mitigates and reduces the risk of disease spread by being able to track where the infected rabbits came from. This is known by the records required to be kept and submitted by the operators.

Agency staff have worked with rabbit preserve owners/operators to propose this rule. The proposed rule can be found in Appendix A.

II. Quantifiable Impacts - Costs

State Impact

The proposed rabbit preserve rule is anticipated to have minimal economic impacts to the state.

License holders will be required to keep records of all rabbits released into and removed from their preserve on a form provided by the Commission. This information will allow the Commission to track the number rabbits removed from the wild and placed in rabbit enclosures and aid in understanding the impacts that this activity has (or not) on wild populations. It will also provide information on the movement of rabbits between preserves to improve understanding of the demand for these animals and any disease transmission in preserves. The records will need to be submitted to the Commission prior to the reissuance of a rabbit preserve operator license.

The forms do not currently exist and will need to be developed by agency staff prior to implementation. It is estimated that the agency will incur a one-time cost of approximately \$363 for form development ($\$45.33^1/\text{hr} \times 8 \text{ hrs} = \363). Additionally, the agency estimates an annual recurring cost of approximately \$1,813 per year related to review of records and reissuance of licenses associated with approximately 56 licensed rabbit preserves ($\$45.33/\text{hr} \times 40 \text{ hrs/yr} = \$1,813/\text{yr}$).

Local Impact

The proposed rule is anticipated to have no local government economic impacts.

Private Impact

License

The proposed rule requires that the operator obtain a controlled rabbit hunting preserve license for a fee of \$100.

Fencing²

¹ Estimated hourly rate obtained from GN11 midpoint.

² Estimated material costs obtained from tractorsupply.com and Toolboxsupply.com.

The proposed controlled rabbit hunting preserve rule requires that the preserve be permanently enclosed with a fence designed to prevent the escape or entry of wild rabbits at any time, where wild rabbits are pursued with dogs. While there are no specific fencing requirements, there is a cost associated with building an enclosure.

The agency is unaware of any preserves with fences that are less than four feet high with a one foot turn at the bottom, known as an apron fence.

Currently, the Commission is aware of preserves that range in size from one acre to approximately 122 acres. The actual amount of fencing required to enclose a preserve depends on the layout and topography of the property. However, assuming a flat, square, one-acre preserve needing to be completely fenced or re-fenced, a minimum of approximately 832 feet of fencing would be required. A 122-acre preserve would require approximately 9,220 feet of fencing to encompass a flat, square boundary. Assuming the operator used 17-gauge wire with a 5-foot apron (60" x 150') around the entire perimeter of the preserve, fencing alone could cost anywhere from \$1,500 (6 rolls x \$250/150ft roll = \$1,500) to approximately \$15,500 (62 rolls x \$250/150ft roll = \$15,500).

Fence posts (5-foot studded T-posts at approximately \$4.27 each placed every 10 feet around the perimeter of the enclosure) could add approximately \$358.68 to the expense on a one acre property (832 feet/10 feet/post = 84 posts x \$4.27/post = \$358.68) and approximately \$3,945.48 to the cost of fencing a 122 acre property (9,220 feet/10 ft/post = 924 posts x \$4.27/post = \$3,945.48).

The total estimated cost for fencing a one-acre rabbit preserve to comply with industry standard fencing requirements is approximately \$1,858.68 ($\$1,500 + \$358.8 = \$1,858.68$). The total estimated cost for fencing a 122-acre preserve is approximately \$19,445.48 ($\$15,500 + \$3,945.48 = \$19,445.48$).

III. Quantifiable Impacts - Benefits

State Impact

To receive a controlled hunting rabbit preserve license, applicants must pay a fee of \$100. Based on the number of known rabbit preserves currently in the State, it is estimated that the State may incur a minimum cost benefit of \$5,600 (56 known preserves x \$100 fee = \$5,600) if all known preserves apply for a license.

Local Impact

The proposed changes are expected to have no quantifiable local benefits.

Private Impact

The proposed changes are expected to have no quantifiable private benefits.

IV. Unquantifiable Impacts – Costs

Private Impact

Quarantine

The proposed controlled rabbit hunting preserve rule allows representatives of the Commission to enter the premises for scientific purposes. This provision may be used in instances when a disease is reported or suspected. It is likely that if quarantine is necessary, it would last for a minimum of 30 days. However, because the quarantine could be a result of anything from a rabies, RHDV2, and tularemia outbreak to a parasite or other disease that persists in the environment, and depopulation of the preserve or contract tracing may be required, it is not feasible to speculate the upper time limit of a potential quarantine.

While specific costs cannot be attributed or estimated for potential requirements of quarantine, the affected rabbit preserve would be prohibited from removing or introducing rabbits, may be required to clean or disinfect parts of the facility and may be prohibited from normal operation by way of temporary license suspension. In addition to the unquantifiable monetary cost of quarantine, a preserve would also lose the opportunity to operate and potentially generate revenue due to being shut down for a period of time.

Record Keeping

The proposed rule requires operators to keep records of all rabbits released into or removed from the controlled rabbit hunting preserves on a form provided by the Commission. These records must be submitted annually prior to reissuance of their operator license. While these record-keeping requirements will not be a cost to the operators, they will require minimal additional time and effort.

V. Unquantifiable Impacts – Benefits

State Impact

The proposed changes are expected to benefit the state by improving regulatory oversight on rabbit preserves and their operation. Specifically, the proposed rule will provide information to help the Commission regulate the transfer of rabbits to and between preserves and make informed decisions on rabbit preserves and trapping in the future. Specifically, this will help the Commission track a disease outbreak if one were to occur and take necessary precautions to mitigate further spread.

Private Impact

The proposed changes are expected to have a few quantifiable private benefits to individuals, by providing licensed operators with clearer, better defined standards and requirements for operation. Regulating controlled rabbit hunting preserves will legally protect the operators and allow them to continue their activity so long that the minimum standards of operation are followed.

Rabbits are a public trust resource and by requiring record of where the rabbits come in an out of allows us to ensure that they are not removed from the landscape at a rate in which cannot be replenished. In addition, if a disease outbreak occurs, the data collected by operators will allow the Commission to track where the infected rabbits came from, and quarantine effected preserves if necessary.

Providing minimum standards for operation reduces the risk for any unethical treatment of the animals and allows the Commission to come in and conduct an investigation of the operation if standards appear to be broken.

VI. Economic Impact Summary

Quantifiable Benefits

State

- \$5,600 minimum in licensing fees per year

Quantifiable Costs

In estimating the potential economic impact of the proposed rule for the controlled rabbit hunting preserve rule few costs identified were quantifiable. These include the following:

State

- Form development, annual review, and license administration: Year 1 = \$363
- Recurring = \$1,813

Private

- Fencing:
 - one-acre rabbit preserve = \$1,858.68
 - 122-acre rabbit preserve = \$19,445.48
- Licensing:
 - One license per year = \$100

Potential quantifiable private costs range from an estimated one-time cost of \$1,858.68 to \$19,445.48 and an additional \$100 each year thereafter.

Unquantifiable Costs

In estimating the potential economic impact of the proposed rule for controlled rabbit hunting preserves, several costs and benefits identified were unquantifiable. These include the following:

Private

- Stocking
- Quarantine requirements
- Value of operator's time for record-keeping

Unquantifiable Benefits

In estimating the potential economic impact of the proposed rule for controlled rabbit hunting preserves, several unquantifiable benefits were identified. These include the following:

State

- Improved regulatory oversight.
 - Information to help the Commission regulate transfer of rabbits to and between preserves.
 - Information to make decisions on rabbit pens in the future.

Private

- Clear, unambiguous requirements for license holders.

Although parts of the rule are accompanied by anticipated fiscal impacts and/or may limit opportunities, the agency does not anticipate significant impact to operators to license their preserves. The anticipated benefits of the proposed rule changes are expected to outweigh the estimated costs.

CONTROLLED RABBIT HUNTING PRESERVES

15A NCAC 10H .1601 CONTROLLED RABBIT HUNTING PRESERVES

(a) For the purposes of this Rule, the following terms shall mean:

- (1) "controlled rabbit hunting preserve", or "preserve", is an area of any size that is completely and permanently enclosed with a fence designed to prevent the escape or entry of wild rabbits at any time, where wild rabbits are pursued with dogs.
- (2) "wild rabbits" are eastern cottontail (*Sylvilagus floridanus*), Appalachian cottontail (*Sylvilagus obscurus*), marsh rabbits (*Sylvilagus palustris*), and species indistinguishable from these species.

(b) The following conditions shall apply to the take of wild rabbits on controlled rabbit hunting preserves:

- (1) take of wild rabbits shall be authorized year-round;
- (2) dogs shall be the only authorized manner of take;

- (3) unless exempt from license requirements, every person participating in the pursuit of rabbits on a controlled rabbit hunting preserve shall have a valid resident or nonresident hunting license or a controlled hunting preserve hunting license in his or her possession, in accordance with 15A NCAC 10B .0114.
- (c) Any individual wanting to operate a controlled rabbit hunting preserve shall first obtain a controlled rabbit hunting preserve operator license from the Commission.
- (d) One controlled hunting preserve operator license is required for each enclosure, except that one license shall be permitted for the same operator on properties not greater than 100 acres of contiguous acres of land regardless of the number of enclosures.
- (f) Application for a controlled rabbit hunting preserve operator license shall be made online at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:
 - (1) the applicant's name, address, telephone number, date of birth;
 - (2) the preserve name, address, county, acreage, and number of enclosures; and
 - (3) proof of ownership or lease of the land contained in the proposed controlled rabbit hunting preserve.
- (g) License holders shall keep an accurate record of all rabbits released into or removed from the preserve on a form provided by the Commission online at www.ncwildlife.org. Records shall contain the following information:
 - (1) the number of rabbits released into the preserve;
 - (2) the county of origin; and
 - (3) name, address, and applicable hunting license number of the individual that provided the rabbits to the preserve.
- (h) Records required in Paragraph (g) of this Rule shall be:
 - (1) available for inspection by representatives of the Commission upon request; and
 - (2) submitted to and received by the Commission annually by May 1 either online at www.ncwildlife.org or by mail to Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576.
- (i) In accordance with season and bag limits in Rule 10B .0207, rabbits may be box trapped inside an enclosure and moved between enclosures with a valid controlled rabbit hunting preserve operator license or valid hunting license.
- (j) Controlled hunting preserve operator licenses shall not be transferable, either by transferring the license to another individual or by relocating the site of the preserve.

(k) Upon receipt of an application accompanied by the license fee, the Commission shall issue a controlled rabbit hunting preserve operator license, provided this Rule regarding establishment of such areas have been complied with.

(l) Representatives of the Commission shall be permitted to enter the premises of any licensed controlled rabbit hunting preserve upon request or during the preserve's operating hours for inspection, enforcement, or scientific purposes.

History Note: Authority G.S. 113-134; 113-273(g); 113-276(k);

Eff. February 1, 2022.