

September 13, 2006  
Policy, Regulation, and Trade Committee Meeting  
UNCG Eberhart Building Conference Room

Dave Davenport, Sarah Cross, Kendrick Weeks, Jeff Hall, Tanith Tyrr, Andrew Wyatt, Carl Person, Grover Barfield, Phil Bradley, David Cooper, Keith Farmer, Jeff Beane, Ann Somers, Stan Lake, David LaPlante, John Groves, Rhonda Washington, Chris McGrath

1pm

Dave- Introductions. Gave summary of presentation to non-game wildlife advisory committee about what we have accomplished.

Ann- Is the turtle bill going to come up to the non-game advisory board?

Sarah- it is going through the regulation process right now.

Chris- Technically it is up to the (wildlife resources) commission (WRC). If they want input from the advisory board then they will approach them. The next commission meeting is October 6 and a subcommittee will address it and either refer to the non-game advisory board or not.

Sarah- We will let you know what happens if they do not ask for the board's opinion.

Dave- We do need to discuss the study bill that you all have now. It sounds like I am going to be asked to be on the study committee. So, there should be opportunity for what we have worked on to be used if any bill about inherently dangerous animals (IDAs) is pursued. We do know that there are people sponsoring this bill would prefer a ban. What is the overall position of the Zoo?

John- I don't think it is all that bad. I am not sure how they will come to a decision, I keep hearing about a museum committee. I think that they are supporting regulation by the WRC.

Dave- I will keep everyone updated on what is happening. I look at this as an opportunity to get what we have decided here out there and in place before support for a ban happens. If that doesn't happen, then I will be the first to know and we can take appropriate action. My agenda is to push forward to get this last issue worked out. We worked out the Giant Constrictor Permit last time and we need to work out the crocodilians and tackle the venomous licensing guidelines. We have a framework, but we need to fill in the nuts and bolts this meeting and next meeting. And, the next meeting is in October and this committee will be going already. The sooner we work out the details about what we want to see, the better off we are going to be.

Andrew- Well, you will have some more support as well because according to senator Basnight, I will also be on that committee.

John- How is the committee going to work?

Andrew- I haven't heard. It seems to be a little bit in disarray because the woman coordinating it has left her position and there has not been anybody to replace her. Who this whole thing will revolve around at DENR (Department of Environment and Natural Resources) is anybody's guess. Senator Basnight is looking into it. I am supposed to meet with him next week in our home district.

Dave- I hope that we can have some influence now that we have representation on the study committee.

Ann- You are often away a lot.

Dave- I am but I should be able to attend all the meetings which are scheduled for the next couple of months.

Andrew- Whose budget is the study coming from? Is it Basnight's budget?

Dave- I don't know. It may be general appropriations.

Andrew- All I know is that their working on it at the zoo.

John- I don't know. I am not privy to it. I don't think they will go for a total ban.

Andrew- Normally, in the political process, they put it out there to see how much support they get and then tweak it so that it will pass.

Carl- This has been the standard for five states that it has gone through. Who put this on the omnibus?

Andrew- Jim Crawford, a representative in the house. I don't know what district he is in. (District 32) He is the sponsor of the omnibus study bill. How SB1032 became a part of this, I don't know.

John- You know more than I do...

Andrew- Oh, it directly affects my life and I am not going to sit idly by while it goes down the tube.

Dave- This bill is a template that has been going around the country. I hope that we can gut it and have it meet the needs of most citizens.

Ann- Do you have a template for this?

Dave- The template I am going to suggest is what we develop here on herps.

Ann- So, the suggestion would be that there would be separate action on herps?

Dave- Well, I think we have all wanted to not be lumped together. I am not sure that the lumping process has not been detrimental overall because when you lump all that stuff together, it is far easier to just have a ban. And, the NCWRC is going to say, "we don't want to regulate tigers". Personally, I think it would be easier if IDAs were not lumped unless we have to. If we are lumped, can we have a framework that will treat us differently than large mammal carnivores.

Ann- There is not a mammal association is there?

Andrew- No, there is not. I have had contact with some of those people and they are not mainstream. So, they apparently are unorganized. But, the sponsors are trying to lump everything. I think the best opportunity to get what we want is to stop SB1032. This is not a high priority for legislators. But, if they can come in and score some political points by passing it and saying they are protecting the public, then they will do it. If there is any organized resistance then they will back off. If the bill is stopped, then we will be in a much better position to bring forward our ideas.

Carl- There are two important things in my mind; 1) I don't want to give them something and have them tweak it like they did in Tennessee. Anyone in this room could get a venomous permit, but you cannot get through Walter Cook. I moved to NC to avoid being harrassed. I should not have to put up with that and neither should anyone else. I am not for putting something out there unless we have to.

Tanith- If we don't have something in place, then Billy Joe Bob is going to keep a ten foot cobra in a five gallon terrarium and it is going to get loose and make the news. Then the whole thing is over. We can't afford that.

Carl- Well, there are 20 million Billy Joe Bobs across the world and as far as I am aware, no one has ever been killed by someone elses poisonous snake. And, while this is apples and oranges to some; why, is it that horses are not on there? Horses are the number one killer in North Carolina and I know some might think this has nothing to do with this meeting but it does; it is the same thing except we are being pigeon-holed. I agree with what we are doing but I don't want to give the lion my hand either.

DavidL- But, that is not how the public percieves it.

Carl- We need to educate the legislators and others that this is not true. I see we need to have a backup plan so we don't get rolled over. We need to spell everything to the letter.

Dave- We need to move forward regardless of what happens with this bill. Our job here remains the same. The verbage will come out when Sarah takes what we have done and

writes it into an actual bill. I think it is really important to do this from the bottom up. It is important to have WRCs support. WRC really doesn't know this thing exists even if it does have their name all over it. I think that we want to work with the nongame advisory board. If the WRC doesn't want it, then we can work with senator Basnight and others and we will present what we have. But, it is really important to have the WRC support and will go a long ways towards making this happen the way we want it to happen. We know there is going to be resistance from some in WRC. And, I have been given advice on how to make this easier for WRC to swallow. We need to have something in place to go through all the proper channels.

Carl- I want to be careful of not putting ourselves into a trap we can't get out of. That is exactly what happened in Tennessee.

Dave- I think that is why my preference would be to go ahead and have something we can show to WRC, gets some feedback, and then proceed from there.

Carl- OK, I feel better about this relative to your opening statements

Dave- I just found out today that we will have input. But, I don't know how it is going to be received. Whether we are listened to is another matter.

Tanith- The Cape Fear Serpentarium (CFS) needs to be on that committee.

John- I was trying to figure out which groups on this list...represent...

Tanith- CFS is privately owned and are on the cutting edge of husbandry and veterinarian research in the state.

Andrew- That is something Dean needs to discuss with his senator, representatives

John- I think anyone can submit a name...

Dave- Basically, if they are not willing to discuss NCPARC's framework then we are not doing any good. Then you might as well use whatever you can to kill the bill. Depending on what we hear out of these meetings then we should have an opportunity to change this.

Andrew- This can't be an unfunded mandate and the enforcement officers that I have talked with don't like this whole thing. So, it has to be funded.

Dave- Part of that money will come from the licensing fees but we all know that is minimal. There is going to be a need for more to be generated. I have had conversations with Sarah and others. There is probably away for NCPARC to play a role such as facility inspections. WRC is going to say that it is hard to enforce these regs without more money and bodies. NCPARC can mitigate that by putting together an inspection team. We are the ones coming up with the inspection criteria in the first place. In talking with

most, unless Chris has some input, that this is something that is possible. Now obviously no regulatory powers but if there are problems, the inspector can contact the WRC. Does anyone have anything else on the bill? We just need to keep everyone updated. I am not representing myself but this group. If things happen, then we will send out an email.

Chris- Andrew is really the only one that knows about it. Given that the WRC name is on it, I don't know why most don't know about it.

Andrew- Most of NCARK members contacted their representative and they informed them that it had died. So, many representatives don't even know that this is in the omnibus study bill.

Carl- My senator, Snow, said it was long gone. He didn't even know it was in there.

Ann- When did it pass?

Andrew- In July, just before the summer recess.

Chris- It was signed by the governor in September. My understanding is that there is a study bill passed every year where all the bills they did not get to are thrown in. Just because it is in the bill doesn't mean it is going to happen. There is a disclaimer on the bill that:

“Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and in the Current Operations and Capital Improvements Appropriations Act of 2006, the study shall be implemented in accordance with the Current Operations and Capital Improvements Appropriations Act of 2006 as ratified.”

The agencies affected by the bill, if they don't have the funding, don't do the study.

Andrew- That is why I was wondering if DENR had appropriations or what. I think the only ones studying it now are the NC Zoo and NCPARC.

Chris- I tried to find the Current Operations and Capital Improvements Appropriations Act of 2006 to see if there was funding and I could not find it. There are opinions in the WRC that it will not be undertaken. Like you said Dave, the process can be integrated with any study bill.

Tanith- They may decide there is no money for it.

Dave- So Chris, when there is a study committee, especially if there have been no appropriations, is it typical for WRC staff not to be involved in that committee?

Chris- You have to look at who is given responsibility and DENR has been given that responsibility. If nobody from DENR contacts the WRC, no one will be there.

Andrew- The central figure is now at NCDOT

Dave- And considering how state government works, it will take four to six months to get a replacement.

Andrew- The only big component in the bill right now is the NC Zoo, as far as I know...

Ann- Is it the NC Zoo director

John- He is supporting it but like I say, he has indicated that they were just going to look at the IDA aspect of it.

Andrew- Loraina Smith is the driving force behind it...

John- Yes, but I think some reins are going to be pulled. I can't guarantee that but that is my feeling. I have been in there for two years on this and sometimes I am not very popular

Carl- We keep saying, WRC, WRC, WRC, but why wouldn't they contact you?

Sarah- That is a good question.

Chris- All contact between the legislature and the WRC is handled by the Director.

Carl- Is the WRC under an administrative procedures act? Does it make its own regulations or does it just follow the letter of the law?

Chris- Those are different questions. We are subject to administrative procedures but our funding is different than other agencies because we are governed by a commission but still subject to rules and regulations.

Andrew- We should probably get on with the nuts and bolts.

Dave- Yeah, does anyone else have a burning question about all of this?

Grover- Is there any prohibition for John Q. Citizen to attend those meetings?

Sarah- I don't think anyone has any idea at this point.

Dave- Let's move on...Crocodilians. What we had proposed was that all crocodilians would require a license from Daron's office and we discussed inspections of facilities. With the Giant Constrictors Permit, we decided you must be at least 18 years old, annual reporting of species and numbers, a list of rules on the Permit that they understood they could be inspected, selling it required to verify buyer had a permit, and the proper caging

for a snake that grows to such a large size. I assume nobody objects to the same age requirements.

Tanith- I brought some notes about venomous colubrids and also some excerpts from Florida law on housing crocodilians, venomous snakes, and reptiles. I have ten copies.

John- I found out today while looking for another law that there are some statutes on crocodilian enclosures.

Carl- Does NC currently have any laws about crocodilians?

Dave- Just alligators.

Carl- So anyone can walk into a pet store and buy a caiman?

Dave- Yep.

Andrew- Of course, there may be city or county ordinances.

Dave- If there aren't any municipal ordinances in place, then there is no framework in place. If you want to buy a saltwater croc there is nothing to say that you can't.

Keith- There were selling Caimans at the exotic animal show this year in Raleigh and I saw a kid carrying one around and I swear somebody had to drive him there because he wasn't old enough.

Andrew- Let me tell you something about that. There weren't selling caimans at the show. That kid showed up and wanted to sell it. We grabbed him and took the caiman and told him he could take it out but he could not sell it. We put it in the back room until he was ready to leave.

Keith- The people at the end with all of the wild caught snakes; they were selling caimans.

Andrew- The reason we pulled the kid is because vendors paid for booths.

Keith- I know they sold two.

Dave- Raleigh has nothing on the books about venomous or crocodilians. Orange county has a venomous ordinance. Another thing is that these permits and licenses will also inhibit impulse buys. We need to discuss species specific reporting.

Grover- What does the WRC charge for a hunting license?

Sarah- It depends on what you are getting it for.

Grover- If we are dealing with crocs then we ought to up the ante because anyone can get one for five bucks and it may be a while before a problem is detected.

Sarah- Some things are already set.

Tanith- We need inspections and housing is very much an issue.

Carl- Should we separate crocs into classes?

Dave- Again, we need to keep it simple; the easier it will be all the way around. If we just have a license system that requires declaring the species you have.

Carl- Lets say you apply for a Caiman license and the enforcement officer aren't really croc savvy.

Dave- If we use the verbiage before then we can say you can be inspected. If there is an application for a Caiman, maybe there wouldn't be an inspection but if it was a salt water croc, you definitely want to inspect. And, this is one of the ways NCPARC can help WRC with inspections. So, maybe we can come up with a list of people qualified to inspect facilities. Same with venomous. I don't think that is overstepping our bounds. I just think all working groups need to put their heads together. We can say that NCPARC will aid the WRC with inspections.

Tanith- The Florida regs say that you have to have a locking cage.

Dave- There should be some effort to formalize inspections and offer that to WRC

Andrew- That falls right into the NCPARC mission statement.

Carl- I think we should be very proactive and that may be the answer.

Dave- Species reporting will allow for prioritizing inspections. This whole process will get rid of impulse buys and people who really don't know what they are doing. So, you are usually only going to be dealing with people who know what they are doing.

Tanith- Should there be a test that confirms the keepers knowledge?

John- That is nuts and bolts that we can get to later.

Tanith- For example, to be a wildlife rehabber in Florida you have to have a certain number of hours of experience and classes that demonstrate you know what you're doing.

John- Florida is currently reviewing all of their captive animal laws and we might be able to get some insight there.

Dave- We could talk about conditions in which you get your license revoked. like we did with the Giant Constrictor Permit. And instead of an exam, there could be multiple inspections.

Andrew- And in the community, word gets around...

Dave- Exactly. And, I don't want to jump the gun but we should try to figure how people can get qualifications.

Andrew- I think that this is great because we want to demonstrate that we are taking this seriously and willing to take responsibility.

Tanith- One big concern I have is with crocodylian housing. *Crocodylus rhombifer* (Cuban Crocodile) can do things others can't; climb trees and fences, they can levitate...

Dave- Again, I think we want to say something about that they understand how to properly cage these animals. We may need a subcommittee to come up with species-specific requirements. However, that won't necessarily be on the license. We can do this later.

John- Also, I am vice chair of the crocodylian AZA and I have been charged with chairing a committee determining proper caging. We want crocodiles to be able to do what they do in the wild while in captivity.

Tanith- I don't think there should be any difference between institutions and private individuals; they should be held to the same standard.

Grover- Is there a list of individuals that can receive confiscated alligators.

Dave- No because the only people that can get confiscated alligators is the zoo, the museum,...

Grover- I need some help here. There is some evidence of two alligators in Gaston County that might be given up...

Tanith- I am working on something like that right now at Sneed's Ferry, but we have not gotten the permit yet.

John- We really don't have the facilities for that and usually transfer them to the alligator farm down in St. Augustine but they no longer take them.

Dave- Well, I will say this: after we are done, we need to have a discussion with what to do with confiscated animals that are protected, including venomous, so they don't get the pink needle.

Tanith- We have the facilities...

Dave- That is one of the things we need to address after we get...

Grover- We want them taken care of...

Dave- Can we talk about the nuts and bolts on crocs before the break. What I have down:

Species specific license

18 years or older

Rules on the permit (inspection, sellers responsibility, caging requirements)

Jeff- Are you permitting a facility or individual?

Dave- Facilities are usually handled differently...

Jeff- So this is for individuals...

Dave- It is for both

Keith- You could apply as a company or individual

Dave- Right. Did we miss anything?

Keith- How much for the license?

Dave- Well, we can consult with Daron...

Ann- We could just say that we support a significant fee for the license because they are gonna come up with it.

Keith- A suggestion might be helpful

Dave- We don't need to come up with a specific price.

Keith- I think \$50-\$100 per year is not unreasonable

Carl- For crocs you don't want it to be \$5

Dave- The other thing is that the WRC will be more on our side if it is expensive because they need to generate revenue for administration.

Carl- \$50-\$100 is reasonable for crocs

Grover- If you had three crocodilians and someone else had one, you would pay the same fee?

Tanith- I would say yes

Keith- One permit, one facility

Tanith- If someone had 50 acres and wanted to fill it with crocs, I guess they could do that. Or, we could have a limit over which it would be a commercial license...

John- then that would be through agriculture...

Keith- How is the guy outside of Laurinburg licensed?

Sarah- He is through agriculture, the one that we know of...

Dave- No one keeping crocs for other than food or leather is going to want to be licensed by the Dept. of Agriculture.

Tanith- What number?

Sarah- We should probably discuss that later with the caging requirements, etc.

Rhonda- Couldn't we require an apprenticeship for certain species?

Tanith- Experience should be applicable.

Rhonda- But if you don't have that; it is some new person then they should work with someone who does...

Dave- Do you want to add that?

Tanith- An apprenticeship could be the equivalent. I have done training workshops for keepers.

Carl- I am a little leary of having to prove experience. We all, with the exception of John, got started as juveniles playing with snakes and that is how we got our experience. I can't prove it.

Tanith- A couple letters of reference.

Carl- Walter Cook in TN says that anybody can write those and that is true. I started keeping venomous when I was thirteen. My total mentorship was me. I want to be careful. I have a large collection of venomous and I don't want some apprentice coming in my house where I can be liable for them being bitten. If someone opened one of my cages, I would be really tempted to break their arm! My cage room is always locked and sealed.

Dave- If there is inspections, it can be apparent...

Carl- I don't want something in there that says you have to have X amount of experience. There is a guy in Murphy just getting started and should I say, "Wait a minute. You need to have a thousand hours of experience before you do this." That is complete nonsense.

Tanith- Or we could have license levels where you start out only be licensed for certain species (i.e. copperhead).

Dave- It is getting late so lets take five minutes.

BREAK

Rhonda- I think the dangerous dog law is a good template for issues of liability.

Sarah- great.

Dave- OK. Before we continue with venomous, should we talk about apprenticeships for crocs? We have to account for the fact that someone who applies is going to be denied a license. Maybe we could have a type A, B, and C permit that separates out the level of danger.

Tanith- Maybe it could start with Caimans.

Andrew- If we go back to the falconry model, you become an apprentice for two years. During that time there are certain birds you can work with. After that time, there are other birds you can work with. And, then you are a Master Falconer and can work with any species. And, people are going to have to be grandfathered.

Dave- Definitely. They can get licenses for what they already have. But we need to decide if having something like that for crocs is necessary.

John- Keeping them in most parts of NC is so difficult, unless you keep it in your heated basement, that it may not be as big a deal as keeping venomous.

Carl- I had two crocs in FL that I sold because bringing them here is ridiculous. My friend there took them. If you have the license like we have already said, that is best. Apprenticeships aren't needed.

Tanith- Some zoos have animal handling workshops and charge for that.

John- I am an instructor on some courses.

Grover- This is something we can work on later on.

Dave- Its gonna come up again

Jeff- What if you had a question on the license application that asked if one was willing to apprentice someone. Then that would target keepers interested in mentoring.

John- There is an animal welfare issue. Every time you handle an animal, there is stress involved and it can take a day or two to calm down.

Dave- Did we nix the idea with crocs.

Group- Yes.

Dave- OK, on to venomous. According to what Tanith passed out, we may want to revise what we came up with. We divided it based on family and broke out by genera who will thought fit; Viperidae, Elapidae, Atractaspidae, Hydrophidae, and Helodermatidae. We listed several genera under Colubridae including: Boiga, Distolotus, Rhabdophis, Psammophis, Conopsis, Thelotornis. There are actually of couple of species listed by Dr. Fry. For instance, Philodryas and Thrasops were not included in the list.

Some discussion about these genera

Tanith- If it only one species should we include the genera?

Dave- I think we should put it on there as genus. Is anyone opposed to adding the first couple of paragraphs of Dr. Fry's work?

No one objects

Dave- OK. One of the things we did is that it is a species specific license and annual reporting is not gonna give us what we want. With this, you don't have to apply for another license but you have to apply for a another species. Everytime you add a new species, you have to submit an addendum that could be rejected.

Carl- Let's make sure we don't overwhelm the WRC...

Tanith- It is not that much more work...

Dave- And, it identifies someone who has kept copperheads and then sends an addendum for a black mamba.

Andrew- Well, as long as the new snake is within another class of license...

Dave- Right, so we need to work out what classes are...

Tanith- From my perspective, I don't see any one species being particularly harder to keep than another, just different. So, envenomation consequences may be the way to go.

Dave- I think we need to take the families we have identified and break them up into the classes. And if they don't, like the elapids, we can say that Class A license allows for these species of elapids.

Keith- The top class would allow anything.

Dave- Well, what I envision is that there are three classes

Keith- We should also consider the availability of antivenom.

Dave- That is something we discussed about getting a statement from the permittee stating they have a source of antivenom.

Tanith- If you fill out that 11 page form, dot all the I's and cross all the T's, you should be able to get your antivenom.

Keith- That's not true. We just went through this.

Carl- APHIS is holding me up.

Keith- And with these more exotic species, it is not an FDA approved drug.

Carl- The other problem is samir has closed down. Bioclone is testing a South African antivenom.

Keith- When you try to bring something in that is not FDA approved, you get a LOT of red tape. And hospitals will not administer a drug that is not FDA approved without a waiver, at best.

Tanith- So, we put in the first level all native venomous?

Keith- Yeah, most hospitals have cro-fab. It has gotten tough.

Carl- The good news is the University of Arizona is doing final stages of research on bioclone. If its bioclone we will be able to get South African.

John- I think we have to have a statement that you have access to antivenom.

Tanith- I am still concerned about antivenom being taken from my facility. Then I am at risk.

Dave- There are two approaches. 1) the easiest is a statement of understanding by the permittee that these are life threatening animals and assume responsibility...

Tanith- That still does not address my concerns.

Dave- Yes, I know facilities have had to give up their antivenom. We need to have something in place that will protect the public perception when something rare, like a handler getting bitten, happens. Somehow we need to do something more than “if you get bitten, you are on your own”.

John- They are more concerned with an animal getting away from their handler and hurting someone else.

Tanith- What about verifying an antivenom store held by a group of keepers.

Dave- And, I think that makes the most sense.

Andrew- Dean, Tanith, and I have been working on this a little bit.

Long Discussion of Antivenom Requirements; Cooperative Antivenom Bank; Follow-up on statements of access; sterility tests; pharmacy billing by established banks; Miami Dade; feasibility of antivenom requirements; registered private banks with WRC and notarized statement by applicant of access to one; institutions that take confiscations require statement?; grandfathering and grace period for statement of antivenom; table it for later;

Dave- We have to agree on something; we already have basics; we need to work on the levels of license and work out this antivenom issue.

DavidC- I don't understand why we can't go through Miami-Dade

Carl- You can't get in there if you live in FL.

Dave- Coop, why don't you contact them and find out for sure; that may be our way out. And for next time, everyone think about how the license classes should be broken down.

Keith- 3 categories?

Dave- The simpler, the better and I can think of three right now. Also, think about the apprenticeship issue; how do we give a license to someone who doesn't have any experience.

Keith- what about someone sees this law coming and they apply for grandfathering and they don't have anything or any experience?

Dave- We can all think of scenarios when someone is going to cheat, but we need to focus. Next time, three things: **1. Antivenom 2. Apprenticeship 3. Three levels of license**

Some discussion about science-based approach, the proponents of a ban, and public perception. MEETING ADJOURNED