



## ACTIONS

### N.C. WILDLIFE RESOURCES COMMISSION

May 22, 2014 at 9:00 am

NC Wildlife Resources Commission Headquarters

1751 Varsity Drive

Raleigh, North Carolina

**Call to Order** – *Commission Chairman* Jim Cogdell called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Conference Room, 5<sup>th</sup> floor. He announced that the meeting was being recorded as a public record, with live audio streaming at [www.ncwildlife.org](http://www.ncwildlife.org). He requested that cell phones be turned off. Commissioner Tim Spear was absent.

**Pledge of Allegiance and Invocation** - *Commissioner* Garry Spence led the Pledge of Allegiance. *Commissioner* Tom Berry gave the invocation.

**Welcome and Mandatory Ethics Inquiry** – Chairman Cogdell welcomed the guests present. He read the ethics inquiry mandated in North Carolina General Statute 138A-15(e).

**Minutes** - the Commission approved the February 27, 2014 Wildlife Resources Commission meeting minutes as presented in **Exhibit A**.

**Swearing In of District 9 Commissioner** – W. Neal Hanks, Jr., *District 9 Commissioner*, was sworn in by the Honorable Elaine Marshall, *North Carolina Secretary of State*.

**Short Recess** - A short recess was called by Chairman Cogdell so that photographs could be taken.

**Notice of Commission Appointment** – the Commission received from Governor Pat Mc Crory the Notice of Appointment of *W. Neal Hanks, Jr., District 9*, for a term ending April 25, 2017. (**Exhibit B**)

**Financial Status Report** - the Commission received a financial status report on the Wildlife Operating Fund as of April 30, 2014 and on the Wildlife Endowment Fund as of March 31, 2014 from Tommy Clark, *Budget Director*, presented in **Exhibit C**. The Operating Fund balance is \$17,172,523. The Endowment Fund balance is \$102,316,308.

**Habitat, Nongame and Endangered Species Report from April 24, 2014** – Mark Craig, *Habitat, Nongame and Endangered Species Chair*, reported that the Habitat, Nongame and Endangered Species Committee met on April 24, 2014. Members of the Nongame Wildlife Advisory Committee convened with the HNGES Committee. A report from Cindy Carr, *Wildlife Action Plan Coordinator*, was given to the Committee about the 2015 update to the Wildlife Action Plan. Craig charged staff with creating a user-friendly format for Commissioners and NWAC to use to accomplish the listings. Craig thanked the Land Use and Access Committee for providing helpful information about habitats for possible acquisition that are critical to the species.

**Joint Fisheries/Migratory Birds/Waterfowl Committee Report** – Wes Seegars, *Fisheries Committee Chair*, reported that the Fisheries Committee met jointly with the Migratory Birds/Waterfowl Committee on Wednesday, May 21, 2014. The committees received an update about Mountain Heritage Trout Waters and discussed the process for considering new requests by municipalities for participation in the program. Staff will move ahead with the request from the Town of Lansing. License holders will be surveyed to determine revenues and demographics of purchasers of the Mountain Heritage Trout licenses. The committees were informed about excessive predation by great blue herons on the fish at the Bobby N. Setzer Fish Hatchery. The predation has affected the number of appropriate sized trout that can be stocked. Staff has placed screening over the raceways and added non-lethal harassment tools to deter the herons. A press release will be distributed explaining the reduced trout stocking through the end of August. The committees were given an update by Chad Thomas and Doug Howell about lake level management issues at Lake Mattamuskeet. Pete Campbell, Lake Mattamuskeet Refuge Manager, provided information concerning water control structures and gauging stations at the lake. Determining optimal lake levels, frequent monitoring of pH levels, and improvement of water quality through enhancement of submerged aquatic vegetation and control of invasive algae are important goals of the U.S. Fish and Wildlife Service for Lake Mattamuskeet.

John Coley, *Migratory Birds/Waterfowl Committee Chair*, reported that the committees received an update about rulemaking that is necessary to comply with federal rules regarding using motorboats to take crippled sea ducks. Current state law prohibits the use of vessels that are underway to take wildlife. Rulemaking will bring state law into conformance with federal law.

**Big Game Committee Report** – David Hoyle, Jr., *Big Game Committee Chair* reported that the Big Game Committee met on May 21, 2014. Kerry Linehan, *Human Dimensions Biologist*, provided a report from a survey of landowners in western North Carolina about their interactions with and perceptions of elk on their property. The committee discussed a youth deer hunting day. The committee recommends the fourth Saturday in September for youth to hunt deer with any weapon. Adults may hunt only with bow and arrow on that day. A youth bear hunting day was discussed but will be tabled for a year to obtain more data. Todd Purvis of Weyerhaeuser talked to the committee about problems with some dog hunters on 600,000 acres of land that they lease for hunting. Purvis explained that Weyerhaeuser does not want to have to abolish leases for hunting as they have had to do in some other states. A WRC subcommittee will be set up to assist Weyerhaeuser with these hunting issues.

**Land Use and Access Committee Report** - Tom Berry, *Land Use and Access Committee Chair*, reported that the LUAC met on May 21, 2014. Isaac Harrold, *Lands Program Manager*, presented nine Phase I properties for consideration by the committee. The LUAC will recommend approval by the entire Commission for staff to work with State Property and funding partners to develop acquisition plans for seven of the properties. The Committee recommends tabling action on the Shelton Tract and Lappohn Tract. Harrold presented one Phase II property, acquisition of Stanley's Landing Public Fishing Area (North Toe River) tract. The LUAC will recommend that the Commission give final approval for the acquisitions of that property. The committee reviewed and endorsed five easement requests.

**Boating Safety Committee Report** – Joe Barker, *Boating Safety Committee Chair*, reported that the committee met on May 21, 2014. The committee was updated on the decision by participating counties to dissolve the Mountain Island Lake Marine Commission. Barker stated that the Boating Safety Committee endorses approval of four no wake zones on Mountain Island Lake that will be presented for consideration by the WRC since the MILMC has ceased operation. The committee will endorse a request from Perquimans County for a no wake zone on Bethel Creek.

**Small Game Committee Report** – Garry Spence, *Small Game Committee Chair*, reported that the Small Game Committee met on May 21, 2014. The committee reviewed a rule proposal for raccoon hunting west of U.S. Highway 1, which was tabled by the Commission due to opposition by hunters. The Small Game Committee will hold meetings with the North Carolina Bowhunters Association, North Carolina Coon Hunters Association, and North Carolina Trappers Association to discuss raccoon hunting and shooting over bait. Mark Jones, *Wildlife Biologist*, gave a history of small game conservation efforts in North Carolina. Harvest data has been gathered on rabbits, ring-necked pheasants, quail, grouse, and squirrels as targets for conservation. Improvements in small game habitats are important for preservation of small game. The committee discussed public outreach and will meet in July for further discussion.

**Committee of the Whole Report** – Jim Cogdell, *Chairman*, reported that the open meeting of the Committee of the Whole met on Wednesday, May 21. The committee received a report from Jim Burnette of the N.C. Department of Agriculture and Consumer Services about the possibility of declaring the eastern and hairy-tailed moles as pests. The committee reviewed proposals for temporary rulemaking for still hunting on game lands, for complying with a court order to address coyotes in five counties where there is an experimental red wolf population, and for reciprocal hunting license fees for non-residents from neighboring states. The Committee of the Whole then moved into closed session pursuant to NCGS 143-318.11(a)(3) to discuss pending litigation with Counsel. The closed session returned to open session and adjourned at 7:30 pm.

**Special Presentation** – the Commission received a check from Bryan Perry, *State Chapter President of the N.C. National Wild Turkey Federation*, in the amount of \$20,000.00 for the Birkhead Tract. Under their funding model for supporting hunter recruitment and retention in North Carolina the NWTF has committed \$80,000.00 in funding to the NCWRC. Gordon Myers, *Executive Director*, thanked Perry for their efforts in recruitment of youth for hunting.

**Agency Spotlight** – Major Chris Huebner, *Enforcement Administrative Operations*, gave an update about increased coordination efforts between the Wildlife Resources Commission and Division of Marine Fisheries for enforcement of water safety regulations. Pursuant to part of the Appropriations Act of 2013, the WRC and DMF have developed an agreement for collaboration on boater safety. Law enforcement training and accident investigation training are ongoing between the agencies. In April a joint report was submitted to the General Assembly. Through this agreement the law enforcement resources will be distributed more wisely and efficiencies among law enforcement agencies will be improved.

**Agency Spotlight** - Jessica Baumann, *District 5 Fisheries Biologist* presented a spotlight about the effectiveness of different types of fish attractors to congregate fish in Piedmont lakes. A three-year study was funded through a Sport Fish Restoration grant. The project was conducted in Lake Townsend and Lake Cammack, using synthetic fish attractors and live Christmas trees as fish attractors. Dual frequency identification sonar (DIDSON) showed that synthetic attractors are far more durable than live trees and are more effective in congregating fish. The synthetic attractor structures will be used in the future. The attractors are marked by floating buoys on the lakes and are mapped on the WRC website. Baumann stated that the project has resulted in angler satisfaction, good public relations, and improvement of fish habitat in turbid Piedmont lakes.

**Presentation of the 2013 American Fisheries Society Fisheries Administration Section Outstanding Project Award** – on behalf of the Wildlife Resources Commission, Jessica Baumann and other fisheries staff members received the Sport Fish Restoration Outstanding Project Award in the category of Research and Surveys, for the project that evaluated the effectiveness of different fish attractors in turbid reservoirs with the use of DIDSON. Mike Stone, *President of the AFS Fisheries Administration Section* presented the award.

**Inland Fisheries and Outreach Update** – the Commission received an update on the inland fisheries and outreach activities from Bob Curry, *Inland Fisheries Division Chief*. Curry thanked Mike Stone and the American Fisheries Society for presenting the award. Curry announced that National Fishing and Boating Week is June 1 – 8, 2014. State-wide fishing events will be held and partners will donate fishing licenses for drawings and that will be awarded at the WRC meeting in July. Curry reminded the assembly that the fourth Saturday in September is National Hunting and Fishing Day.

**Wildlife Management Update** – the Commission received an update about the activities of the Division of Wildlife Management from Dr. David Cobb, *Wildlife Management Division Chief*. Dr. Cobb mentioned ongoing staff surveys, the Green Growth Toolbox, research projects, recruitment and retention workshops, early successional habitat on corporate CURE lands, elk management, feral swine, and CWD monitoring. Agency staff is working on the exhibits for State Fairs that will be held this fall.

**Temporary Rulemaking to Implement Temporary Injunction on Coyote Hunting** – the Commission approved temporary rulemaking presented in **Exhibit D** by Kate Pipkin, *Rules Biologist* to fulfill the requirement of a U.S. District Court order, for temporary amendment to 15A NCAC 10B .0219, that prohibits the hunting of coyotes in the counties of Dare, Hyde, Washington, Tyrrell, and Beaufort counties; and to 15A NCAC 10B .0106 to establish conditions under which depredating coyotes in those counties may be taken with or without permits.

**Phase I Land Acquisitions** – the Commission approved requests presented by Isaac Harrold, *Lands Program Manager*, for agency staff to begin working with the State Property Office and funding partners to develop acquisition plans for the following properties:

- Watson-Old Man’s Bog Tract – Alleghany County (**E-1**)
- Blue Ridge Conservancy Tracts – Ashe County (**E-2**)
- Bear Creek Tract – Buncombe County (**E-4**)
- Eastwood Tract – Madison County (**E-5**)
- Blackburn Tract – Wilkes County (**E-7**)
- North River Associates Sedel Tract – Camden County (**E-8**)
- White Spring Tract – Brunswick County (**E-9**)

The Commission declined to take action on the following properties subject to further analysis:

- Shelton Tract – Buncombe County (**E-3**)
- Lappohn Tracts – Swain County (**E-6**)

**Phase II Land Acquisition** – the Commission gave final approval to proceed with acquisition of the Stanley’s Landing Public Fishing Area (North Toe River) tract in Yancey County (**Exhibit F**)

**Easement Request, Bladen County** – the Commission approved an easement request across a portion of the Tar Heel Boating Access Area in Bladen County for the purpose of accessing private property – **Exhibit G**

**Easement Request, Caswell County** – the Commission approved an easement request across a portion of the R. Wayne Bailey-Caswell Game Land in Caswell County for the purpose of accessing private property – **Exhibit H**

**Easement Request, Wilkes County** – the Commission approved an easement request from Surry-Yadkin Electrical Membership Corporation across a portion of Thurmond Chatham Game Land in Wilkes County for the purpose of relocating an existing power transmission line – **Exhibit I**

**Easement Acquisition, Haywood County** – the Commission approved a staff request to acquire temporary and permanent easements to facilitate an access improvement project on Cold Mountain Game Land in Haywood County – **Exhibit J**

**Property Interest/Easement Exchange, Currituck County** – the Commission approved a staff request to exchange undivided property interest in Currituck County for a deeded access easement across the subject property – **Exhibit K**

**Public Comments and Temporary Rulemaking** – Isaac Harrold presented in **Exhibit L-1** a summary of comments on a proposed temporary rule to establish still hunting zones on game lands. The Commission approved temporary rulemaking for an amendment to 15A NCAC 10D .0102 presented in **Exhibit L-2** with revisions: to change “Still Hunting Zone” to “Restricted Deer Hunting Zone” and to prohibit the use of dogs to hunt deer and *not bear* in the Restricted Hunting Zones defined in this rule.

**Water Safety Rulemaking – Mountain Island Lake** – the Commission approved submission of Notice of Text and taking to one public hearing amendments to the following water safety rule 15A NCAC 10F .0353 – Mountain Island Lake, recommended by agency staff for no wake zones (**Exhibit M-1**):

- Neck Cove
- Portion of Gar Creek
- Whispering Cove
- Waters within 50 yards of the Highway 73 bridge

**Fiscal Note** – the Commission approved the fiscal note review for Mountain Island Lake no wake rule amendments (**Exhibit M-2**)

**Water Safety Rulemaking – Perquimans County** – the Commission approved submitting a Notice of Text and holding a public hearing on a request by Perquimans County for an amendment to 15A NCAC 10F .0355 to establish a no wake zone on a portion of Bethel Creek off the Yeopim River (**Exhibit M-2**)

**Fiscal Note** – the Commission approved the fiscal note review for Perquimans County no wake rule amendment (**Exhibit N-2**)

**Resolution in Support of Establishing Reciprocal Hunting License Fees for Non-Residents** – the Commission adopted a resolution to allow changes in nonresident hunting licenses fees for neighboring states to establish parity, under the authority of NCGS 113-275(a1) (**Exhibit O**)

**Comments by the Chairman and Special Presentation** – *Chairman* Jim Cogdell thanked agency staff for their dedication. He asked *Vice Chairman* John Litton Clark, *Executive Director* Gordon Myers, and Commissioner David Hoyle, Jr. to come forward. Cogdell, Clark, and Myers recognized David Hoyle for his leadership as Commission Chairman and as longtime Chair of the Big Game Committee. On behalf of the Wildlife Resources Commission Hoyle was presented with a Resolution by acclamation, a print, and a plaque.

**Comments by David Hoyle, Jr.** – David Hoyle thanked the Commission for honoring him. He then recognized Chairman Jim Cogdell, noting Cogdell's largest land donation of 1353 acres, to the Catawba Land Conservancy.

**Comments by the Executive Director** - *Executive Director* Gordon Myers thanked agency staff and Commissioners for their work on the meetings. He welcomed Commissioner Neal Hanks. Myers commented on the Cervid Disease Task Force that has met three times with many stakeholders who are interested in deer farming rules. A large amount of information is being assembled. Myers stated that regulatory authority for deer farming may be transferred to Agriculture.

**Adjournment** - the meeting was adjourned at 11:02 a.m.