



ACTIONS
N.C. WILDLIFE RESOURCES COMMISSION

July 12, 2012 at 9:00 a.m.
NC Wildlife Resources Commission Headquarters
1751 Varsity Drive
Raleigh, North Carolina

Call to Order – *Commission Chairman* David Hoyle, Jr. called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Conference Room, 5th floor. He reminded everyone that the meeting audio is being streamed live and will be available on the Wildlife Resources Commission website. Steve Windham was absent.

Invocation - *Commissioner* Tom Berry gave the invocation.

Pledge of Allegiance – *Commissioner* Durwood Laughinghouse led the Pledge of Allegiance.

Mandatory Ethics Inquiry - Chairman Hoyle read the ethics inquiry mandated in North Carolina General Statute 138A-15(e).

Welcome - Chairman Hoyle welcomed Commissioners and guests, including At Large Commissioner-elect Garry Spence from Charlotte, who will be sworn in at a later date.

Approval of Minutes - the Commission approved the May 3, 2012 Wildlife Resources Commission minutes as presented in **Exhibit A**.

Financial Status Report - the Commission received a financial status report on the Wildlife Operating Fund and the Wildlife Endowment Fund as of May 31, 2012 from Tommy Clark, *Budget Officer*, presented in **Exhibit B**. The Operating Fund balance was \$21,239,438.61. The Endowment Fund balance was \$90,349,446.81.

Special Presentation - National Fishing and Boating Week Lifetime License Winners – Tyler Bineham of Fayetteville was presented with a unified lifetime sportsman license, donated by Russell Rhodes of Neuse Sport Shop in Kinston. Bineham won the grand prize in a state-wide drawing for participants in 45 kids’ “Fish for Fun” events held in celebration of 2012 National Fishing and Boating Week. Rheannan Parks of New Holland was unable to attend but won the first prize of a lifetime freshwater fishing license, donated by the North Carolina Chapter of Trout Unlimited.

Photo Break – Chairman Hoyle announced a short break for photographs to be taken. The meeting reconvened at 9:10 a.m.

Land Use and Access Committee Meeting Report – *Committee Chairman* Jim Cogdell reported that the Land Use and Access Committee held a long meeting on Wednesday, July 11. A large part of the meeting was devoted to discussion and education about the past history of the committee for new Commissioners. The Committee continues to work on structuring and processes regarding the scope of the Land Use and Access Committee, agency cooperation with the State Property Office and conservation partners, and WRC responsibility for land acquisitions and use. Discussion was held regarding Memoranda of Understanding that will be considered for action later in the meeting.

Migratory Birds and Waterfowl Committee Meeting Report – *Committee Chairman* Berkley Skinner reported that the Migratory Birds and Waterfowl Committee met on Wednesday July 11. Discussion was held regarding **Exhibit J-1**, proposed regulations frameworks for 2012-2013 early hunting seasons on certain migratory game birds that will be considered in today's meeting. Skinner indicated that motions will be brought from the Committee later in this meeting concerning early seasons, extended falconry seasons, opening of dove season, and waterfowl zoning.

Habitat, Nongame, and Endangered Species Committee Meeting Report – *Committee Chairman* Durwood Laughinghouse reported that the HNGES Committee met on July 11. Discussion was held regarding working with the USFWS to reintroduce the Cape Fear shiner above the dam near Siler City. The Committee will make a motion later in the meeting to endorse **Exhibit I**, *Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina*. The Commission adopted a motion from the HNGES Committee to accept the reappointments of six members of the Nongame Wildlife Advisory Committee (NWAC). The members are Alvin Braswell, Fred Harris, Ted Simons, John Conners, Logan Williams, and Andy Wood. The Commission approved the motion from the HNGES Committee for Dr. Harry LeGrand to be the recipient of the 2012 Thomas L. Quay Wildlife Diversity Award. Dr. LeGrand will receive the award at the August meeting of the Wildlife Resources Commission.

Youth Engagement Subcommittee Meeting Report – *Subcommittee Chairman* Dell Murphy reported that the subcommittee held its first meeting on July 11. Jenny Harris, *Marketing Director*; and Deet James, *Hunting Heritage Biologist* gave a report to the subcommittee about planning for a summit of the entire Wildlife Resources Commission that will be held later this year. The focus of the summit will be to enhance Commission efforts toward hunting and fishing recruitment and retention, providing additional opportunities for education outreach, and encouraging youth involvement in wildlife activities and conservation in keeping with the mission of the agency.

Committee of the Whole Meeting Report – *Chairman* David Hoyle, Jr. reported that the Committee of the Whole met on July 11. The Committee of the Whole reviewed the *Black Bear Management Plan* presented by Dr. David Cobb, *Wildlife Management Division Chief*. The committee reviewed rule proposals under consideration to take to public hearing, and reviewed temporary rules for taking feral swine and coyotes prior to taking action at today's meeting. The committee reviewed several fiscal notes for rulemaking and a water safety rule proposal for Beaufort County, prior to consideration at today's meeting.

Inland Fisheries Spotlight – Genetics in Fisheries Resource Management – Chad Thomas, *Coastal Fisheries Supervisor- Division of Inland Fisheries*, presented a spotlight about innovations and advances in the field of genetics and their application to fisheries programs. Thomas stated that genetics may be used to identify types of fishes and mussels, define different strains with a species, and determine the age and sex. Non-lethal genetic tags harvested from fin clippings can determine if a species is wild or hatchery produced and can match offspring to their parents. The use of genetics has contributed to the effectiveness of fish stocking through monitoring growth rates, harvest rates, and providing the best brood stock for quality angling opportunities. Thomas noted that most funding for fisheries resource management through genetics has come from the Sport Fish Restoration funds.

Inland Fisheries Update – the Commission received an update on the activities of the Inland Fisheries Division from Bob Curry, *Inland Fisheries Division Chief*. Curry announced that studies of bass populations are ongoing in Reidsville and a muskellunge stocking study is being conducted on the Little Tennessee River. Curry stated that 45 fishing events were held state-wide during National Fishing and Boating Week and drawings were held for winners of the fishing licenses presented at this meeting. The Centennial Campus Center for Wildlife Education and the Pisgah Center for Wildlife Education are conducting summer camps. Curry announced that on September 8 and 9 and September 15, 2012 two Becoming an Outdoors Woman events will be held. September 22, 2012 is National Hunting and Fishing Day and celebration of the 75 anniversary of Sport Fish Restoration.

2013-2014 Fishing Rule Proposals for State-Wide Public Hearings - the Commission voted to take to state-wide public hearings the following proposed changes in inland fishing rules for 2013-2014, presented in **Exhibit C** by Bob Curry:

Trout

- 1) South Fork New River (Ashe County) – Designate approximately 1.0 mile of the South Fork New River in Ashe County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 2) Big Elkin Creek (Surry County) – Designate approximately 0.4 mile of Big Elkin Creek in Surry County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 3) South Fork New River (Watauga County) – Designate 1.0 mile of the South Fork New River in Watauga County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 4) Fires Creek (Clay County) – Reclassify 2.2 miles of Fires Creek in Clay County from Wild Trout Waters to Delayed Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters

- 5) Big Snowbird Creek (Graham County) – Reclassify 2.8 miles of Big Snowbird Creek in Graham County from Hatchery Supported Trout Waters to Delayed Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 6) Reclassify the tributaries of 19 Hatchery Supported Trout Waters on Commission game lands from Hatchery Supported Trout Waters to Wild Trout Waters unless otherwise classified. The Hatchery Supported Waters are: Elk River in Avery County; Corner Rock Creek and Bent Creek in Buncombe County; Carroll Creek and Linville River in Burke County; Hyatt Creek and Junaluska Creek in Cherokee County; Santeetlah Creek, (Big) Snowbird Creek, and Panther Creek in Graham County; Cold Springs Creek in Haywood County; Burningtown Creek and Cullasaja River in Macon County; Shut-in Creek, Roaring Fork, and Spillcorn Creek in Madison County; Little Buck Creek in McDowell County; Connelly Creek in Swain County; and West Fork French Broad River in Transylvania County.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 7) North Fork New River (Watauga County) – Reclassify 1.5 miles of North Fork New River in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 8) Maine Branch (Watauga County) – Reclassify 1.0 mile of Maine Branch in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 9) Howard Creek (Watauga County) – Reclassify 6.0 miles of Howard Creek in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 10) Nantahala River (Macon County) – Reclassify the portion of the upper Nantahala River and its tributaries on Commission game lands from Wild Trout Waters to Wild Trout/Natural Bait Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 11) Richland Creek (Haywood County) – Modify the lower boundary of Hatchery Supported Trout Waters on Richland Creek in Haywood County, adding 0.3 mile to Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 12) Cane Creek (Henderson County) – Modify the upper boundary of Hatchery Supported Trout Waters on Cane Creek in Henderson County, adding 0.3 mile to Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters

- 13) Brush Creek (Alleghany County) – Modify the upper boundary of Hatchery Supported Trout Waters on Brush Creek, Alleghany County, removing approximately 2.0 miles of Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 14) Buffalo Creek (Ashe County) – Modify the upper boundary of Hatchery Supported Trout Waters on Buffalo Creek, Ashe County, removing approximately 2.0 miles of Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 15) Green River (Henderson County) – Modify the Hatchery Supported Trout Waters section of the Green River in Henderson County by removing 2.1 miles from Public Mountain Trout Waters, allowing 2.4 miles on Commission game lands to default to Wild Trout Waters, and maintaining a popular 0.3-mile section below Lake Summit as Hatchery Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 16) Clear Creek (Henderson County) – Modify the upper boundary of Hatchery Supported Trout Waters on Clear Creek in Henderson County, removing 0.3 miles from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 17) South Fork Reddies River (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on South Fork Reddies River in Wilkes County, removing 3.0 miles from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 18) South Prong Lewis Fork (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on South Prong Lewis Fork in Wilkes County, removing 2.0 miles from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 19) Fall Creek (Wilkes County) – Modify the upper boundary of Hatchery Supported Trout Waters on Fall Creek in Wilkes County, removing 4.0 miles from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 20) Watauga River (Watauga County) – Modify the lower boundary of Wild Trout Waters on Watauga River in Watauga County, removing approximately 0.3 miles from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 21) Pine Swamp Creek (Ashe County) – Remove 4.0 miles of Pine Swamp Creek in Ashe County from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters

- 22) Mill Creek (Ashe County) – Remove 3.0 miles of Mill Creek in Ashe County from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 23) Yellow Creek (Graham County) – Remove 6.8 miles of Yellow Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.8 miles on Commission game lands will default to Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 24) Mountain Creek (Graham County) – Remove 5.2 miles of Mountain Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.4 mile on Commission game lands will default to Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 25) Shoal Creek (Jackson County) – Remove approximately 0.1 mile of Shoal Creek in Jackson County from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 26) West Fork Tuckasegee River (Jackson County) – Remove 3.3 miles of the West Fork Tuckasegee River in Jackson County from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 27) East Prong Roaring River (Alleghany County) – Clarify that East Prong Roaring River in Alleghany County should not be listed as Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 28) Little Buffalo Creek (Graham County) – Clarify that Little Buffalo Creek in Graham County should not be listed as Hatchery Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 29) East Prong Roaring River (Wilkes County) – Clarify the boundaries for Hatchery Supported Trout Waters and Delayed Harvest Trout Waters on East Prong Roaring River in Wilkes County.
Amend the following rule:
15A NCAC 10C .0205 Public Trout Waters

Black Bass

- 1) Clarify the general statewide limits for black bass in the NCAC by incorporating the statewide exception listed in 15A NCAC 10C .305(b)(7) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

- 2) Santeetlah Reservoir – Establish an exception to the general statewide limits for black bass in Santeetlah Reservoir by removing the daily creel limit for black bass less than 14 inches minimum size limit. The creel limit for black bass greater than 14 inches will remain five fish in combination.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

- 3) Establish the general statewide limits for black bass (a five-fish daily creel limit with a minimum size limit of 14 inches allowing two fish to be retained in the daily creel limit that are less than 14 inches) in these waters: Lake Luke Marion in Moore County; Reedy Creek Park lakes in Mecklenburg County; Lake Rim in Cumberland County; Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, and all their tributaries; South Yadkin River downstream of Cooleemee Dam; and the Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

Striped Bass and Hybrid Striped Bass

- 1) Clarify the general statewide limits for striped bass and hybrid striped bass in the NCAC by incorporating the statewide exception listed in 15A NCAC 10C .0305(b)(10) which allows the possession of two fish smaller than the minimum size limit into the general size and creel limits listed in 15A NCAC 10C .0305(a).

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

- 2) John H. Kerr Reservoir and Dan River – Modify an exception to the general statewide limits for striped bass and hybrid striped bass by decreasing the minimum size limit for striped bass from 26 to 24 inches in John H. Kerr Reservoir and in the Dan River upstream from the Bannister River to the Brantley Steam Station from October 1 through May 31. The creel limit will remain two striped bass or hybrid striped bass in combination from October 1 through May 31. From June 1 through September 30 the daily creel limit of four striped bass or hybrid striped bass in combination and no minimum size limit will not change. The upstream boundary for this regulation on the Dan River will be redefined from the Brantley Steam Plant Dam to the dam at Union Street in Danville, VA.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

Walleye

- 1) John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake – Establish an exception to the general statewide limits for walleye by establishing an 18-inch minimum size limit for walleye in John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake and decreasing the daily creel limit from eight to five fish.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

American Shad

- 1) Cape Fear River – Establish an exception to the general statewide daily creel limit for American shad and hickory shad by reducing the possession limit of American shad in the inland fishing waters of the Cape Fear River and its tributaries to five fish per day within the 10-fish daily creel for American shad and hickory shad in combination.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

Crappie and Sunfish

- 1) Lake Mattamuskeet – Remove from the NCAC the exception to the general statewide limits for crappie and sunfish that stipulates federal regulations apply on Lake Mattamuskeet.

Amend the following rule:

15A NCAC 10C .0305 Open Seasons: Size and Creel Limits

Other

- 1) Allow the use of set hooks in impounded waters of power reservoirs and municipally-owned water supply reservoirs which are designated as Public Mountain Trout Waters.

Amend the following rule:

15A NCAC 10C .0206 Trotlines and Set-Hooks

- 2) Add bighead and silver carp to the list of species which are unlawful to transport, purchase, possess, sell or stock into public or private waters.

Amend the following rule:

15A NCAC 10C .0211 Possession of Certain Fishes

- 3) Clarify that river herring (alewife or blueback herring) greater than six inches may not be possessed while boating on or fishing in inland fishing waters of North Carolina.

Amend the following rules:

15A NCAC 10C .0401 Manner of Taking Nongame Fishes: Purchase and Sale

15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption

- 4) Remove the prohibition of possession of live river herring on Lake Rhodhiss and Lake James.

Amend the following rule:

15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption

Memorandum of Understanding, Alleghany County – the Commission approved a Memorandum of Understanding presented in **Exhibit D**, authorizing the Piedmont Land Conservancy to construct and maintain a pedestrian trail on the Saddle Mountain tract of Mitchell River Game Land in Alleghany County with no financial commitment on the part of the Wildlife Resources Commission.

Memorandum of Understanding, Mitchell and McDowell Counties – the Commission adopted a Memorandum of Understanding presented in **Exhibit E**, authorizing Southern Appalachian Highlands Conservancy to establish and maintain pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of NCWRC-Pisgah Game Land in Mitchell and McDowell counties. The MOU establishes no additional financial commitment on the part of the WRC.

Reciprocal Easement Request, Caldwell County – the Commission approved a staff recommendation presented in **Exhibit F**, to work with the State Property Office to formalize a reciprocal access easement on Buffalo Cove Game Land in Caldwell County. Mr. Folger Teague owns a 50-acre inholding surrounded by the game land, and is agreeable to formalizing a legal easement that allows public access over his property in exchange for legal access across the game land to his inholding property.

Property Exchange Proposal, Burke County – the Commission approved a property exchange on Johns River Game Land in Burke County presented in **Exhibit G**, to resolve boundary line encroachments on a portion of the game land.

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*. Cobb announced that each Commissioner has been given documents and newsletters of interest, including publications about management of large carnivores and wild ungulates, and on fertility control in wildlife. CDs contain wildlife management updates including the status of the mourning dove and woodcock population. Cobb said that the spring turkey harvest has increased by seven percent this year. An alligator project is being conducted with NC State University. 107 surveys have been made. Data has not yet been compiled.

North Carolina Black Bear Management Plan – the Commission adopted the *North Carolina Black Bear Management Plan 2012-2022*, presented by Dr. Cobb in **Exhibit H**.

Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina – the Commission unanimously endorsed the document “Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina,” presented in **Exhibit I**.

Proposed 2012-2013 Early Hunting Season Frameworks for Certain Migratory Game Birds – the Commission received frameworks, presented by Dr. Cobb in **Exhibit J-1**, outlining Department of the Interior frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2012 and March 10, 2013.

Public Comments Regarding 2012-2013 Recommendations for Early Season Frameworks - the Commission received a summary from Dr. Cobb in **Exhibit J-2** of public comments by internet regarding the proposed Early Migratory Game Bird Season Frameworks.

Adoption of 2012-2013 Early Season Migratory Game Bird Season Frameworks – the Commission adopted 2012-2013 early seasons, bag limits, and shooting hours for webless migratory game birds and waterfowl seasons beginning prior to October 1 presented in **Exhibit J-3:**

- Mourning Dove and White-winged Dove - Sept. 1 - Oct.6; Nov. 19 - Nov. 24; and Dec. 15 - Jan. 11 **[the Commission voted for shooting hours on all migratory birds to be from ½ hour before sunrise until sunset for the entire season, including doves]**; daily bag 15
- King and Clapper Rails - Sept. 1 - Nov. 9; daily bag 15
- Sora and Virginia Rails - Sept. 1 - Nov. 9; daily bag 25
- Gallinule and Moorhens - Sept. 1 - Nov. 9; daily bag 15
- Woodcock- Dec. 13 – Jan. 26; daily bag 3
- Common Snipe - Nov. 14 - Feb. 28; daily bag 8
- Canada Goose - Sept. 1 – 29 statewide; daily bag 15; **[extend shooting hours to ½ hour after sunset; allow use of unplugged guns; allow use of electronic calls- these expanded methods are allowed only west of U.S. 17]**
- September Teal Season - Sept. 8 – 26 (East of U.S. 17 Only); daily bag 4

2012-2013 Extended Falconry Seasons for Webless Migratory Game Bird Species - the Commission adopted the following options for 2012-2013 Extended Falconry Seasons for webless species, presented by Dr. Cobb in **Exhibit J-4:**

- Mourning Doves: October 13 – November 17
- Rails, Gallinule, and Moorhens: November 17 – December 22:
- Woodcock: Nov. 5 – December 8 and February 1 – February 28

The falconry daily bag limit is three permitted migratory game birds, singly or in the aggregate.

Waterfowl Zoning Proposal – the Commission voted not to consider zoning for waterfowl seasons.

2013-2014 Proposed Hunting, Nongame, Permitting, Game Land Management, and Captive Cervid Rules for Consideration at State-Wide Public Hearings - the Commission voted to take to state-wide public hearings proposed changes in hunting, nongame, permitting, game land management, and captive cervid regulations for 2013-2014. With Commissioner Wes Seegars recusing himself, the Commission adopted taking to public hearings the following proposed changes to captive cervid regulations, presented by Dr. Cobb in the **Exhibit K-1 Supplement**:

Captive Cervids

1) For regulatory purposes, divide captive cervids into two categories:

- a Category 1 cervid — any white-tailed deer, white-tailed deer hybrid, Sika deer, red deer, elk, elk hybrid, moose or any other species of cervid in which the scientific community has documented Chronic Wasting Disease (CWD) and
- a Category 2 cervid — any species of cervid in which the scientific community has not documented CWD.

Prohibit importation from any U.S. or Mexican state or territory, Canadian province or other country of origin which has documented CWD in a wild or captive cervid herd.

Establish these importation criteria for Category 1 cervids: the individual U.S. or Mexican state or territory, Canadian province or other country of origin for a captive cervid coming into North Carolina must require facility owners to:

- report all cervid deaths within the facility and submit all animals over the age of 12 months for CWD testing;
- place at least two tags on each animal in the facility; and
- record all acquisitions and dispositions to the herd.

Allow importation of a Category 2 cervid from any state/province/country without restrictions, except importation is prohibited from any state/province/country with CWD for Category 2 and Category 1 cervids. Category 2 cervids that are co-mingled, or have been in the past five years, with Category 1 cervids will be held to the same importation standards as Category 1 cervids.

Amend the following rules:

15A NCAC 10B .0101 Importation of Wild Animals and Birds

15A NCAC 10H .0304 Captive Cervid Herd Certification Program

2) Allow new captive cervid licenses. Require these new facilities to have two fences: an eight-foot high fence and an electric fence, placed either internally or externally, two feet away from the eight-foot fence with strand placements at: 12, 20, 28, 36 and 48 inches above the ground. The strands at 20 and 36 inches would be non-electrified grounding strands. Prohibit any person with a captivity license from requesting an additional license or obtaining a new license if one was revoked in the previous two years.

Amend the following rules:

15A NCAC 10H .0301 General Requirements

15A NCAC 10H .0302 Minimum Standards

3) Increase the age for the requirement for CWD testing of deceased captive cervids from six months to 12 months.

Amend the following rule:

15A NCAC 10H .0301 General Requirements

- 4) Reduce the species of captive cervids that must be tested for CWD upon death from all captive cervids to only Category 1 cervids.

Amend the following rule:

15A NCAC 10H .0301 General Requirements

- 5) Allow for pen expansion for all captive cervid licensees if the entire expanded pen has two fences: an eight-foot high fence and an electric fence, placed either internally or externally, two feet away from the eight-foot high fence with strand placements at: 12, 20, 28, 36 and 48 inches above ground. The strands at 20 and 36 inches would be non-electrified grounding strands.

Amend the following rules:

15A NCAC 10H .0301 General Requirements

15A NCAC 10H .0302 Minimum Standards

15A NCAC 10H .0304 Captive Cervid Herd Certification Program

- 6) Allow transportation of captive cervids from any N.C. Certified herd to any other captive cervid herd up to the licensed pen capacity for the receiving herd.

Amend the following rule:

15A NCAC 10H .0301 General Requirements

The Commission voted to take to state-wide public hearings proposed changes in hunting, nongame, permitting, and game land management presented in **Exhibit K-1**:

Deer

- 1) Move the portions of Avery and Yancey counties that are currently in the Introductory Either-Sex deer season (one day) into the Conservative Either-Sex deer season (six days) for all private lands. Keep game land either-sex season as Introductory (one day).

Amend the following rule:

15A NCAC 10B .0203 Deer (White-tailed)

- 2) Remove restrictions on carrying firearms during the deer bow-and-arrow season and pistols during the muzzleloader season in accordance with state law. Allow hunting with muzzleloading pistols.

Amend the following rule:

15A NCAC 10B .0203 Deer (White-tailed)

Turkeys

- 1) Allow an adult to accompany more than one youth during the one-day Spring Youth Only Wild Turkey Season.

Amend the following rule:

15A NCAC 10B .0209 Wild Turkey

- 2) Create a one week Spring Youth Only Wild Turkey Season from the first Saturday in April through the following Friday. The bag limit for this entire week will be one bird.

Amend the following rule:

15A NCAC 10B .0209 Wild Turkey

Squirrels

- 1) Open four additional counties to fox squirrel hunting: Stokes, Surry, Watauga, and Wilkes.
Amend the following rule:
15A NCAC 10B .0206 Squirrels

Alligators

- 1) Remove rule-based barriers for the take of the American alligator.
Amend the following rules:
15A NCAC 10B .0119 Wildlife Collectors
15A NCAC 10I .0102 Protection of Endangered/Threatened/Special Concern species

Dog Training

- 1) Allow hunters to carry firearms while dog training.
Amend the following rule:
15A NCAC 10B .0114 Dog Training and Field Trials

Game Lands

- 1) Increase user fees for the use of the field trial facilities located on the Sandhills Game Lands from the current \$25.00 to \$75.00 for use of the club house only and \$100 to \$200 for the use of the club house and field trial grounds.
Amend the following rule:
15A NCAC 10D .0102 General Regulations Regarding Use
- 2) Allow open carry of firearms anytime on state-owned game lands and conservation areas.
Amend the following rules:
15A NCAC 10D .0102 General Regulations Regarding Use
15A NCAC 10D .0103 Hunting on Game Lands
15A NCAC 10J .0102 General Regulation Regarding Use of Conservation Areas
- 3) Prohibit the discharge of any firearm on game lands for purposes other than hunting, trapping, or self-defense except in designated target shooting areas.
Amend the following rule:
15A NCAC 10D .0102 General Regulations Regarding Use
- 4) Allow hunting by special permit on game lands when the seasons for game animals (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) and game birds (all migratory game birds and upland game birds) are closed.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 5) Limit hunting on game lands with weapons legal for open game animal or game bird seasons.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 6) Allow trapping on Sherwood and Harmon Den Bear Sanctuaries
Amend the following rule:
15A NCAC 10D .0102 General Regulations Regarding Use

- 7) Allow waterfowl hunting to take place the Monday after Christmas and the Monday after New Year's Day when these two holidays fall on a Sunday.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 8) Allow a youth/adult dove hunt on opening day of dove season on Needmore Game Lands. This hunt would be on posted dove fields by permit only.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 9) Prohibit equestrian use on Perkins Game Land (Davie County).
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 10) Clarify existing regulations that allow muzzleloader and archery deer hunting on the J. Robert Gordon Field Trial Grounds.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 11) Allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds during all open days of the waterfowl season.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands
- 12) Open spring camping season on the game lands on March 31.
Amend the following rule:
15A NCAC 10D .0103 Hunting on Game Lands

Permits

- 1) Reduce the regulatory burden upon the public in cases of depredation and allow for better utilization of animals taken under depredation permits by making the following changes:
 - remove the \$50.00 threshold for depredation,
 - remove the requirement that municipalities attempt Urban Archery for deer overabundance,
 - allow the take of alligators with depredation permits,
 - allow the take of feral swine with depredation permits,
 - allow any animal taken under a depredation permit to be retained for consumption if written on the permit,
 - remove the limit on the number of deer taken without a permit that can be retained for consumption,
 - allow the edible portions of feral swine taken without a permit to be retained for consumption,
 - allow the use of artificial lights in taking wildlife without a permit, and
 - ease reporting requirements for wildlife taken without a permit.*Amend the following rule:*
15A NCAC 10B .0106 Wildlife Taken for Depredation

- 2) In the Commission's rules, separate the disposition of animals killed in an act of depredation or under a depredation permit from those killed accidentally or found dead and reduce prohibitions on possessing dead wildlife. Under this proposal, a person would be able to:
- request authorization to keep a deer or turkey found dead of natural causes or due to a vehicle collision;
 - possess dead raptors and nongame migratory game birds under a federal permit; and
 - possess any other species of wildlife found dead without Commission authorization, except bears and protected species may not be possessed at all.

Amend the following rule:

15A NCAC 10B .0106 Wildlife Taken for Depredation

Adopt the following rule:

15A NCAC 10B .0127 Possession of Wildlife Killed Accidentally or Found Dead

Fiscal Note – Captive Cervid Rules – the Commission approved the fiscal note for proposed rules pertaining to cervids held in captivity, presented by in **Exhibit L** by Tommy Clark, *Budget Director*, as required prior to publication in the *North Carolina Register*.

Fiscal Note – 2013 – 2014 Proposed Rules – the Commission approved the fiscal note for 2013-2014 rule proposals, presented in **Exhibit M** by Norman Young, *Rulemaking Coordinator*, prior to publication in the *North Carolina Register*.

Beaufort County – No Wake Zone Technical Changes and Amendments – the Commission approved technical changes under 15A NCAC 10F .0303(a)(1) and (a)(7) to clarify text and descriptions of no wake zones in Broad Creek and Tranters Creek. (**Exhibit N-1**)

The Commission voted to take to public hearing with notice in the *North Carolina Register* an amendment and repeal under 15A NCAC 10F .0303, proposed by the Wildlife Resources Commission, correcting the description of the no wake zone at Mouth of the Creek bridge on Blounts Creek and correcting the location of no wake markers that are established at that location. (**Exhibit N-2**)

The Commission adopted a proposal by the Wildlife Resources Commission, presented in **Exhibit N-3** to take to public hearing and publish Notice in the *North Carolina Register* an amendment to a portion of 15A NCAC 10F .0303, for the establishment of a no wake zone in the vicinity of the Blounts Creek Boating Access Area, beginning shore to shore 100 yards north of the boating access area and extending shore to shore to a point 100 yards south of Cotton Patch Landing.

Fiscal Note for Beaufort County Amendments – the Commission approved the fiscal note, presented by Norman Young in **Exhibit O**, for rules changes under 15A NCAC 10F .0303-Beaufort County, prior to publication in the *North Carolina Register* and public hearing.

Temporary Rules Adoption – 15A NCAC 10B .0219 – Coyote and 15A NCAC 10B .0223 – Feral Swine – the Commission adopted temporary rules for hunting coyote and feral swine, including technical corrections requested by the Rules Review Commission, to provide for implementation of permanent rules already adopted by the NCWRC on May 3, 2012. (**EXHIBIT P**)

Comments by the Chairman – *Chairman* David W. Hoyle, Jr. thanked agency staff for their preparations for the informative committee meetings held on July 11. He announced that this month marks one year since the newest group of Commissioners was appointed and that they are no longer “newbie” Commissioners. Hoyle again welcomed Garry Spence, Commissioner-elect.

Executive Director Salary Increase – Chairman Hoyle announced that state employees have received a legislative salary increase, effective July 1. However, the salary of the Executive Director is set by the Wildlife Resources Commission. The Commission approved an increase in Gordon Myers’ salary to match the percentage received by other state employees.

Comments by the Executive Director – *Executive Director* Gordon Myers thanked Commissioners and staff for their hard work preparing for committee meetings. He thanked the Commission for voting to increase his salary. Myers updated the Commission about some of the actions by the Legislative Session. Full funding of the Conservation Education division was restored by the General Assembly. Myers thanked *Commissioner* Dell Murphy, *Chief Deputy Director* Mallory Martin, Chris Dillon, *Legislative Liaison*, and Conservation Education staff for preparations of reports for the special study. Myers stated that the General Assembly made some budgetary changes affecting the WRC. The agency will begin to use one General Fund budget code. This agency was budgeted \$17.6 million, which is a two percent reduction. The motor fuel tax was capped at 37.5 cents, which is a reduction of \$196 thousand to the agency. Senate Bill 868 was signed. It eliminates the financial penalty for renewing hunting and fishing licenses early, which Myers stated will help with hunter and angler retention. He thanked Lisa Hocutt, *Customer Services Manager*, and Senators Harry Brown and Buck Newton for their assistance with this bill. Myers stated that Senate Bill 821 affects the Division of Marine Fisheries and the Wildlife Resources Commission. The bill mandates a study of fishery management by the WRC, DMF, and Department of Agriculture and Consumer Services, with a report due October 1, 2012. DMF and the WRC have been ordered to study shallow draft dredging. That report is due September 1, 2012. The General Assembly passed legislation making it unlawful to pursue menhaden with purse seines within three miles of North Carolina shoreline. Myers welcomed Commissioner-elect Garry Spence who was named to the Wildlife Resources Commission in the Appointments Bill.

Adjournment –The meeting was adjourned at 11:00 a.m.