



ACTIONS

N.C. WILDLIFE RESOURCES COMMISSION

October 7, 2009 at 9:00 a.m.

NC Wildlife Resources Commission Headquarters
1751 Varsity Drive
Raleigh, North Carolina

Call to Order - *Commission Chairman* Steve Windham called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Conference Room, 5th floor.

Pledge of Allegiance and Invocation - *Commissioner* Berkley Skinner led the Pledge of Allegiance. *Commissioner* Ray White gave the invocation.

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

Welcome - Chairman Windham welcomed Commissioners and guests, including Ed Mays of the N.C. Handicapped Sportsmen and members of the N.C. Bowhunters Association.

Minutes - the Commission approved the August 26, 2009 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 August 31, 2009, from Tommy Clark, *Budget Officer*, presented in **Exhibit B**.

Approval of the Coastal Habitat Protection Plan (CHPP) - pursuant to a requirement as one of the commissions reporting to the Joint Legislative Commission on Seafood and Aquaculture and Environmental Review Commission of the North Carolina General Assembly, the Wildlife Resources Commission approved the North Carolina CHPP 2008-2009 Annual Report, presented in **Exhibit C**.

Property Acquisition, McDowell County - the Commission approved the staff recommendation presented in **Exhibit D** by Dr. David Cobb, *Wildlife Management Division Chief*, to acquire as a reallocation from the Ecosystem Enhancement Program the Bob's Pocket Wilderness tract in McDowell County for inclusion into the Game Land Program, and forward to the State Property Office.

Land Acquisition Update - the Commission received a regular update presented by Dr. Cobb in **Exhibit E**, on the status of land acquisitions.

CURE Program Update - the Commission received a staff report and update on the Cooperative Upland habitat Restoration and Enhancement (CURE) Program from Dr. Cobb in **Exhibit F**. The program has resulted in a significant increase in wildlife in some areas. CURE activities on game lands will continue and activities under "Corporate CURE" will be continued contingent upon external funding. Private landowners will be provided with financial incentives to participate in enhancement of wildlife habitats through the Wildlife Conservation Lands Program (formerly referred to as H.B. 1889).

Revisions to Schedule of 2010 Public Hearings for Hunting, Trapping and Fishing – the Commission approved a change in location of the District 5 public hearing to be held January 6, 2010 in Graham. The public hearing will be held at 7 p.m. at the Graham Middle School Auditorium. The location of the District 7 public hearing on January 14, 2010 at 7 p.m. has been changed to the Mt. Airy High School Auditorium in Mt. Airy. The entire schedule was presented in **Exhibit G**.

2010-2011 Proposed Hunting and Trapping Rules for Consideration at State-Wide Public Hearings - the Commission voted to take to state-wide public hearings the following proposed changes in hunting and trapping regulations for 2010-2011, presented in **Exhibit H-1**:

Bear

1) Increase the December segment of the bear season in Hertford County from three days to two weeks using the same opening and closing dates as adjoining Gates and Bertie counties.

Amend the following rule:

15A NCAC 10B .0202 Bear

Trapping

- 1) Remove state tagging requirements for otter and bobcats.

Amend the following rules:

15A NCAC 10B .0106 Wildlife Taken for Depredation or Accidentally

15A NCAC 10B .0118 Sale of Wildlife

15A NCAC 10B .0402 Tagging Furs

15A NCAC 10B .0403 Application for Tags

15A NCAC 10B .0404 Trappers and Hunters

15A NCAC 10B .0405 Fur Dealers

15A NCAC 10B .0406 Misuse of Tags

Small Game

- 1) Allow armadillos to be hunted all year and trapped during the regular furbearer trapping season.

Amend the following rule:

15A NCAC 10B .0302

Adopt the following rule:

15A NCAC 10B .0222

- 2) Open squirrel season on the Monday on or nearest to October 15 and close on the last day of February.

Amend the following rule:

15A NCAC 10B.0206

Birds

- 1) Exclude the Eurasian collared dove from the definition of wild birds.

Amend the following rule:

15A NCAC 10B.0121

Nongame

- 1) Remove elk (*Cervus elephus*) from the state's list of special concern species.

Amend the following rule:

15A NCAC 10I.0105

Game Lands

- 1) Provide the same access privileges to disabled sportsmen (as defined in G.S. 113-296) as the commission does to disabled access permit (DAP) holders.

Amend the following rule:

15A NCAC 10D.0102

- 2) Increase access for disabled sportsmen and DAP holders by allowing them to ride all-terrain vehicles (ATVs) on roads posted for vehicular travel, except those roads maintained by the Department of Transportation (DOT). Apply this increased access only to game lands designated as DAP game lands.

Amend the following rule:

15A NCAC 10D.0102

- 3) Prohibit the use of dogs for hunting deer on Brinkleyville Game Land.

Amend the following rule:

15A NCAC 10D.0103

- 4) Prohibit the use of dogs for hunting deer on Brunswick County Game Land.

Amend the following rule:

15A NCAC 10D.0103

5) Prohibit the use of dogs for hunting deer on Embro Game Land.

Amend the following rule:

15A NCAC 10D.0103

6) Increase the either-sex deer season on Jordan Game Land from the current moderate season to the maximum season.

Amend the following rule:

15A NCAC 10D.0103

7) Allow limited quail and woodcock hunting by permit only on CURE areas within R. Wayne Bailey-Caswell and Sandhills game lands.

Amend the following rule:

15A NCAC 10D.0103

8) Establish a campground at Juniper Creek Game Land to be open from September 1 through the last day of February and again from April 7 through May 14.

Amend the following rule:

15A NCAC 10D.0103

9) Establish a campground at Chowan Swamp Game Land to be open from September 1 through the last day of February and again from April 7 through May 14.

Amend the following rule:

15A NCAC 10D.0103

10) Increase the bear season on an 8,000 acre portion of Chowan Swamp Game Land in Gates County from the first three days of the December season segment (the current open season) to the full 12 day bear season allowed in the rest of Gates County during the month of December. The rest of Chowan Swamp Game Land would retain the first three days of the December season segment as its December bear season.

Amend the following rule:

15A NCAC 10D.0103

11) Restrict dove hunting to permit-only during the first four days of the open dove season on Sandy Mush Game Land.

Amend the following rule:

15A NCAC 10D.0103

12) Establish an Introductory either-sex deer season on Sandy Mush Game Land.

Amend the following rule:

15A NCAC 10D.0103

13) Place the Morton Tract on White Oak Game Land under the same restrictions as the Huggins Tract: a restrictive firearms zone; access on Sloan Farm road by permit only; hunting by permit only; and no hunting for deer with dogs.

Amend the following rule:

15A NCAC 10D.0103

14) Create Pond Mountain in Ashe County as a six day per week game land with a moderate either-sex season and horseback riding on designated trails May 16-Aug. 31.

Amend the following rule:

15A NCAC 10D.0103

15) Create the Whitehall Plantation Game Land in Bladen County as a permit-only game land.

Amend the following rule:

15A NCAC 10D.0103

16) Prohibit the release of domesticated or feral animals on game lands, except for hunting dogs where allowed. The game land rule already prohibits the release of pen-raised animals, wild animals or birds and hatchery-reared fish.

Amend the following rule:

15A NCAC 10D.0102

Conservation Areas

1) Prohibit the release of all animals, including domesticated or feral animals, on wildlife conservation areas without prior written authorization of the Commission.

Amend the following rule:

15A NCAC 10J.0102

Boating and Fishing Access Areas

1) Prohibit the release and feeding of all animals, including domestic or feral animals, on boating or fishing access areas without prior written authorization of the Commission.

Amend the following rule:

15A NCAC 10E.0104

Permits and Licenses

1) Require municipalities requesting a depredation permit for deer to fill out a form supplied by the Commission which will ask, among other questions, whether the municipality has participated in the Urban Archery Season and if not, why not.

Amend the following rule:

15A NCAC 10B.0106

3) Remove the requirement that waterfowl imported into North Carolina be tested for avian influenza and exotic Newcastle disease. In lieu of that requirement, imported waterfowl must be from a National Poultry Improvement Plan (NPIP) certified facility or else tested using NPIP standards.

Amend the following rule:

15A NCAC 10B. 0101

4) Delete the avian influenza and exotic Newcastle disease testing requirements for game bird propagators and controlled hunting preserve operators.

Amend the following rules:

15A NCAC 10H .0104

15A NCAC 10H .0904

6) Require controlled hunting preserve operators to report the number of birds and counties where released before receiving a renewed license.

Amend the following rule:

15A NCAC 10H.0101

7) Allow governmental or non-profit entities conducting organized hunting events to obtain from the Commission, subject to the discretion of the Executive Director or his designee, exemptions that allow all participants in the events to hunt without first obtaining hunting licenses.

Adopt the following rule:

15A NCAC 10B.0126

8) Amend big game harvest rule to remove language that states the Bonus Antlerless Deer Harvest Report Card shall provided to license-exempt hunters free of cost. Legislation passed in the 2009 session established a \$10.00 fee for these report cards for all hunters.

Amend the following rule:

15 A NCAC 10B .0113

Under **Permits and Licenses** the following rule proposals were tabled with instructions for agency staff and members of the Small Game Committee to study the impacts and to clarify the requirements for sellers and purchasers of domestically raised game birds to hold propagation licenses:

2) Clarify that individuals who train dogs during the closed season using domestically raised game birds must have a propagation license to possess the birds.

Amend the following rules:

15A NCAC 10B. 0114

15A NCAC 10H. 0904

5) Require individuals who hold game bird propagation licenses to report the number of birds and counties where released before receiving a renewed license.

Amend the following rule:

15A NCAC 10H.0901

*The entire text of the proposed rule amendments and adoptions in **Exhibit H-1** may be found in the minutes of the October 7, 2009 meeting.

Proposed Changes in 2010-2011 Hunting and Trapping Regulations Not Recommended for Consideration at Public Hearings – the Commission received a list in **Exhibit H-2** of proposed changes in hunting and trapping regulations for 2010-2011, not recommended by staff for notice and comment at state-wide public hearings.

2010-2011 Fishing Rules Adoption Schedule- the Commission voted to take to public hearings the following proposed changes in the 2010-2011 fishing rules, presented in **Exhibit I** by Bob Curry, *Inland Fisheries Division Chief*.

Trout

1) Administrative correction – Deletes text stating that unclassified tributaries to Hatchery Supported Trout Waters default to Wild Trout Waters regulations.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

2) Crab Creek (Alleghany County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

3) Laurel Branch (Alleghany County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

4) Wildcat Lake (Avery County) – Classify as Hatchery Supported Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

5) Mineral Creek (Buncombe County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

6) Wilson Creek (Caldwell County) – Identify the upstream boundary of Public Mountain Trout Waters as the game lands portion downstream of Lost Cove Creek.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

7) Thorps Creek (Caldwell County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

8) Yadkin River (Caldwell County) – Classify 2.0 miles as Hatchery Supported Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

9) Fires Creek (Clay County) – Identify the upstream boundary of Hatchery Supported Trout Waters as the USFS Fires Creek Picnic Area footbridge.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

10) Bluff Branch (Clay County) – Reclassify 1.4 miles from Hatchery Supported to Wild Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

11) Franks Creek (Graham County) – Reclassify from Hatchery Supported to Wild Trout/Natural Bait Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

12) Sawyer Creek (Graham County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

13) West Fork Pigeon River (Haywood County) – Identify the upstream boundary of Hatchery Supported Trout Waters as Tom Creek.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

14) Rocky (Broad) River (Henderson County) – Identify the upstream boundary of Hatchery Supported Trout Waters as Rocky River Lane.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

15) Cartoogechaye Creek (Macon County) – Identify the upstream boundary of Hatchery Supported Trout Waters as the downstream US 64 bridge.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

16) Spring Creek (Madison County) – Identify the downstream boundary of Hatchery Supported Trout Waters as USFS Road 223.

Amend the following rules:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

15A NCAC 10D .0104 FISHING ON GAME LANDS

17) North Fork Pacolet River (Polk County) – Identify the upstream boundary of Hatchery Supported Trout Waters as Joels Creek.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

18) Fork Creek (Polk County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

19) Big Fall Creek (Polk County) – Remove the Public Mountain Trout Waters designation.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

20) Elk Hollow Branch (Avery County) – Classify as Wild Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

21) Taking non-trout species – Allow non-trout species to be taken and possessed when fishing by rod and reel on Catch and Release/Artificial Lure Only and Catch and Release/Artificial Flies Only waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

22) Lower Creek (Yancey County) – Reclassify from Catch and Release/Artificial Lures to Wild Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

23) Upper Creek (Yancey County) – Reclassify the Catch and Release/Artificial Lures Only section to Catch and Release/Artificial Flies Only Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

24) South Toe River (Yancey County) – Reclassify the Catch and Release/Artificial Flies Only section to Wild Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

25) South Toe River (Yancey County) – Reclassify the headwaters section from Wild Trout Waters to Catch and Release/Artificial Flies Only.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

26) Tellico River (Cherokee County) – Reclassify the Wild Trout/Natural Bait section to Wild Trout Waters.

Amend the following rule:

15A NCAC 10C .0205 PUBLIC MOUNTAIN TROUT WATERS

27) Nantahala River and tributaries (Clay and Macon counties) – Remove the exception that allows fishing during the closed season on Hatchery Supported Trout Waters upstream of Nantahala Lake.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

Other Game Fishes

28) Striped bass in Lake Gaston and Roanoke Rapids Lake – Allow striped bass of any size to be harvested from June 1 through September 30 within the four fish daily creel limit.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

29) Largemouth bass in B. Everett Jordan and Falls of Neuse reservoirs – Establish a 14-inch minimum size limit with a five fish daily creel limit, including two which may be less than 14 inches long.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

30) Spotted bass in Lake Norman – Establish a 14-inch minimum size limit with a five fish daily creel limit, including two which may be less than 14 inches long.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

31) Muskellunge – Establish a statewide 42-inch minimum size limit and a one fish daily creel limit.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

32) Muskellunge in French Broad River – Eliminate the current 46-inch size limit which will be replaced by the proposed 42-inch statewide minimum size limit.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

33) American shad in John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Reservoir – Prohibit possession of American shad.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

34) Roanoke and rock bass – Establish an 8-inch minimum size limit and two fish daily creel limit for these species in combination east of Interstate 77.

Amend the following rule:

15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS

Nongame Fishes

35) Grass carp in Lake Gaston and Roanoke Rapids Reservoir – Prohibit the take and possession of grass carp, except with a permit issued by the Commission.

Amend the following rule:

15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE

36) Blue crabs – Allow the recreational take of blue crabs using a single, multiple bait line not to exceed 100 feet in length that is under the immediate control and attendance and is limited to one per person and no more than one per vessel.

Amend the following rule:

15A NCAC 10C .0402 TAKING NONGAME FISHES FOR BAIT OR PERSONAL CONSUMPTION

Other

37) Posting of regulations – Include Community Fishing Program and other cooperatively managed waters among those that fish size and creel limits that differ from statewide regulations are posted.

Amend the following rules:

15A NCAC 10E .0101 DEFINITION

15A NCAC 10E .0102 REGULATIONS POSTED

* The entire text of the proposed rule amendments and adoptions in **Exhibit I** may be found in the minutes of the October 7, 2009 meeting.

Inland Fisheries Update – the Commission received an update on the activities of the Inland Fisheries Division, including state-wide Hunting and Fishing Day activities on September 26, 2009, from Bob Curry. Curry announced that the joint Coastal Recreational Fishing License Committee will meet in Washington, N. C. on November 17, 2009 to review the allocation of CRFL funds from among thirty-four proposals.

Boating Access Area Land Lease Renewals – the Commission voted to renew Boating Access Area leases presented by Erik Christofferson, *Engineering Services Division Chief*, in **Exhibits J-1, J-2, J-3, J-4, and J-5**, for a period of twenty years, at the following areas on property owned by Dominion Power:

- Salmons Landing Boating Access Area, Warren County on Lake Gaston
- Summit Boating Access Area, Halifax County on Lake Gaston
- Henrico Boating Access Area, Northampton County on Lake Gaston
- Fifth Street Landing Boating Access Area, Halifax County on Roanoke Rapids Lake
- Thelma Boating Access Area, Halifax County on Roanoke Rapids Lake

2010 Wildlife Resources Commission Meeting Schedule - the Commission tabled consideration of the 2010 Meeting Schedule until the December meeting. Chairman Windham announced that the Executive Committee will meet on November 12 at 10 a.m. in the Commission Conference Room and the Regulations Committee will meet that day at 11 a.m. Both committees will discuss possible changes in the public hearings structure and the use of electronic data to expedite those meetings. The next meeting of the full Commission will be on December 2, 2009 in Raleigh.

Small Game Committee Report - Chairman Bobby Purcell announced that the Committee met on October 6. The committee discussed the CURE Program, including the use of Wildlife Conservation Land Program tax incentives to private land owners of at least 20 and no more than 100 qualifying acres. The Small Game Committee approved taking to public hearing extending the squirrel season from October 15 until the end of February. The 2009 Diedrick Small Game Award will be presented in early 2010 and at the fall Commission meetings thereafter. The Committee wants to encourage nominations from the public for this award.

Coldwater Fisheries Committee Report - Chairman Martin Lewis announced that 93,000 trout anglers in North Carolina had an annual economic impact on the state of \$174,000,000. He announced that the WRC worked on nine streams for the restoration of the Southern Appalachian brook trout and restoration was successful in eight of those streams. Lewis wants to stress to the western counties the economic benefits of trout fishing in hopes of gaining additional access to the streams.

Committee of the Whole Meeting Report - Chairman Steve Windham announced that the Committee of the Whole discussed postponing approval of the meeting schedule in anticipation of discussions about improving the public hearing process. He said that the Commission Committee Roster for 2010 is complete. The effort of organizations such as the Cross Trail Outfitters in providing hunting opportunities for youth was discussed. The Commission voted to applaud the efforts of the Cross Trail Outfitters in mentoring youth in hunting and outdoor activities.

Comments by Executive Director - Gordon Myers, *Executive Director*, said that the agency has been working on strategic planning as outlined by the Commission. Myers asked that the Executive Committee revisit the strategic plan at its November 12 meeting. The Divisions will complete their work and the entire strategic planning package will be ready for Commission review by early 2010. Myers mentioned the meeting on October 6 with Ed Mays of the N.C. Handicapped Sportsmen, and the ongoing efforts to provide access and opportunities for disabled constituents to enjoy outdoor activities. Myers mentioned a recent joint effort by the WRC and National Park Service in building a handicapped - accessible wildlife viewing area at the Bodie Island Lighthouse.

Comments by Chairman - Chairman Windham, on behalf of the members of the Wildlife Resources Commission, expressed appreciation for the loyalty, dedication and hard work of all employees who work at the agency.

Adjournment - the meeting was adjourned at 10:50 a.m.