



## ACTIONS

### N.C. WILDLIFE RESOURCES COMMISSION

February 11, 2009 at 9:00 a.m.

Wildlife Resources Commission Headquarters  
Raleigh, North Carolina

**Meeting** - *Commission Chairman* Wes Seegars called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters, Raleigh, NC.

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

**Minutes** - the Commission approved the October 3, 2008 Wildlife Resources Commission minutes as presented in **Exhibit A**.

**Financial Status Report** - the Commission received a financial status report as of December 31, 2008 on the Wildlife Operating Fund, which has a balance of \$18,904,777.58, and the Wildlife Endowment Fund, which has a balance of \$68,599,418.34, from Tommy Clark, *Budget Officer*, in **Exhibit B**.

**2009 Wildlife Resources Commission Meeting Schedule Revision** - in consideration of state government budgetary constraints, the Commission approved a revision to the 2009 WRC Meeting Schedule presented in **Exhibit C**, moving the May 19<sup>th</sup> Corolla meeting to Wednesday, May 13 in Raleigh; and the October 2<sup>nd</sup> Pisgah Forest meeting to Wednesday, October 7 in Raleigh.

**Presentation of the Order of the Long Leaf Pine Award** - on behalf of former Governor Michael F. Easley, Mallory Martin, *Chief Deputy Director*, presented the Order of the Long Leaf Pine award to Duane Raver, retired WRC fish biologist, former *Wildlife in North Carolina* magazine editor, and renowned wildlife illustrator.

**Governmental Grant Request, Carteret County** - the Commission approved staff recommendation presented in **Exhibit D** by Erik Christofferson, *Engineering Services Division Chief*, to provide a \$500,000 governmental grant to Carteret County and to partner with the Town of Emerald Isle to acquire 16 acres of property, which will be conveyed to the WRC for the construction of a boating access area. Funding will come from the increase in motorboat registration fees.

**Boating Access Request, Brunswick County** - the Commission approved staff recommendation presented in **Exhibit E** by Erik Christofferson to provide the design and construction of a boating access area for the Town of Sunset Beach in Brunswick County. It is estimated that design costs will be approximately \$250,000, with the majority of that cost equipment and personnel expenses.

**Boating Access Request, New Hanover County** - the Commission approved staff recommendation presented in **Exhibit F** by Erik Christofferson to provide the design and construction of a boating access area on Trails End Road in Wilmington in New Hanover County. The site will be owned and maintained by New Hanover County. Funding comes from the boating registration fee increase.

**Water Safety Equipment Rule Adoption** - the Commission adopted 15A NCAC 10F.0201-Safety Equipment, presented in **Exhibit G**, which adds exemptions from the requirement to have type IV personal flotation devices on board certain vessels.

**No Wake Zones - Lake Wylie, Mecklenburg and Gaston Counties** - the Commission adopted a request by the Lake Wylie Marine Commission, presented in **Exhibit H** by Erik Christofferson, to amend 15A NCAC 10F.0333 to establish a No Wake Zone within 50 feet of any bridge crossing the waters of Lake Wylie in North Carolina, that is not otherwise specifically mentioned within the rule. The fifty foot No Wake Zones conform to the standards for No Wake Zones around South Carolina bridges over Lake Wylie and will mitigate hazards to boating safety around the bridge structures and facilitate equal enforcement of the law on the lake.

**No Wake Zones - Lake James, Burke County** - the Commission adopted a modified staff recommendation presented by Erik Christofferson in **Exhibit I** for the establishment of two No Wake Zones under 15A NCAC10F.0323, one in the immediate vicinity of the Highway 126 Bridge and Mountain Harbour Marina, and one within 50 yards of the Canal Bridge Boating Access Area.

**No Wake Zone, Brunswick County** - the Commission adopted a request by Brunswick County, presented by Erik Christofferson in **Exhibit J**, for the establishment of a No Wake Zone under 15A NCAC 10F.0305, in the waters of Big Davis Canal at Oak Island.

**2008 Lawrence G. Diedrick Small Game Award Presentation, Corporate Category** - Dr. David Cobb, *Wildlife Management Division Chief*; Commissioner Bobby Purcell, *Small Game Committee Chairman*; Wes Seegars, *Commission Chairman*; and Gordon Myers, *Executive Director* presented the 2008 Lawrence G. Diedrick Small Game Award (corporate category) to Murphy-Brown LLC, for adaptations to their acreage to provide for early successional wildlife habitats. Dawn Williamson accepted a plaque, a copy of Sand County Almanac by Leopold, and a drip torch on behalf of Murphy-Brown LLC.

**Remarks by Lloyd Goode, Ducks Unlimited Region 10 Vice President** - Dr. David Cobb introduced Ducks Unlimited Region 10 Vice President Lloyd Goode, who introduced fellow DU officers Larry Wilkins and Don Manley. He thanked the WRC for their assistance with raising funds for the Sound CARE Initiative. Ducks Unlimited hopes to raise twenty million dollars for migratory waterfowl wintering habitat and breeding habitat. Goode announced that Wildlife Commissioner Nat Harris has been elected into the Ducks Unlimited Hall of Fame.

**Property Acquisitions** - the Commission approved staff recommendations presented in **Exhibit K** by Dr. David Cobb to work with the State Property Office for the acquisition of the following tracts representing 18,000 acres, for inclusion into the Game Land Program:

- Ingram Tract – Anson County
- Braun Tract – Ashe County
- Sherrill Tract – Ashe County
- Bryant Lumber Tract – Avery and McDowell Counties
- Ryan Tract – Bladen County
- Bear Pen Tract - Brunswick County
- IP-Amici Group Tracts – Brunswick County
- Jenrette Tract – Brunswick County
- Lowland Tract 5098 – Pamlico County
- Lowland Tracts 5100 and 5101 – Pamlico County
- Atkinson Tract – Pender County
- Green Pig LLC Tract – Polk County
- King Mountain Tract – Randolph County
- Martin Marietta Tract – Scotland County

**Land Exchange, Wilkes County** - the Commission adopted staff recommendation presented by Dr. Cobb in **Exhibit L** to negotiate a land exchange with the National Park Service to gain public access to a portion of Thurmond Chatham Game Land in Wilkes County.

**Land Acquisition Update** - the Commission received a report on the status of land acquisition projects in **Exhibit M** from Dr. Cobb.

**Hunting and Trapping Comments from Public Hearings** - the Commission received summaries from Dr. Cobb in **Exhibit N** of all comments pertaining to hunting and trapping rule proposals obtained from statewide public hearings, Internet portal, and correspondence. Dr. Cobb noted three components in the exhibit- a first part containing the summary of all comments for each proposal; a second fold-out portion that summarizes comments by District; and a third part that summarizes petitions and letters from organizations. Dr. Cobb announced that a CD has been provided with this data and similar data pertaining to fishing proposals.

**Inland Fisheries Update** - the Commission received an update about the activities of the Inland Fisheries Division from Bob Curry, *Inland Fisheries Division Chief*. Curry provided Commissioners with recent news releases, a brochure on herring and shad identification, trout stocking report, minutes from the February 10<sup>th</sup> joint Cold Water/Warm Water Fisheries committee meeting, and the second version of fish identification playing cards which have been produced as educational tools with sport fish restoration funds.

**Fishing Comments from Public Hearings** - the Commission received three-part summaries from Bob Curry in **Exhibit O** of all comments pertaining to fishing rule proposals that were presented at statewide public hearings. Curry added that the data is available on the CD given to each Commissioner.

**Cold Water Fisheries Committee Report** - the Commission adopted a motion from the Cold Water Fisheries Committee, presented by Martin Lewis, *Chairman*, to authorize staff to implement a Wildlife Friendly Development Certification program that will create a financial incentive for developers to be proactive in creating long term stewardship of wildlife habitat. It will be a collaborative partnership involving the North Carolina Wildlife Federation, the N.C. Chapter of the American Society of Landscape Architects and the Wildlife Resources Commission.

The Cold Water Fisheries Committee agreed that the WRC should not allow commercial harvest of crabs with baited long lines in inland waters.

The Commission adopted a motion to use up to \$125,000 in access funds that already have been allocated as part of the Duke Energy FERC settlement at the Catawba Dam, to add a cold water pipe under the dam during construction. FERC requires Duke Energy to install a warm water pipe. The addition of a cold water pipe at the same time will allow the WRC the possibility of future construction of a cold and warm water fisheries hatchery in the area.

**Joint CRFL Committee Report** - the Commission received a report from Ray White, *Warm Water Fisheries Committee Chairman*, about the activities of the joint CRFL Committee members who work with the CRFL Committee within the Division of Marine Fisheries. Eleven of nineteen projects have been funded, including boating access areas and the Chowan River Pier. Total funds disbursed for 2008-2009 are \$1,989,566.

**Big Game Committee Report** - Chairman Seegars announced with regret the absence of David Hoyle, Jr., *Big Game Committee Chairman*, who was unable to attend the meeting because of the death of his wife's grandmother. Seegars chaired the Big Game Committee in Commissioner Hoyle's absence. The rules proposals will be brought before the Commission for possible action in March.

**Committee of the Whole Report** - Chairman Seegars thanked agency staff for their assistance in preparing summaries of more than 40,000 comments received from public hearings, correspondence, and the internet portal regarding rules proposals under consideration. The Commissioners will review proposals and comments prior to voting on them at the March meeting. Division of Wildlife Management staff alone put in more than 365 hours in January, preparing the summaries. Inland Fisheries, IT, and other divisions contributed many hours as well.

**Comments by Chairman** - Chairman Wes Seegars thanked staff for the organization of the public hearings, improvements in the collection of information from constituents, and the civility with which staff members conducted themselves in the face of some public objections to the proposals and unfair and erroneous criticism of the process and intent. Seegars stated that the job of the Commission is to put forth rules proposals that are in the best interest of wildlife conservation, all constituents, and the State. He stated that using the Committee structure to review proposals has been successful; however, in light of misrepresentations, unsubstantiated comments publicly attributed to Commissioners and staff members and inaccurate information disseminated by some conservation partners, the Commission will review whether to continue allowing attendance by the public at Committee discussions. Seegars announced that a website will be developed so that the Commission can communicate directly and proactively with those whose e-mail addresses have been provided. Rules proposals and suggested modifications will be communicated in detail, hopefully to avoid a recurrence of the misinformation and attempted subversion of the process that occurred over the past months. 2200 people attended state-wide public hearings and 5000 people commented on proposals. This represents 1 ½ to 2 percent of hunters state-wide.

**Comments by Executive Director** - Executive Director Gordon Myers thanked staff for their outstanding efforts in collecting and assembling the unprecedented number of public comments. He especially thanked those who spent hours typing the comments into the database. He stated efforts will continue to make the public hearing process better and noted his appreciation for the attendance at the public hearings by so many Commissioners. Myers stated that the main issue during this Legislative Session is the budget crisis. Consequently each Division has been tasked with identifying possible budget cuts of 5, 7, and 10 percent. At first non-recurring budget cuts are identified; but as sales taxes decrease it will be necessary to identify more cuts. Briefing documents about the WRC budget are being prepared for the Legislators. Myers will again produce a weekly report about legislation. He mentioned Senate Bill 7 which would repeal the law against hunting on Sunday with firearms; efforts to make boater education mandatory; and an attempt to provide an exemption to active duty military from having to purchase a hunting license. Other suggestions include allowing a single dog on a leash at night to recover wounded deer; giving the WRC authority to regulate trapping gear by rule; and establishment of a \$10 fee for bonus antlerless deer tags. Myers thanked Division of Marine Fisheries Director Louis Daniel for his assistance with boating access and CRFL issues. He thanked Commissioner Dell Murphy for organizing a meeting between agency senior staff and officials from the Department of Agriculture and N.C. State University, to discuss ideas for interagency cooperation and collaboration in wildlife issues.

**Adjournment** - the meeting was adjourned by Chairman Seegars at 10:40 a.m.