



AGENDA

N.C. WILDLIFE RESOURCES COMMISSION

May 3, 2012, 9:00 a.m.

1751 Varsity Drive

NCWRC Conference Room, 5th Floor

Raleigh, North Carolina

CALL TO ORDER - Chairman *David Hoyle, Jr.*

PLEDGE OF ALLEGIANCE

INVOCATION - *Commissioner John Coley*

RECOGNITION OF VISITORS

MANDATORY ETHICS INQUIRY - North Carolina General Statute 138A-15(e) mandates that the Commission Chair shall remind all Commissioners of their duty to avoid conflicts of interest and appearances of conflict under this Chapter, and that the chair also inquire as to whether there is any known conflict of interest or appearance of conflict with respect to any matters coming before the Commission at this time. It is the duty of each Commissioner who is aware of such personal conflict of interest or of an appearance of a conflict, to notify the Chair of the same. *Chairman David Hoyle, Jr.*

APPROVAL OF MINUTES - Take action on the January 12, 2012 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members (**EXHIBIT A**)

CORRECTION TO NOVEMBER 10, 2011 MINUTES – Receive into the November 10, 2011 minutes the addition of Hayden Rogers’ name to the Commissioner attendance list (**EXHIBIT B**)

PROCLAMATION – 2012 SAFE BOATING WEEK – Receive into the minutes the Proclamation by Governor Beverly E. Perdue designating the week of May 19-25, 2012 as “Safe Boating Week” in North Carolina (**EXHIBIT C**)

ADMINISTRATION

Financial Status Report - Receive a financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund - *Tommy Clark, Budget Officer* (**EXHIBIT D**)

SPECIAL PRESENTATION – Presentation honoring District 8 Hunter Education Specialist Wesley T. Blair in recognition of his military service and work as a Hunter Education Specialist - *Travis Casper, Hunter Education Coordinator*

ENGINEERING SERVICES

Boating Access Area Partnership Proposal, Jacksonville and Onslow County – Consider adoption of a Memorandum of Agreement to partner with the City of Jacksonville and Onslow County to construct a Boating Access Area on the New River in Jacksonville – *Erik Christofferson, Engineering Services Division Chief* (**EXHIBIT E**)

Short Photograph Break

Engineering Services Activity Update – Receive an update on Boating Access Area renovations and construction projects – *Erik Christofferson*

Boating and Fishing Access Area Proposal, Transylvania County – Consider a staff recommendation to receive 1.79 acres from the Little River Fire Department to be developed into a Boating and Fishing Access Area on the French Broad River in the Town of Penrose – *Erik Christofferson* (**EXHIBIT F**)

Boating Access Area Proposal, Lenoir County - Consider a staff proposal to partner with Lenoir County to construct a Boating Access Area on the Neuse River in Kinston, off Highway NC 11 – *Erik Christofferson* (**EXHIBIT G**)

INLAND FISHERIES

Fisheries and Outreach Activities Update - Receive a staff update on activities of the Division of Inland Fisheries – *Bob Curry, Inland Fisheries Division Chief*

DIVISION OF WILDLIFE MANAGEMENT

SPOTLIGHT - Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina - *Jeff Marcus, Wildlife Diversity Program Biologist, Division of Wildlife Management*

LAND ACQUISITION AND PROPERTY ISSUES

Property Related Issues – Consider approval to proceed with acquisition projects for which appropriate funding has been identified – *Dr. David Cobb, Wildlife Management Division Chief (EXHIBIT H)*

- Carscadden Tract – Caswell County
- Pinch Gut Phase II Tract – Brunswick County
- Raby Farm Tract – Macon County
- Roaring Creek Tract – Avery County
- Carpenter Tract – Scotland County
- Futrell (Fisher) Tract – Scotland County
- Harmon II Tract – Scotland County
- FIA-Whitaker Tract – Halifax County
- Swain Tract – Brunswick County

Easement Request, Richmond County – Consider a North Carolina Department of Transportation easement request on a portion of Sandhills Game Land in Richmond County to facilitate a road construction project – *Dr. David Cobb (EXHIBIT I)*

Temporary Easement Request, Hoke County – Consider a NC Department of Transportation temporary construction easement request across a portion of Sandhills Game Land in Hoke County to facilitate a bridge replacement project – *Dr. David Cobb (EXHIBIT J)*

Easement Request, Gates County – Consider a NC Department of Transportation easement request across a portion of Chowan Swamp Game Land in Gates County to facilitate a road widening project – *Dr. David Cobb (EXHIBIT K)*

Utility Easement Request, Ashe County – Consider a utility easement request across a portion of Pond Mountain Game Land in Ashe County to service an adjacent property – *Dr. David Cobb (EXHIBIT L)*

Conservation Easement Modification Request, Caldwell County – Consider a request from the Grantor to modify the terms of a conservation easement on property in Caldwell County – *Dr. David Cobb (EXHIBIT M)*

Proposed Memorandum of Understanding, Mitchell and Alleghany counties – Consider a MOU authorizing the construction and maintenance of pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of NCWRC-Pisgah Game Land in Mitchell County, and the Saddle Mountain tract of Mitchell River Game Land in Alleghany County – *Dr. David Cobb (EXHIBIT N)*

Proposed Memorandum of Understanding, Edgecombe County - Consider a Memorandum of Understanding and associated request to allow the Pamlico-Tar River Foundation to construct a camping platform adjacent to the river on Tar River Game Land – *Dr. David Cobb (EXHIBIT O)*

Request from United States Marine Corps, Sandhills Game Land – Consider a request from the USMC, on behalf of a military contractor, to allow training of dogs on Sandhills Game Land- *Dr. David Cobb*

Division of Wildlife Management Update – Receive an update on the activities of the Division of Wildlife Management – *Dr. David Cobb, Wildlife Management Division Chief*

RULEMAKING

Night Hunting and Technical Corrections Rules – Receive summaries of public comments and consider permanent rule adoption for revisions to 15A NCAC 10B .0219 and 10B .0223, to allow hunting of feral swine and coyotes at night with a light, and permanent rule adoption to revisions to 15A NCAC 10B .0113 and 10B .0116, to remove remaining references to wild boar in Wildlife Resources Commission rules – *Dr. David Cobb (EXHIBITS P-1, P-2)*

Swine Trapping Permanent Rule Proposals for Public Notice – Consider approval of staff recommendation to notice for public comment proposed permanent rules for feral swine trapping and bag limits – *Dr. David Cobb (EXHIBIT Q)*

Fiscal Note – Captive Cervid Rules – Approve the fiscal note for proposed rulemaking pertaining to cervids held in captivity –*Tommy Clark, Budget Officer (EXHIBIT R)*

Fiscal Note – Swine Trapping Rules – Approve the fiscal note for proposed swine trapping rulemaking under 15A NCAC 10B .0303 and 10B .0304- *Norman Young, Rulemaking Coordinator (EXHIBIT S)*

WATER SAFETY RULES

Proposed Repeal of No Wake Zone - Tar River, Withdrawn from Application by Pitt County – Consider staff recommendation to take no action at this time on a proposal to repeal 15A NCAC 10F .0354(2), a no wake zone in Pitt County on the Tar River in the vicinity of Seine Beach. Receive comments received by the NCWRC during the comment period, as prescribed under the Administrative Procedure Act. Receive into the minutes the letter from the Pitt County Board of Commissioners withdrawing Pitt County’s support of the repeal request. Approve the withdrawal of the fiscal note previously adopted by the NCWRC and approved by OSBM. *Norman Young (EXHIBITS T-1, T-2, T-3)*

No Wake Zone Request, Newport River Beach Access Boat Ramp, Town of Morehead City, Carteret County – Consider adoption of a request by the Town of Morehead City for an amendment to 15A NCAC 10F .0330 to establish a no wake zone in the waters of the Newport River, north of the Highway 70 bridge at the Newport River Beach Access Boat Ramp – *Norman Young, Rulemaking Coordinator (EXHIBIT U)*

Technical Changes – No Wake Rules 15A NCAC 10F .0311 (Granville, Vance and Warren Counties); 15A NCAC 10F .0318 (Warren County); 15A NCAC 10F .0325 (Chowan County); 15A NCAC 10F .0345 (Chatham and Wake Counties); and 15A NCAC 10F .0352 (Camden County) – Consider adoption of technical changes to water safety rules to clarify rule text and descriptions in the North Carolina Administrative Code, as mandated in the Regulatory Reform Act and Executive Order 70 – *Norman Young (EXHIBITS V-1,V-2,V-3,V-4,V-5)*

COMMISSIONER RESIGNATION – Receive into the minutes the letter of resignation by District 4 Commissioner W. Douglas Parsons, due to a judicial appointment by Governor Perdue **(EXHIBIT W)**

COMMITTEE REPORTS

Land Use and Access Committee Report – *Dell Murphy, Vice-Chairman*

Big Game Committee Report – *John Litton Clark, Chairman*

Migratory Birds, Waterfowl Committee Report – *Berkley Skinner, Chairman*

Committee of the Whole Report- *David W. Hoyle, Jr., Chairman*

COMMENTS BY CHAIRMAN – *David W. Hoyle, Jr.*

COMMENTS BY EXECUTIVE DIRECTOR – *Gordon Myers*

MOTION TO GO INTO CLOSED SESSION – Pursuant to NCGS §143-318.11(a)(3), entertain a motion to go into closed session to receive legal advice from agency counsel.

RECONVENE INTO OPEN SESSION

ADJOURN

EXHIBIT A

May 3, 2012



MINUTES
January 12, 2012
N. C. Wildlife Resources Commission Meeting
Raleigh, North Carolina

The January 12, 2012 meeting of the North Carolina Wildlife Resources Commission was called to order by *Commission Chairman* David W. Hoyle, Jr. at 9:00 a.m. in the Commission Room at Wildlife Resources Commission headquarters in Raleigh.

Commissioner Joe Barker led the Pledge of Allegiance. Commissioner John Litton Clark gave the invocation.

MANDATORY ETHICS INQUIRY AND WELCOME

Chairman Hoyle advised the Commission of the mandatory ethics inquiry as presented in the agenda. Chairman Hoyle then welcomed the Commissioners and visitors present. Absent from the meeting were Nat Harris and Doc Thurston. Chairman Hoyle announced that the audio portion of today's meeting being streamed live and can be heard on the agency website. He announced that Ramon Bell of the North Carolina Bowhunters Association has had a stroke. He also announced that former Commissioner Maughan Hull is experiencing some cardiac problems.

COMMISSIONER ATTENDANCE

Ray White
Wes Seegars
Durwood Laughinghouse
David Hoyle, Jr.
Joe Barker
Berkley Skinner

Doug Parsons
Mark Craig
Jim Cogdell
Dalton Ruffin
Dell Murphy (by telephone)
Hayden Rogers

Tom Berry
John Litton Clark
Steve Windham
John Coley
Mitch St. Clair

VISITORS

Hal Atkinson – Camp – Younts Foundation
Fred Harris – N.C. Wildlife Federation
Jim Harrison – Shikar Safari Club International
Bryan Perry – National Wild Turkey Federation
Wib Owen – N.C. Forestry Service

J. R. Stone – N.C. Bowhunters Assn.
Mickey Strader - NCBA
Mark Beason - NCBA
T. Jerry Williams - NCBA
Joe McClees – N.C. Sporting Dog Assn.

MINUTES

Commissioner Wes Seegars made a motion to approve the November 10, 2011 Wildlife Resources Commission Meeting minutes. The motion was seconded by Commissioner Dalton Ruffin and carried. **The Minutes**, titled **Exhibit A**, are hereby incorporated into the official record of this meeting.

MINUTES – SPECIAL TELECONFERENCE MEETING

Commissioner Durwood Laughinghouse made a motion to approve the minutes of the special teleconference meeting held on December 12, 2011. The motion was seconded by Joe Barker and carried. **The Special Teleconference Meeting Minutes**, titled **Exhibit B**, are hereby incorporated into the official record of this meeting.

ADMINISTRATION

Tommy Clark, *Budget Officer*, gave the financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund as of November 30, 2011, presented in **Exhibit C**. The Operating Fund balance was \$21,645,980.78. The Endowment Fund balance was \$86,762,117.54. Exhibit C is hereby incorporated into the official record of this meeting.

SPECIAL RECOGNITION – WILDLIFE OFFICER OF THE YEAR AWARD

Colonel Dale Caveny, *Enforcement Division Chief*, recognized Captain Jon Evans for receiving the Officer of the Year Award sponsored by the North Carolina Wildlife Federation, Southeastern Association of Fish and Wildlife Agencies, and Shikar Safari International. Caveny announced that Evans has been promoted from Sergeant to Captain and is the Enforcement Training Director. Caveny called upon Jim Harrison of Shikar Safari International, who presented Captain Evans with the award.

At 9:10 Chairman Hoyle called a short recess so that photographs could be taken. The meeting reconvened at 9:20.

SPOTLIGHT – INFORMATION AND TECHNOLOGY UPDATES

Bob Curry, *Inland Fisheries Division Chief* introduced Gayle Myers, *Webmaster*, and Carolyn Rickard, *Information and Communications Specialist*. Gayle Myers presented an update on the new agency website, www.ncwildlife.org, which went live on October 11, 2011. Myers stated that in the past year there have been two million visits to the agency website. Future plans include mobile web applications, photo galleries, event calendars, audio webcast which went live with today's meeting, and interface with social media sites. Carolyn Rickard gave an overview of agency plans for increased usage of social media such as Twitter, YouTube, blogs, Google Plus and Facebook, to provide information and outreach about the Wildlife Resources Commission. Rickard stated that use of social media will recruit younger enthusiasts who are interested in wildlife sports and recreation.

INLAND FISHERIES UPDATE

Bob Curry presented an update on the activities of the Inland Fisheries Division. Curry mentioned fisheries management projects including increasing angler access opportunities across the state, the recent creel survey on Randleman Reservoir, a catfish angler survey, and striped bass production at the Watha Fish Hatchery. Curry stated that work has begun on the 2015 update of the Wildlife Action Plan. Curry announced a fly fishing show that will be held in Raleigh on February 11 – 12.

PROPERTY ACQUISITIONS

Dr. David Cobb, *Wildlife Management Division Chief*, presented in **Exhibit D** the staff recommendation to coordinate with the State Property Office and funding partners to develop acquisition plans for properties on five game lands: Alligator River Game Land, Tyrrell County; Holly Shelter Game Land, Pender County; Needmore Game Land, Macon County; Pisgah Game Land, Avery County; and Sandhills Game Land, Moore County. On a motion by Joe Barker and second by Berkley Skinner the proposal passed. Dr. Cobb informed the Commission that plan details about the tracts and funding sources will be presented to the Land Use and Access Committee prior to consideration by the entire Commission. **Exhibit D**, Potential Land Acquisitions Projects, is hereby incorporated into the official record of this meeting.

ADJACENT LANDOWNER REQUEST, SANDHILLS GAME LAND- RICHMOND COUNTY

Dr. Cobb presented in **Exhibit E** a request by Reaves Landscaping in Richmond County for a temporary right of way to install an irrigation line across a portion of the Sandhills Game Land along the edge of the existing Department of Transportation right of way. Wes Seegars made a motion to approve. The motion was seconded by Durwood Laughinghouse and carried. **Exhibit E** is hereby incorporated into the official record of this meeting.

WILDLIFE MANAGEMENT UPDATE

Dr. Cobb presented an update about the activities of the Division of Wildlife Management. Cobb announced that CDs provided to each Commissioner contain documents and newsletters of interest, and he provided copies of the fall 2011 *Upland Gazette* that highlights the management challenges of the bobwhite quail in the South.

CURE PROGRAM UPDATES 2009 – 2010 AND 2010 – 2011

Dr. Cobb presented in **Exhibits F and G** an overview of the Cooperative Upland habitat Restoration and Enhancement Program (CURE) that has been approved and funded for ten years by the Wildlife Resources Commission. The program focused on habitat management and developing and strengthening early successional habitat, particularly to enhance bobwhite quail populations, in three focal areas and on four game lands. Cobb stated that the greatest improvement in quail populations occurred in the southern Coastal Plain. The CURE program has worked cooperatively with corporations, with NC State University, and with federal programs, and provided assistance to the Legislature for creation of the Wildlife Conservation Lands Program, where improvement of certain private lands for enhancement of high priority species will result in a reduction in state property tax. **Exhibits F and G** are hereby incorporated into the official record of this meeting.

RULE REVISION PROPOSALS TO TAKE TO PUBLIC HEARINGS

Dr. David Cobb presented in **Exhibit H** three proposals for consideration by the Commission to create night hunting seasons for feral swine and coyotes. The recommendation of the Big Game Committee at its meeting on January 11, 2012 was to take Option 3 to three public hearings in late March for proposed amendments to 15A NCAC 10B .0219 - Coyote; and 15A NCAC 10B .0223 – Feral Swine. Option 3 reads, "Create seasons to allow the hunting of feral swine and coyotes at night with a light. Open these seasons year-round." Upon a motion by Doug Parsons and second by Berkley Skinner the Commission adopted Option 3.

Upon a motion by Joe Barker and second by Durwood Laughinghouse the Commission approved revisions to 15A NCAC 10B .0113 and 10B .0116, to remove remaining references to wild boar in Wildlife Resources Commission rules.

Exhibit H is hereby incorporated into the official record of this meeting.

FISCAL NOTE APPROVAL FOR RULEMAKING – CARTERET COUNTY

Norman Young, *Rulemaking Coordinator* presented in **Exhibit I** a fiscal note required for rulemaking under 15A NCAC 10F .0330. The fiscal note is part of an application from the Town of Morehead City in Carteret County to create a no wake zone at the Newport River Beach Access Boat Ramp. Estimated cost to the town of Morehead City for four buoys is seven thousand dollars. The fiscal note approval is a procedural requirement under the Administrative Procedure Act prior to publishing Notice of Text in the *North Carolina Register*. The proposed rule amendment may be considered by the WRC at its May 3, 2012 meeting. Doug Parsons made the motion to approve the fiscal note. The motion was seconded by Durwood Laughinghouse and carried. **Exhibit I**, the Carteret County fiscal note, is hereby incorporated into the official record of this meeting.

FISCAL NOTE APPROVAL FOR RULEMAKING – PITT COUNTY

Norman Young presented **Exhibit J**, an addition to the agenda in anticipation of receipt of an application from the Board of Commissioners of Pitt County to repeal a no wake zone rule on the Tar River. The review of a fiscal note in Exhibit J and adoption by the WRC are required by the Office of State Budget and Management, pursuant to EO 70 and the Regulatory Reform Act, prior to publishing in the *North Carolina Register* a Notice of Intention to Repeal a portion of the no wake zone rule for Pitt County on the Tar River near Seine Beach, under 15A NCAC 10F .0354. The WRC may consider the repeal at its May 3, 2012 meeting. Mitch St. Clair made a motion to adopt the fiscal note. Seconded by Joe Barker, the motion carried. **Exhibit J** is hereby incorporated into the official record of this meeting.

COMMITTEE REPORTS

Big Game Committee Meeting Report

Chairman John Litton Clark reported that the Big Game Committee met on January 11, 2012. Discussions included issues regarding hunting feral hogs and coyotes with the recommendation to the entire Commission to approve taking proposed amendments to public hearing (presented in **Exhibit H**.)

Habitat, Nongame and Endangered Species (HNGES) Committee Meeting Report

Chairman Durwood Laughinghouse reported that the HNGES and Big Game Committees met jointly on January 11, 2012, followed by a meeting of the HNGES Committee. On a motion by Durwood Laughinghouse and second by Hayden Rogers **the Commission approved the recommendations** from the HNGES Committee for changes to the procedures for the Thomas L. Quay Award to be presented at the July WRC meeting each year. Laughinghouse stated that discussion continues about a much needed endowment program to provide funding for conservation of non-game species.

Land Use and Access Committee Meeting Report

Chairman Doug Parsons reported that the Land Use and Access Committee met on January 11, 2012. The Committee received an update from the State Property Office and discussed changes in the process for consideration of land acquisitions. Discussion included projects for possible grant funding by the Natural Heritage Trust Fund to include the East Fork Headwaters Tract. Executive Director Gordon Myers will prioritize project rankings for possible grant funding.

The Commission adopted a motion from the Land Use and Access Committee to dispose of structures on the Chowan Swamp Game Land because costs to upgrade the buildings would be excessive, and no beneficial use of the structures has been identified. Staff will work with the State Property Office for possible salvage of some of the materials in the structures. That motion was made by Berkley Skinner and seconded by Mitch St. Clair.

The Commission adopted a motion from the Land Use and Access Committee to allow Mrs. Charlene White to install a memorial bench at Upper Barton Creek Fishing Access Area in memory of her husband who drowned there, at no cost to the WRC. Plans for the design and location of the bench will be approved by the WRC. The motion was made by Joe Barker and seconded by Mitch St. Clair.

Joint Coastal Recreational Fishing License (CRFL) Committee Meeting Report

Chairman Ray White reported that the joint CRFL Committee, comprised of three members of the WRC (Mitch St. Clair, Ray White and Joe Barker) and three members of the Marine Fisheries Commission met on November 26, 2011. The joint CRFL Committee reviewed fourteen proposals for grant awards that met the criteria for saltwater projects that benefit people, habitats and fisheries and are funded by sales of Coastal Recreational Fishing Licenses. Of the \$1,990,000.00 allocation, 57 percent will be used to fund NCWRC projects, particularly those for enhanced public access areas and handicapped accessibility.

COMMENTS BY THE CHAIRMAN

Chairman David W. Hoyle, Jr. reported that he has established a working group comprised of Ray White, Wes Seegars, and Mark Craig, who will meet with agency staff and license service agents on software modifications and enhanced technology, to benefit license service agents in their sales of hunting and fishing licenses for the agency. Hoyle reminded Commissioners of two-day committee meetings in early March, where updates, training and discussions of interest to the business of the WRC will be held. He encouraged Commissioners to plan to attend. Hoyle congratulated Jon Evans on receiving the Officer of the Year Award and thanked the staff for their efforts in planning the committee meetings and Commission meeting.

COMMENTS BY THE EXECUTIVE DIRECTOR

Executive Director Gordon Myers announced that the agency organizational review is moving forward. The Division Chiefs will meet with field staff later this month for in-depth discussions about how to realign agency processes to better serve the agency's mission. Myers stated that the General Assembly has established a study committee to discuss naming red drum, spotted sea trout and striped bass as game fish. Discussion is being held as well about whether the Division of Marine Fisheries should be a part of the Wildlife Resources Commission. Legal and fiscal staff and directors of both agencies have provided updates to legislators. Myers will provide the Commissioners with copies of the presentations.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Hoyle at 10:30 a.m.

All exhibits are incorporated into the official record of this meeting by reference and are filed with the minutes.

David W. Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date

May 3, 2012



MINUTES
November 10, 2011
N. C. Wildlife Resources Commission Meeting
Raleigh, North Carolina

The November 10, 2011 meeting of the North Carolina Wildlife Resources Commission was called to order by *Commission Chairman* David W. Hoyle, Jr. at 9:00 a.m. in the Commission Room at Wildlife Resources Commission headquarters in Raleigh.

Commissioner Steve Windham led the Pledge of Allegiance. Commissioner Mitch St. Clair, Sr. gave the invocation.

MANDATORY ETHICS INQUIRY AND WELCOME

Chairman Hoyle advised the Commission of the mandatory ethics inquiry as presented in the agenda. Chairman Hoyle then welcomed the Commissioners and visitors present.

COMMISSIONER ATTENDANCE

Ray White	Doug Parsons	Tom Berry
Wes Seegars	Mark Craig	Nat Harris
Durwood Laughinghouse	Jim Cogdell	Steve Windham
David Hoyle, Jr.	Dalton Ruffin	John Coley
Joe Barker	Dell Murphy (by telephone)	Mitch St. Clair
Berkley Skinner	Hayden Rogers	

VISITORS

Ed Mays – NC Handicapped Sportsmen	Greg Culpepper
Ramon Bell- NC Bowhunters Association	Hal Atkinson – Camp - Younts Foundation
Mark Beason – NCBA	Gordon Myers
J.R. Stone – NCBA	Lanier McRee – NC General Assembly
Ned Jones- NC Trout Unlimited	Joe McClees – NC Sporting Dog Assn.
Henri McClees- NC Sporting Dog Assn.	

EXHIBIT C

May 3, 2012

State of North Carolina



BEVERLY EAVES PERDUE
GOVERNOR

SAFE BOATING WEEK

2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the State of North Carolina is home to more than 5,000 square miles of navigable streams, rivers, lakes and coastal waterways, which are enjoyed by hundreds of thousands of resident boaters and visitors from across our state and nation annually; and

WHEREAS, boaters are drawn to North Carolina waters to fish, swim, water ski, exercise, appreciate nature, enjoy quiet solitude, or relax with family and friends; the State of North Carolina provides free boating access areas to many of these waters, from Murphy to Manteo; and

WHEREAS, citizens and visitors are encouraged to follow water safety regulations and the recommendations of the North Carolina Wildlife Resources Commission and the United States Coast Guard, whose officers enforce boating laws on public waters in North Carolina; and

WHEREAS, wearing a proper life vest, filing a float plan before departure and remaining watchful and aware at all times while on the water helps ensure a safe boating experience; and

WHEREAS, the 2010 addition to the North Carolina Boating & Water Safety Statute 75A requires that all boat operators under the age of 26 take an approved boating education course and carry a boating education identification card while operating a vessel; and

WHEREAS, approximately 700 people die each year in boating-related accidents in the United States and approximately 20 of these are in North Carolina; nearly 70% of these fatalities are caused by drowning; and

WHEREAS, the State of North Carolina joins the North Carolina Wildlife Resources Commission, the United States Coast Guard and other interested agencies and organizations in encouraging citizens to practice safe boating habits, including never operating boats while impaired by drugs or alcohol, and in promoting the *On the Road, On the Water, Don't Drink and Drive* campaign during Safe Boating Week and throughout the year;

NOW, THEREFORE, I, BEVERLY EAVES PERDUE, Governor of the State of North Carolina, do hereby proclaim May 19-25, 2012, as "SAFE BOATING WEEK" in North Carolina, and urge citizens to be responsible boaters.



BEVERLY EAVES PERDUE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Carolina at the Capitol in Raleigh this eleventh day of April in the year of our Lord two thousand and twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

YEAR TO DATE REVENUES AND EXPENSES

	<u>March 2011</u>	<u>March 2012</u>
Balance July 1	\$ 23,459,611.18	\$ 20,845,004.99
Plus: Receipts to Date	<u>55,056,710.98</u>	<u>51,055,543.61</u>
Balance and Receipts to Date	78,516,322.16	71,900,548.60
Less: Disbursements To Date	<u>57,075,169.60</u>	<u>49,709,293.40</u>
Balance March 31	<u><u>\$ 21,441,152.56</u></u>	<u><u>\$ 22,191,255.20</u></u>

EXHIBIT D
May 3, 2012

Summary and Analysis of Expenditure By Purpose - Code 14350, 24350, 24351 and 24352

		<u>March 2011</u>			<u>March 2012</u>		
	<u>Authorized Budget 2010-11</u>	<u>Expenditures</u>	<u>% of Budget Expended</u>		<u>Authorized Budget 2011-12</u>	<u>Expenditures</u>	<u>% of Budget Expended</u>
2100 Administration	\$ 10,889,081.00	\$ 6,315,496.06	58.00%		\$ 8,271,122.00	\$ 5,828,146.71	70.46%
2120 Enforcement	22,682,800.00	17,691,328.32	77.99%		21,631,275.00	15,537,452.13	71.83%
2130 Education	5,131,774.00	3,443,582.19	67.10%		4,467,142.00	2,760,159.78	61.79%
2140 Inland Fisheries	8,918,282.00	6,484,678.38	72.71%		9,809,115.00	7,510,559.37	76.57%
2150 Management	18,501,031.00	10,829,222.89	58.53%		15,783,199.00	10,713,733.91	67.88%
2160 Engineering Services	9,747,785.00	8,340,122.39	85.56%		8,042,766.00	6,591,480.37	81.96%
2170 W/Life Fund Receipts	5,332,338.00	3,970,739.37	74.47%		2,448,582.00	767,761.13	31.36%
TOTAL	\$ 81,203,091.00	\$ 57,075,169.60	70.29%		\$ 70,453,201.00	\$ 49,709,293.40	70.56%

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

ENDOWMENT FUND YEAR-TO-DATE

	<u>March 2011</u>	<u>March 2012</u>
Balance March 1	\$ 80,497,728.87	\$ 88,783,441.66
Plus: Revenues from Sales	199,804.10	176,388.50
Return on Investment	465,473.47	478,979.11
	<u>81,163,006.44</u>	<u>89,438,809.27</u>
Less: Transfers Out	-	-
Balance March 31	<u>\$ 81,163,006.44</u>	<u>\$ 89,438,809.27</u>
Market Value	\$ 84,985,091.29	\$ 97,093,726.12

Endowment Fund Interest

Sources of Interest Available	Expendable	Non Expendable	Transferred to Operations	Transferred to Capital Projects	Expendable Balance
ADULT Licenses	\$ 9,764,266.38	\$ -	\$ -	\$ -	\$ 9,764,266.38
INFANT Licenses	-	9,073,996.67			\$ -
YOUTH Licenses	-	1,949,940.38			\$ -
Magazine Subscriptions	431,181.97	-	-		\$ 431,181.97
Contributions - General	430,113.41	-			\$ 430,113.41
Contributions - Diversity	10.56				\$ 10.56
TOTAL	\$ 10,625,572.32	\$ 11,023,937.05	\$ -	\$ -	\$ 10,625,572.32

2011-12 Budgeted Obligated

Allocation of Endowment Interest - Sportsman Fund	3,609,567.14
Allocation of Endowment Interest - Magazine Fund	183,561.65
	<u>\$ 3,793,128.79</u>

2011-12 Transferred To Date

To Sportsman Fund	-
To Magazine Fund	-
To Capital Projects	-
	<u>\$ -</u>

EXHIBIT E

May 3, 2012



North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

April 23, 2012

Mr. Erik Christofferson
Division of Engineering Services
North Carolina Wildlife Resources Commission
1720 Mail Service Center
Raleigh, NC 27699-1720

Re: Jacksonville Boating Access Area

Dear Mr. Christofferson,

The Wildlife Resources Commission currently operates a public boating access area on the New River in Jacksonville. This is an undersized site, with very limited parking. The Division of Engineering Services has investigated several sites in the Jacksonville area to the potential development of a larger boating access area. On January 23, 2012, a meeting was held between WRC staff, the Town of Jacksonville, and Onslow County. At this meeting, the property along Old Bridge Street was discussed for use as a boating access area and Welcome Center. An assessment of this site found that a boating access area could be designed, permitted, and constructed on this parcel.

I recommend that this site be developed as a public boating access area and formally request authorization to enter into an agreement with the City of Jacksonville and Onslow County. With Commission approval, the WRC Division of Engineering Services will begin the design process on this much needed public boating access area.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Hamlett". The signature is fluid and cursive.

Mark A. Hamlett, PE
Design Services Section Chief
North Carolina Wildlife Resources Commission, Division of Engineering Services

JACKSONVILLE CITY COUNCIL
ONSLOW COUNTY BOARD OF COMMISSIONERS

SPECIAL JOINT MEETING MINUTES

March 27, 2012

A special joint meeting of the City Council of the City of Jacksonville and the Onslow County Board of Commissioners was held Tuesday, March 27, 2012 beginning at 5:00 PM in the Council Chambers of Jacksonville City Hall, 815 New Bridge Street. Council Members present: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Robert Warden, Angelia Washington, and Jerome Willingham. Onslow County Board of Commissioners present: W.C. Jarman, Chairman; Paul Buchanan, Vice Chairman; Barbara Melton Ikner, William H. Keller, III, and Lionell Midgett. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; John Carter, City Attorney; Carmen K. Miracle, City Clerk; Jeff Hudson, County Manager; David B. Cotton, Deputy County Manager; Lesley Moxley, County Attorney; and Julie Wand, Clerk to the Board.

CALL TO ORDER

Chairman Jarman called the Onslow County Board of Commissioners to order at 5:00 PM. Mayor Phillips called the Jacksonville City Council to order immediately thereafter.

INVOCATION

Mr. John Carter, City Attorney pronounced the invocation.

PLEDGE OF ALLEGIANCE

Mr. David Cotton, Assistant County Manager led the Pledge of Allegiance.

DOWNTOWN JACKSONVILLE PROJECTS / BETWEEN THE BRIDGES PROJECT

Using Exhibit A, attached to the official minutes, Mr. Richard Woodruff, City Manager, provided an update on current and future public infrastructure projects within the Downtown Jacksonville Area. The presentation included photos of the dilapidated properties located between the Buddy Phillips and Popkin Bridges, an area commonly referred to as Between the Bridges.

Following this review, Mr. Jeff Hudson, County Manager, discussed the cooperative efforts of the City and County governing bodies, along with the NC Wildlife Resources Commission, that had enabled them to work together towards an exciting project concept that

would take these blighted areas and convert them to a useful waterfront area of which the community could be proud.

The City and County Governing bodies unveiled a depiction of the future vision for the Between the Bridges project. The conceptual rendering, prepared by NC Wildlife Resources, depicted a park area, three boat ramps, two docks, significant parking, a welcome center and public restrooms. This project would serve the tourism industry, visitors to Jacksonville and Onslow County and the residents of our community who would like to take advantage of the natural beauty of our New River.

Using Exhibit A, Mr. Hudson reviewed the current waterfront park and boat ramp site near the USO. The site left much to be desired; in particular it only allowed for ten parking spaces. Mr. Woodruff showed a pictorial of similar projects completed by NC Wildlife Resources Commission in nearby locations such as Morehead City.

Mark Hamlett, Division Engineer Services, NC Wildlife Resources Commission, thanked the City and County Governing Boards for their willingness to enter into a partnership with the NC Wildlife Resources Commission on a great project for better water access in the area.

In response to questions, Mr. Hamlett said that the proposal had to go before the Wildlife Commission at their May meeting for their final approval. After their approval, the design and permit process began with an expected time line to completion of about two years.

Following brief discussions, the Mayor and City Council and the County Commissioners commended the NC Wildlife Commission for stepping forward to partner on this much-needed project. The Council and Board also commended the City and County Managers for their hard work spearheading this project.

Mr. Woodruff said that over the next several months they would be finalizing the conceptual plan which would be brought back to the individual governing bodies to authorize the NC Wildlife Resources to finalize and begin the permitting process. A two year process was anticipated and they hoped that the facility would be open by the summer of 2014. Within the next several weeks, the City would begin removal of the buildings. He pointed out that portions of the buildings would be recycled and wanted to express the City's appreciation for the County's cooperation in terms of landfill fees for those materials they had to dispose. In order to proceed, the City and County were asked to consider approving the draft agreement with NC Wildlife Resources Commission. The draft had been reviewed and approved by the City and

County Attorneys. Provided the NC Wildlife Resources Commission approved the final agreement, a signing ceremony with all three groups would be held at a future date.

Councilman Willingham said he saw that the landscaping at the site would be maintained by the City. He asked about initial installation. Mr. Woodruff said that NC Wildlife would install the initial landscape. He said landscaping would be mutually agreeable and they would do their best to see that it was low maintenance.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the Memorandum of Agreement between the City of Jacksonville, the County of Onslow, and the North Carolina Wildlife Resources Commission for the purpose of providing increased boating access in Onslow County and to authorize the Mayor to sign all necessary legal documents to create the project.

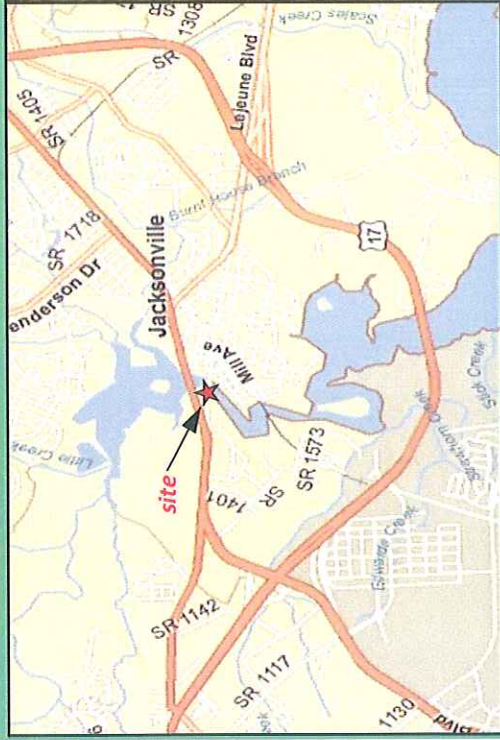
A motion was made by Vice Chairman Buchannan, seconded by Commissioner Ikner, and unanimously adopted to approve the Memorandum of Agreement between the City of Jacksonville, the County of Onslow, and the North Carolina Wildlife Resources Commission for the purpose of providing increased boating access in Onslow County and to authorize the Chairman to sign all necessary legal and budget documents to create the project. Furthermore, to provide a tourism fund grant of \$200,000 in fiscal year 2012 and \$200,000 in fiscal year 2013 to the City of Jacksonville for this project pursuant to an interlocal agreement to be drafted by the City and County Attorneys. Finally, the County will bear the expense of tipping fees for demolition within the project boundaries.

ADJOURNMENT

With no further business to come before the Onslow County Board of Commissioners, a motion was made by Commissioner Buchanan, seconded by Commissioner Keller, and unanimously adopted to adjourn the meeting at 5:42 PM.

With no further business to come before the Jacksonville City Council, a motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to adjourn the meeting at 5:43 PM.

WRC Jacksonville Boating Access Area - Proposed
New River, Onslow County



MEMORANDUM OF AGREEMENT

AGREEMENT TO DESIGN, PERMIT, RENOVATE, OPERATE AND MAINTAIN A PUBLIC BOATING ACCESS FACILITY

This agreement is made and entered into this the 3rd day of May, 2012, by and between the NORTH CAROLINA WILDLIFE RESOURCES COMMISSION, (hereinafter the "WRC"), COUNTY OF ONSLOW (hereinafter - the "COUNTY") and the CITY OF JACKSONVILLE (hereinafter the "CITY").

I. PURPOSE OF THE AGREEMENT

It is mutually agreed that the WRC, CITY and the COUNTY will cooperate to provide free public boating access and welcome center on the parcels owned by the COUNTY and to be acquired by the CITY as described in the attached "Addendum A" located in Jacksonville, Onslow County, North Carolina, (hereinafter the "Project"), consisting of approximately 5.34 acres.

II. RESPONSIBILITIES

A. The WRC agrees to:

1. Provide complete design services for construction of a public boat landing and associated parking area.
2. Obtain all regulatory permits required for construction and improvements to boat landing and associated parking.
3. Construct the boat landing, parking area and courtesy docks.
4. Make any future necessary repairs to major infrastructure items such as concrete ramps, docks and parking area.
5. Accommodate in the plans an area for development of a welcome center.
6. Reimburse CITY for the cost of construction only of the restrooms located within the welcome center area.

B. The COUNTY agrees to:

1. Provide the parcel of land identified on Addendum A that is currently owned by the COUNTY necessary to complete the Project. COUNTY shall retain title in fee to such parcel.

C. The CITY agrees to:

1. Acquire and provide the parcels of land identified on Addendum A that are necessary to complete the Project. CITY shall retain title in fee to such parcel.
2. Construct a welcome center at the Project site according to CITY's needs, requirements, funding and planning purposes.
3. Maintain the grounds surrounding the site keeping the grass mowed at regular intervals year round, litter removed regularly.
4. Maintain and repair the welcome center.

D. The COUNTY, CITY and the WRC agree to:

1. Manage the access area as a WRC facility with no closure of the site except for repair purposes, emergency situations, limited special uses or best management practices. The boat landing portion of the facility will be posted with WRC boating access area regulations using kiosks and signage.
2. Provide free public boating access including vehicle and trailer parking 24 hours a day 365 days a year.

III. TERMINATION

It is mutually agreed that any party may terminate its involvement in this agreement by written notice to the other parties at least 120 days in advance of the date on which termination is to become effective. If the agreement is terminated before the end of the term of agreement as described below, the COUNTY will reimburse the WRC for the cost of infrastructure improvements on a pro-rated cost share. For example, if the cost to WRC for infrastructure improvements were \$1,000,000:

Termination in year 10	\$750,000 reimbursed to WRC.
Termination in year 20	\$500,000 reimbursed to WRC.
Termination in year 30	\$250,000 reimbursed to WRC.
Termination in year 40	\$0 reimbursed to WRC.

IV. TERM OF AGREEMENT

This agreement shall become effective upon full execution and shall continue in effect for a period equal to 40 years. The agreement may be renewed upon such terms and conditions as the parties may agree.

V. LIABILITY

To the extent allowed by applicable law, each party shall be responsible for the negligent acts of its employees, officers and officials.

IN TESTIMONY WHEREOF, this Cooperative Agreement has been executed by the parties hereto, in triplicate originals, as of the date first above written.

COUNTY OF ONSLOW

By: _____
W.C. Jarman, Chairman
Board of Commissioners

ATTEST:

Julie S. Wand, Clerk to the Board

NORTH CAROLINA WILDLIFE RESOURCES
COMMISSION

By: _____
David Hoyle, Chairman

ATTEST:

Gordon Myers, Executive Director

CITY OF JACKSONVILLE

By: _____
Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

APPROVAL BY COUNTY FINANCE OFFICER

This instrument has been pre-audited
in the manner required by the Local
Government Budget and Fiscal Control Act.

Signature

Date

APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited
in the manner required by the Local
Government Budget and Fiscal Control Act.

Signature

Date

ADDENDUM A

The following is the parcel owned by Onslow County:

Owner Name: County of Onslow
Parcel Number: 341E-4
Deed Book/Page: 1594/812

The following are the parcels that the City is in the process of acquiring for this project:

Owner Name: Lynne Dudley
Parcel Number: 341E-5.1
Deed Book/Page: 2797/18

Owner Name: Ophene Wallace
Parcel Number: 341E-8
Deed Book/Page: 328/645, 329/135, & 973/47

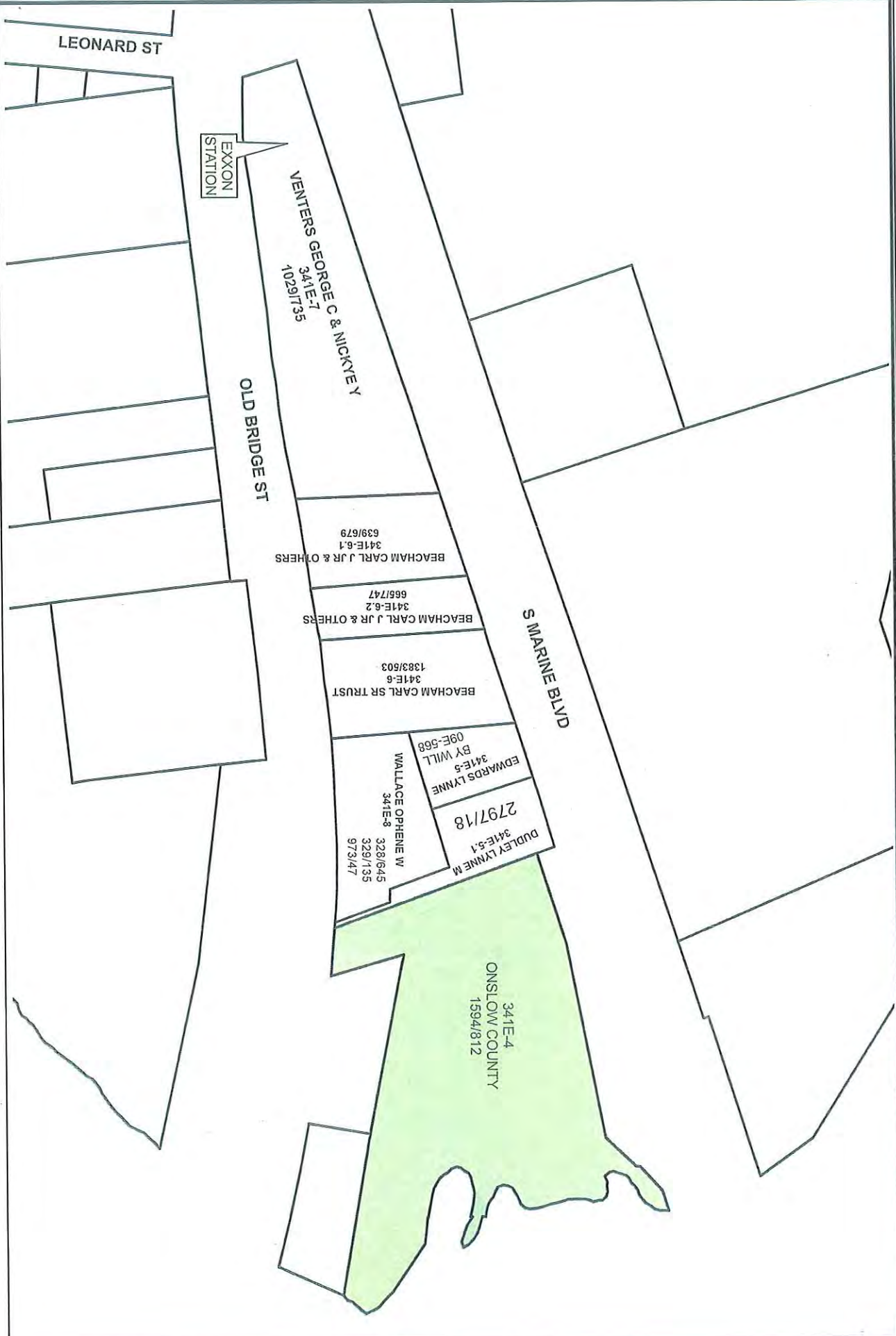
Owner Name: Lynne Edwards (Dudley)
Parcel Number: 341E-5
Deed Book/Page: By Will 09E-568

Owner Name: Carl Beacham Sr. Trust
Parcel Number: 341E-6
Deed Book/Page: 1383/503

Owner Name: Carl Beacham Jr. and Others
Parcel Number: 341-6.2
Deed Book/Page: 665/747

Owner Name: Carl Beacham Jr. and Others
Parcel Number: 341-6.1
Deed Book/Page: 639/679

Owner Name: George Venters
Parcel Number: 341E-7
Deed Book/Page: 1029/735



NEW BOATING ACCESS AREA

Map Produced by Onslow County GIS

1 inch = 150 feet

- EXISTING BOAT RAMP
- ONSLOW COUNTY PROPERTY
- PARCELS
- AERIAL FLOWN 2010

printed:
MARCH 20, 2012

This map is intended for reference only.
 All dimensions are approximate to be
 used for reference only for commercial purposes.
 MARSHALL UNIVERSITY HISTORICAL COUNTY ARCHIVES AND THE GIS UNIT

EXHIBIT F

May 3, 2012



☒ North Carolina Wildlife Resources Commission ☒

Gordon Myers, Executive Director

April 20, 2012

Mr. Erik Christofferson
Division of Engineering Services
North Carolina Wildlife Resources Commission
1720 Mail Service Center
Raleigh, NC 27699-1720

Re: Little River site for boating access on the French Broad River

Dear Mr. Christofferson,

This letter is to formally request assistance from the Division of Engineering services in preparing a legal survey, design and construction for the development of a new boating access area at the current Little River Fire Department property on the French Broad River in Transylvania County.

In September of 2011, I was contacted by Powell Wheeler of the Division of Inland Fisheries with information about a potential access site owned by the Little River Fire Department. This property is adjacent to the French Broad River immediately downstream of the Crab Creek Rd. (SR 1528) near Penrose, NC.

We met with the Assistant Chief of the Little River Fire Department, Mr. Mickey Honeycutt, to assess the site. The property consists of 9.58 acres of which about 60% is cleared hayfield. The fire department had cut a rough access through the woods along the riverbank where they practice swift water rescue exercises. There is a right of way and an access road (in need of improvement) to the site. Mr. Honeycutt said that the fire department was interested in deeding a portion of that parcel to the Wildlife Resources Commission so that the Commission could develop and maintain an improved boating access facility with parking that would be free and open for public use.

This site is situated on the French Broad River approximately 6.5 miles downstream of the improved access at Hap Simpson River Park in Brevard, approximately 3 miles upstream of the NCWRC access at Blantyre, and approximately 20 miles upstream of the new NCWRC access at Westfeldt Park near the Asheville Regional Airport. The Blantyre site currently consists of a canoe slide and steps with very limited potential for construction of a launch ramp and expanded parking.

During a subsequent visit to the site, we also met with Ms. Nancy Hodges of Riverlink. They have been very active at working to improve access and recreation opportunities along the French Broad River. Riverlink has an interest in developing primitive camping sites on a separate parcel that would be adjacent to the proposed NCWRC boating access area. We performed a preliminary stake-out of the areas that NCWRC, and determined that NCWRC would require a parcel with an area of approximately 1.79 acres for the ramp, parking and access road. Riverlink is interested in a 0.46 acre parcel for camp sites and parking that would be adjacent to and downstream of the proposed NCWRC access.

At a March 5, 2012 meeting of the Board of the Little River Fire Department, a motion to donate the minimum amount of land necessary for development of the proposed boating access area to the North Carolina Wildlife Resources Commission was carried. The Board would need to approve the survey of the parcel before the deed would be finalized. Subsequently, the Board approved a motion to allow NCWRC to complete development of the access on the French Broad River before revisiting Riverlink's request for an adjacent parcel to develop camping sites.

The Little River site is attractive because its potential for the development of a boating access area with a ramp, courtesy dock and adequate parking would provide anglers with access to a currently inaccessible section of the French Broad River. In addition, the Wildlife Resources Commission would be able to integrate elements in the site development that would provide access opportunities for disabled sportsmen. Mr. Honeycutt also commented that an improved ramp would provide the fire department with better access to this section of river for rescue operations.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'JCF', is written over a horizontal line.

Jeff C. Ferguson, PE
Mountain Region Engineer
North Carolina Wildlife Resources Commission, Division of Engineering Services



Little River Fire Department of Transylvania County, Inc.

April 20, 2012

Erik D. Christofferson
Engineering Services Division Chief
North Carolina Wildlife Resources Commission
1720 Mail Service Center
Raleigh, NC 27699-1720

Dear Mr. Christofferson,

This letter is to request the assistance of the North Carolina Wildlife Resources Commission with the installation of a concrete boat access at the French Broad River Bridge on Crab Creek Road in Penrose, North Carolina.

The French Broad River is becoming a popular destination for boaters, particularly canoes, and fisherman. This location is about a half mile downstream from the confluence of the Little River and French Broad and will provide access to that area. This ramp will also be conveniently located near the two major roads through our valley, New Highway 64 and Crab Creek Road. This portion of the French Broad is also a part of the French Broad Paddle Trail with a new boat campsite where the Little River and French Broad join. There are more campsites located downstream. We expect increasing boat traffic due to this additional recreational opportunity.

Secondly, this boat ramp will assist our fire department with access to the French Broad River near the center of our district. Our department is responsible for 11 miles of river with only two access points more than 5 river miles from this location. A ramp on Crab Creek will allow for quicker access for river rescue. Fast response times for water rescues is essential for life safety.

Finally, the ramp will give the department an excellent water point. We are a rural fire department without the assistance of pressurized hydrants. We are dependent on tanker shuttles to attain enough water for fire scenes. Having this access will greatly increase our ability to quickly refill water tankers and return them to where they are needed most, at the fire.

Thank you for your consideration of our request. Please do not hesitate to call me with any questions or concerns. Our department looks forward to working with you on this project.

Sincerely,

Richard E. Sampson
Secretary, Board of Directors

WRC Little River Boating Access Area - Proposed
French Broad River, Transylvania County

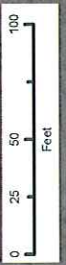
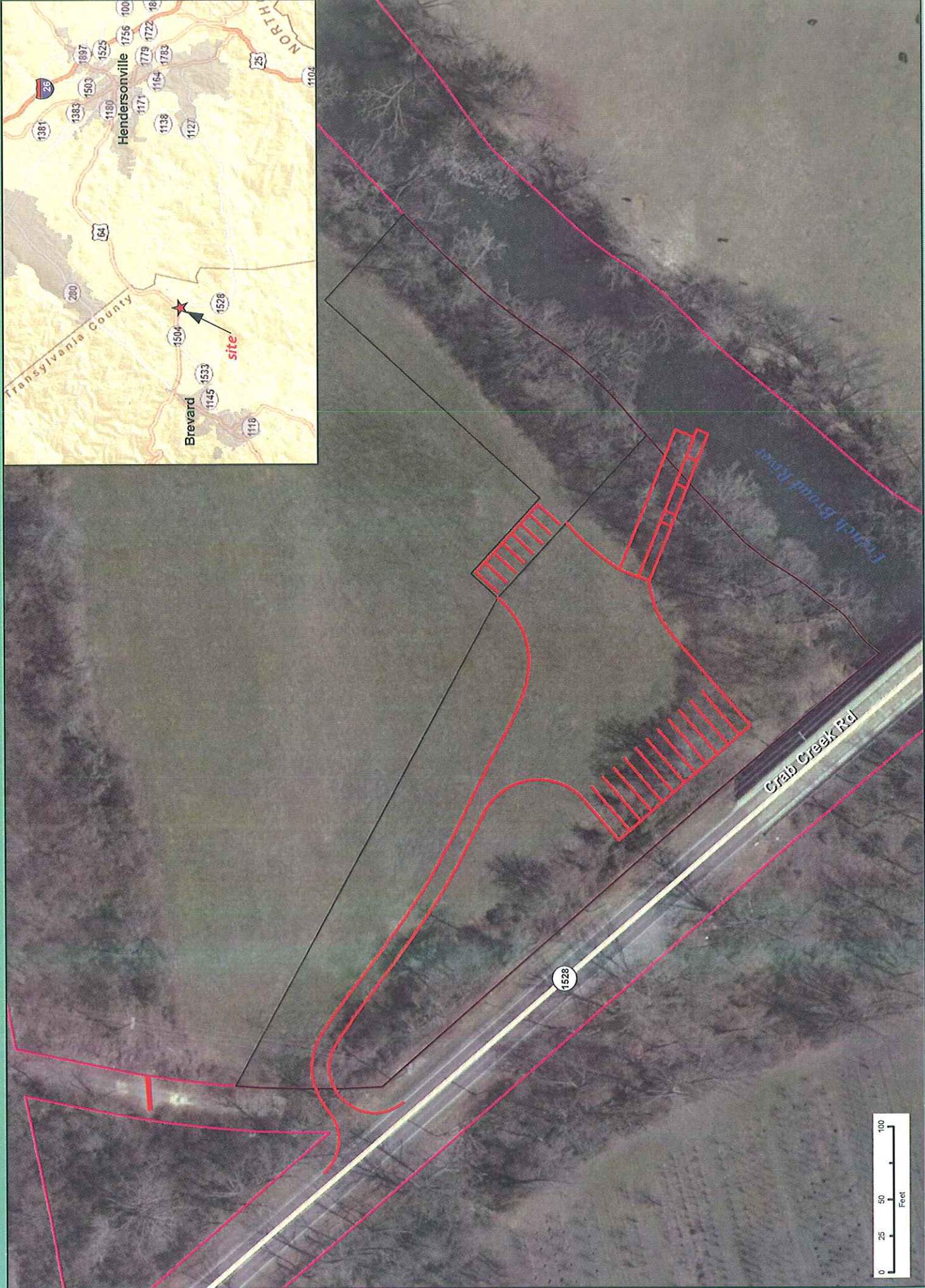
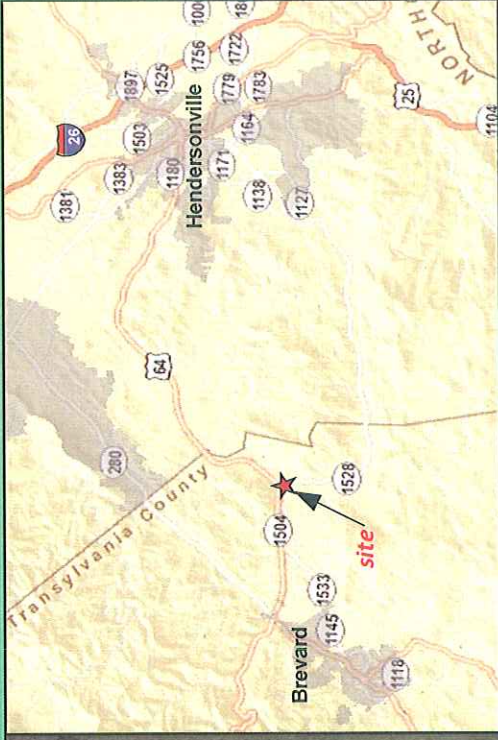


EXHIBIT G

May 3, 2012



North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

April 23, 2012

Mr. Erik Christofferson
Division of Engineering Services
North Carolina Wildlife Resources Commission
1720 Mail Service Center
Raleigh, NC 27699-1720

Re: Kinston Boating Access Area

Dear Mr. Christofferson,

Lenoir County is one of the few eastern North Carolina counties with no public water access. Due to this, the Division of Engineering Services has investigated several sites in Kinston for the potential development of a boating access area. For various reasons, several sites were determined to be unfeasible and eliminated from consideration. The Kinston Director of Parks and Recreation, Bill Ellis, then took WRC staff to the property along Old Pink Hill Road. An assessment of this site found that a boating access area could be designed, permitted, and constructed on this parcel.

I recommend that this site be developed as a public boating access area and formally request authorization to enter into an agreement with the City of Kinston/Lenoir County. With Commission approval, the WRC Division of Engineering Services will begin the design process on this much needed public boating access area.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Hamlett".

Mark A. Hamlett, PE
Design Services Section Chief
North Carolina Wildlife Resources Commission, Division of Engineering Services



Kinston/Lenoir County

Parks & Recreation Department

405 N. McLEWEAN STREET • KINSTON, NORTH CAROLINA 28501
252-939-3332 • FAX: 252-939-3129

BILL ELLIS
Director of Parks and Recreation

April 20, 2012

Erik D. Christofferson
Division Chief of Engineering Services
NC Wildlife Resources Commission
VIA EMAIL: erik.christofferson@ncwildlife.org

Dear Mr. Christofferson,

This letter is to request the assistance of the North Carolina Wildlife Resources commission with the installation of a boat access on NC11 in Kinston on the Neuse River.

The Neuse River is increasingly becoming a popular destination for boaters and fisherman. This site would be the first and only Wildlife ramp in the County. The closest wildlife boat ramps to this location are located in Pitt and Wayne Counties. I believe a boat access in Kinston would be very popular access for local sportsman and residents, and would also draw residents from throughout the region who are seeking the experience of fishing, hunting and recreational activities.

The County currently owns the property in question and would like to form a partnership with the NC Wildlife Resources Commission. We would like for the North Carolina Wildlife Resources Commission to construct an access on the property which would give our citizens the local access to such a natural resource.

Thank you for your consideration of this request, and please do not hesitate to call me with any questions or concerns. I look forward to working with you on this project.

Sincerely,

Bill Ellis
Director of Parks & Recreation

WRC Kinston Boating Access Area - Proposed
Neuse River, Lenoir County



EXHIBIT H

May 3, 2012

POTENTIAL LAND ACQUISITION PROJECTS

PHASE II PROJECTS						
ITEM	PROJECT	EST. VALUE	ACRES	OWNER	COUNTY	OBLIGATED FUNDING
1	Caswell Game Land Carscadden tract	Donation	4	Private	Caswell	Donation
2	Green Swamp Game Land Pinch Gut Phase II tract	\$1,400,000	710	Private	Brunswick	NHTF, State Wildlife Grant (T-13)
3	Needmore Game Land Raby Farm tract	\$716,000	54	Private	Macon	NHTF, State Wildlife Grant (T-13)
4	Pisgah Game Land Roaring Creek tract	\$1,583,460	136	Private	Avery	NHTF, Pvt. Donation, Bargain Sale, Doris Duke Foundation, DOJ-EEG Grant, Neotropical Bird Grant
5	Sandhills Game Land Carpenter tract	\$42,000	16	Private	Scotland	Mitigation Funds
6	Futrell (Fisher) tract	\$56,000	36	Private	Scotland	Mitigation Funds
7	Harmon II tract	\$100,000	50	Private	Scotland	Mitigation Funds
8	Tillery Game Land FIA-Whitaker tract	\$28,000	7	Private	Halifax	NCWHF, NCWTF, James W. Cogdell Heritage Foundation, WRC
9	Miscellaneous Swain tract	\$130,000	83	Private	Brunswick	NHTF, State Wildlife Grant (T-13)
	TOTALS		1,096			

**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: 7-17-08

Tract Name: Carscadden
Map & Parcel 1030 050; Pin 993400986284; Tax# 130.00.00.0050.000
Deed Book 256, Page 743

Acreage 4.32

County: Caswell

Advertised Purchase Amount: NA (Tax Value \$12,337)

Based on Appraisal: ☐ Yes ☐ No ☒ NA

Contact: Stephen Carscadden
Phone: 336-694-5889 (Home)
336-694-1120 (Business)

Address: 1185 Griers Church Rd.
Leasburg, NC 27291

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☐ NHTF ☐ CWMTF ☐ DU MARSH
☐ Other (explain) :

Resources Assessment (Brief): Primarily mature upland hardwoods (90%) with a narrow strip of bottomland hardwoods along Hyco Creek.

Access Assessment: The southern boundary of the tract adjoins the North Frogsboro section of the Caswell Game Land in the vicinity of Amos Woods Road.

Game Lands Program Potential: ☒ Yes (R. Wayne Bailey-Caswell GL) ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 10/3/2008

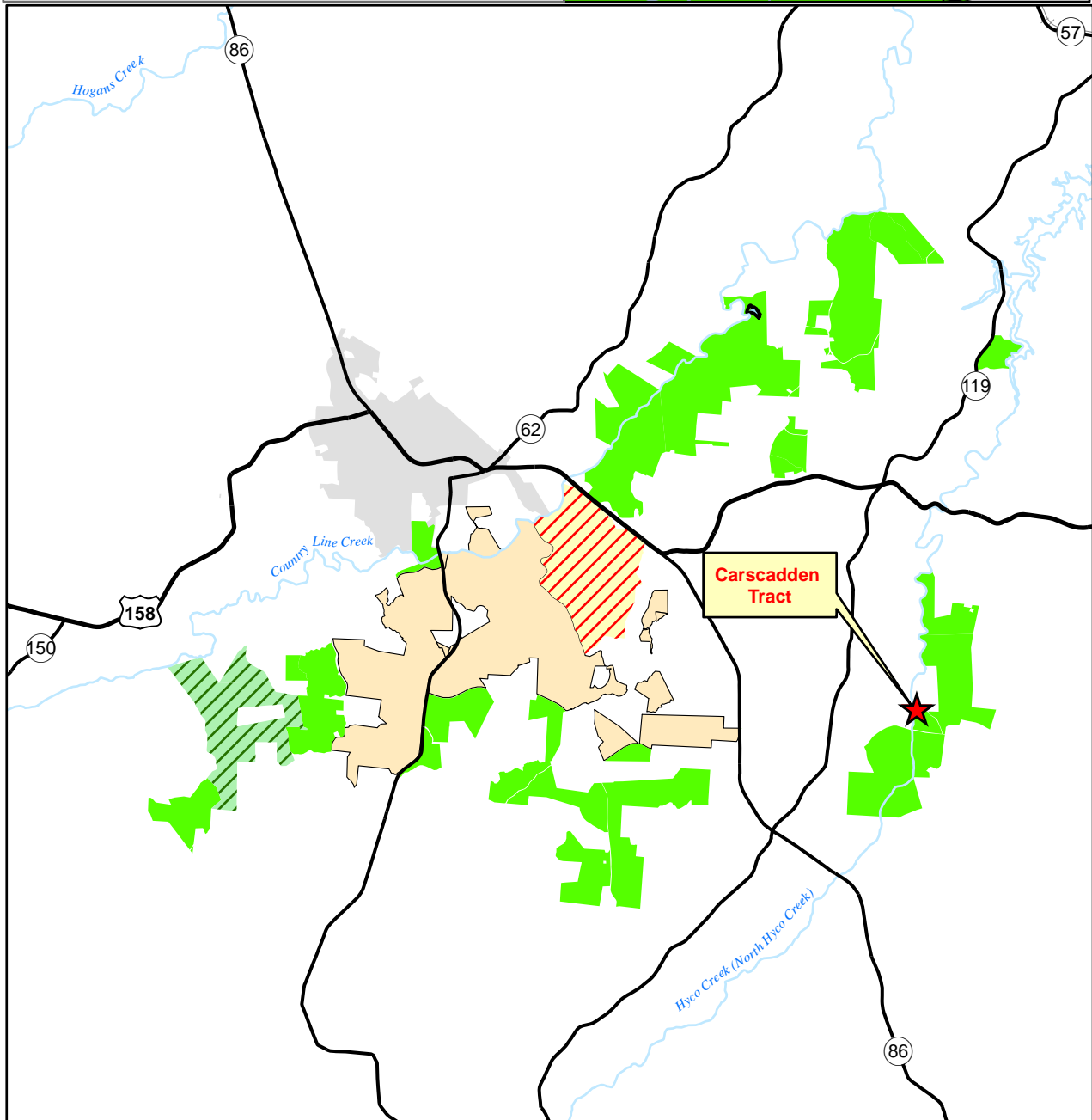
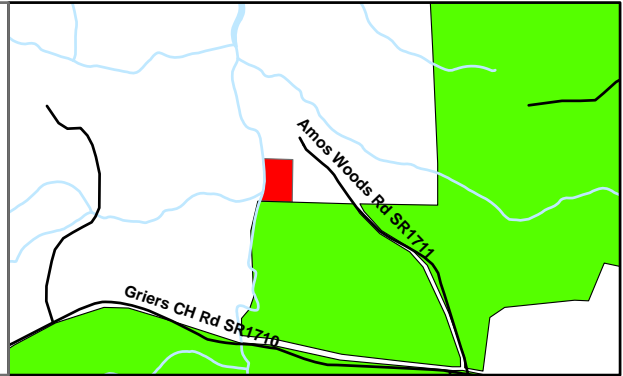
Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):
NA - landowner offering fee title donation.

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

Carscadden Tract

Caswell County

4.32 Acres



April 11, 2012

0 2 4 8 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: 1-5-09

Tract Name: International Paper Parcels – Amici Group

Acreage: 8300

County: Brunswick

Advertised Purchase Amount: \$3,100/acre

Based on Appraisal: ☒ Yes ☐ No

Contact: Gary Cargile (Cape Fear Land Company)

Phone: (C) 910-540-5329

Address: 1082 Cornell Court
Leland, N.C. 28451

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☒ CWMTF ☐ DU MARSH
☒ Other : CELP(Coastal Estuarine Land Protection)

Resources Assessment (Brief): These tracts contain a diversity of pine plantation age classes with approximately 15% 0-4 yrs. old, 15% 5-12 yrs. old, and 45% 13-40 yrs. old. The remaining acreage consists of natural pine/hardwood from 10-75 yrs. old and marsh vegetation adjacent to stream drainages. Longleaf pine plantation and loblolly pine exist in younger age classes. Many older pine stands have been thinned to 30-60 BA. Little bedding has occurred in the plantation stands and excellent natural understory vegetation is present. The Southern tract contains Nationally Significant Areas and the Northern tract has Regionally Significant areas. An excellent infrastructure of roads exists on the tracts. Game species present include white-tailed deer, wild turkey, and black bear. The Southern tract has common boundary with the existing TNC owned Green Swamp Game Land containing approximately 15,000 protected acres which is adjacent to the WRC owned 18,624 acre Juniper Creek Game Lands.

Access Assessment: Northern Tract – 5 access locations from paved road (Town Creek Road).
Southern Tract – 2 access locations from paved roads (Green Hill Road and Bell Swamp Road)

Game Lands Program Potential: ☒ Yes ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 2/11/2009

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

The Pinch Gut tract, adjacent to Green Swamp Game Land in Brunswick County, is part of the 8,300 acre IP-Amici Group tracts previously approved by WRC as a potential acquisition. These tracts were subsequently sold and a Florida-based company "Rock Creek" acquired much of the 8,300 acres. Efforts continue to protect 1,894 acres contiguous with the existing Green Swamp Game Land. A WRC Phase I acquisition of 316 acres, funded by NHTF, is in progress and expected to close by May 1, 2012. Approval is now requested to complete Phase II, as represented below:

Tract/Parcel: Pinch Gut Phase II

Acreage: 710

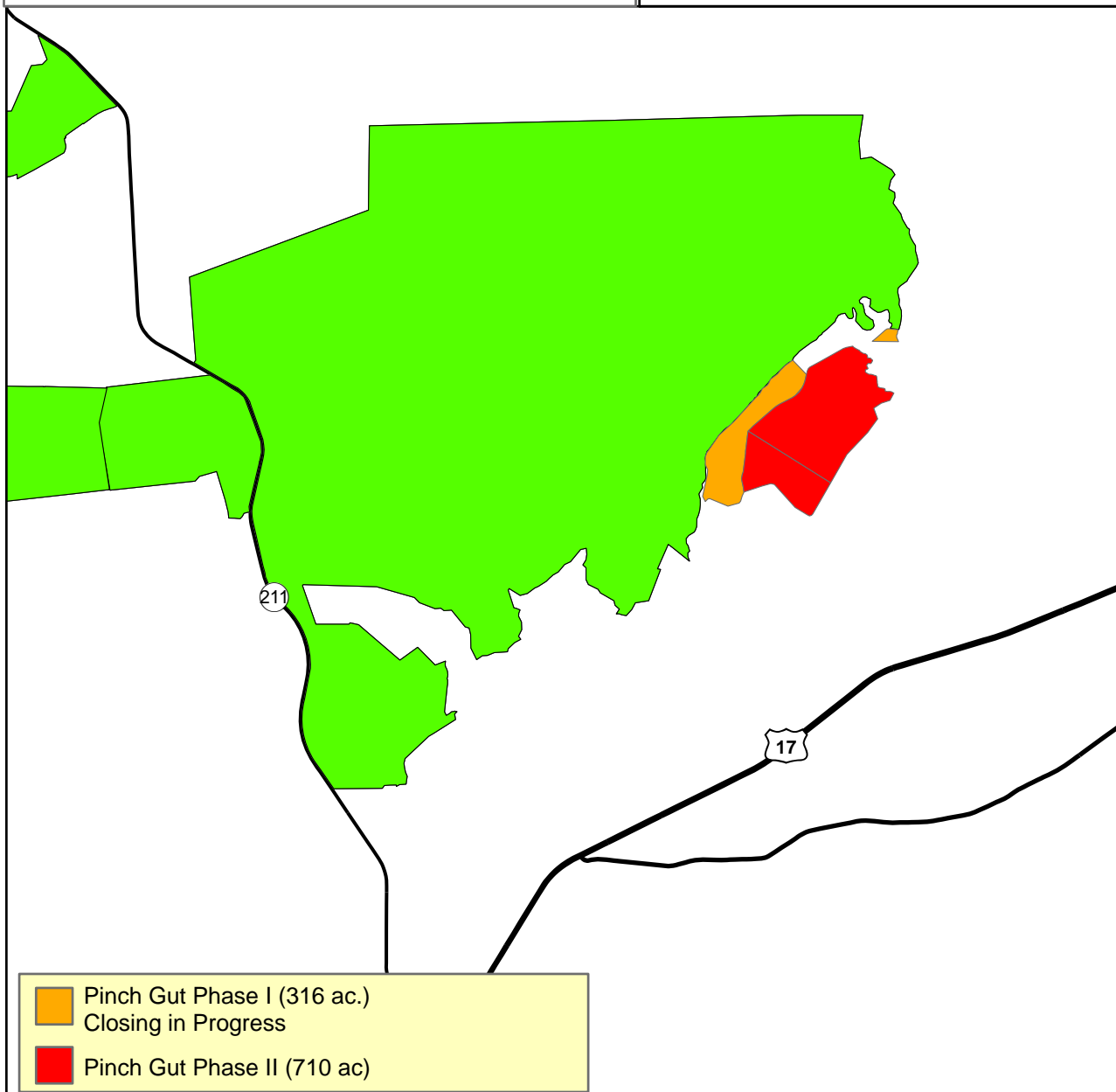
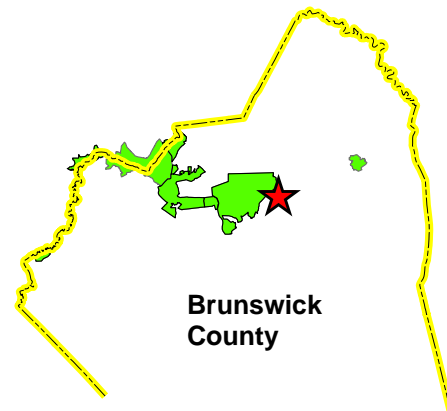
Natural Heritage Trust Fund: \$700,000

USF&W State Wildlife Grant: \$700,000

Total Cost: \$1,400,000

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

**Pinch Gut Tract - Phase II
(Formerly IP- Amici Group)
Brunswick County
710 Acres**



April 12, 2012

0 0.5 1 2 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: December 9, 2011

Tract Name: Raby Farm

Acreage: ≈ 54 acres

County: Macon

Advertised Purchase Amount: \$702,000

Based on Appraisal: ☐ Yes ☒ No

Contact: Land Trust for the Little Tennessee (Sharon Taylor)

Phone: 828-524-2711

Address: P. O. Box 1148, Franklin, NC 28744

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☐ CWMTF ☒ Other: State Wildlife Grant (T-13), funds from the Land Trust for the Little Tennessee

Resources Assessment: The Raby Farm parcel borders WRC-owned tracts in the Needmore game lands. The Raby Farm parcel is approximately 54 acres and has about 2600 feet of frontage on the Little Tennessee River. The parcel is mostly forested with bottomland in pasture. Acquisition of this parcel would help protect numerous Wildlife Action Plan priority species, including the federally listed Appalachian elktoe, littlewing pearlymussel, and spotfin chub. This site would also provide anglers direct access to the Little Tennessee River which supports a very popular smallmouth bass fishery. Acquisition of this tract would also help protect other Wildlife Action Plan priority species including, but not limited to, eastern hellbender, northern slimy salamander, yellow-billed cuckoo, eastern wood pee-wee, eastern meadowlark, eastern mole, and eastern kingsnake. This tract would provide excellent hunting opportunities for numerous game species.

Access Assessment: The Raby Farm parcel has full access from NC Hwy 28. Acquisition of this parcel will also give full access to a portion of the existing game lands with limited public access.

Game Lands Program Potential: ☒ Yes (Needmore GL) ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 1/12/2012

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

Tract/Parcel: Raby Farm
Acreage: 54

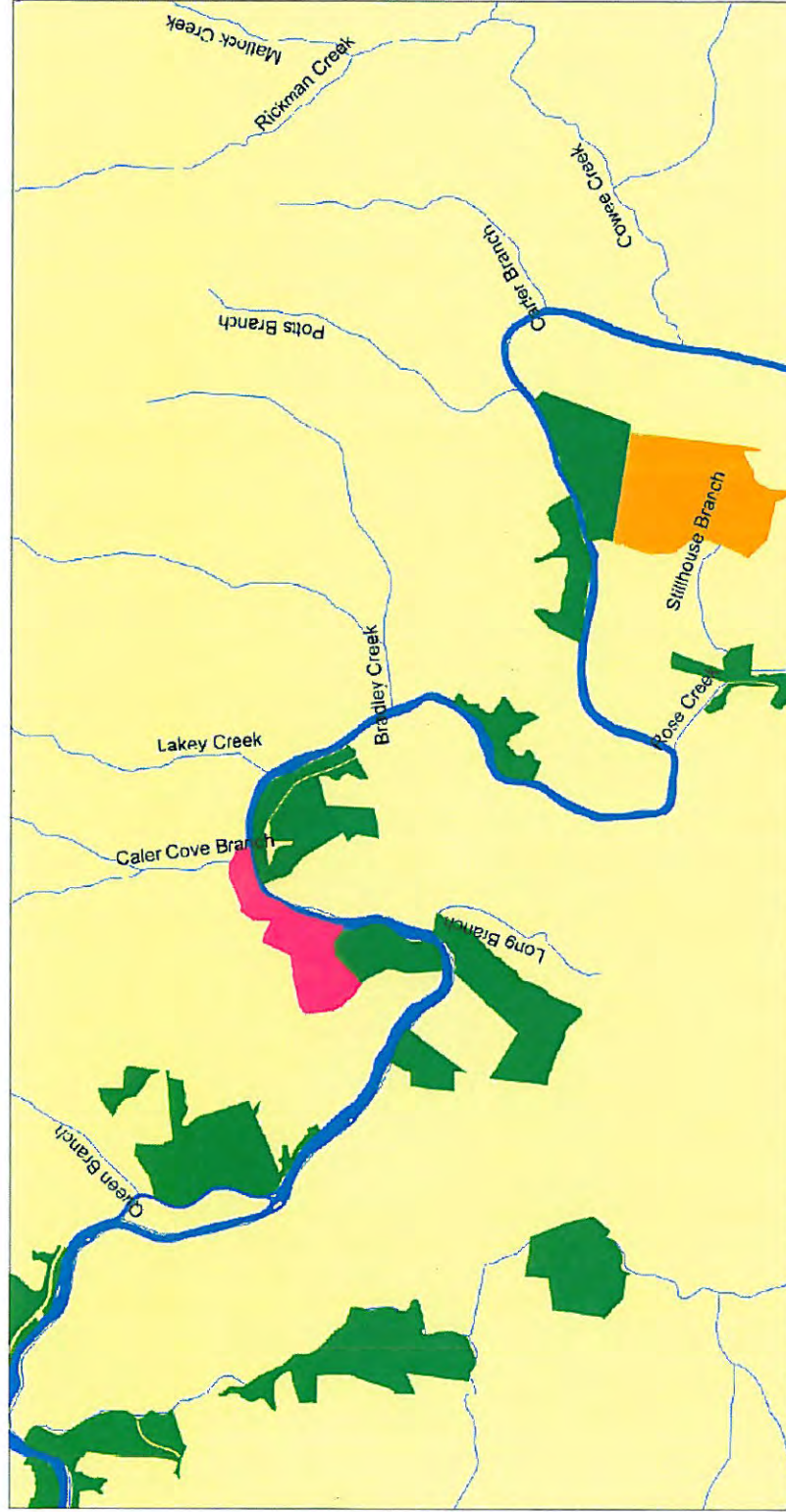
Natural Heritage Trust Fund: \$358,000
USF&W State Wildlife Grant: \$358,000

Total Cost: \$716,000

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

State Wildlife Grant T-13 Land Acquisition Grant

Macon County, Little Tennessee River Corridor



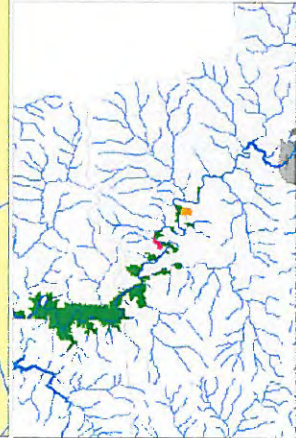
* The Raby Farm Property is approximately 54 acres.
 * The Hall Mountain Property is 108 acres.

Legend

- Raby Property
- Hall Mountain Property
- Needmore Game Lands



Map provided by the author, July 11, 2008, 10:00 AM



North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

-INITIAL INVESTIGATION (PHASE I)-

Date: December 8, 2011

Tract Name: Roaring Creek - Burleson/Beck

Acreage: 136 acres

County: Avery

Advertised Purchase Amount: \$600,000 (not advertised to the public)

Based on Appraisal: ☐ Yes ☒ No (bargain sale)

Contact: Gordon Warburton, Division of Wildlife Management

Phone: (828)-659-8352 Work; (828)-460-8752 (Mobile)

Address: 783 Deepwoods Drive, Marion, NC 28752

Also contact Southern Appalachian Highlands Conservancy 8289432664 (Jay Leutze)

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☒ CWMTF ☒ Other: Private contributions (already obtained private donations, DOJ EEG grant, Doris Duke grant)

Resources Assessment (Brief): The tract contains outstanding examples of cove hardwood forest, northern hardwood forest, rock outcrop, early successional, and riverine aquatic communities. A review of topographic and vegetative cover maps, and examination of historic record archives (e.g., NCWRC, Natural Heritage) and surveys NCWRC has conducted in the surrounding area reveals that the property contains many characteristics of habitats and conservation priorities described in the North Carolina Wildlife Action Plan. Over half of the property is within the nationally significant Roan Mountain Massif natural area. The State Natural Heritage Programs in North Carolina and Tennessee have designated this area as nationally significant. Confirmation of wildlife species inhabiting the property cannot be ascertained without thorough surveys at the appropriate time of year, but suitable habitat is present for many Wildlife Action Plan (WAP) priority species. Acquisition of this property will support and advance WAP goals. A good example of this would be management of the old pastures for priority early successional species such as golden-winged warbler (*Vermivora chrysoptera*), Appalachian cottontail (*Sylvilagus obscurus*), least weasel (*Mustela nivalis*), and American woodcock (*Scolopax minor*). The Golden-winged Warbler Atlas Project (GOWAP) demonstrated that the distribution of golden winged warblers seems to be clumped in five key areas. These key sites contain a bulk of the birds in the Southern Blue Ridge, and one of these areas is the Roan Mountain Massif and its drainages, specifically Roaring Creek (North Carolina) and the adjacent Hampton Creek Cove (Tennessee) area. Management to maintain suitable successional stages on the existing pastureland and woodland edge could expand the available habitat base for this core population.

Access Assessment: Access to the tract is present from Roaring Creek Road and would allow administration, and management by NCWRC and use by the public. The tract is surrounded by USFS land and hence adjacent land use is under conservation ownership. Roaring Creek bisects the tract and provides outstanding trout waters; tributaries contain the Southern Appalachian Brook Trout. A few old

logging roads exist and use of these roads would entail upgrading their condition. The area will make an excellent area for bird-watching and hiking. A portion of the Overmountain Victory National Historic Trail is on the property.

Game Lands Program Potential: ☒ Yes (Pisgah GL) ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 1/12/2012

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

Tract/Parcel: Roaring Creek - Burleson/Beck
Acreage: 136

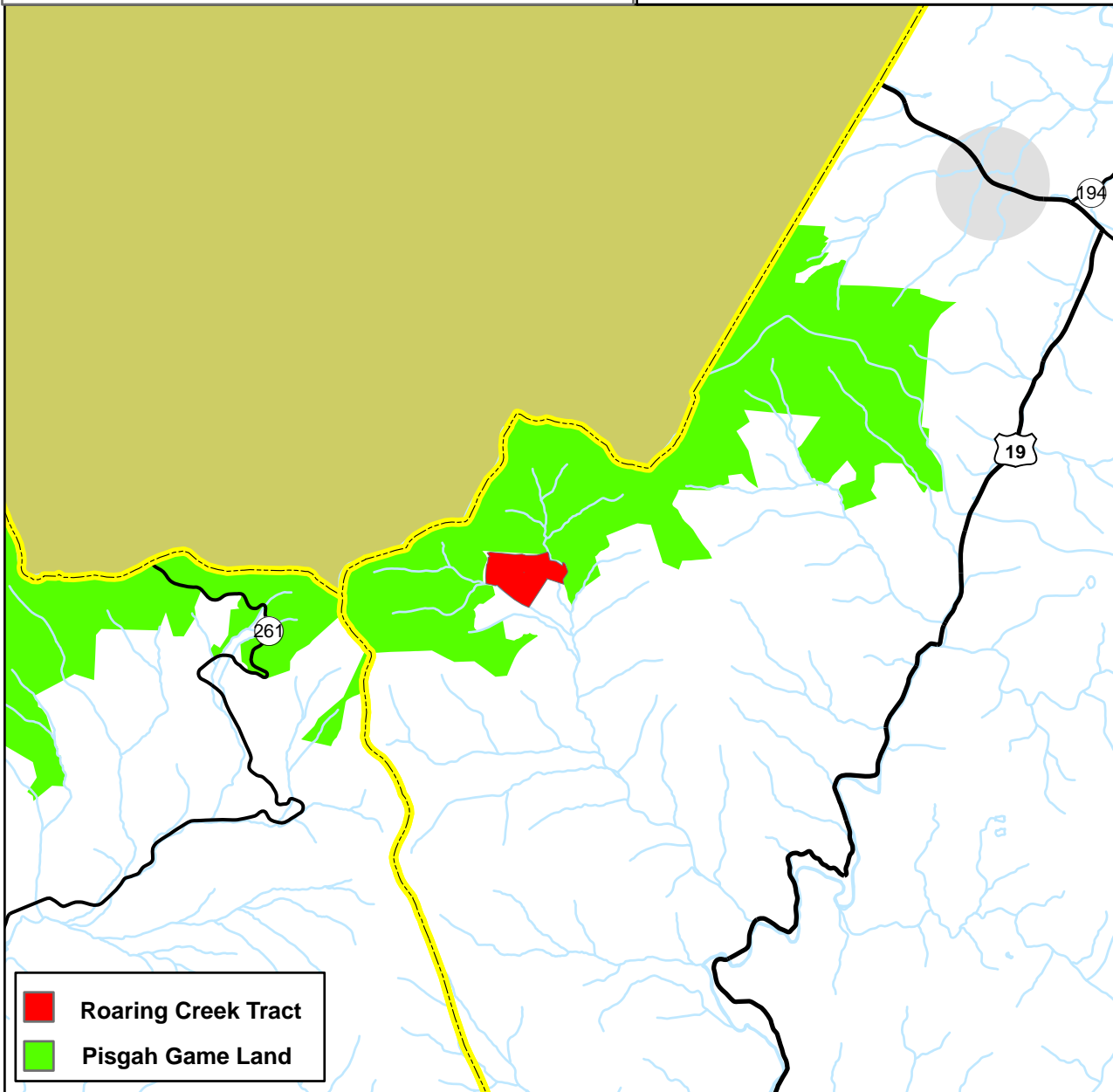
*Natural Heritage Trust Fund:	\$500,000
Private Donor:	\$572,620
Bargain Sale:	\$60,000
Doris Duke Foundation:	\$320,000
DOJ Ecosystem Enhancement Grant:	\$35,840
Neotropical Bird Grant:	\$95,000

Total Cost: \$1,583,460

**NHTF funding secured by WRC; others funding sources secured by Southern Appalachian Highlands Conservancy*

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

**Roaring Creek
Burleson-Beck Tract
Avery County
136 Acres**



December 11, 2011

0 1.5 3 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: June 28, 2010

Tract Name: Joe Carpenter

Acreage: 16 acres

County: Scotland

Advertised Purchase Amount: \$45,000

Based on Appraisal: ☒ Yes ☐ No

Contact: The Nature Conservancy/Joe Carpenter, Laurinburg, NC

Phone: TNC Ryan Elting 910-246-0300 (W)

Address: NA

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☐ CWMTF ☐ DU MARSH

☒ Other (explain) : Army Compatible Use Buffer (ACUB) Program funding;
USFW Section 6

Resources Assessment (Brief): The tract has mature longleaf/wiregrass (slightly fire suppressed) on all 16 acres. This acquisition would facilitate the fire line maintenance and prescribed burning on Block B. There are numerous RCW clusters within foraging range of the Carpenter Tract. There are over 1,320 feet of common boundary between the Carpenter Tract and the Sandhill Game Lands.

Access Assessment: Over 2,200 feet of frontage along Gardner Farm Lane and Hwy 15-501.

Game Lands Program Potential: ☒ Yes ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 8/25/2010

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

Tract/Parcel: Joe Carpenter

Acreage: 16

*Sandhills Mitigation Fund: \$42,000

Total Cost: \$42,000

**Funds received to mitigate impacts of developing a transmission line corridor across Sandhills Game Land (a portion of these funds are earmarked for habitat replacement).*

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

**Joe Carpenter Tract
Sandhills Game Land
Scotland County
16 Acres**



July 27, 2010

0 0.5 1 2 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: 6/20/2006

Tract Name: Fisher

Acreage: 36 acres (50 acres claimed by landowner)

County: Scotland

Advertised Purchase Amount: Unknown, but he asked for \$1000/acre 4-5 years ago.

Based on Appraisal: ☐ Yes ☒ No

Contact: Gifford Fisher

Phone: (H) 910-295-4662

Address: P.O. Box 4949
Pinehurst, NC 28374

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☒ CWMTF ☐ DU MARSH
☐ Other (explain) :

Resources Assessment (Brief):

Tract contains 13 acres of mature, intact wetland poscosin and 23 acres of planted/mixed longleaf/loblolly pine. The entire property is within the Naomi Church Sandhills Significant Natural Heritage Area.

Access Assessment:

Tract shares 1600 feet of boundary with Block D of the Sandhills Game Land. No deeded road access exists for the property.

Game Lands Program Potential: ☒ Yes ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 8/30/2006

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

Tract/Parcel: Futrell (formerly Fisher)

Acreage: 36

*Sandhills Mitigation Fund: \$56,000

Total Cost: \$56,000

**Funds received to mitigate impacts of developing a transmission line corridor across Sandhills Game Land (a portion of these funds are earmarked for habitat replacement).*

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

**Futrell Tract
(Formerly "Fisher" Tract)
Sandhills Game Land
Scotland County
36 Acres**



April 12, 2012

0 0.5 1 2 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: April 18, 2008

Tract Name: John Harmon Tract

Acreage: Total acres 238

County: Scotland and Richmond Counties

Advertised Purchase Amount: Not advertised; landowner is longtime NCWRC and NCWHF supporter and has stated that he will sell to WRC as a “bargain” price.

Based on Appraisal: ☐ Yes ☒ No

Contact: Sid Baker

Phone: (W) 910-281-4146
(C) 931-639-0491

Address: Hoffman, NC

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☒ NHTF ☒ CWMTF ☐ DU MARSH
☐ Other (explain) :

Resources Assessment (Brief): The tract was clear-cut less than 10 years ago and planted into longleaf pine. Ground cover is intact with native grasses and plants. The young longleaf are growing well. The tract shares over 1900 ft of common boundary with Block T and 800 ft of boundary with Block B of Sandhill Game Land. The Harmon Tract will connect these two parcels. Its location classifies it as a high priority acquisition for the Greater Sandhills Partnership, which is working to protect and link critical red cockaded woodpecker habitat. The Harmon Tract provides a direct link between two active RCWS clusters less than 2 miles apart.

Access Assessment: There is over 3400 feet of road frontage on SR 1001 in Scotland and Richmond Counties.

Game Lands Program Potential: ☒ Yes ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 7/9/2008

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

WRC closed on 219 acres in January 2011. Funding was unavailable at the time to close on the balance of the tract. The landowner is also now offering additional acreage that was previously excluded. An additional 50 acres, contiguous with the 219 acres previously acquired, is now available. Approval is now requested to complete Phase II, as represented below:

Tract/Parcel: Harmon II

Acreage: 50

*Sandhills Mitigation Fund: \$100,000

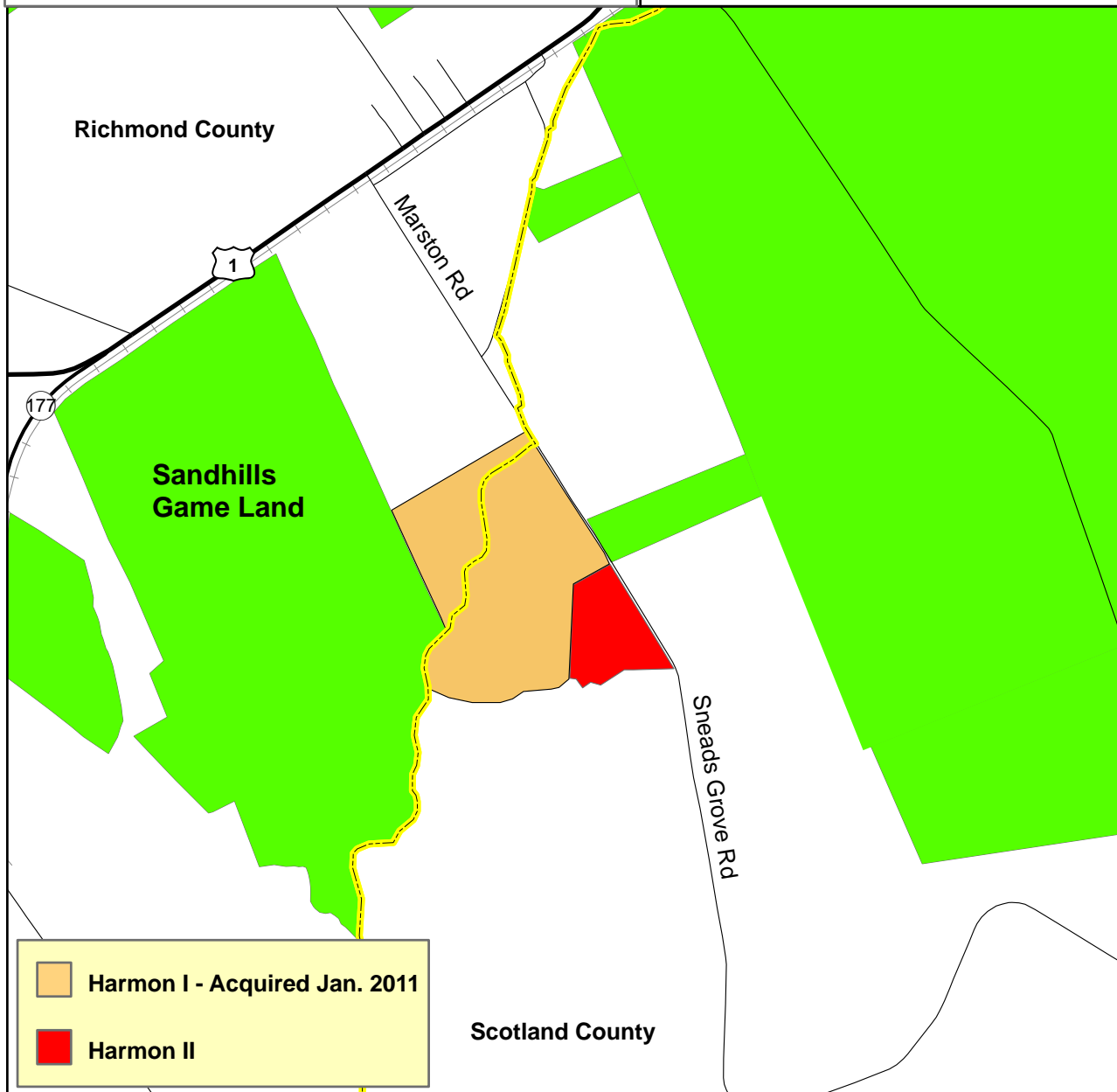
Total Cost: \$100,000

**Funds received to mitigate impacts of developing a transmission line corridor across Sandhills Game Land (a portion of these funds are earmarked for habitat replacement).*

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

Stewardship and Estimated Revenue for Land Acquisition Tracts						
Tract	Activity	Stewardship Cost (10- yr. Period)		Estimated Revenue (10 yr. Period)		Total
		Quantity	Unit Cost	Quantity	Unit	
Harmon II	Boundary Establishment and Maintenance-Three times during 10 yr. period	0.75 mi	\$ 135.00	303.75		
					345 Cords	\$ 15.00
						\$5,175.00
	Total		\$ 303.75			\$5,175.00
10 yr Period= Acquisition to 10 yrs.						

Harmon II Tract Sandhills Game Land Scotland County 50 Acres



April 12, 2012

0 0.375 0.75 1.5 Miles



**North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form**

-INITIAL INVESTIGATION (PHASE I)-

Date: 04/26/2011

Tract Name: FIA – Daniel Whitaker West

Acreage: 7+/- acres

County: Halifax County

Advertised Purchase Amount: NA- Donation

Based on Appraisal: ☐ Yes ☒ No

Contact: John M. Crump, Michael D. Neal & Associates, Inc. – Land Manager for Forest Investment Associates (FIA)

Address: 754 NC 11 North
Ahoskie, NC 27910

Phone: (252) 398-1470 – Office
(252) 209-7005 – Cell

Email: johncl@mdneal.com

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☐ NHTF ☐ CWMTF ☐ DU MARSH

☒ Other (explain) : The National Wild Turkey Federation and the NC Wildlife Habitat Foundation have agreed to fund this acquisition.

Resources Assessment (Brief): This 7 acre tract sits directly adjacent to the “Longleaf Tract” of Tillery Game Lands. The “Longleaf Tract” is part of the IP/TNC acquisition from 2007 and was primarily funded by a grant from the NC Natural Heritage Trust Fund with the condition that a majority of this 800 acre tract be restored to a functional longleaf forest type. The “Longleaf Tract” tract contains a small remnant longleaf forest, currently under restoration, and an in-tact herbaceous understory that is consistent with longleaf forest types typical of the region.

Prescribed fire will be the main tool used to manage these forests before, during and after the process of longleaf forest restoration. This 7 acre tract is important in maintaining an undeveloped buffer between theses managed forest areas and developing adjacent private land to ensure that we can continue to use prescribed fire as our main management tool. Currently, this 7 acre tract is 18 year old, un-thinned loblolly pine plantation. It was previously owned by International Paper prior to FIA acquisition in 2006.

Access Assessment: Access is excellent. This tract fronts on Mary Chapel Road (SR1117) and an interior existing game land trail.

Game Lands Program Potential: ☒ Yes - addition to Tillery Game Land

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 7/7/2011

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

WRC previously approved pursuing this tract as a donation. However, the donation did not occur as originally proposed. Revised acquisition plan is represented below:

Tract/Parcel: FIA – Daniel Whitaker West
Acreage: 7

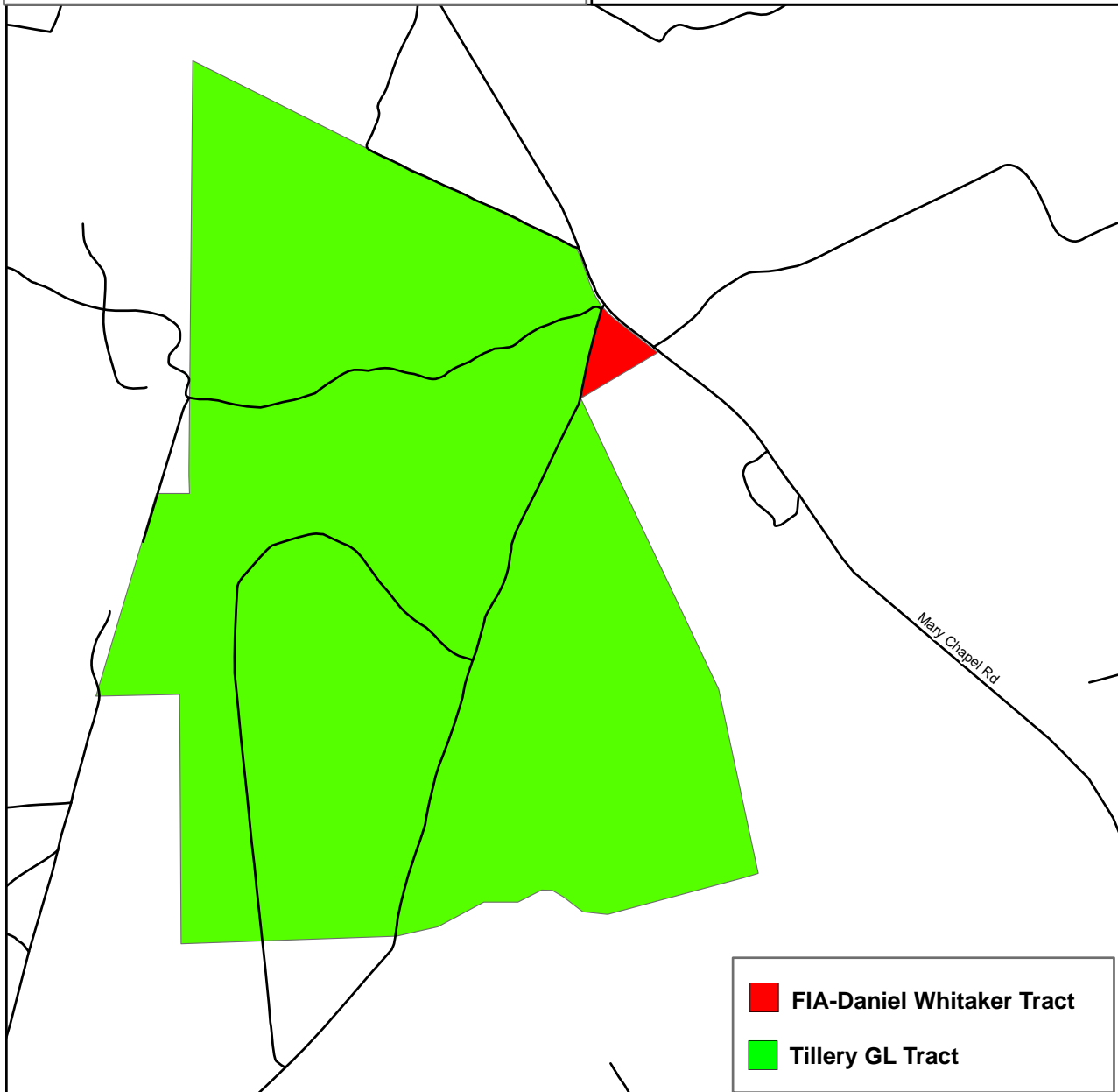
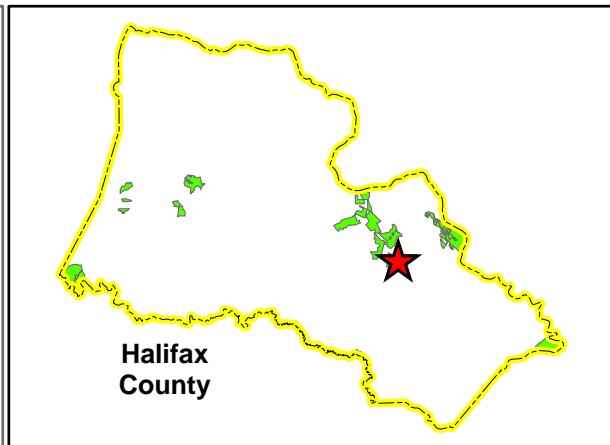
NC Wildlife Habitat Foundation:	\$7,000
NC Wild Turkey Federation:	\$7,000
James W. Cogdell Heritage Foundation:	\$7,000
WRC Operating Fund	\$7,000

Total Cost: \$28,000

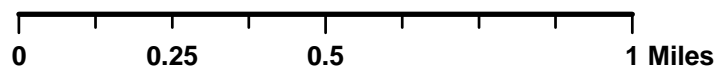
Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

Stewardship and Estimated Revenue for Land Acquisition Tracts							
Tract	Activity	Stewardship Cost (10- yr. Period)		Total for 10 yr. Period		Estimated Revenue (10 yr. Period)	
		Quantity	Unit	Unit Cost		Quantity	Unit
					Type		
Whitaker	Boundary Establishment and Maintenance-Three times during 10 yr. period	0.3 mi		\$ 135.00	\$ 121.50	0	\$ -
	Total			\$ 121.50			\$ -
10 yr Period= Acquisition to 10 yrs.							

**FIA
Daniel Whitaker Tract
Tillery Game Land
Halifax County
+/- 7 Acres**



June 16, 2011



North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

-INITIAL INVESTIGATION (PHASE I)-

Date: August 24, 2011

Tract Name: Herbert Swain Tract, Sunny Point

Acreage: 83

County: Brunswick

Advertised Purchase Amount: (Market Value) Unknown but estimate ~\$2,500.00/acre

Based on Appraisal: ☐ Yes ☒ No

Contact: Herbert Swain (owner)

Phone: 910-842-9300

Address: 394 Riverview Drive, Bolivia, NC 28422

Status: ☒ High Interest ☐ Moderate Interest ☐ Low Interest ☐ No Interest

Grant Potential: ☐ NHTF ☐ CWMTF
☒ Other: State Wildlife Grant, local land conservancy

Resources Assessment: This tract is adjacent to and contiguous with land owned by Military Ocean Terminal at Sunny Point (MOTSU), and also adjacent to approximately 400 forested acres owned by Brunswick County and 400 forested acres owned by the Clean Water Management Trust Fund. Together these tracts comprise a landscape scale initiative aimed at the conservation of upland Longleaf Pine in an area of exceptional biological diversity. Though the Swain Tract is incompletely surveyed, the immediately adjacent MOTSU is known or suspected habitat for 90 species of amphibians and reptiles, 44 of which are state listed and/or SWAP priority species. Additionally, MOTSU harbors a population of the federally endangered Red-Cockaded Woodpecker (RCW). Of particular significance, the Swain Tract contains upland Longleaf Pine forest and 5 isolated wetlands. These habitats are likely used by the State Threatened Carolina Gopher Frog, a species now known to occur at only 7 locations statewide. Gopher frog tadpoles were recently located in a pond on MOTSU within 50 yards of the Swain tract. Large Longleaf Pines occur throughout the property, but they are interspersed with Loblolly Pine and hardwood species because of lack of prescribed fire over several decades. Acquiring this property would enhance the sustainability of Gopher Frogs and RCWs, as well as numerous other species of wildlife.

Access Assessment: This property is easily accessed by the entrance road to the Military Ocean Terminal at Sunny Point.

Game Lands Program Potential: ☒ Yes ☐ No

Recommendation: ☒ Pursue Acquisition ☐ Defer ☐ Do not Pursue Acquisition

Map Attached: ☒ Yes ☐ No

-FINAL ACQUISITION DETAILS (PHASE II)-

WRC Action/Approval to Pursue (Date): 10/13/2011

Acquisition Plan (specify total project cost, source and amount of OBLIGATED funds):

Tract/Parcel: Herbert Swain
Acreage: 83

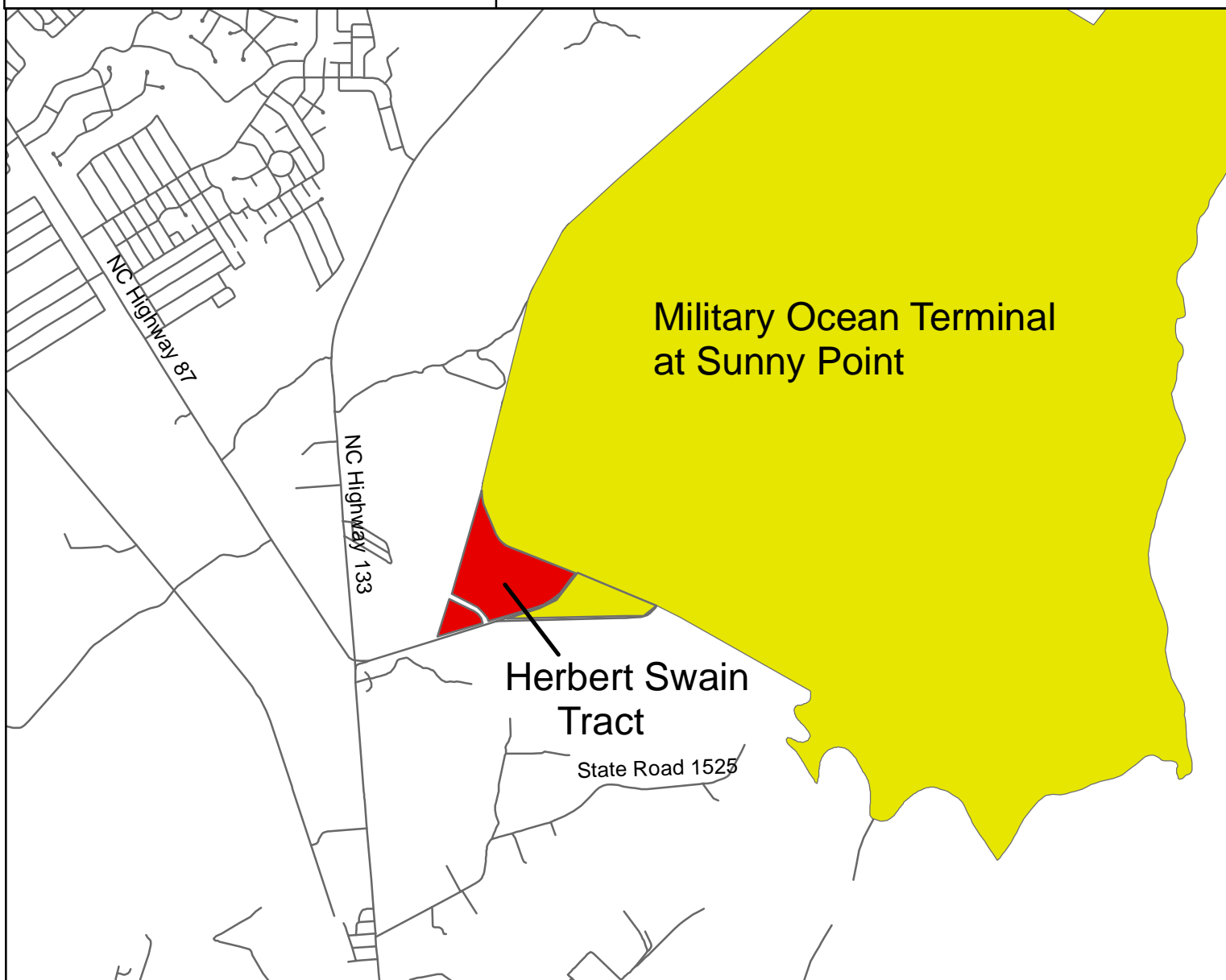
Natural Heritage Trust Fund: \$65,000
USF&W State Wildlife Grant: \$65,000

Total Cost: \$130,000

Anticipated Revenue and Stewardship Costs (10 Years): See attached tabular summary.

Herbert Swain Tract

+/-83 acres



January 25, 2011

0 0.5 1 2 Miles

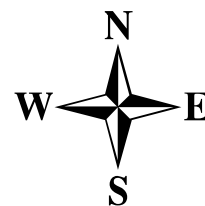


EXHIBIT I

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 5, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: DOT Easement Request
Sandhills Game Land - Richmond County

NC Department of Transportation has requested a 60 ft. x 1,800 ft. easement across a portion of Sandhills Game Land in Richmond County (see attached map). Given the limited anticipated impacts, staff recommends approval.

The easement requested by DOT involves a single lane dirt path along our game land boundary, which is proposed for upgrading to a two-lane gravel road. The intent is to provide alternative access across the CSX railroad via SR 1603. CSX has closed the crossing that existed previously at the end of SR1604, which now makes it necessary to travel an additional 0.5 miles to the SR 1001 crossing to access US Hwy 1. For those attempting to travel north on US 1, this is particularly inconvenient. Richmond County officials and local residents have requested DOT's assistance in securing alternative north bound access to US 1.

Given that the requested easement will occur along the exterior of our boundary, will follow the alignment of an existing game land road, and will occur in the vicinity of previously existing disturbance (namely an active railway and major highway), staff anticipates this project to result in no significant additional impacts.

**DOT Proposed Easement
Sandhills Game Land
SR 1604-1603 Connector
Approx. 60 X 1,800 Feet**



April 5, 2012

0 500 1,000 2,000 Feet



EXHIBIT J

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 10, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: DOT Temporary Construction Easement Request
Sandhills Game Land – Hoke County
US Hwy 401 – Lumber River Bridge Replacement Project

NC Department of Transportation has requested a temporary construction easement on a portion of Sandhills Game Land in Hoke County to facilitate bridge replacement on US Hwy 401 at the Lumber River. Staff recommends approval.

DOT has identified the need for 1.547 acres of temporary construction easement to facilitate the bridge replacement project. The easement is needed to construct a temporary bridge to allow traffic to pass while the old bridge is replaced. There will be a 10 foot fill on the north side of US 401 to construct a detour lane leading up to the temporary bridge which will be removed, along with the temporary bridge, when the project is completed.

We anticipate no significant impacts to game land property or operations. The Wagram-Lumber River Boating Access Area at this location will not be impacted and will remain accessible for the duration of the project.

SANDHILLS GAME LAND (continued)

N.C. Wildlife Resources Commission,
Hoke, Moore, Richmond and Scotland Counties

**NCDOT TEMPORARY CONSTRUCTION EASEMENT REQUEST
BRIDGE REPLACEMENT PROJECT - US HWY 401 LUMBER RIVER**

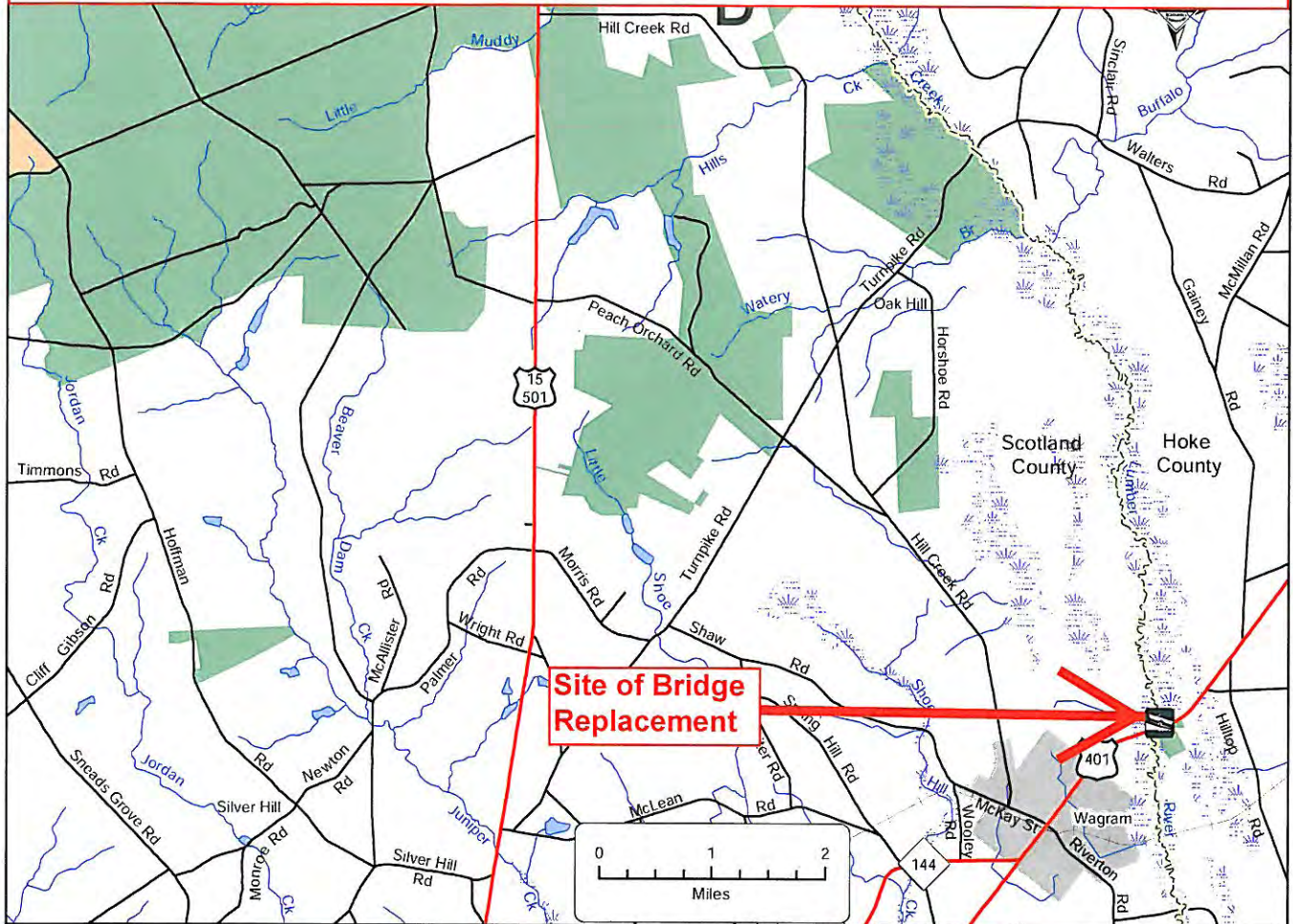


EXHIBIT K

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 5, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: DOT Easement Request
Chowan Swamp Game Land - Gates County

NC Department of Transportation has requested an easement across a portion of Chowan Swamp Game Land in Gates County to facilitate widening of US 13/158 (see attached maps). Staff recommends approval.

DOT has identified the need for an additional 34 feet of right-of-way on the north side of the highway for a linear distance of approx. 3,800 feet and 105 additional feet on the south side for a distance of approx. 4,300 feet. New right-of-way requested totals 13.3 acres. There is no associated loss of merchantable timber and no loss of game land access. DOT design plans include preservation of all three existing game land access roads which currently connect to US 13/158.

CHOWAN SWAMP GAME LAND (continued)

The Nature Conservancy, N.C. Dept. of Environment and Natural Resources, N.C. Forestry Foundation,
N.C. Wildlife Resources Commission, Bertie and Hertford Counties

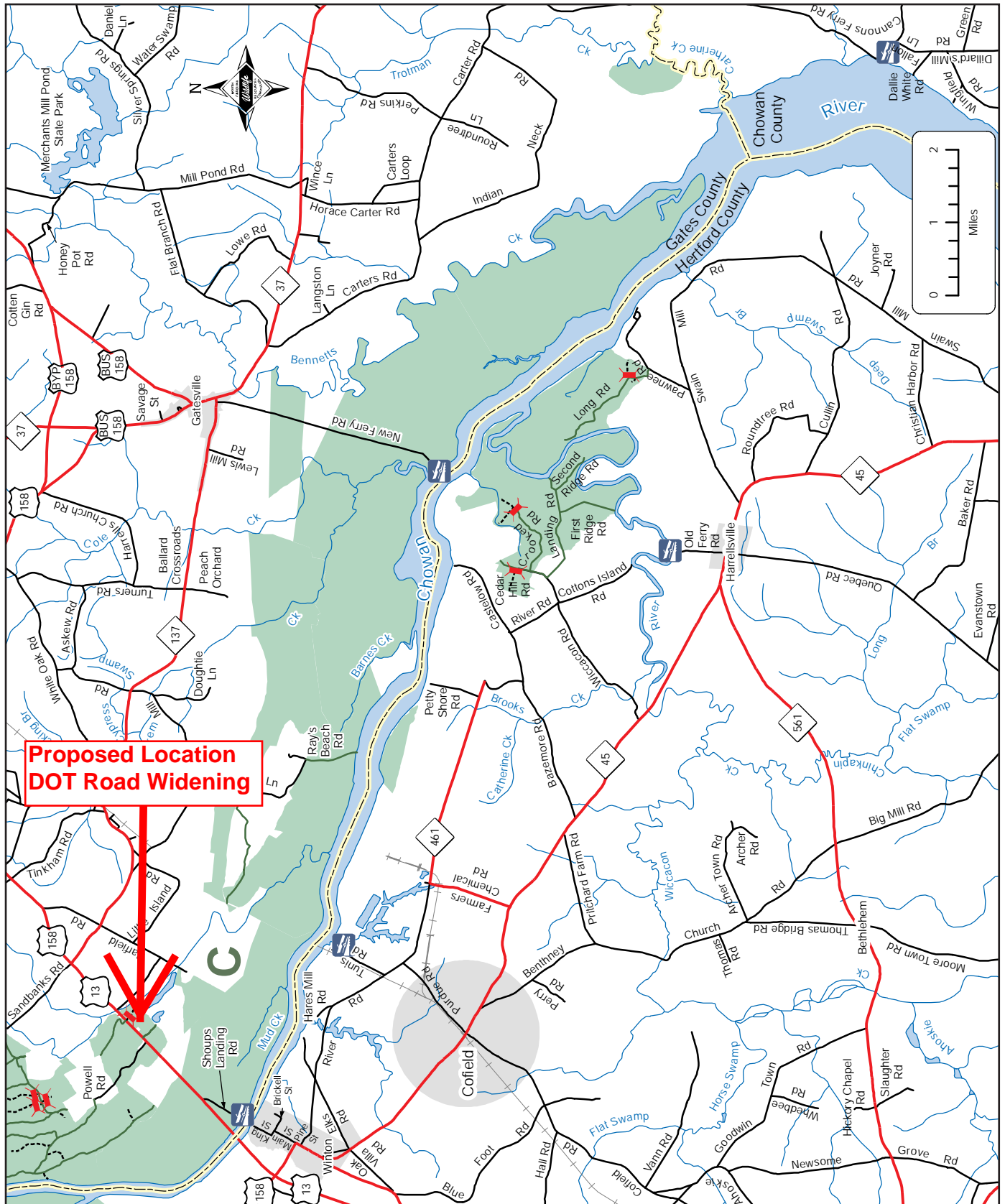


EXHIBIT L

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 5, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: Mr. Tim Tracy Electrical Easement Request
Pond Mountain Game Land – Ashe County

Staff has investigated a request from Mr. Tim Tracy to secure an easement across a portion of Pond Mountain Game Land in Ashe County for the purpose of providing electrical service to a future residence Mr. Tracy plans to construct on adjacent property. Based on the limited anticipated impacts and the absence of other reasonable alternatives, staff recommends approval.

The nearest utility pole to Mr. Tracy's planned residence is located on Pond Mountain Game Land and represents the only reasonable alternative for providing electrical service to his property. If approved, line encased in two inch pipe will be buried to a depth of three feet within the centerline or along the shoulder of the existing access road for a distance of 1,200 feet. The remaining 750 feet will also be buried and will connect to Mr. Tracy's property by passing through a wooded area just inside the WRC boundary.

Assuming a width of 10 feet and a total distance of 1,950 feet, the total easement area will encompass approximately 0.4 acres.

A map depicting the route of the proposed underground utility line is attached.

Electrical Easement Request, Pond Mountain GL

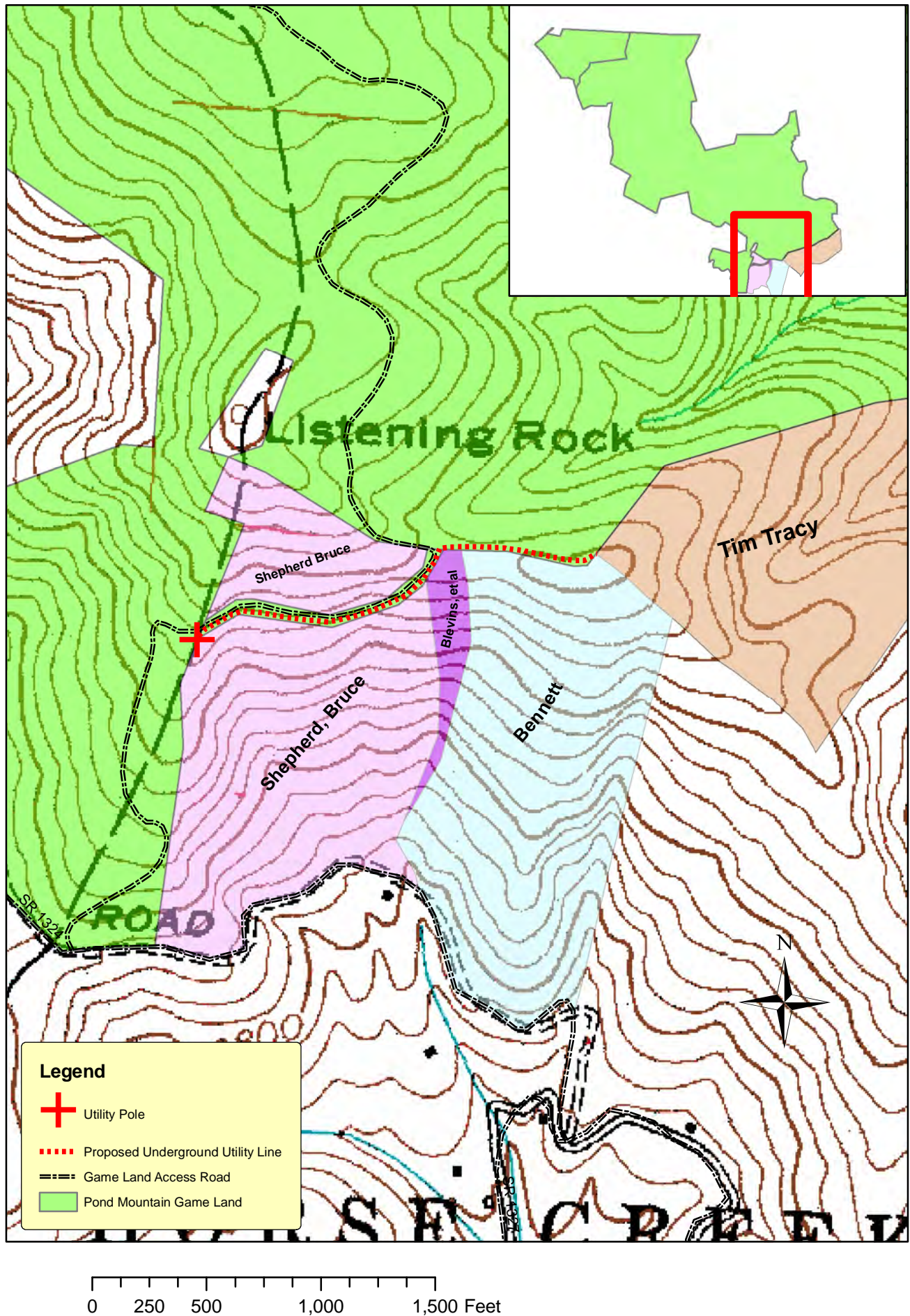


EXHIBIT M

May 3, 2012

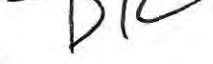



⊠ North Carolina Wildlife Resources Commission ⊠

Gordon S. Myers, Executive Director

April 9, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

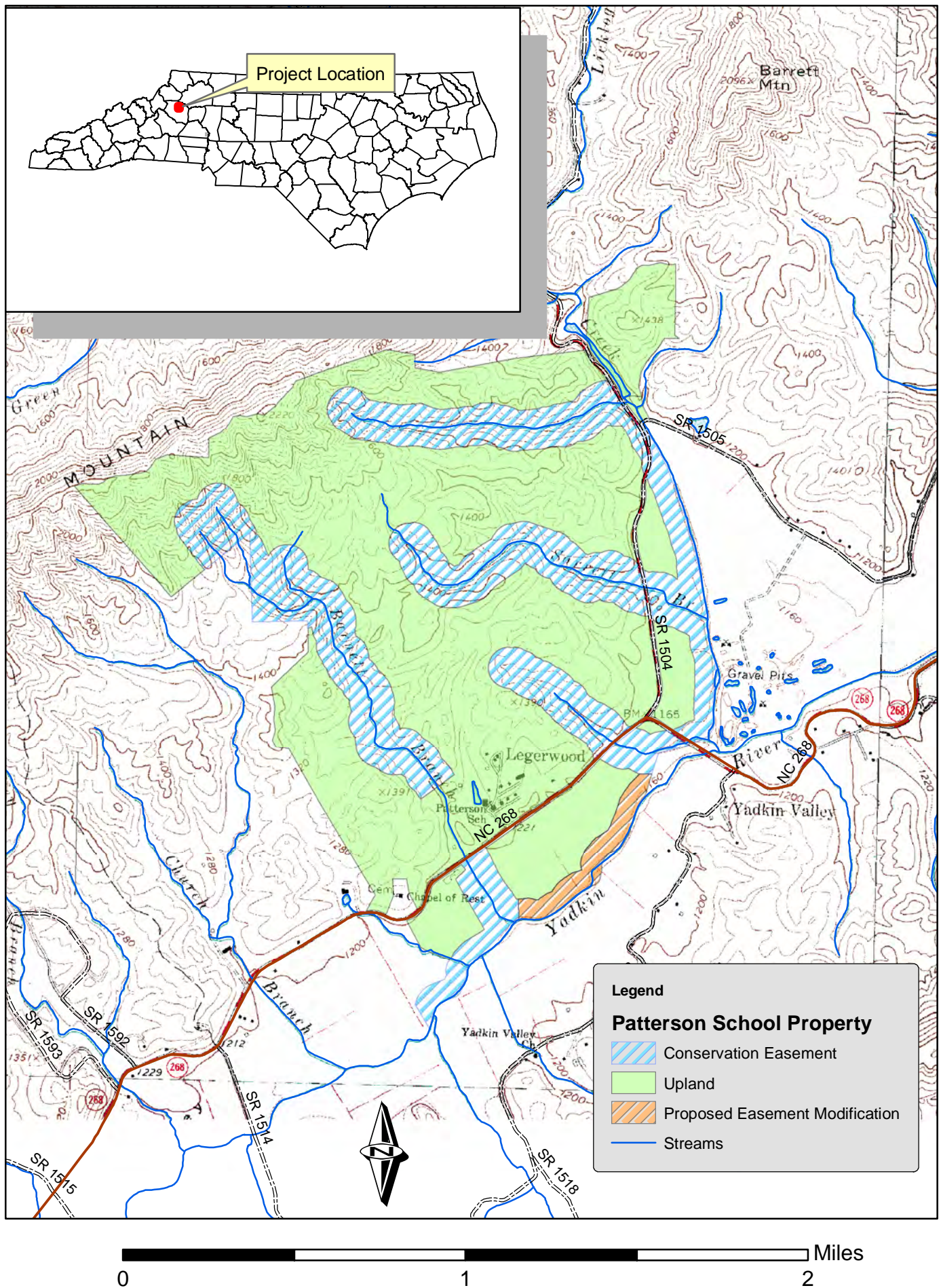
SUBJECT: Patterson School Foundation
Request to Modify CWMTF Easement – Caldwell County

The Patterson School Foundation has requested modification to the conservation easement which WRC currently holds on approximately 430 acres of riparian buffers on the Foundations' Patterson School property in Caldwell County. Specifically, the Foundation seeks to conduct organic farming on approximately 40 acres of the easement area in keeping with the school's agricultural heritage and educational mission (see attached map). Both WRC and NC Clean Water Management Trust Fund (CWMTF), which funded the easement acquisition, have conducted site visits and offer no objections.

That portion of the existing easement where the Foundation seeks to conduct organic farming is currently dominated by exotic nursery tree stock that was planted in the 1980's and never harvested; thus, there are very few native riparian plants present. Conversion to organic agricultural will have little impact on the quality of the buffer area. The local CWMTF field representative also advises that the organic farming operations which the Foundation is proposing will have no negative impact on water quality.

Given the limited quality of the existing buffer and the absence of impact to water quality, staff recommends modifying the easement language to allow organic farming within the easement as requested and finds that doing so will not jeopardize the overall intent of the easement.

Patterson School, Proposed Conservation Easement Modification



Patterson School Foundation, Inc.

P.O. Box 500

Patterson, North Carolina 28661-0500

A Trust for College Preparatory Boarding and Day Education in the Christian Tradition

November 7, 2011

**North Carolina Wildlife Resources Commission
Mr. Chris Wood, Fisheries Biologist
645 Fish Hatchery Road
Marion, North Carolina 28752**

Subject: Patterson School Conservation Easement

Dear Chris:

In 1999, Patterson School Foundation (PSF) applied to the General Assembly for conservation easements (CE), and in 2002, the Wildlife Resources Commission (WRC) purchased a 300 ft. along riparian buffers on the PSF property in Caldwell County. The CE held by WRC consists of approximately 430 acres of the over 1400 acres of property. This property consists of three main areas: The largest and fairly steep mountain area (Ripshin Ridge) that is mainly wooded, and containing high quality mountain streams; an approximately 75 acres school campus area at the base of the mountain; and a very flat floodplain area that borders the Yadkin River and Barnett Branch. Nursery and farming activities are practiced on adjoining tracts not owned by the Foundation, including most of the properties across the Yadkin.

PSF is interested in returning to Patterson School's agricultural heritage and start organic farming on the floodplain area along these waters. PSF would like to modify the existing CE to allow organic farming in approximately 40 acres of the 430 acre CE area. All farming activities would be outside a 50 ft. minimum buffer and would follow general organic farming practices. PSF has approached Clean Water Management Trust Fund (CWAMATF), who provided the funding for the CE purchases, and on October 25th, 2011 representatives of CWAMATF and WRC visited the site. Based on the site visit and the general descriptions of the proposed organic farming methods desired, it is not thought that modifications to the CE would significantly

impact water quality. Figure 1 illustrates the involved existing CEs and the proposed organic farming area, outlined in green.

Please review our request and let us know what PSF needs to do to allow organic farming in this small portion of the existing CE area. Please feel free to call us if you have any questions. (Jim Hogan, 828-754-5065 and Janet Spoon, 828-729-0163)

Sincerely yours,



(Mrs.) Janet H. Spoon
Patterson School Foundation Board

Encl.

EXHIBIT N

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 20, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: Pedestrian Trails MOU
WRC Pisgah and Mitchell River Game Lands

The attached MOU authorizes The Conservation Fund (TCF) to finance the construction and maintenance of pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of WRC Pisgah Game Land, and the Saddle Mountain tract of Mitchell River Game Land.

Staff has worked with TCF to predetermine acceptable trail construction criteria and alignment, which are outlined in the MOU. Beyond those portions of trail which will utilize existing roads and firebreaks (which we will need to maintain for other purposes anyway), this MOU establishes no financial commitment on the part of WRC. All construction and maintenance (except roads and firebreaks) will be handled by TCF through third party contracts and volunteer efforts. Initial trail development involves approximately 4 miles of existing infrastructure and 0.5 miles of new construction.

Staff recommends approval and I concur.

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING, made and entered into by and between the **The Conservation Fund**; hereinafter referred to as TCF; and the **North Carolina Wildlife Resources Commission**, hereinafter referred to as Commission.

WITNESSETH:

THAT, WHEREAS, TCF is a nonprofit organization with an interest in establishing and maintaining a trail on each of the following game lands tracts: Rose Creek tract, Pisgah Game Land; Little Tablerock Mountain tract, Pisgah Game Land; and Saddle Mountain tract, Mitchell River Game Land (see attached maps); and

WHEREAS, construction and maintenance of these trails is for pedestrian travel only and is consistent with the primary use of the land.

THIS MEMORANDUM OF UNDERSTANDING IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. The term of this Memorandum of Understanding (MOU) shall begin on the date of the last signature below and continue until terminated by either party. The MOU can be amended only by agreement of both parties.
2. TCF and the Commission shall jointly review all proposals for trail construction and maintenance and all projects shall be approved by the Commission before any work commences.
3. TCF shall be responsible for providing, contracting, and paying for all labor and materials needed for construction or maintenance of trails. Any contractors or subcontractors used shall be preapproved by the Commission.
4. The Commission shall maintain all gravel roads or firebreaks that are also utilized as trails.
5. All necessary permissions needed for construction of that portion of the trail on property adjacent the Saddle Mountain tract, Mitchell River Game Land shall be obtained by TCF (see attached map).
6. Initial trail construction/maintenance can begin at any time and shall conclude by September 29, 2012 on the Rose Creek Tract. Initial trail construction/maintenance on the Little Tablerock Mountain and Saddle Mountain tracts shall not begin before May 13, 2012 and shall conclude by September 29, 2012 on the Little Tablerock Mountain tract and by November 2, 2012 on the Saddle Mountain tract. The timing of all subsequent trail construction or maintenance shall be approved by the Commission.

7. Trail construction and maintenance shall occur under the following guidelines.
 - a. Tread width shall be no more than 3 ft. wide, except where the trail follows established gravel roads, logging roads, or firebreaks.
 - b. Clearing width shall be no more than 4 ft., or 2 ft. on either side of the actual walkway.
 - c. All clearing should be kept to a minimum and all vegetation to be removed should be cut off flush with the ground.
 - d. The slope of the trail should be maintained at 10% or less. If steeper slopes are unavoidable, waterbars will be constructed to slow runoff.
 - e. Any stream crossings will be limited to fords or bridges designed for foot travel only.
 - f. Any changes to these trail guidelines must be approved by the Commission.
8. Trail markers will be limited to a uniform marker jointly agreed upon by TCF and the Commission. Trail markers will not be placed in locations that impede management of the tract or any roads by the Commission.
9. The trail routes shall not be altered or the trails relocated unless the established trail route is destroyed through natural disaster and the relocation(s) approved by the Commission.
10. The Commission agrees to allow the approved contractor(s) to camp in a mutually agreed upon area on each subject game land during the time of active construction.
11. TCF, its contractors, and/or volunteers agree to enter the game lands at their own risk and will be responsible for any damage or injury occurring to any party as a result of their activities, and further agree to hold harmless the State of North Carolina by reason of any claim thereof.
12. TCF, its volunteers and/or contractors agree to comply with all game land regulations. Any desired activities that do not comply with game lands regulations shall be preapproved by the Commission.
13. All parties agree to jointly review the terms and conditions of this MOU no less frequently than once every five years to insure that it continues to meet the desired intent.

IN WITNESS WHEREOF, the parties hereto have hereunto set the hands and seals, in duplicate, the day and year first above mentioned.

In the presence of:

The Conservation Fund

_____ By: _____

Date: _____

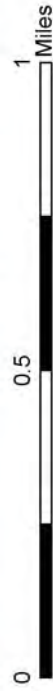
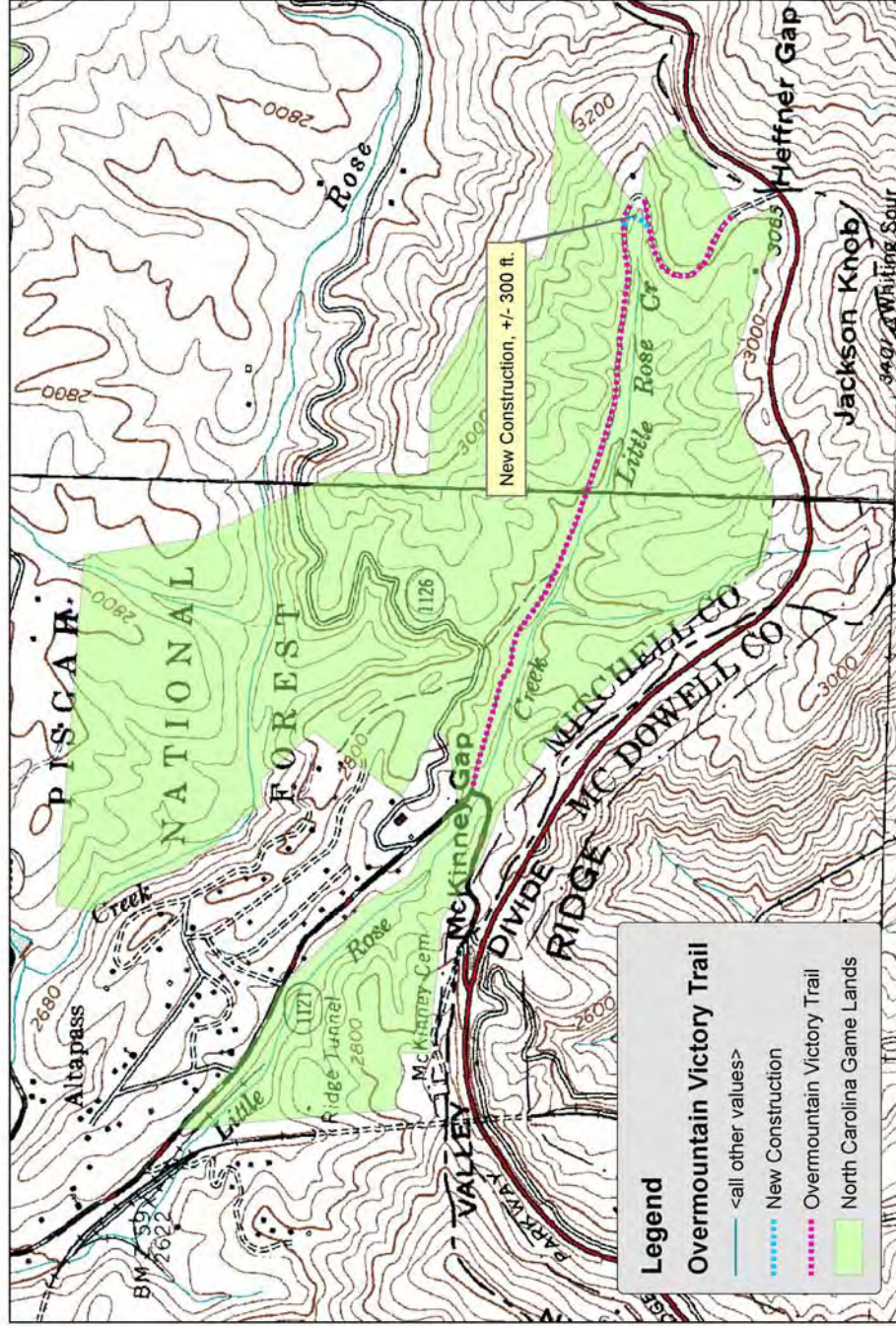
N.C. Wildlife Resources Commission

_____ By: _____

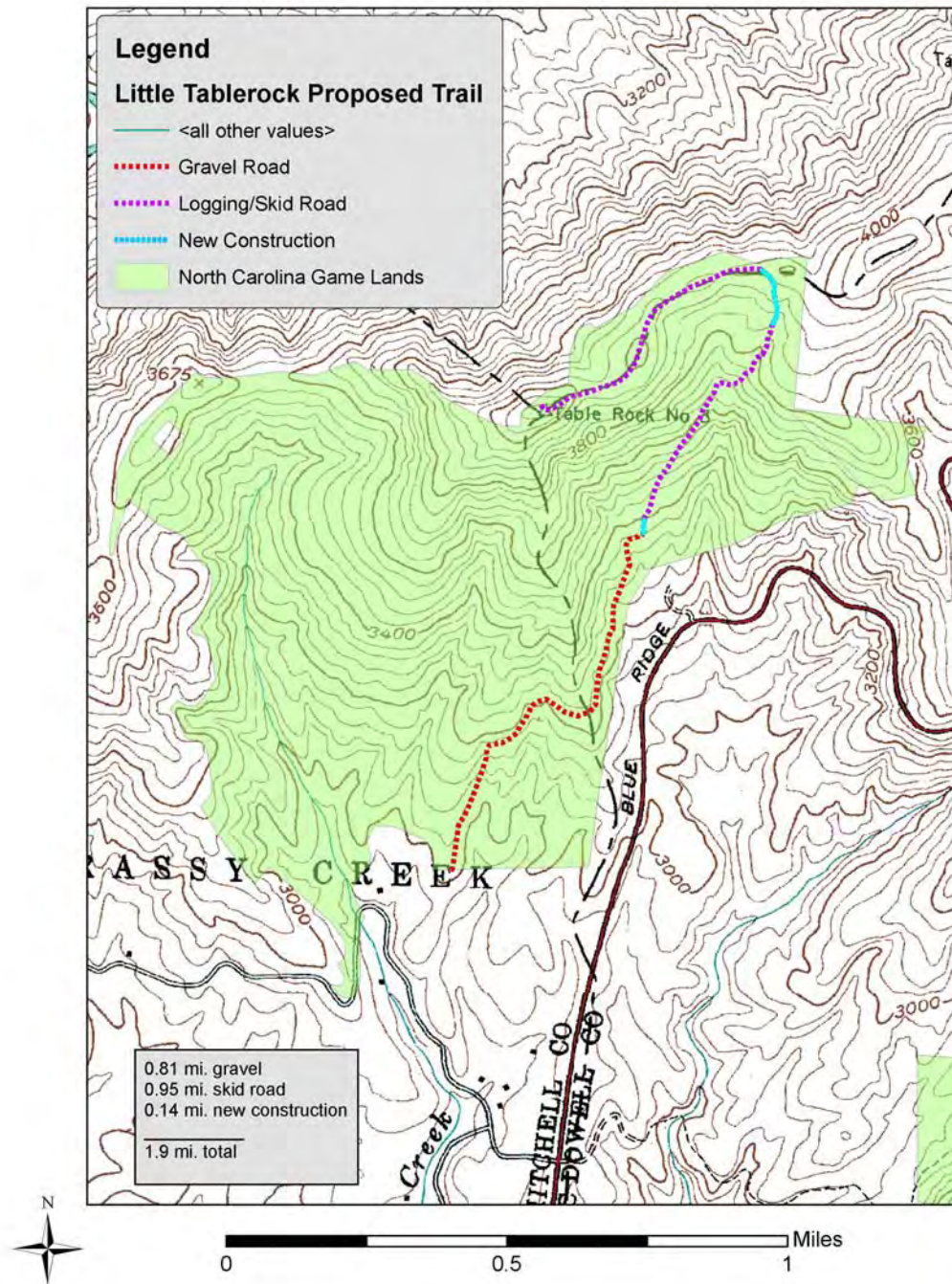
Gordon S. Myers, Executive Director

Date: _____

Overmountain Victory Trail, Rose Creek Tract



Proposed Hiking Trail, Little Tablerock Mtn. Tract



Proposed Hiking Trail, Saddle Mountain Tract

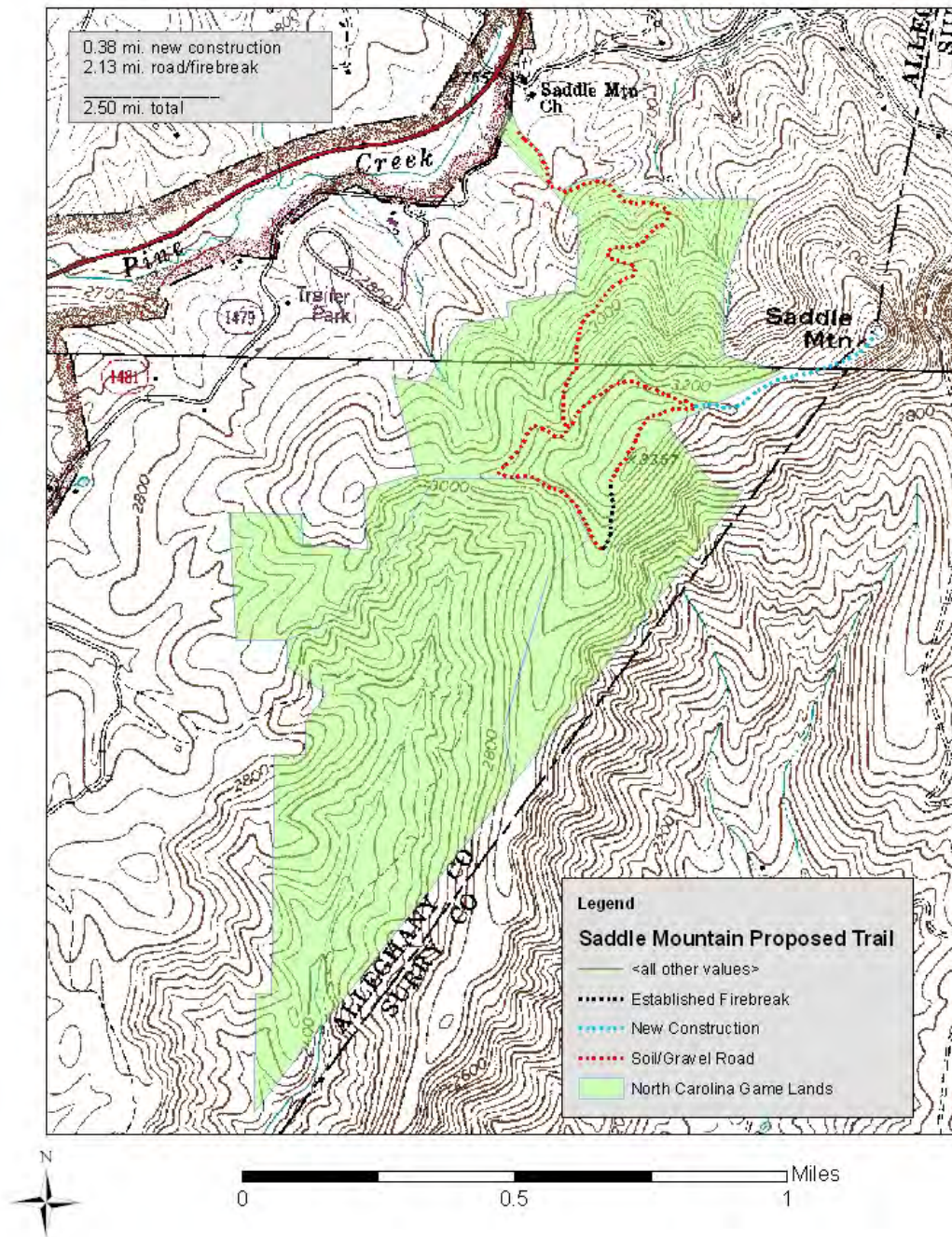


EXHIBIT O

May 3, 2012





☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

April 20, 2012

MEMORANDUM

TO: Dr. David Cobb, Ph.D., Chief
Division of Wildlife Management 

FROM: Isaac Harrold, Section Manager
State & Private Lands Programs 

SUBJECT: Proposal and MOU for Camping Platform
Tar River Game Land – Edgecombe County

Attached is a proposal and draft MOU from the Pamlico-Tar River Foundation (PTRF) which, if approved, would allow PTRF to construct and maintain a 16 foot X 32 foot raised wooden camping platform on the Tar River Game Land in Edgecombe County to accommodate camping by paddlers; as well as hunters, anglers, and other recreational users.

PTRF proposes to administer use of the platform through the use of an online calendar, reservation, and permit purchasing system. A nominal fee would be charged for the permit and revenues generated from permit sales would be used by PTRF for maintenance of existing platforms and potential future expansion of the platform system.

Promoting recreational use of our waterways and game lands is a desirable outcome and staff supports this proposed partnership with PTRF.

Tar River Game Land Camping Platform Proposal

Tar River Camping Platform Project



Pamlico-Tar River
FOUNDATION



Submitted By:

Richard Andrews

Environmental Projects Manager

Pamlico-Tar River Foundation

P.O. Box 1854 Washington, NC 27889

www.ptrf.org

November 9, 2011

Project Description

The Pamlico-Tar River Foundation (PTRF) has been an advocate for public access, including canoeing/kayaking, to the Tar-Pamlico River System since its founding in 1981. In 2001, PTRF began developing the Beaufort County Canoe/Kayak Paddle Trail Guide and Complete Atlas, in cooperation with the Mid-East Resource Conservation and Development Council, Beaufort County, The NC Division of Parks and Recreation, and Weyerhaeuser Corporation. While PTRF's primary goal is the protection of water quality within the Tar-Pamlico River Basin, PTRF is continually developing and implementing programs that promote ecotourism, educate local citizens about the area's abundant natural resources, and expose people to aspects of the river/estuary that would otherwise go unnoticed.

The original concept for this project along the Tar River was developed by a graduate student intern at PTRF in 2008. The student was hired to determine the feasibility of various overnight camping facilities along the lower Tar River between Greenville and Washington. In discussions with current recreational users of the river, PTRF discovered a perceived need for overnight camping facilities, especially during high flows as typical riverside camping areas at sand bars and point bars disappear. Providing public access to the river, a public resource, via raised camping platforms will promote greater recreational use, reduce safety concerns of current illegal camping, and help promote local small town economies by increasing tourism throughout the watershed.

Utilizing PTRF's feasibility study and the Roanoke River Partner's existing campsite/camping platform system along the Roanoke River as a model, PTRF is proposing similar trailside facilities along the Tar River and Fishing Creek. PTRF is interested in partnering with the local landowners and the N.C. Wildlife Resources Commission, who owns and manages several tracts along the Tar River and Fishing Creek, to build a connected system of raised wooden camping platform along the Tar River. The success of the system along the Roanoke River in promoting ecotourism in Eastern NC, helping local businesses, and promoting the area's abundant natural resources has been the inspiration for this project. The Pamlico-Tar River Foundation has been working closely with partners to help bring people to this economically depressed region and utilize one of the area's best assets, the river. PTRF believes that ecotourism will become the foundation of Eastern North Carolina's economy during future generations, and the Tar River Camping Platform Project is a perfect example of how to promote economic and recreational interests in the area.

The proposed Tar River Camping Platform system will provide overnight access to the Tar River for canoe and kayakers, recreational boaters, hunters, and fishermen. As gas prices rise, more people are adopting the sport of paddling every year. Also, current users of the river such as hunters and fisherman lack legal overnight camping facilities along the river. Currently, a paddler wanting to organize an excursion along the Tar River has two choices: a day paddle with no legal overnight facilities or an overnight paddle with a campsite on private property or in a relatively unsecure or unsafe location. Providing safe overnight camping facilities would alleviate much of the unlawful, rogue camping which now takes place along the river.

PTRF's ultimate goal is for a continuous series of camping platforms beginning at the most upstream navigable waters in Granville County to the mouth of the Tar River in Washington. Fishing Creek, a large tributary to the Tar River, has also been identified as part of the long-term plan. Camping platforms

on Fishing Creek will begin just downstream from Medoc Mountain State Park, tie-in with upstream existing facilities at the state park for launching and day use, and tie-in with downstream platforms along the Tar River downstream from its confluence with Fishing Creek.

Phase I

Phase I of the Tar River Camping Platform Project will consist of 4-6 new camping platforms at strategic locations (see Project Overview Map in Appendix) and 2 existing campsite facilities managed by the City of Rocky Mount at Rocky Mount's Battle Park and campsites at the City of Greenville's River Park North. PTRF has proposed 2 platform locations between Rocky Mount and Tarboro. One identified site is at Mr. Joel Bourne's farm near Dunbar and the second site is a proposed "Future Site" just downstream from the confluence of the Tar River and Fishing Creek (*See Proposed Confluence of Tar River and Fishing Creek Camping Platform Map in Appendix*), meaning that the particular area of the river is ideal because it creates connectivity with other proposed sites and fall within the ideal (8-12 mile) gap between sites. Implementing this platform, which is still in the conceptual phase, is going to be a key component before moving on to Phase II because it will tie in with the Phase II system along Fishing Creek.

PTRF is proposing 1 platform downstream from the Town of Tarboro at the N.C. Wildlife Resources Commission's Tar River Game Lands (*See Proposed Tar River Game Land Camping Platform Map in Appendix*). Between this proposed platform and the City of Greenville, PTRF is interested in implementing at least 2 more platforms to create better connectivity and close the existing gap. We do recognize that gaps do exist in the Phase I plan; however, we are at the mercy of where we can identify participating landowners.

PTRF will tie-in with existing facilities at Greenville's River Park North, and 2 more platforms are proposed downstream of Greenville at Dr. Stan Riggs' property and Mr. Lee Dawson's property. (*See additional maps in Appendix showing locations of these proposed platforms as well as all other maps which show river mileages between existing and proposed sites as well as existing recreational put-in and take-out points along the river.*)

Phase I of the camping platform project will also incorporate previous planning efforts, established paddle trails such as the lower Tar River trail (City of Rocky Mount), and current access points along the river. Much work has been done to date to provide safe accesses to the river for access to the various paddle trails, and camping platforms will only enhance past efforts by providing overnight facilities for paddle trail users, thru paddlers, hunters and fishermen.

Phase II

Phase II of the project will consist of a platform system along Fishing Creek. PTRF plans to use the same model as in Phase I where sites will be identified approximately 8-12 miles apart. The first platform will be downstream from Medoc Mountain State Park on Little Fishing Creek. This will allow the project to tie-in with existing park facilities at Medoc Mountain. The last proposed platform along Fishing Creek will be about 10 miles upstream of the confluence of Fishing Creek and the Tar River. Hopefully during Phase I, a platform will be constructed along the Tar River just downstream of the confluence of the Fishing Creek and the Tar River. Strategic placement of a platform upstream of the confluence on

Fishing Creek about 10 miles, which is an average day paddle, and a platform along the Tar just downstream of the confluence will allow connectivity between the two phases of the project.

Phase III

Phase III of the project will consist of a platform system beginning at the uppermost navigable limits of the Tar River in Granville County ending in Rocky Mount, where it will tie in to the City of Rocky Mount's existing campsite system. Proposed platform locations approximately 8-12 miles apart will be identified as PTRF identifies landowners along the river who are willing to participate.

Funding

PTRF has secured a donation from the Jo Allison and Eddie Smith Foundation (Grady White Boats) for \$15,000 to fund the project startup costs. PTRF has also secured a \$5000 grant from the N.C. Division of Parks and Recreation's Adopt-A-Trails Program to partially fund construction of a platform. The N.C. Adopt-A-Trails Program Grant will be used for building materials and labor only and the Grady White donation can be used for building materials, construction labor, and marketing costs for the project.

Online Reservation and Permit System

PTRF will devote one full page of the www.ptrf.org website to information about the camping platform system and will also have an online calendar, reservation, and permit purchasing system. PTRF's model for this is the Roanoke River Partner's current system, which can be found at <http://www.roanokeriverpartners.org/RiverCamping.htm> for river camping information and <http://www.roanokeriverpartners.org/Camping%20Reservations.htm> for online reservation information and permit purchasing. PTRF will require all users of the platforms to purchase a permit in order to use the facilities. A nominal fee will be charged for each permit. Revenues earned from permit sales will be used for future maintenance of existing platforms and future expansion of the system. Each permit holder will be required to provide all personal and emergency contact information. Valid identification will be required while permit holders are using the platforms.

Liability Insurance

During the construction of the first platform, PTRF will be purchasing a liability insurance policy which will cover PTRF and the landowner against potential liability issues that might arise from use of the platforms. PTRF has already been quoted on a policy which will cover the first platform and any additional platforms constructed in the project. While PTRF would be the primary policy holders, each landowner would be added as additional insureds. The policy would provide a public liability of \$1,000,000, and \$2,000,000 aggregate. Premises medical payments would be \$5000. This means that PTRF and the landowner would be covered for up to \$1,000,000 per occurrence for accidents and that \$2,000,000 total is the most that the policy would pay in the policy period. The med pay would cover the general public if someone is injured, without regard to negligence.

Rules and Regulations

Please see the attached Rules and Regulations in the Appendix.

PTRF has opted to follow Roanoke River Partners' model of using raised wooden camping platforms for several reasons. In researching the potential environmental impacts of "on-the-ground" traditional campsites, we found that the potential effect to the riparian buffer or adjacent floodplain could be more severe, as PTRF could not confine the campers to a specified "use area". Requiring the campers to camp on the wooden platform confines them to a specified area and therefore reduces the surrounding impact to the riparian buffer along the river. By using raised wooden platforms, the impact footprint (16'x32') will be smaller and the "use area" will be more defined.

Maintenance

PTRF has over 2000 members. Many of our members are avid paddlers, fisherman, and hunters and are willing to voluntarily inspect and maintain the platforms. Inspections of each platform will be scheduled on a bi-monthly to monthly basis, depending upon weather and river levels. Issues such as downed limbed, exposed nails, rotten or warped boards, floods, trash, etc. have been anticipated. Although we have proposed a "Leave No Trace" policy for all platforms and explicitly outlined a trash/human waste policy, problems with non-permitted users and persons not following the policies and rules may arise. Our system of volunteers will handle any of these issues and keep each site in optimal working order.

MEMORANDUM OF UNDERSTANDING

BETWEEN

N.C. Wildlife Resources Commission

AND

PAMLICO-TAR RIVER FOUNDATION

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the N.C. Wildlife Resources Commission, hereinafter referred to as "NCWRC" and the Pamlico-Tar River Foundation, hereinafter referred to as the "PTRF".

A. PURPOSE:

The purpose of this MOU is to establish a working and functional partnership between NCWRC and PTRF in the planning and implementation of the Tar River Camping Platform System at the proposed campsite location owned and managed by NCWRC on the Tar River Game Land Tract near Tarboro, NC.

B. STATEMENT OF MUTUAL BENEFITS AND INTERESTS:

NCWRC's benefits include an active partnership with PTRF to promote the Tar River as a natural resource to paddlers and recreational users and to help promote ecotourism in Eastern NC by providing an overnight facility along the river for various user groups, including current hunters and fishermen utilizing the Tar River Game Land Tract.

The benefits for PTRF through this cooperative effort are created through the launching of the Tar River Camping Platform System. This camping platform will be the first platform constructed in this system and PTRF hopes that this platform will create momentum and support for additional platforms along the river to complete the overall plan for a comprehensive and connected series of overnight facilities along the river.

C. N.C. Wildlife Resources Commission SHALL:

- 1. Provide the specified location for the construction of a 16' x 32' raised wooden camping platform adjacent to the river on the Tar River Game Land Tract.**
- 2. Provide access (via the river) to the camping platform for all users who have made proper reservations and purchased proper use permits for the platform.**
- 3. Allow access via water to the platform for construction and routine inspection and maintenance with prior approved notification from PTRF staff members or volunteers.**
- 4. Allow PTRF to install signage on trees next to the river at the specified site and upstream of the site in order to clearly indicate the location of the platform to users.**
- 5. Support long term use of the camping platform and reserves the right to give a 30 day written notice to cancel the MOU and provide comments for doing so.**

D. PTRF SHALL:

- 1. Secure funds to construct a 16' x 32' raised wooden camping platform adjacent to the river on the Tar River Game Land Tract**

2. Construct the platform in a timely and unobtrusive manner at the proposed location and leave the site clean and pristine following the construction.
3. Construct the platform in the specified location without removal of any large trees or otherwise marketable timber greater than 4 inches DBH.
4. Secure and pay for a liability insurance policy protecting PTRF and NCWRC (NCWRC will be named as an additional insured on the policy) from potential liability for accidents or other unexpected occurrences on the platform itself or on the game land in the vicinity of the platform.
5. Require all users of the platform to sign a liability waiver form to help release PTRF and NCWRC of liability associated with the use of the platform.
6. Handle all reservations and scheduling associated with the use of the platforms and require each user to purchase a permit.
7. Ensure that users adhere to all rules and guidelines associated with the use of this particular platform.
8. Routinely inspect, maintain and clean the platform and the immediately surrounding area to ensure maximum safety.
- ~~9. Restrict users from accessing and trespassing on other areas of the Game Land or using any unimproved paths in any way other than for emergency access by rescuers or local EMS. Appropriate "No Trespassing" signage will be installed in the vicinity of the platform.~~
10. PTRF staff and/or volunteers are aware that special circumstances may arise where immediate attention or maintenance may be needed at the platform and PTRF will be committed to resolving any unexpected situation in a timely matter as to alleviate landowner concerns.
11. Support long term use of the camping platform and reserves the right to give a 30 day written notice to cancel the MOU and provide comments for doing so.

E. ACCOUNTABILITY

PTRF will be held accountable for all expenses related to the construction, maintenance, routine inspection, insurance, signage, marketing, reservations, scheduling, and any other issues that may arise with the use of the platform. Currently PTRF has secured a \$15,000 private donation and a \$5000 state Adopt-A-Trails grant to construct this platform and create the necessary means of support for launching and marketing the project. PTRF plans to have a web based reservation and scheduling system, and PTRF staff will support this system and will be available to help users by providing any information they might need to make their experience at the camping platform as positive as possible.

Since this platform will be the first platform for proposed Tar River Camping Platform System, this platform is crucial to the success of the overall project. It is in PTRF's best interest and the best interest of this project to ensure positive feedback from the use of this platform in order to build momentum and future support for the additional platforms within the proposed system.

F. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. MODIFICATION. Modifications within the scope of this instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all the parties, prior to any changes being performed.
2. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts either party from participating in similar activities with other public or private agencies, organizations, and individuals.
3. TERMINATION. Any of the parties may terminate the instrument in whole, or in part, at any time before the date of the expiration.
4. PRINCIPAL CONTACTS. The principal contacts for this instrument are:

Gordon Myers-Executive Director
N.C. Wildlife Resources Commission
NCSU Centennial Campus
1701 Mail Service Center
Raleigh, NC 27699-1701
Phone: (919) 707-0151

Richard Andrews- Project Manager
Post Office Box 1854
108 Gladden **Phone:** (252) 823-2220
Washington, NC 27889
Phone: 252-946-7211
Email: Richard@ptrf.org

5. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

This MOU will remain active over the course of the fiscal years 2011-2031 and reviewed every five years by both parties.

Enter the date the agreement will become effective.

Gordon Myers
Executive Director
N.C. Wildlife Resources Commission

David Emmerling
Executive Director
Pamlico-Tar River Foundation

(Date)

(Date)

Camping Platform Regulations

Permits

All camping platform users must carry a valid permit for use. Number of users must not exceed number on permit.

Age Requirements

Responsible party must be 18 or older.

Check In/Check Out

Platform users should occupy camping platforms no earlier than **3 p.m.** of the first day and no later than **11 a.m.** of the last day of rental/permit.

Cooking and Use of Fire

NO open fires are permitted anywhere (that includes on the platforms, in the vicinity of the platforms, or anywhere on the landowner's land). Camp stoves are recommended for cooking.

Toilets

Portable toilets with disposable bags are required.

All Trail and Camping Platform users are encouraged to use the

Basic Principles of *Leave No Trace*

- ☐ **Plan Ahead and Prepare**
- ☐ **Travel and Camp on Durable Surfaces**
- ☐ **Dispose of Waste Properly**
- ☐ **Leave What You Find**
- ☐ **Minimize Campfire Impacts** (No open fires on ANY Platforms)
- ☐ **Respect Wildlife**
- ☐ **Be Considerate of Other Visitors**



Leave No Trace, Inc. is a national non-profit organization dedicated to promoting and inspiring outdoor recreation through education, research and partnerships. Leave No Trace builds awareness, appreciation and respect for our wildlands. For more information, visit the Leave No Trace website at <http://www.lnt.org>.

For more information, visit our web site at <http://www.pt rf.org>.
Liability Waiver for Tar River Camping Platform Users

This waiver must be read, understood and signed by user.

Paddlers are strongly encouraged to use qualified guides.

Paddling, navigating and primitive camping skills are needed for this trail. Users may not encounter other boaters and may have to rely on personal skills in emergencies.

Some trail sections are remote and may not consistently provide sufficient connections for use of mobile phones.

Platform maintenance is performed periodically. Due to the nature of the environment, users may encounter unsafe conditions on a platform, blocked trails, missing trail signs or other hazards.

Users must assess the safety of trails and platforms based on conditions at that time.

Paddlers should check their chosen sources for changing weather and water levels as either can produce unexpected and dangerous conditions.

The Tar River Camping Platform guide, maps and other information provided by the Pamlico-Tar River Foundation, are not intended as the only guides for navigation or camping information on the Tar River or its tributaries. While every effort has been made to make this information as accurate as possible, some map portions may not be to scale, and maps do not identify all landmarks or navigational hazards which are present in the river and its tributaries.

Boating and camping on the Tar River and its tributaries are inherently dangerous activities. The Tar River basin is home to numerous dangerous plants and animals, including venomous snakes, mosquitoes, spiders, as well as other natural hazards. Users of this Trail and the Tar River camping platforms are urged to use common sense and to take appropriate precautions and care to avoid accidents and injuries. Many of these dangers are a natural part of the Tar-Pamlico River basin ecosystem and contribute to the beauty and allure of this region. Paddlers, boaters, and other users of the camping platforms and canoe trail assume these inherent risks and dangers.

I certify that I have read and understand the risks and dangers of using the Tar River Camping Platforms. I accept these risks and dangers, stated and unstated.

User's Signature:

Signature Date: _____

Platforms Rented:

Dates Rented:

SIGN & RETURN this form **WITH** your check to:

Pamlico-Tar River Foundation
PO Box 1854
Washington, NC 27889

For more information, visit our web site at <http://www.ptrf.org>.

Suggested Gear

Safety

Each paddler should wear a properly fitting life preserver! Suggested safety supplies include: flashlights & extra batteries, safety whistle, basic first aid kits, cell phones in waterproof bag (although they may not always operate in remote areas), knife or multi-tool, maps, proper clothing (and *extra* clothes) for wet weather and cooler seasons, and other items as needed. Extra paddles.

Boats

Canoes, kayaks and small flatboats. Water levels can vary significantly around platforms.

Tents & Tarps

Self-standing tents only. Mosquito fly and ground cloth suggested for summer. Tarps with grommets are useful for rainy weather. Spare rope.

Sleeping

Sleeping bags, cots or thick pads are recommended for wooden platform surface. Plan for cooler weather. Pack sleeping (and other supplies) in waterproof bags.

Cooking & Food Prep

No open fires or wood fires are permitted so bring gas-fired camp stoves or charcoal grills. Bring sufficient water for drinking, bathing and “kitchen” needs. Use biodegradable soap (sparingly). Don’t forget plastic bags for garbage (pack in/pack out). Minimize scraps

Bug Protection

Deer flies (locally called yellow flies) can be particularly annoying in July and August. Repellants do not seem to affect them so use bug-net headgear and suits. (If you should discover a repellent that works, contact us at info@ptrf.org!) Mosquitoes respond to DEET and other repellants. Deer flies are not usually a problem on the platforms. Mosquitoes are worst around sunset and can be avoided with tents, repellants or netting. Smoldering bug “coils” may also be useful. Candles are not permitted.

Personal Hygiene/Waste

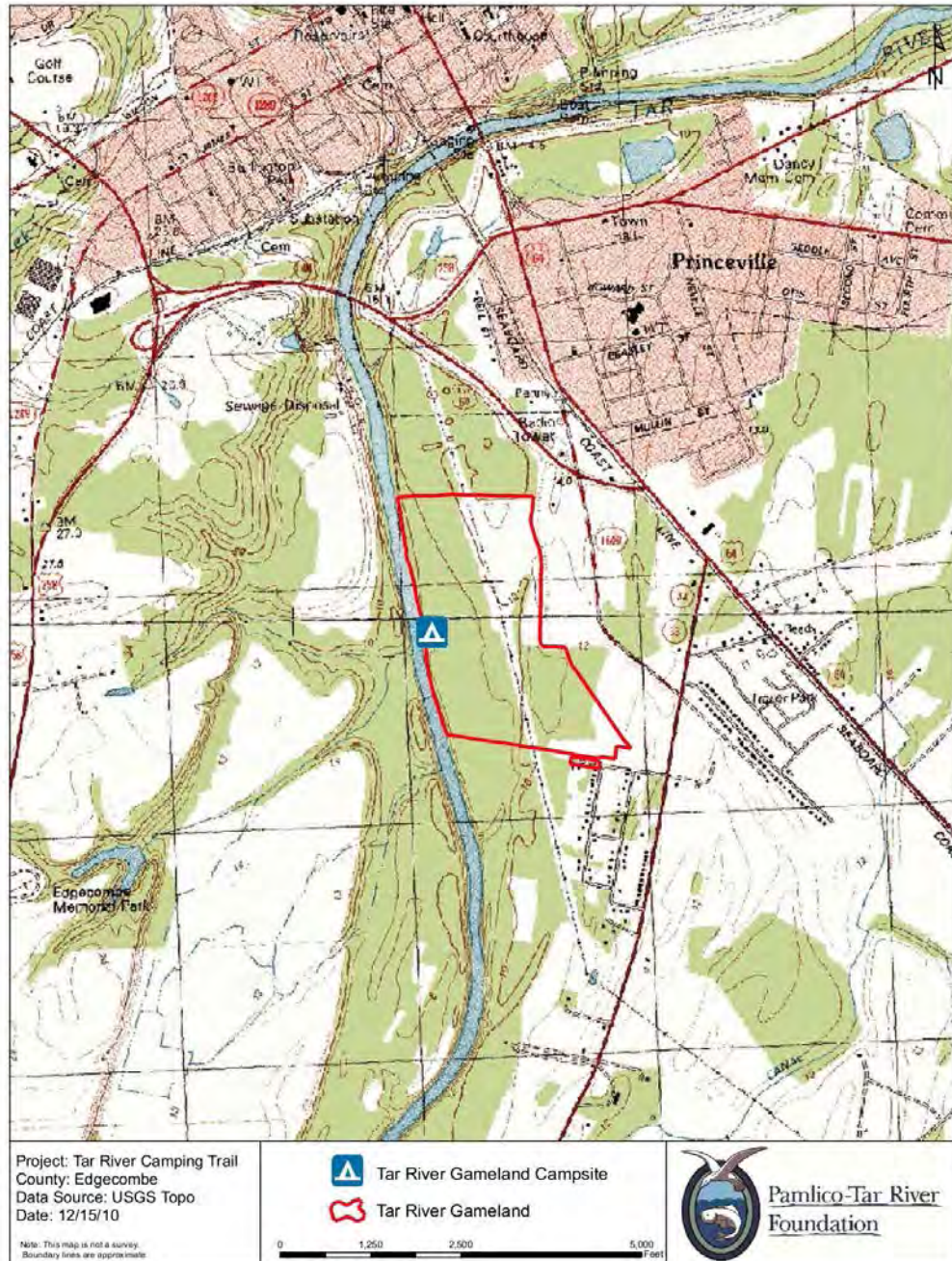
Portable toilets are required. Don’ forget toilet tissue (pack in/pack out). Large & small plastic bags for trash and storage.

For more information, visit our web site at <http://www.ptrf.org>

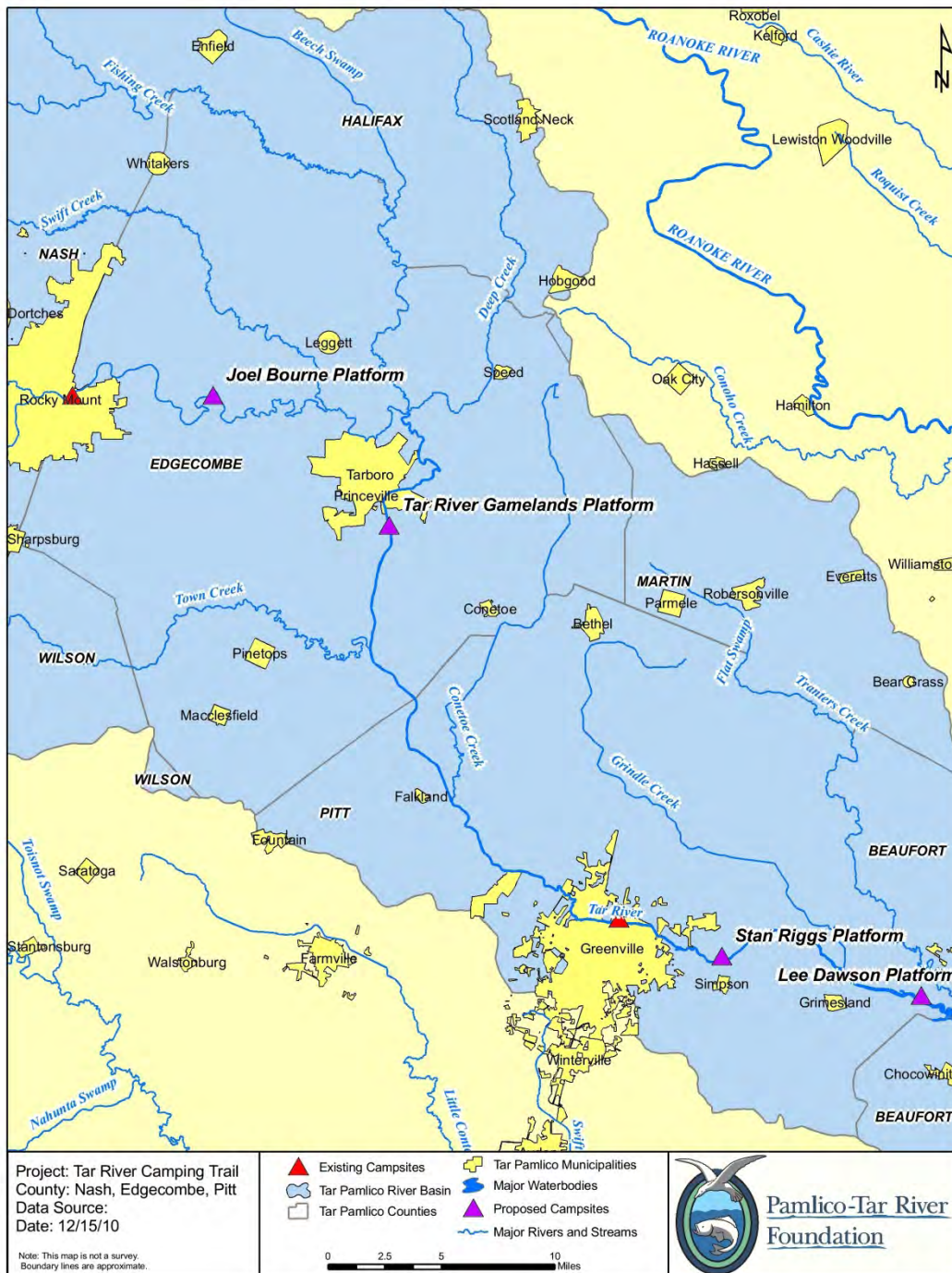


Maps

Tar River Gameland Tract



Proposed Project Phase I Overview



Rocky Mount Paddle Trail Overview

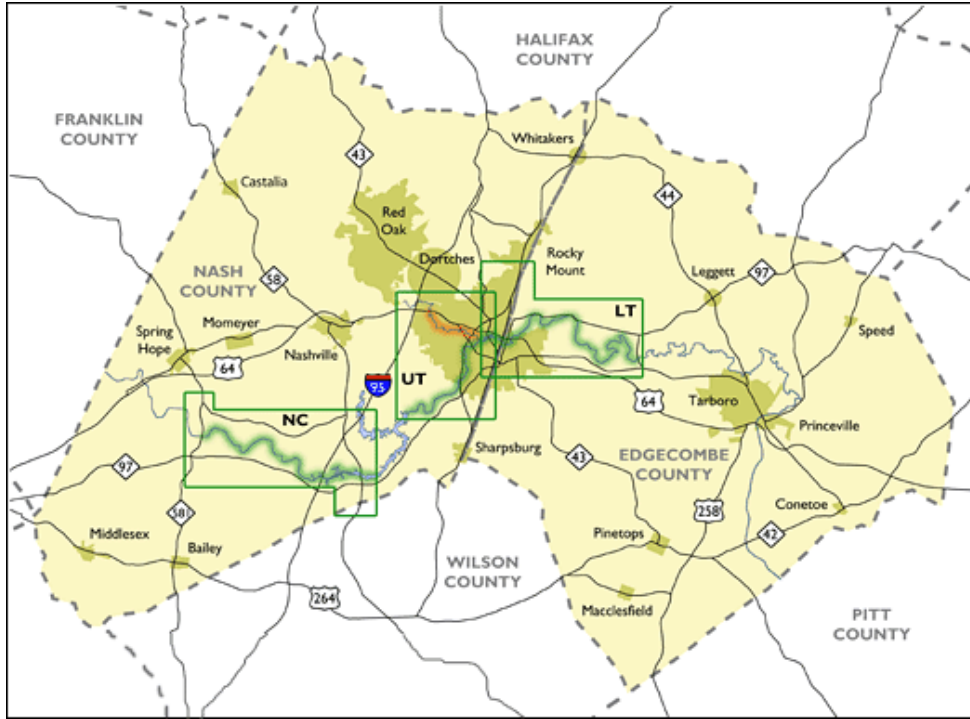


Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

Rocky Mount Nash County Paddle Trail Map

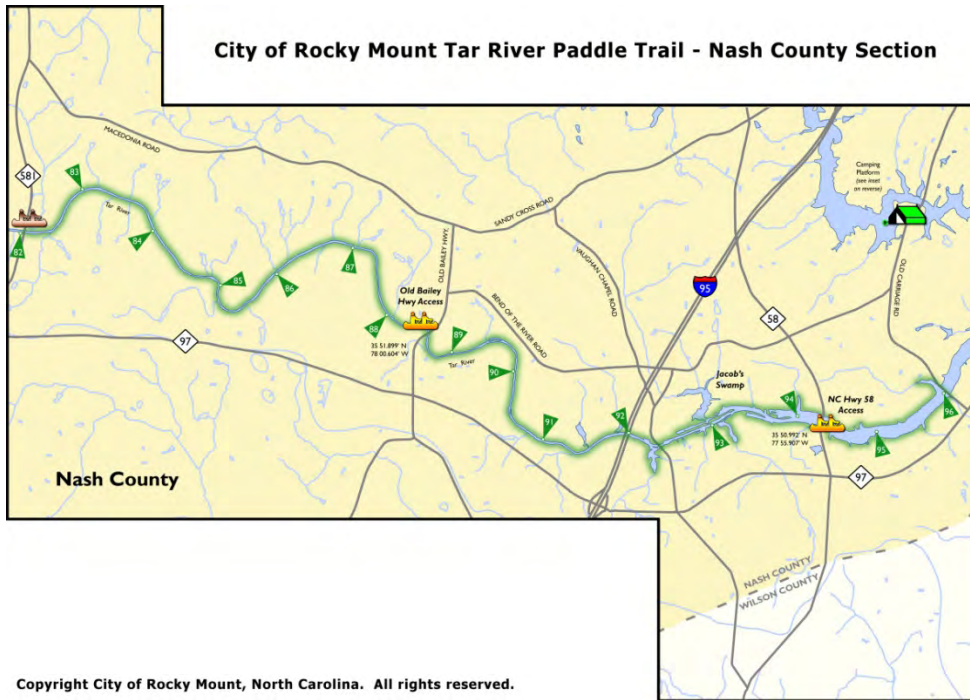


Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

Rocky Mount - Upper Tar Paddle Trail

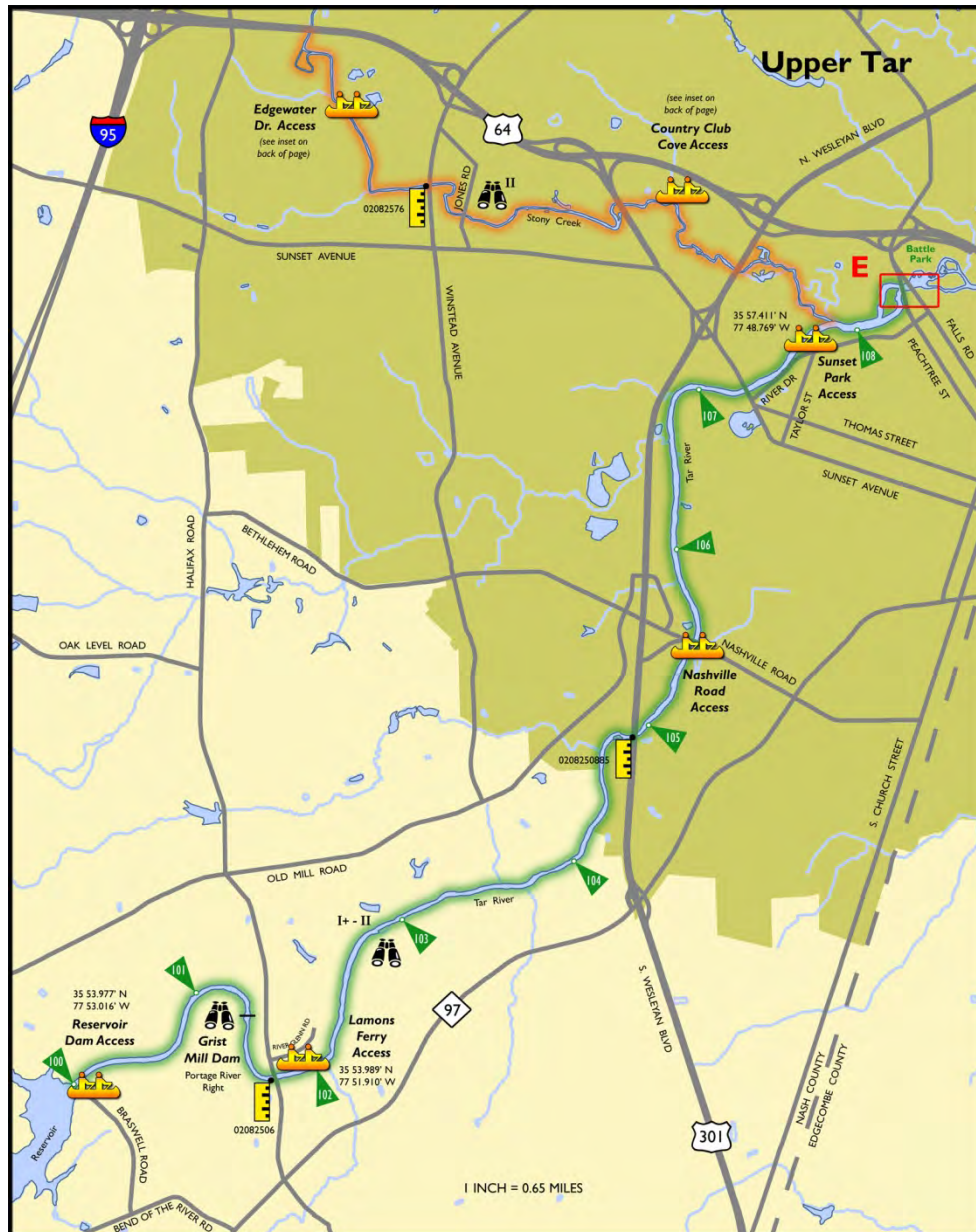


Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

Rocky Mount – Lower Tar River Paddle Trail Map

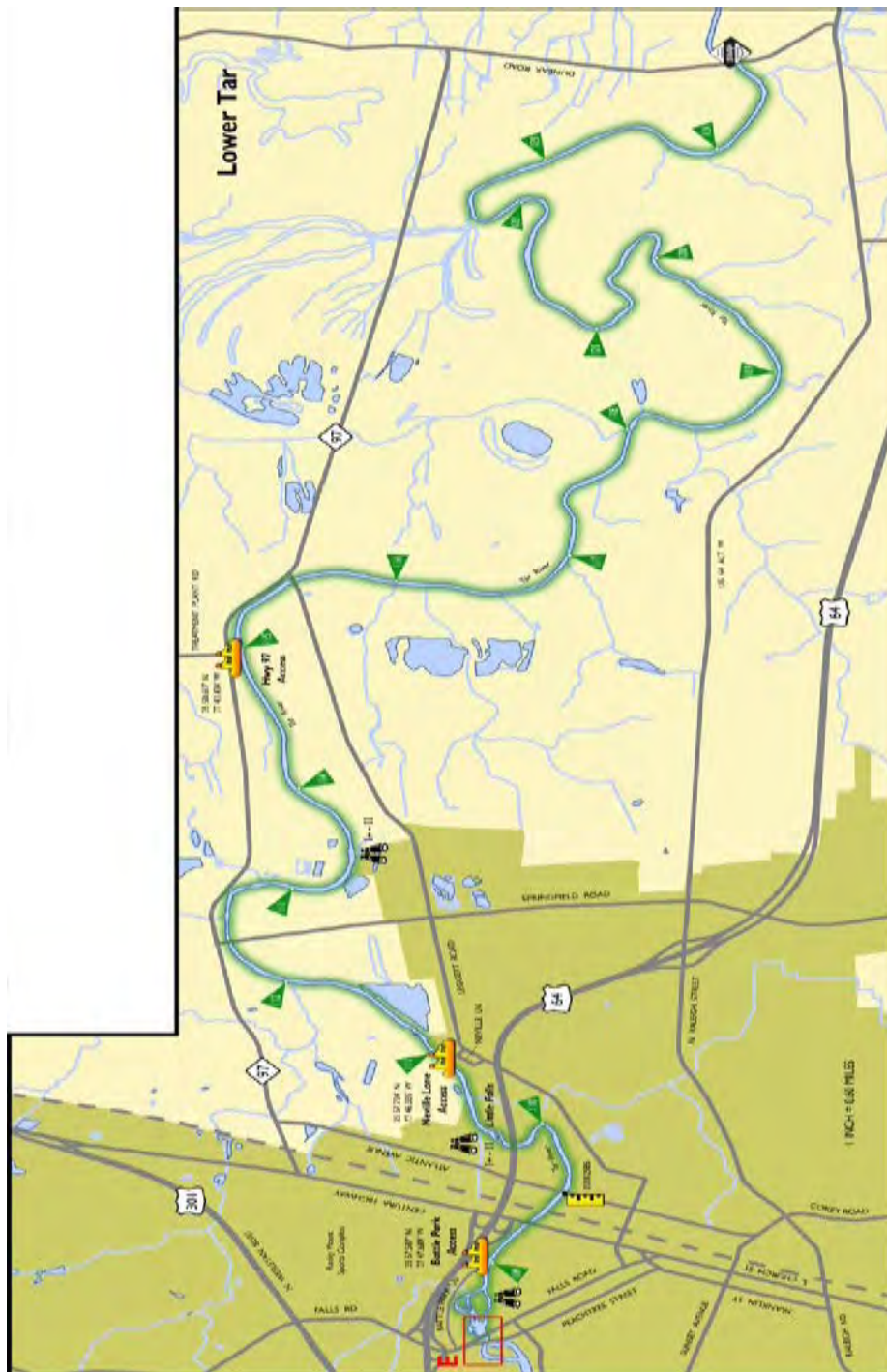


Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

Rocky Mount – Tar Reservoir Camping Platform

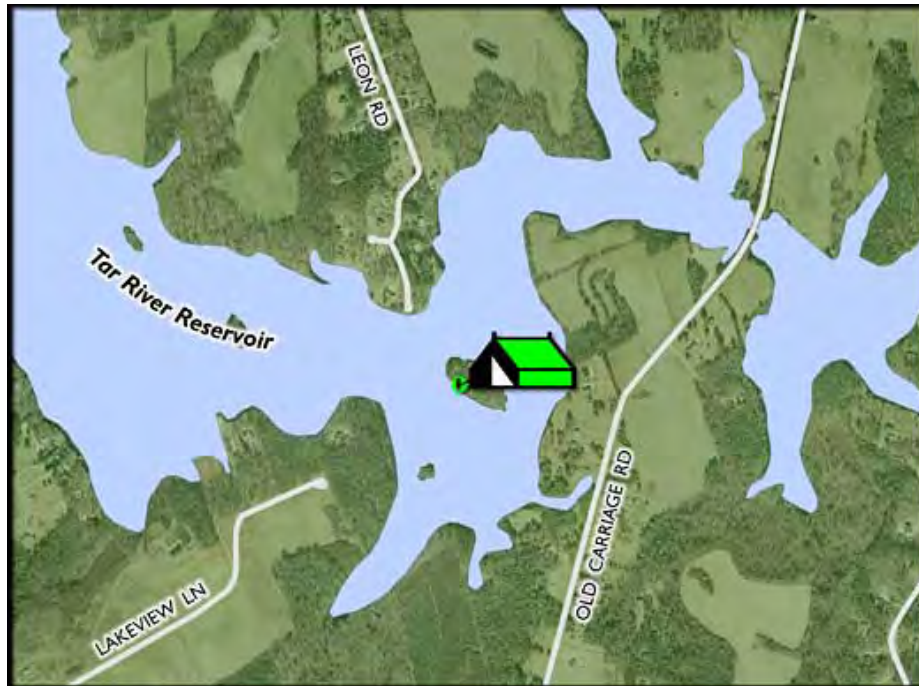


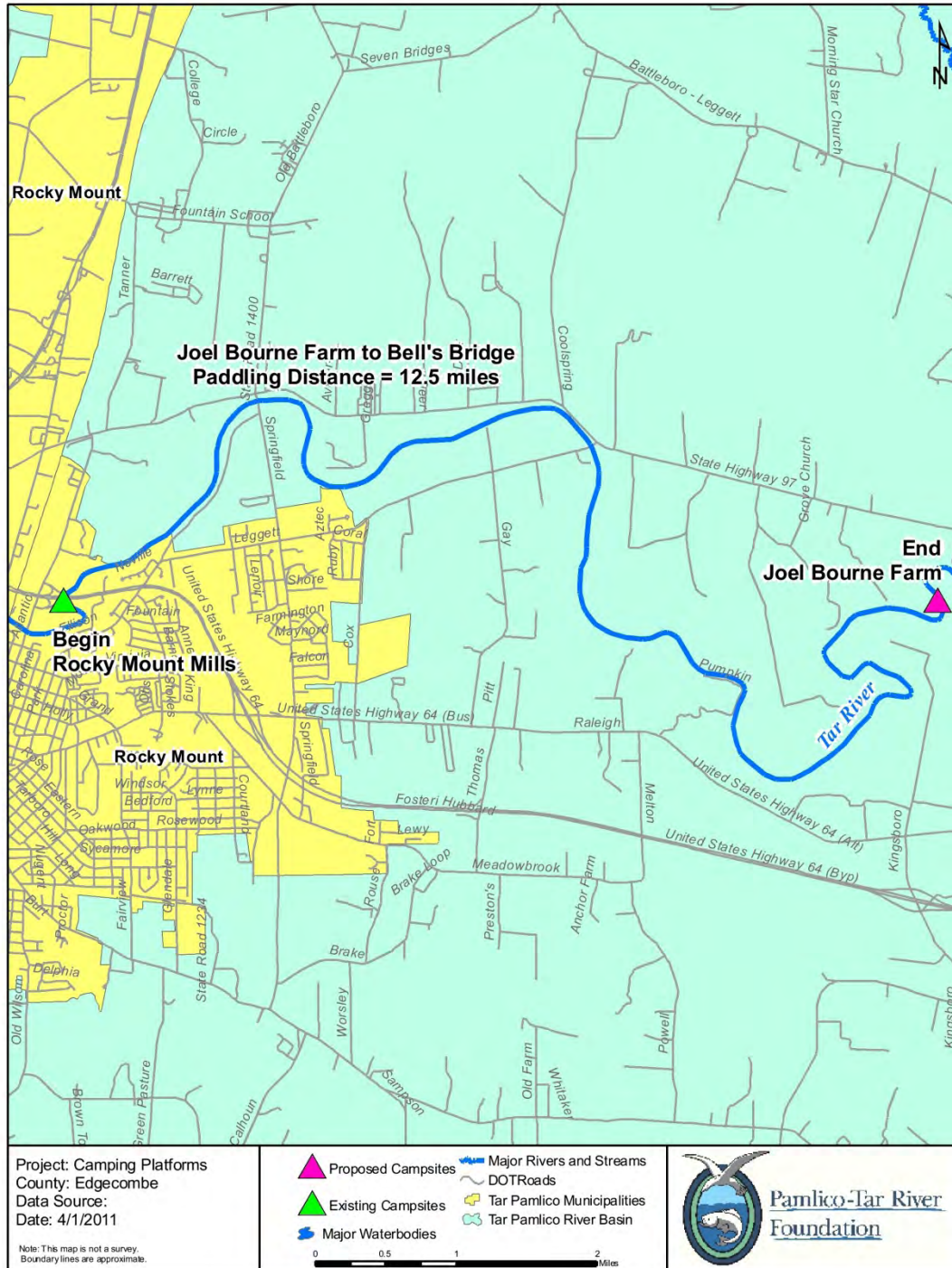
Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

Rocky Mount – Rocky Mount Mills Camping Platform



Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

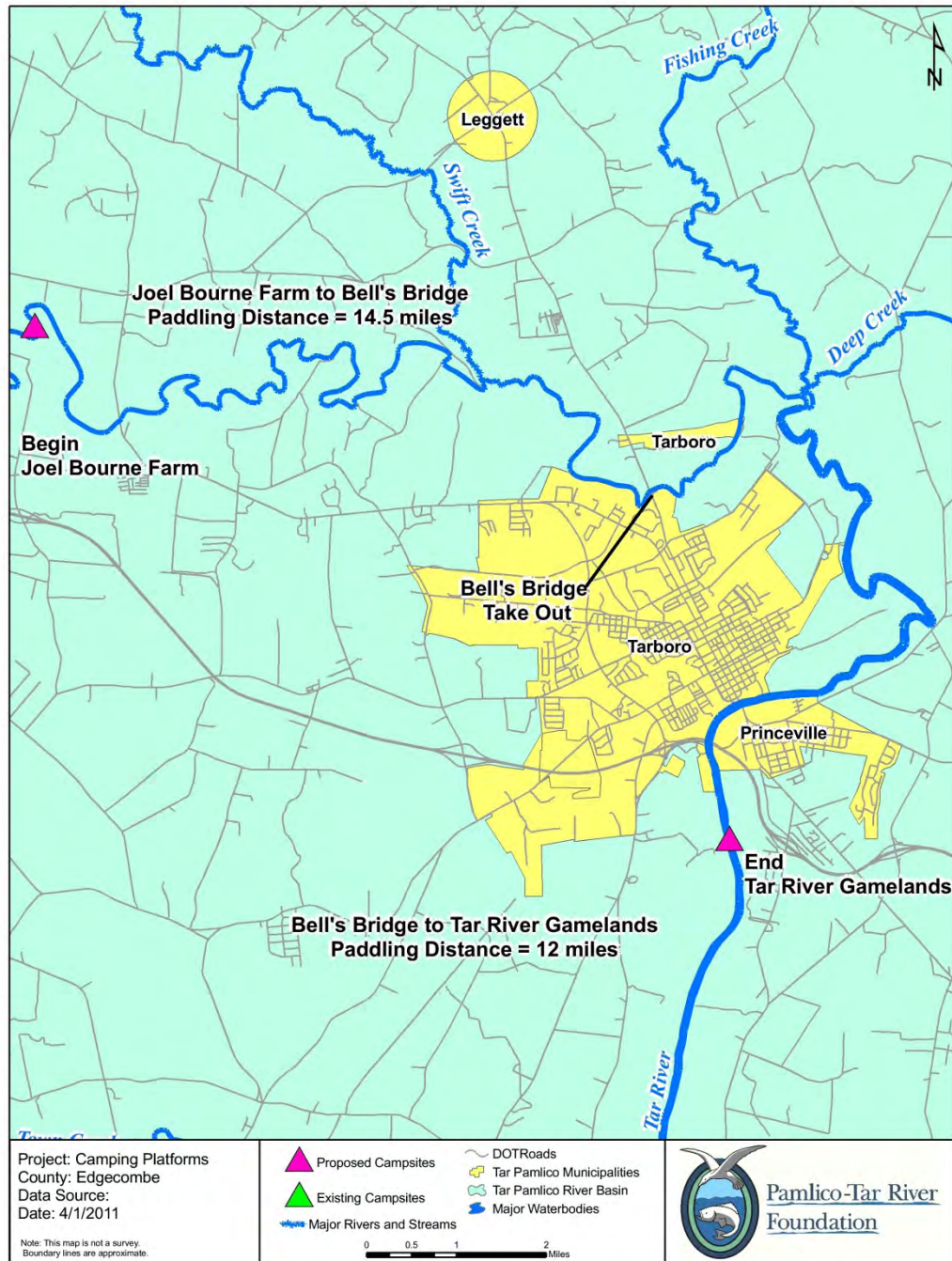
Existing Rocky Mount Mills Platform to Proposed Joel Bourne Camping Platform



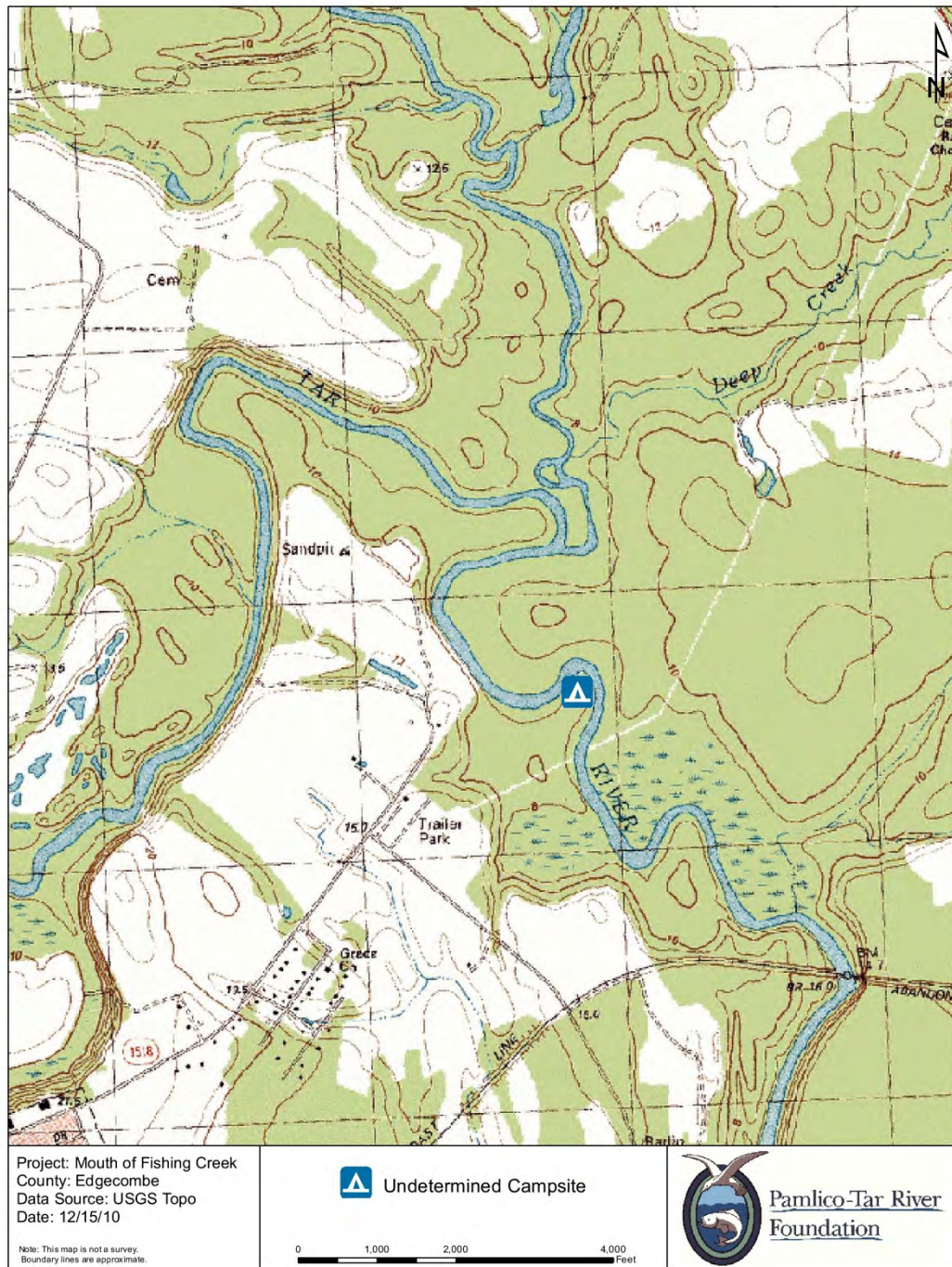
Proposed Joel Bourne Camping Platform



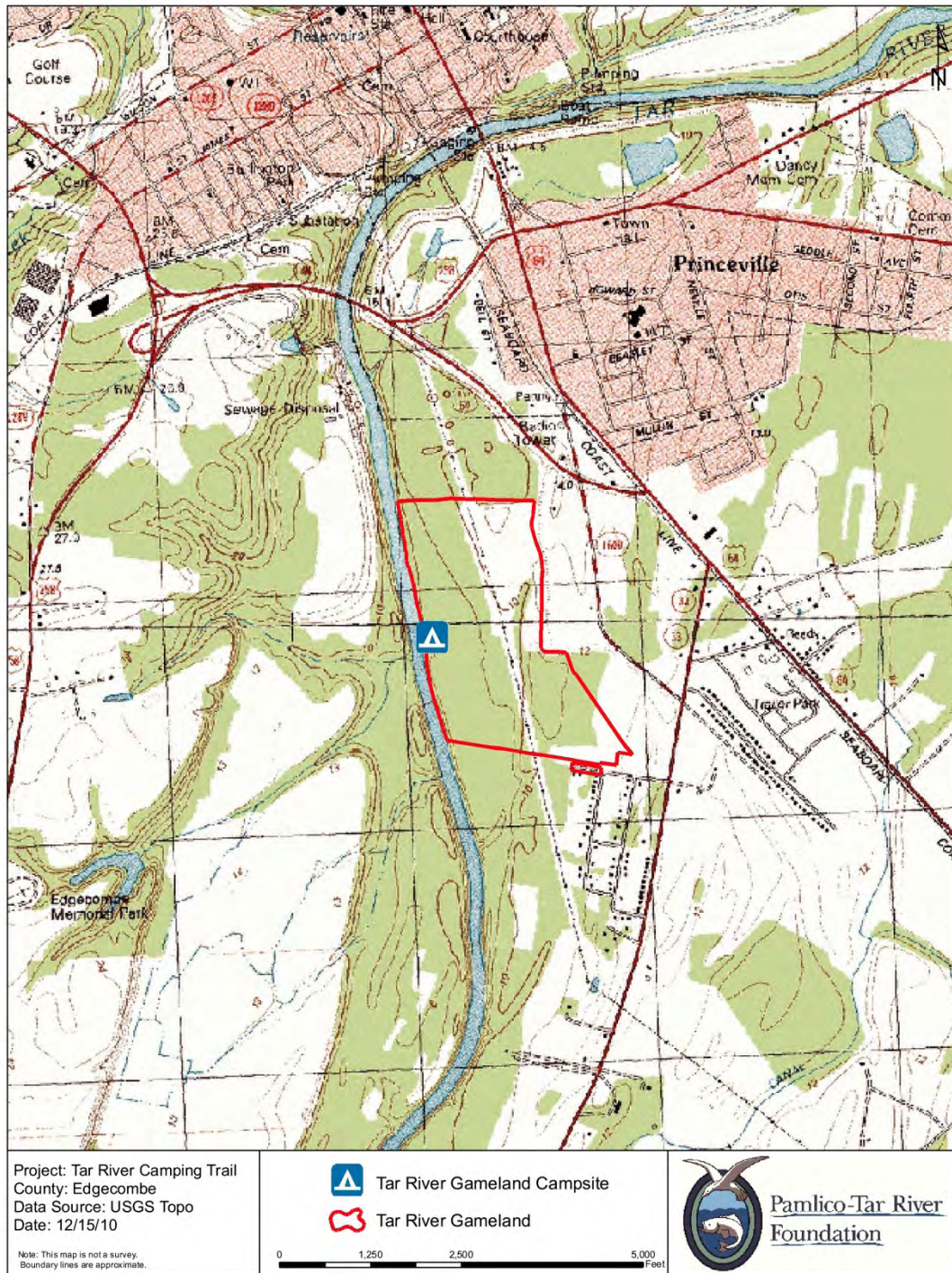
Proposed Joel Bourne Camping Platform to Proposed Tar River Game Land Camping Platform



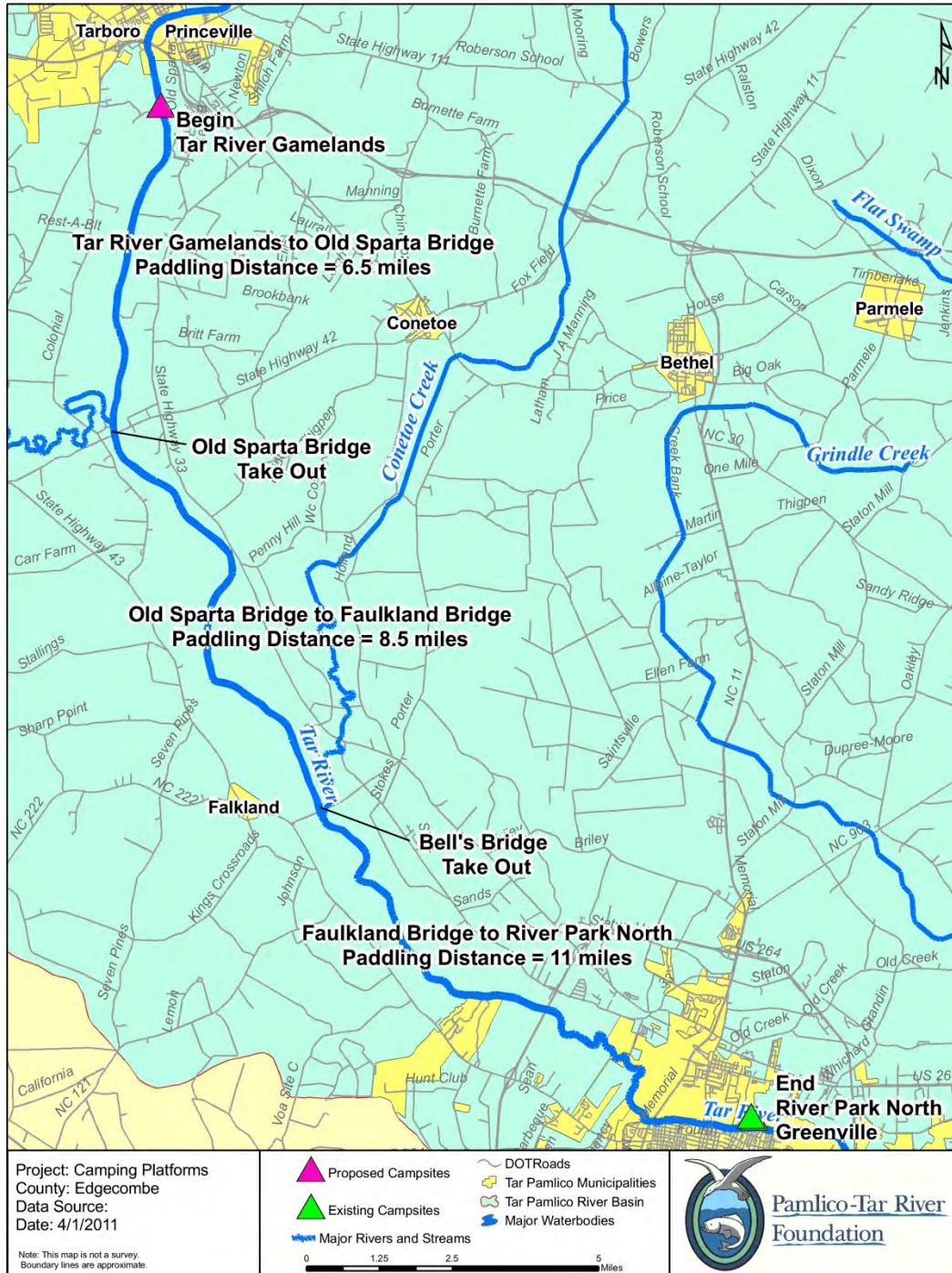
Proposed Confluence of Fishing Creek and Tar River Camping Platform (has yet to be determined)



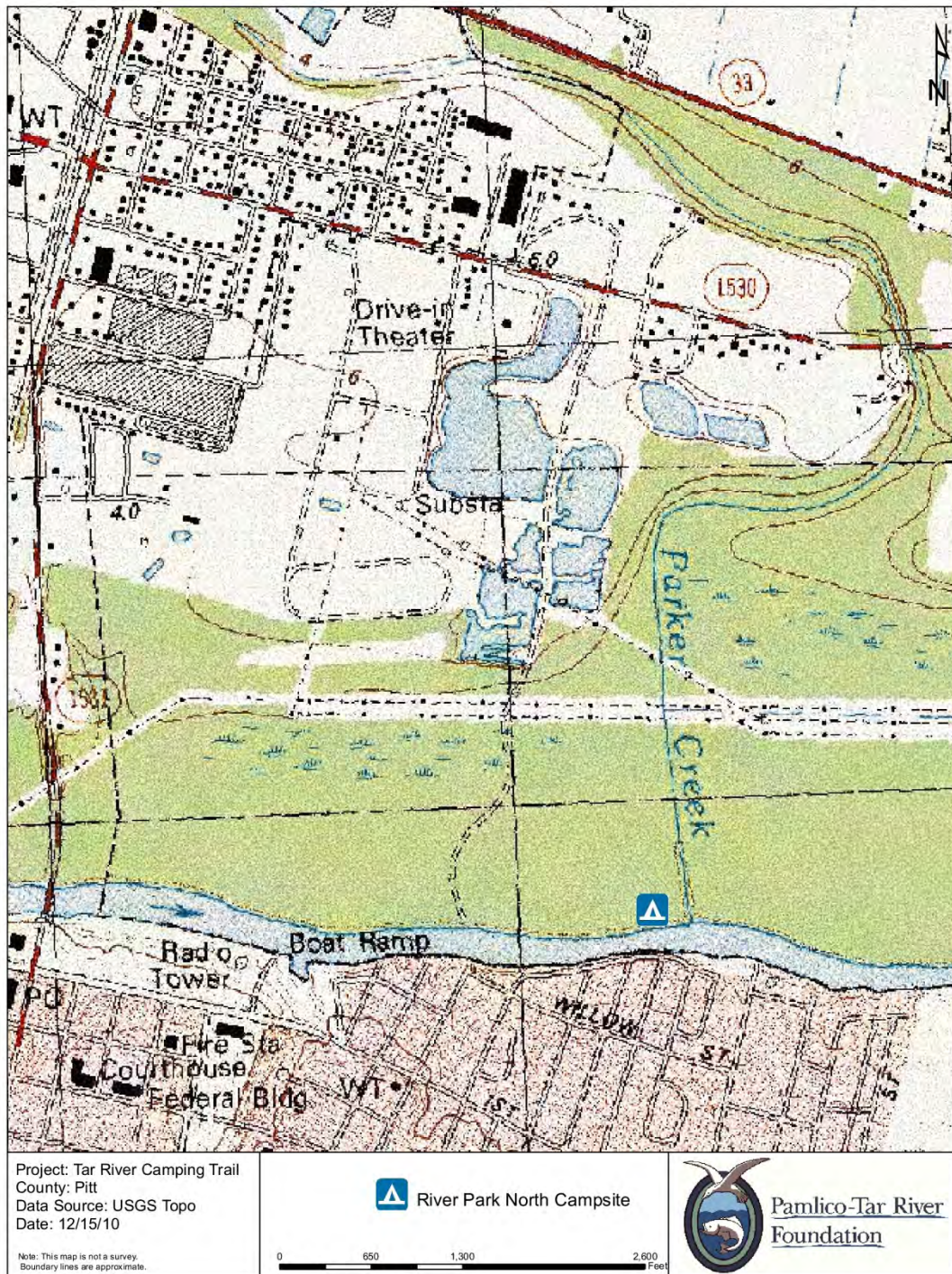
Proposed Tar River Game Lands Camping Platform



Proposed Tar River Game Lands Camping Platform to Existing City of Greenville River Park North Facilities



City of Greenville River Park North Existing Facilities



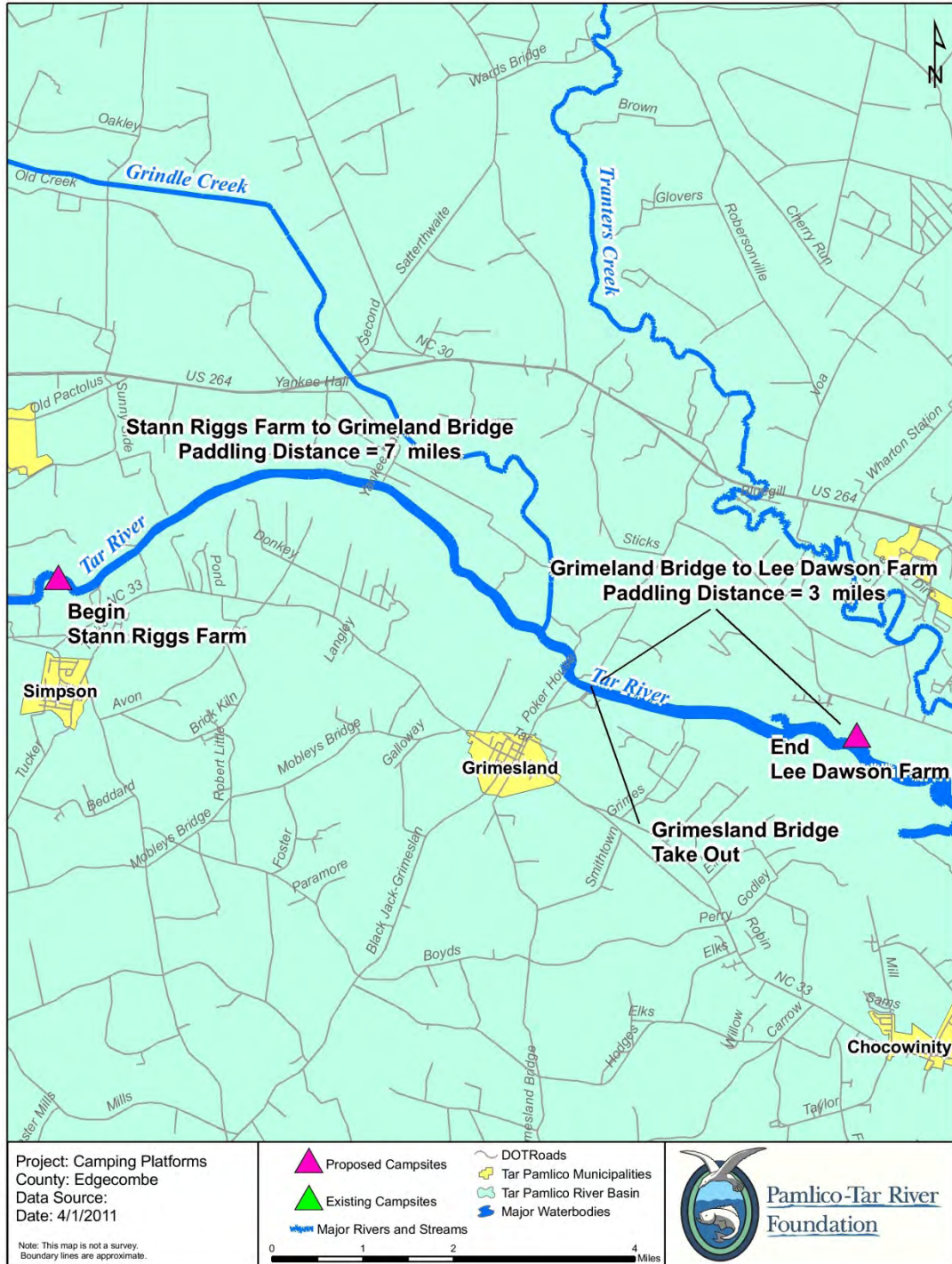
Existing River Park North Facilities to Proposed Stan Riggs Camping Platform



Proposed Stan Riggs Camping Platform



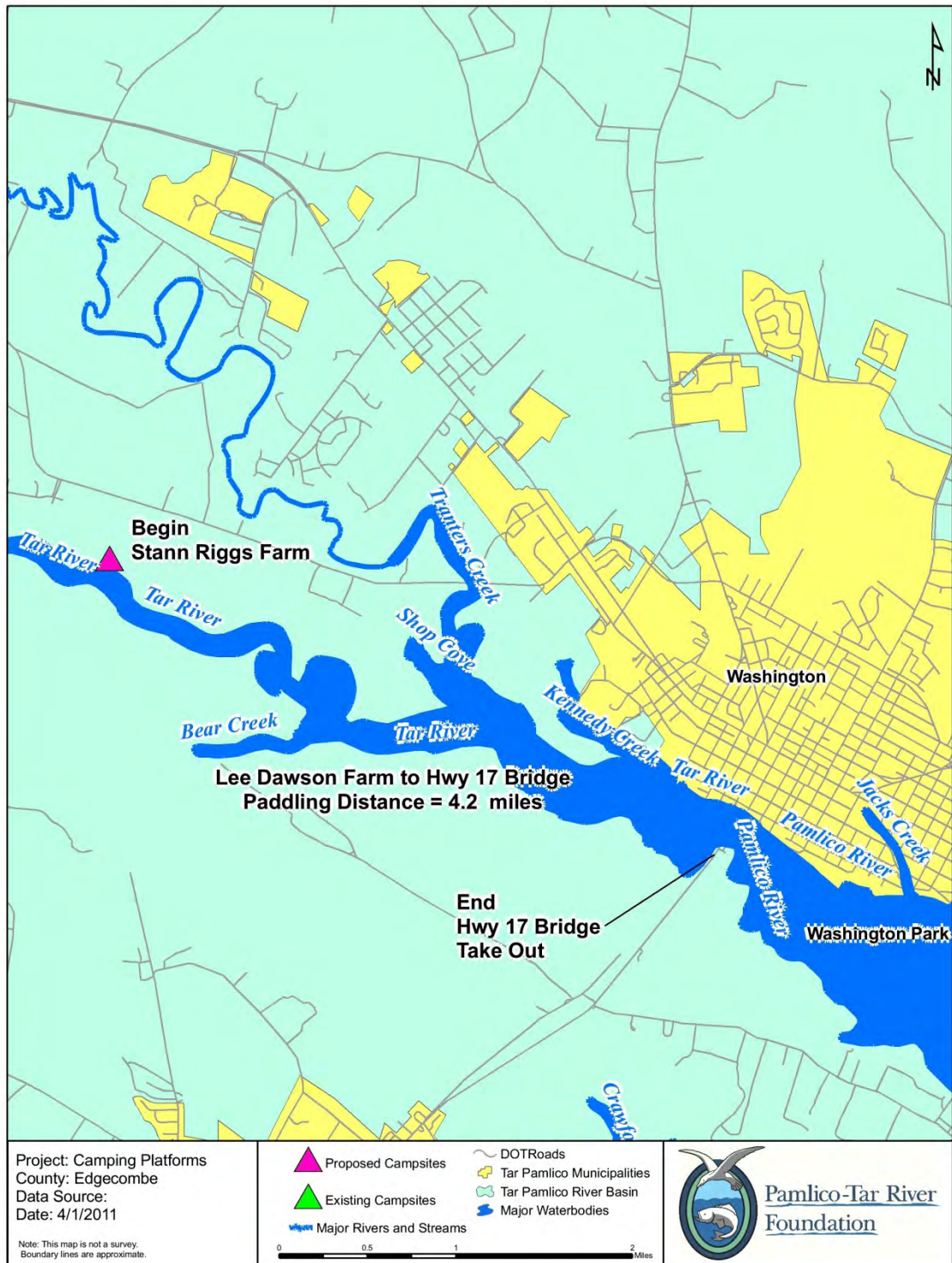
Proposed Stan Riggs Camping Platform to Proposed Lee Dawson Camping Platform

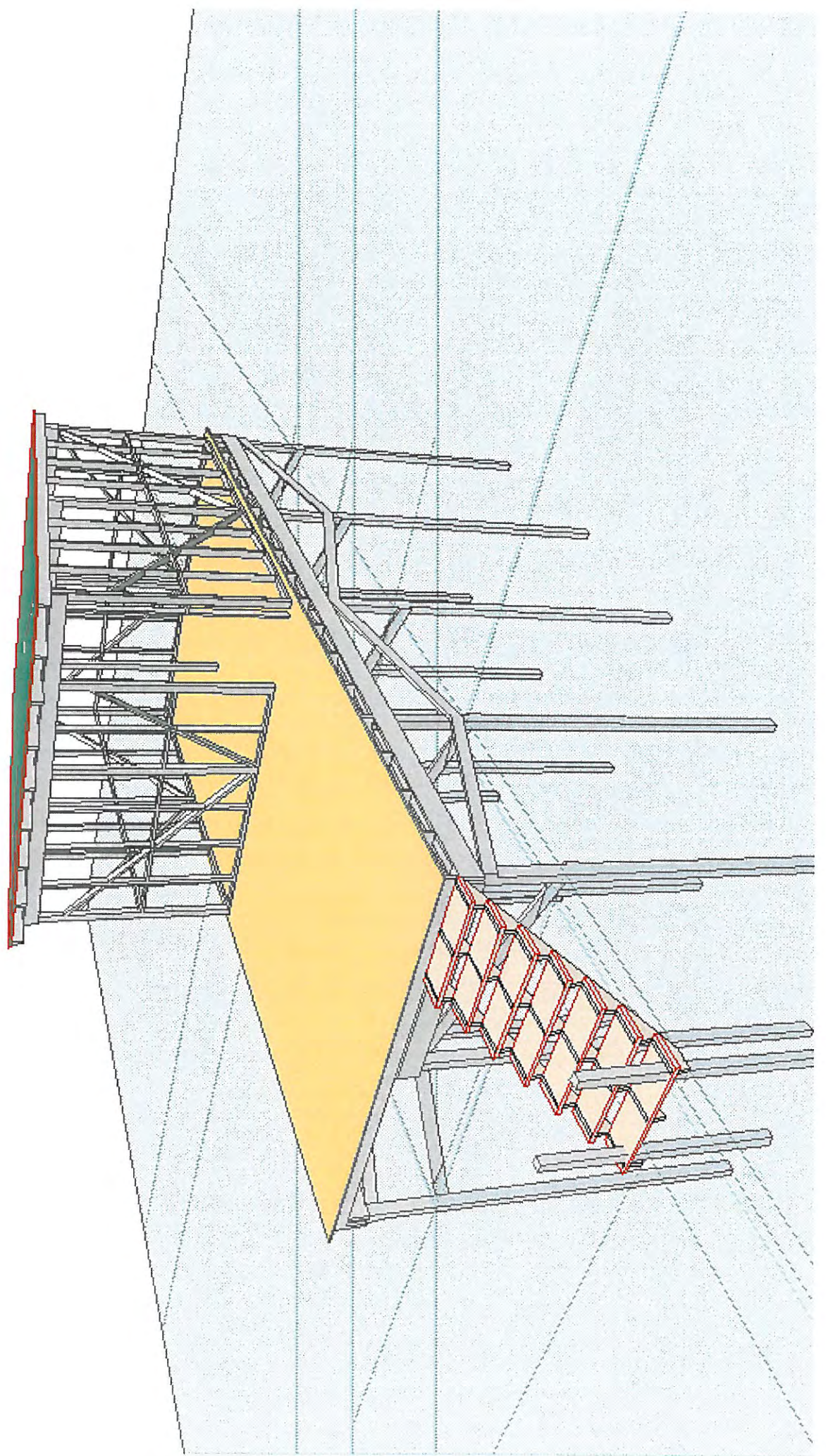


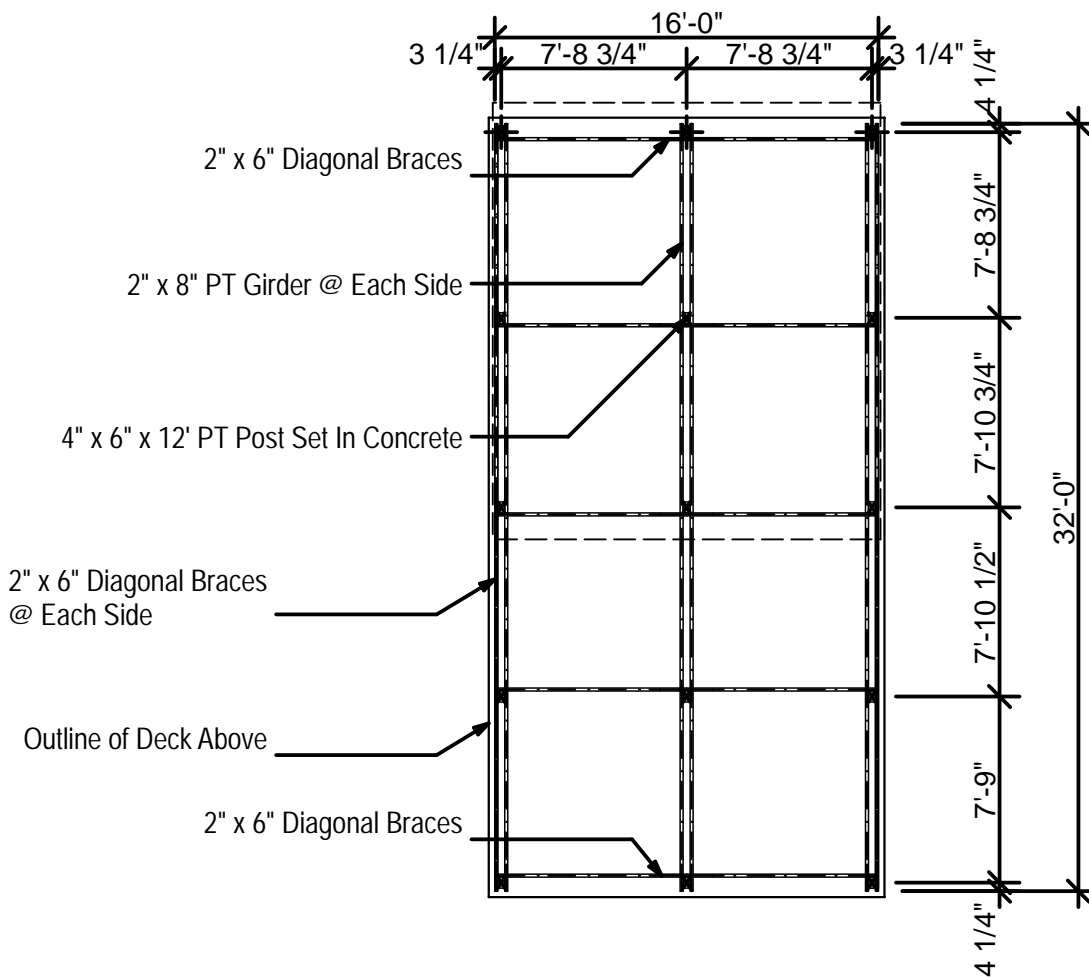
Proposed Lee Dawson Camping Platform



Proposed Lee Dawson Camping Platform to City of Washington Take Out

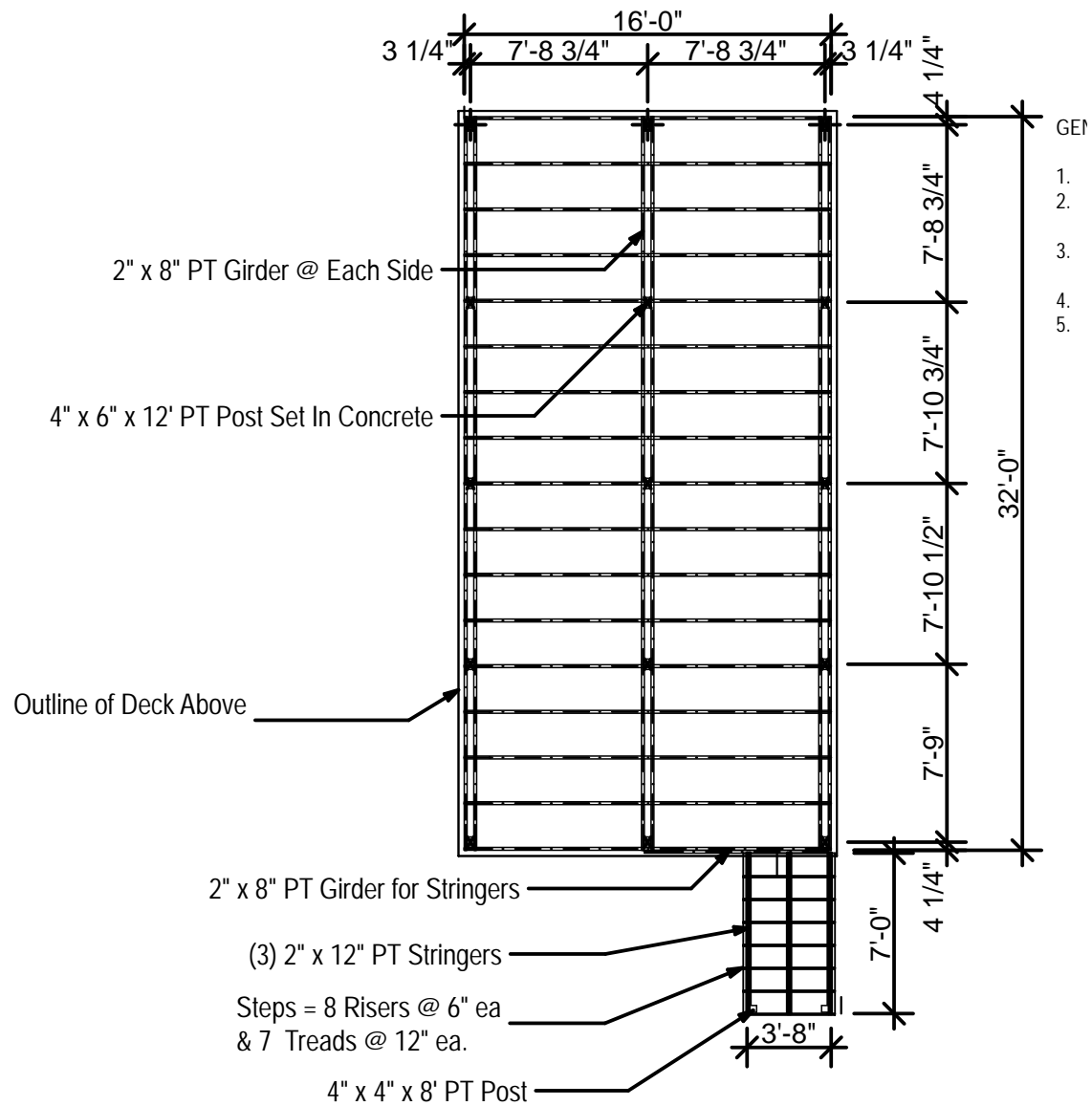






GENERAL NOTES

1. USE HOT-DIPPED GALVANIZED FASTENERS
2. FOR POSTS & DIAGONAL BRACING, USE PT NO. 2 PINE
RATED FOR WATER IMMERSION
3. SECURE DIAGONAL BRACING & GIRDERS TO POSTS
W/ 1/2" DIA BOLTS W/HEAVY DUTY WASHERS
4. FOR REAR SIDING, USE PT PLYWOOD
5. AT OWNER'S DISCRETION, PROVIDE HAND RAILS & GUARD
RAILS

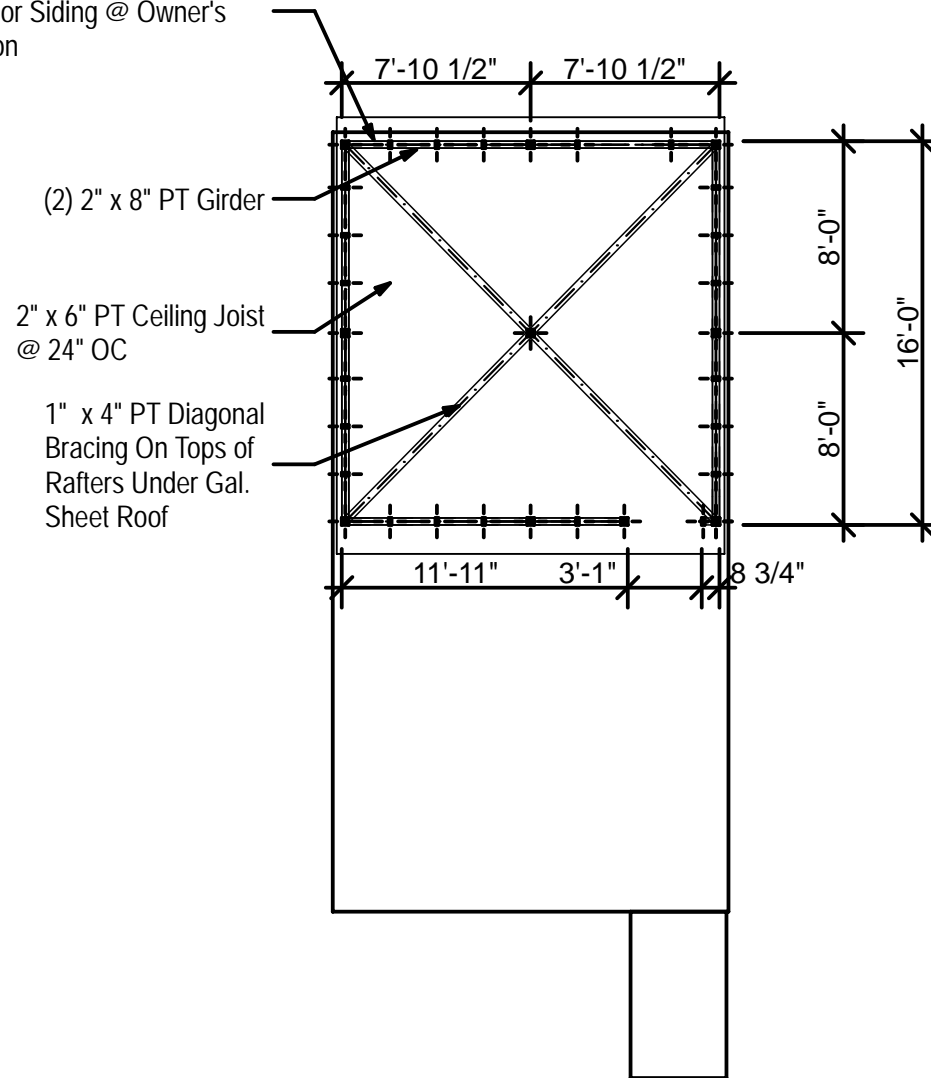


2

FLOOR JOIST & STEP PLAN

SCALE: 1/8" = 1'-0"

Exterior Siding=1/2" PT Plywood
or Exterior Siding @ Owner's
Discretion

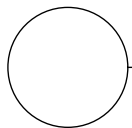
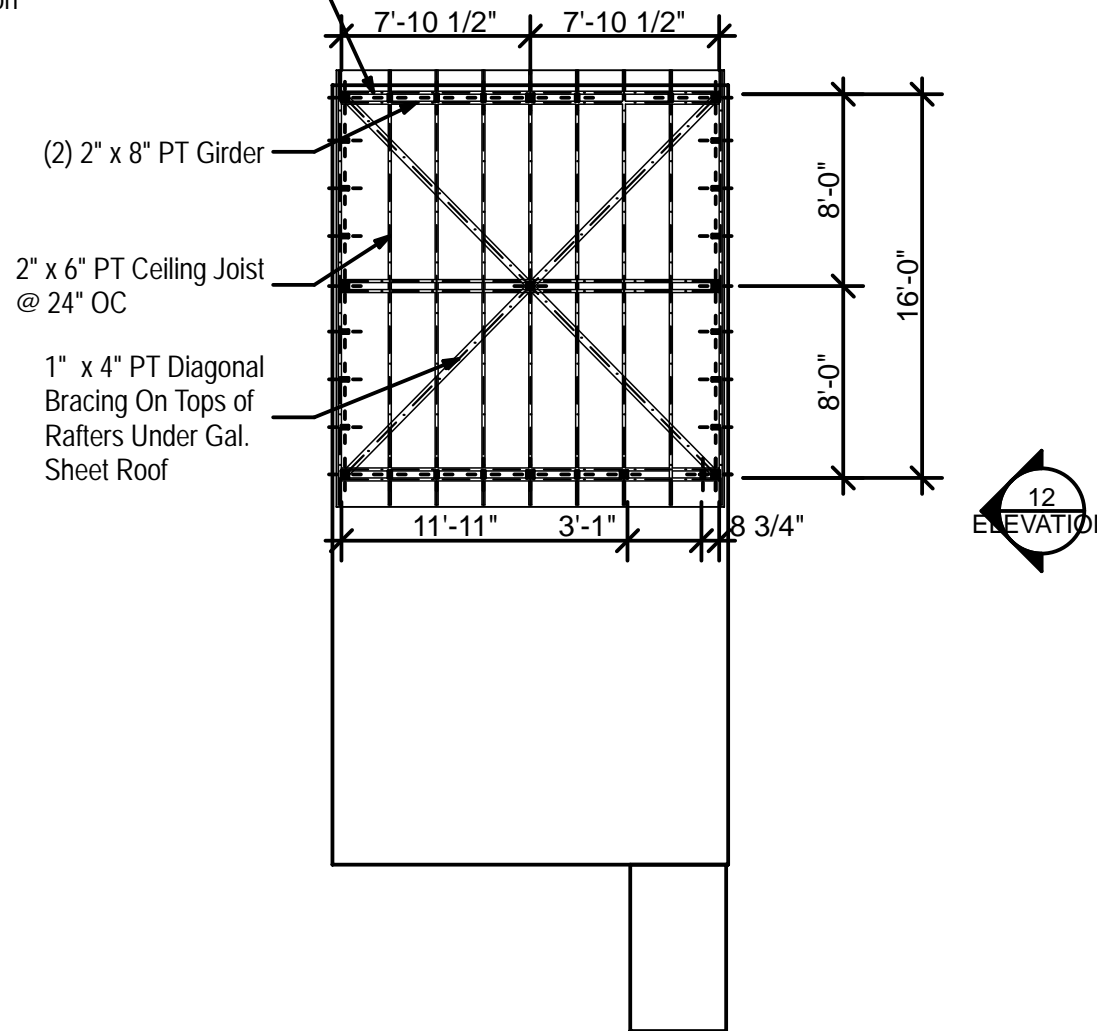


3

SHELTER FLOOR PLAN

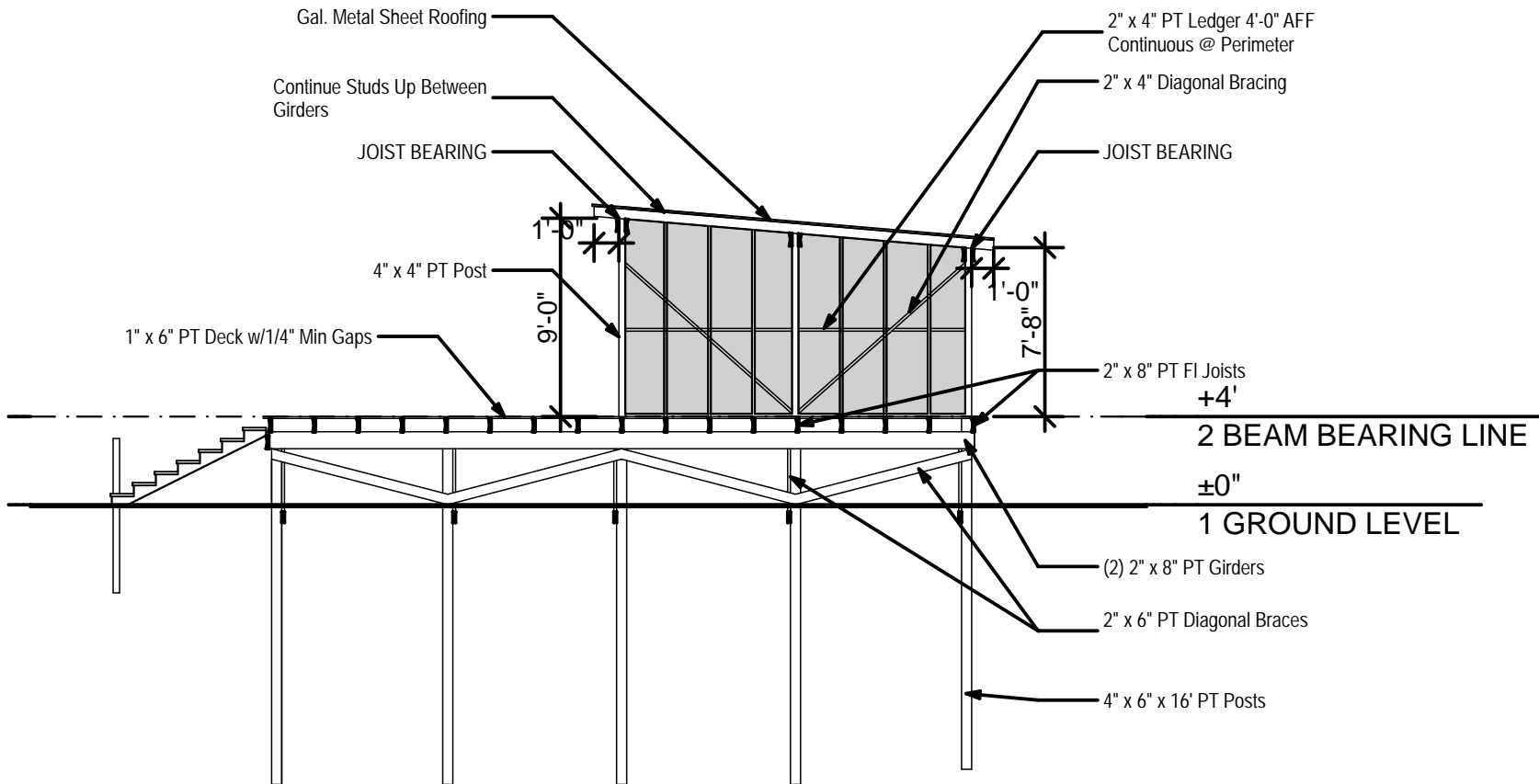
SCALE: 1/8" = 1'-0"

Exterior Siding=1/2" PT Plywood
or Exterior Siding @ Owner's
Discretion



ROOF FRAMING PLAN

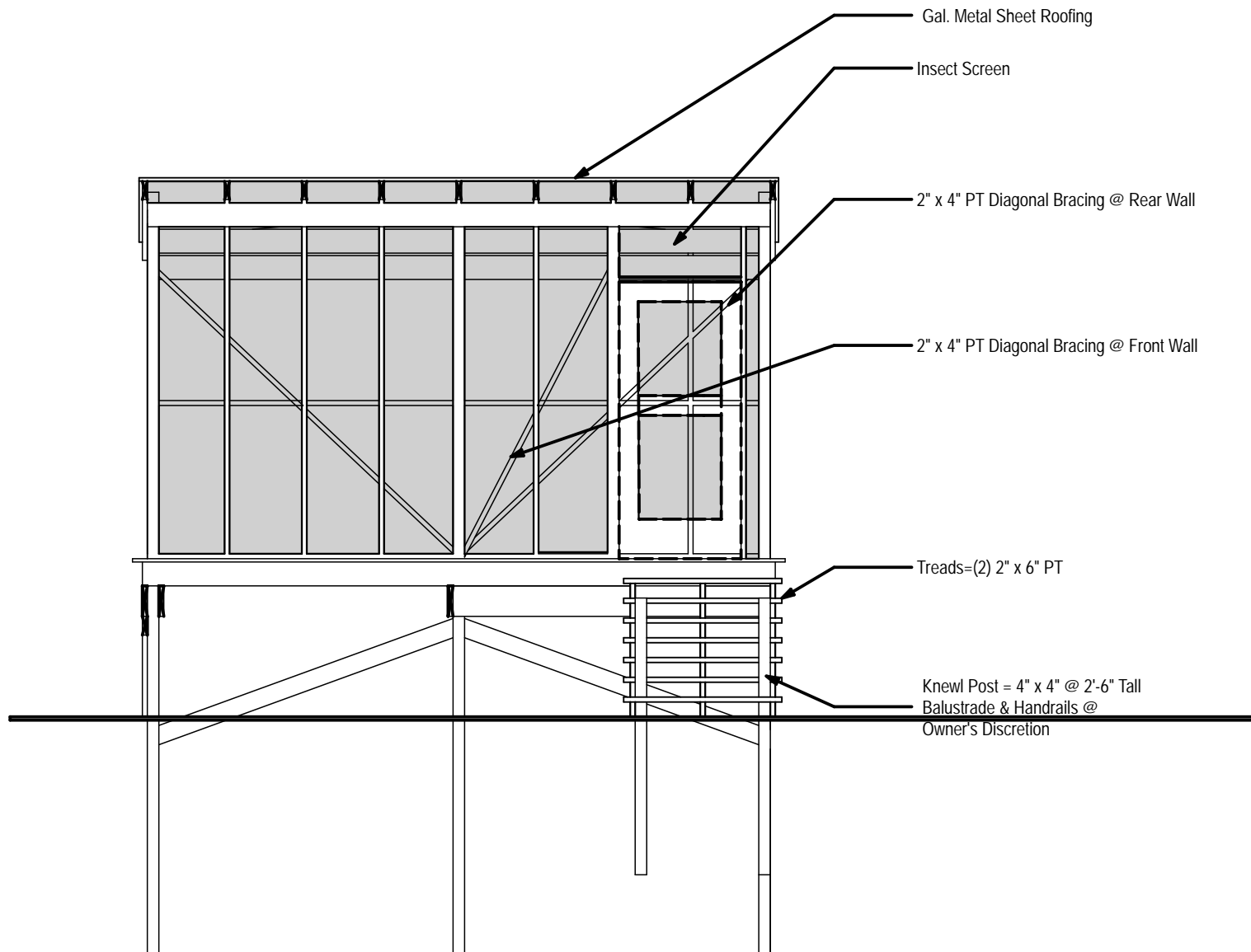
SCALE: 1/8" = 1'-0"



5

SIDE ELEVATION

SCALE: 1/8" = 1'-0"



6

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT P-1

May 3, 2012

Summary of Public Comments on Proposals to Allow Night Hunting of Coyotes and Feral Swine and Administrative Changes to Remove Wild Boar from the N.C. Administrative Code

Proposal	Proposal Text	Position Count
W1	Allow coyote hunting at night with artificial lights.	2616 = Agree 1251 = Disagree
W2	Allow feral swine hunting at night with artificial lights.	2580 = Agree 1015 = Disagree
W3	Remove requirement that wild boar harvest be reported.	2429 = Agree 762 = Disagree
W4	Remove limitations on archery equipment that may be used for wild boar.	2570 = Agree 547 = Disagree

Summary of Public Comments by District on Proposals to Allow Night Hunting of Coyotes and Feral Swine and to Remove Wild Boar from the Administrative Code

Proposal	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	Out of State
W1 Allow coyote hunting at night with artificial lights.	Agree= 94 Disagree=43	Agree= 297 Disagree=93	Agree= 353 Disagree=125	Agree= 179 Disagree=36	Agree= 344 Disagree=142	Agree= 467 Disagree=78	Agree= 346 Disagree=57	Agree= 260 Disagree=49	Agree= 191 Disagree=103	Agree= 85 Disagree=525
W2 Allow feral swine hunting at night with artificial lights.	Agree= 94 Disagree=34	Agree= 292 Disagree=82	Agree= 350 Disagree=103	Agree= 178 Disagree=30	Agree= 342 Disagree=105	Agree= 455 Disagree=72	Agree= 306 Disagree=59	Agree= 249 Disagree=42	Agree= 189 Disagree=89	Agree= 125 Disagree=399
W3 Remove requirement that wild boar harvest be reported.	Agree= 90 Disagree=19	Agree= 259 Disagree=57	Agree= 332 Disagree=78	Agree=169 Disagree=25	Agree= 333 Disagree=78	Agree= 419 Disagree=75	Agree= 265 Disagree=58	Agree= 241 Disagree=38	Agree= 199 Disagree=41	Agree= 122 Disagree=293
W4 Remove limitations on archery equipment that may be used for wild boar.	Agree= 103 Disagree=6	Agree= 289 Disagree=30	Agree= 344 Disagree=50	Agree= 178 Disagree=13	Agree= 343 Disagree=61	Agree= 433 Disagree=50	Agree= 287 Disagree=31	Agree=253 Disagree=20	Agree= 205 Disagree=31	Agree= 135 Disagree=255

Letters Pertaining to Proposals to Allow Night Hunting of Coyotes and Feral Swine

In addition to the individual comments tallied, the Commission received the following letters* representing organizations:

- 1) Supports hunting feral swine at night with artificial lights (W2). Supports hunting coyotes at night with artificial lights in all counties of the state except for Dare, Tyrell, Hyde, Washington and Beaufort (W1).
N.C. Wildlife Federation, signed by Tim Gestwicki, executive director
- 2) Supports hunting coyotes and feral swine at night with artificial lights (W1&W2).
N.C. Farm Bureau, signed by Larry Wooten, president
- 3) Opposes hunting coyotes and feral swine at night with artificial lights on National Forests (W1 and W2).
Forest Service, USDA, signed by Keith Lawrence, acting forest supervisor
- 4) Opposes hunting coyotes at night with artificial lights (W1).
U.S. Fish and Wildlife Service, DOI, signed by Cynthia K. Dohner, regional director
- 5) Opposes hunting coyotes at night with artificial lights (W1).
National Wolfwatcher Coalition, signed by Dave Hornoff, president
- 6) Opposes hunting coyotes and feral swine at night with artificial lights (W1&W2).
Animal Welfare Institute and Project Coyote, signed by Tara Zuardo, wildlife associate on behalf of Camilla H. Fox, executive director,

**Complete letters provided electronically along with letters from individuals.*

EXHIBIT P-2

May 3, 2012

Coyote and Feral Swine Permanent Rules

Staff recommends the Wildlife Resources Commission:

- 1) adopt the following permanent rules and
- 2) authorize the Rules Coordinator to pursue temporary rule-making for any of the following rules if any of them are subject to a delayed effective date pursuant to G.S. 150B-21.3(b1).

15A NCAC 10B .0219 COYOTE

(a) There is no closed season for taking coyotes by hunting. Coyotes may be taken by hunting anytime during the day or night.

(b) There are no bag limit restrictions on coyotes.

(c) Manner of Take. Hunters may use electronic ~~calls~~ calls and artificial lights.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;

Eff. July 1, 1993.

Amended Eff. January 1, 2012

Amended Eff. August 1, 2012

15A NCAC 10B .0223 FERAL SWINE

(a) Open season. There is no closed season for taking feral swine by hunting. Feral swine may be taken by hunting anytime during the day or night.

(b) ~~Bag limits.~~ There are no bag limit ~~restrictions~~ restrictions on feral swine.

(c) Manner of take. Hunters may use artificial lights.

History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2

Temporary Adoption Eff. October 1, 2011

Eff. January 1, 2012

Eff. August 1, 2012

15A NCAC 10B .0113 BIG GAME KILL REPORTS

(a) Upon killing a bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey and before moving the animal from the site of kill, the successful hunter shall validate the Big Game Harvest Report Card furnished with the big game hunting license by cutting or punching out the validation box that correctly identifies the big game animal harvested. In lieu of the Big Game Harvest Report Card, antlerless deer may be recorded as outlined above on the Bonus Antlerless Deer Harvest Report Card acquired from the Wildlife Resources Commission or a Wildlife Service Agent.

(b) Before any harvested bear, ~~deer~~ ~~deer, wild boar~~, or wild turkey is skinned, dressed, or dismembered for consumption and within 24 hours of the kill, the animal must be registered with a Wildlife Cooperator Agent or registered through the Electronic Big Game Reporting System. Deer harvested during the urban deer season specified in 15A NCAC 10B .0203(e) shall be registered through the Electronic Big Game Reporting System and shall not be registered with a Wildlife Cooperator Agent. The hunter may field dress the animal at the site of kill or before registering it by bleeding and removing the digestive, respiratory, and circulatory organs; but, the hunter may not mutilate the carcass in a manner that obscures its species identity, age, or sex. When the kill occurs in a remote area, which prevents the animal from being transported as an entire carcass, the animal may be skinned and quartered before being registered. When a hunter harvests a big game animal in a remote area and plans to remain

in the remote area for longer than a day, the 24-hour time limit to register the kill is extended until the hunter leaves the area. Upon leaving the remote area, the hunter shall register the kill within 24 hours.

(c) When a hunter registers a kill with a Wildlife Cooperator Agent, the Wildlife Cooperator Agent shall issue an authorization number that includes the date of kill to the big game hunter. The hunter shall record the authorization number given by the Wildlife Cooperator Agent or obtained through the Electronic Big Game Reporting System in the space provided immediately adjacent to the validation box that has been cut or punched out on the Big Game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card. The record entered on the Big game Harvest Report Card or the Bonus Antlerless Deer Harvest Report Card shall thereafter constitute authorization for the continued possession of the carcass. Possession of a harvested bear, ~~deer deer, wild boar,~~ or wild turkey without the validated Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card where applicable, including the authorization number obtained from a Wildlife Cooperator Agent or through the Electronic Big Game Reporting System is unlawful.

(d) Persons who kill a big game animal and leave it unattended shall identify the carcass with their name, their hunting license number, and the date of kill. Once an unattended animal is registered the animal need only be identified with the authorization number received by registering the kill. It is unlawful for a person to possess a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card on which the species validation box has been cut or punched out, but on which the authorization number received by registering the kill has not been recorded, unless the animal is in the person's possession or is identified as described in this Paragraph and not more than 24 hours have passed since the harvest.

(e) Persons who are by law exempt from the big game hunting license shall obtain a Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card for License Exempt Hunters from a Wildlife Service Agent. Upon harvesting a bear, ~~deer deer, wild boar,~~ or wild turkey, the exempt person shall validate the Big Game Harvest Report Card or Bonus Antlerless Deer Harvest Report Card and register the kill as provided by this Rule.

(f) Persons who use special tags issued pursuant to G.S. 113-291.2(e) to validate the harvest of a deer shall follow the tagging and reporting requirements set forth by statute and are not obligated to take any action under this Rule.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1;

Eff. February 1, 1976;

Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;

Temporary Amendment Eff. July 1, 1999;

Amended Eff. August 1, 2010; June 1, 2009; May 1, 2007; May 1, 2004; July 1, 2000.

Amended Eff. August 1, 2012

15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT

(a) Only longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds and crossbows shall be used for taking game.

(b) Only arrows with a fixed minimum broadhead width of seven-eighths of an inch or a mechanically opening broadhead with a width of at least seven-eighths of an inch in the open position shall be used for taking bear, ~~deer deer, wild boar,~~ or wild turkey. Blunt-type arrow heads may be used in taking small animals and birds including rabbits, squirrels, quail, grouse and pheasants. Poisonous, drugged, barbed, or explosive arrowheads shall not be used for taking any game.

(c) Crossbows shall have a minimum pull rated at least 150 pounds. Heads on bolts used with crossbows shall conform to those described for arrows in Paragraph (b) of this Rule.

History Note: Authority G.S. 113-134; 113-291.1(a);

Eff. September 1, 1980;

Amended Eff. July 10, 2010; May 1, 2007; August 1, 2002; July 1, 2000; July 1, 1998; July 1, 1996; August 1, 1990;

Amended Eff. August 1, 2012

EXHIBIT Q

May 3, 2012

Swine Trapping Permanent Rules

Currently, feral swine trapping is allowed under temporary rules. Permanent rules must be adopted to replace temporary rules in order for this activity to continue. Staff recommends the Wildlife Resources Commission notice the following permanent rules for public comment and one public hearing:

15A NCAC 10B .0303 OPEN SEASONS

(a) General. Following are the seasons for taking by trapping fur-bearing animals as defined in G.S. 113-129(7a), coyotes, armadillos, and groundhogs, all dates being inclusive:

- (1) November 1 through the last day of February except for that part of the state described in Subparagraph (2) of this Paragraph.
- (2) December 1 through the last day of February in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover counties.
- (3) Trapping coyotes is allowed during times and with methods described by local laws in counties where local laws have established fox trapping seasons even when those seasons fall outside the regular trapping seasons described above.
- (4) Nutria may be trapped east of I-77 at any time.

(b) Feral Swine. There is no closed season for trapping feral swine subject to the following restrictions:

- (1) In addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission is required to trap feral swine. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must acquire the permit.
- (2) Feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed in a manner such that a non-target animal can be easily released or can escape without harm. The permit number must be displayed on all traps.
- (3) Feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.

15A NCAC 10B .0304 BAG LIMITS

There are no restrictions on bag limits of furbearers, coyotes, ~~or groundhogs.~~ groundhogs, and feral swine.

Note: Where local laws govern trapping, or are in conflict with these regulations, the local law shall prevail.

EXHIBIT R

May 3, 2012

April 25, 2012

Fiscal Note for

Proposed 15A NCAC 10B.0101 Importation of Wild Animals and Birds, 15A NCAC 10H.0301 General Requirements, 15A NCAC 10H.0302 Minimum Standards, and 15A NCAC 10H.0304 Captive Cervid Certification Program

Contact: Tommy Clark
North Carolina Wildlife Resources Commission
(919) 707-0081 or tommy.clark@ncwildlife.org

Authority: *G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292; 150B-19(6).*

Impact:

State Government:	Yes
Local Government:	No
Substantial Impact:	No
Federal Government:	No
Small Businesses:	Yes

SUMMARY OF THE PROPOSED REGULATION

North Carolina Wildlife Resources Commission (WRC) is proposing to adopt amended rule text for the following rules; 15A NCAC 10B.0101 Importation of Wild Animals and Birds, 15A NCAC 10H.0301 General Requirements, 15A NCAC 10H.0302 Minimum Standards, and 15A NCAC 10H.0304 Captive Cervid Certification Program, (see proposed rule text in Appendix 1). Through passage of N.C.G.S. § 113-272.6 the legislature established that cervids could be held in captivity provided certain rules as established by the NCWRC were followed. While the General Assembly provided legal opportunity for previously unlicensed cervid owners to become legal, it left licensing of future captive cervid facilities to the NCWRC.

The changes to these rules cover basically four areas:

The WRC is amending rule text to allow for new captive cervid facilities to be constructed. This construction has been allowed in the past; however a moratorium has been in place for a number of years. The current rule states that the captive cervid facility shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high. The new parameters for allowed construction will be done in accordance to new standards in Rule 15A NCAC 10H .0302, in which the new fencing standards will be enhanced to help prevent wild deer and captive deer from coming into direct contact with each other. This new standard will include the existing eight foot high fence standard and in addition, a standard that includes two strands of electrified wire along the inside perimeter to ensure no contact between wild deer and captive cervid.

The WRC is also amending rule text to allow for the expansion of existing cervid facilities. Under current rule, only licensees with certified herds may expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility. The proposed rule will allow any existing facility to expand, but must adhere to the new fencing standards for new facilities. This new rule covers not only the expanded fencing area, but also directs the old fenced area to be retrofitted to meet the new standards.

The WRC is also amending rule text to allow importation of captive cervid as allowed in Rule 15A NCAC 10B .0101, yet only under strict guidelines. First only those captive cervid licensees with certified herds will be allowed to import. Secondly, there will be absolutely no importation from any state or province in which Chronic Wasting Disease (CWD) has already been detected. Importation of species in which CWD has not been documented by the scientific community has also been modified.

The proposed rule changes also addresses testing of cervids for CWD, the issuance of captivity licenses and the ability to transport cervids within the state. The proposed amendment for the transportation permit rule is that under current rule a cervid could only be transported from one certified herd to another certified herd in North Carolina. The proposal is that the destination herd for a cervid does not have to be certified.

HISTORY OF CWD PREVENTION IN THE STATE

The N.C. Wildlife Resources Commission (WRC) is responsible for the conservation, management and wise use of over 1,000 native species of fish, birds, mammals, reptiles, amphibians and invertebrates in the state of North Carolina. This amended rule text is being adopted at the request of the regulated community. There is a small core group of licensees (6-8 facilities) that keep/raise deer for profit. These licensees would like to see the industry expand in North Carolina by allowing new facilities. WRC wants to keep any new deer in new facilities from contacting wild deer in order to reduce the chance for cross contamination . The other licensees in this state are zoos, nature parks, people who keep deer as “pets”, etc.

Although the requirement for people who hold wild animals in captivity to obtain a WRC-issued license has existed for decades, this requirement was not been stringently enforced until CWD became a national threat in 2002. CWD is a highly contagious disease that is always fatal. Therefore, the potential to have CWD in either a free-ranging or captive cervid herd is extremely concerning to wildlife biologists and others interested in sound management of deer. Since that time North Carolina has been very proactive in efforts to protect wild and captive cervids from CWD. Early efforts consisted of implementation of temporary rules relative to movement and possession of cervids followed by a more deliberative approach to crafting rules and statutes to

insure continued protection of public and private wildlife resources. In addition, legal captive cervid facilities were offered a buyout option using up to \$250,000 of the Wildlife Endowment Fund. This buyout opportunity allowed facility owners the ability to get out of the captive cervid business at a time when marketability was dropping rapidly due to CWD concerns and allowed the agency to test large numbers of potentially high-risk animals for CWD (e.g., there were cervids in pens in North Carolina that originated from Wisconsin captive pens). WRC passed regulations to better track captive cervids through mandatory tagging, reporting and facility inspections. WRC required dead deer to be tested for CWD in order to detect an outbreak and we required 8 foot high fencing to keep captive deer securely within their facilities. Due to the inability to “prove” the source from which wild deer have become infected, the definitive link between captive facilities and wild deer infections has not been documented. However, rather than spreading slowly through the resident population as observed in states that have monitored the disease, CWD appears to have spread by jumping from state to state (see map below, USGS 2011) suggesting that the disease has been spread by human movement of animals or infectious materials.

For reasons which will be detailed below, WRC believes that the necessary State funds for the implementation of the proposed amendments to the attached rules would be available through WRC’s Wildlife Fund, that there would be no direct local governmental impact, and that the potential economic impact is not expected to exceed \$500,000 per year. Overall, WRC views this rule as being a significant rule change without a substantial economic impact.

ECONOMIC ANALYSIS

Scope of the Analysis – Since the herd certification requirement is five years, it has been determined that the appropriate time frame for a more complete analysis is five (5) years as opposed to the normal one year.

Baseline – Baseline costs and benefits will be those costs and benefits that are in place now and would continue with no changes to existing rules. This will include no construction of captive cervid facilities, no expansion of existing facilities, and no importation of captive cervids.

Benefit and Cost Estimates – For purposes of this exhibit, the cost and benefit estimates will be limited to a one paragraph summary. WRC believes that this set of rule changes will result in an aggregate economic impact of less than five hundred thousand dollars (\$500,000) in the time period in review yet has a significant policy impact. Therefore this fiscal note is considered a Tier II Non Substantial Economic Impact note.

- The costs and benefits of this fiscal note include those associated with:
- The sale of captivity licenses and transportation permits;
- The initial and the ongoing annual inspection of the cervid facilities;
- The construction of new facilities;
- The expansion of existing facilities;
- The importation of cervids from locations outside of North Carolina;

- The transportation of cervids within the state of North Carolina;
- The additional capacity for annual net income of the captive cervid industry;

The initial cost and benefit analysis expects the aggregate sum of all costs and benefits for the time frame that will be examined to be between \$150,000 and \$250,000. The final fiscal note will have these costs individually listed and explained.

Persons Affected

- State Government entities – The only state government entity that will be affected will be the WRC. This entity will be affected in state expenditures realized and state revenues realized. WRC will realize expenditures in the form of personnel costs and operating costs. WRC will realize revenues in the form of new and renewed captivity permits sold and new transportation permits sold.
- Private Sector entities – The private sector will be affected with these rule changes. Both individuals and the captive cervid business industry will realize costs and revenues. Initial costs in the form of new captivity licenses and transportation permits purchased will be incurred by the private sector. Also, a major portion of the costs that will be realized by the private sector will be the construction costs associated with new facilities built as well as existing facilities expanded. Also, costs associated with the importation and transportation of cervids will be realized by the private sector.

Appendix 1

15A NCAC 10B .0101 Importation of wild animals and birds is proposed for amendment as follows:

15A NCAC 10B .0101 IMPORTATION OF WILD ANIMALS AND BIRDS

(a) The following definitions apply to this rule:

(1) “Category 1 cervid” means 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).

(2) “Category 2 cervid” means any species of cervid in which the scientific community has not documented CWD.

(a) Before any live wild bird or wild animal is imported into North Carolina for any purpose, a permit shall be obtained from the Executive Director of the North Carolina Wildlife Resources Commission authorizing the importation, using application forms provided by the Commission. Only captive cervid licensees with Certified Herds as defined in 15A NCAC 10H .0304 may obtain permits to import cervids.

(b) Deer, elk, or other species in the family Cervidae may only be imported into the state of North Carolina from a herd in which Chronic Wasting Disease (CWD) has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. There shall be no importation of any cervid from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild herd or a captive herd.

(c) Importation permits for cervids will only be issued for animals that come from U.S. or Mexican states or territories, Canadian provinces or other countries of origin which have a license type, certification program or monitoring program that requires captive cervid facility owners to, at a minimum,:

(1) submit for CWD testing all deceased animals over the age of 12 months;

(2) tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and

(3) keep records of all acquisitions and all dispositions in the facility.

The requirements specified in Subparagraphs (1), (2) and (3) of this Paragraph apply only to facilities holding Category 1 cervids, both Category 1 cervids and Category 2 cervids and facilities that have held any Category 1 animal in the previous five years. Importation permit applications must indicate the source herd and if the source herd includes any Category 1 cervids then that herd must be successfully participating in a certification program or monitoring program with the requirements listed in this paragraph, or has a license type that does the same.

~~(e)~~(d) Cervids imported into North Carolina shall be individually identified by tags provided by the Wildlife Resources Commission that shall be affixed by the licensee to each cervid as set forth in 15A NCAC 10H .0301.

~~(d)~~(e) Waterfowl imported into North Carolina must be received from facilities or individuals who are certified under the National Poultry Improvement Plan (NPIP) as pullorum-typhoid and avian influenza negative. If the source birds are not part of NPIP, they

must be tested pullorum-typhoid and avian influenza negative by NPIP standards within 30 days prior to entry into North Carolina. Health certificates for imported waterfowl shall be available for inspection by authorized Commission personnel upon request.

History Note: Authority G.S. 106.549.97; 113-134; 113-272.6; 113-274; 113-291.3;

Eff. February 1, 1976;

Temporary Amendment Eff. October 8, 2002; May 17, 2002;

Amended Eff. August 1, 2010; May 1, 2010; June 1, 2005; August 1, 2004.

Amended Eff. January 1, 2013

15A NCAC 10H .0301 General Requirements is proposed for amendment as follows:

15A NCAC 10H .0301 GENERAL REQUIREMENTS

(a) Captivity Permit or License Required

- (1) Requirement. The possession of any species of wild animal that is or once was native to this State or any species of wild bird, native or migratory, that naturally occurs or historically occurred in this State or any member of the family Cervidae is unlawful unless the institution or individual in possession obtains from the North Carolina Wildlife Resources Commission (Commission) a captivity permit or a captivity license as provided by this Rule.
- (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured, crippled or orphaned wild animal or wild bird, that individual shall contact the Commission within 24 hours of taking possession in order to apply for a captivity permit, provided, however, that under no circumstances shall an individual take possession of an injured, crippled or orphaned wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (3) of this Paragraph.
- (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may receive a captivity permit to possess fawns only for such a period of time as may be required for the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild white-tailed deer fawns and are available only to individuals recognized by the Commission as white-tailed deer fawn rehabilitators.

(b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile or electronic transmission or in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal or bird if the application for such license is denied, or when an existing captivity license is not renewed or is terminated. Captivity permits shall not be issued for wild turkey, black bear, deer, elk or any other member of the family Cervidae except as described in Subparagraph (a)(3) of this Rule.

(c) Captivity License.

- (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that are unfit for release. For purposes of this Rule, wild animals are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat or to other species in that habitat; or if they have been rendered tame by proximity to humans to the extent that they cannot feed or care for themselves without human assistance. Persons interested in obtaining a captivity license shall contact the Commission for an application.
- (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be issued include the following:
 - (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.

- (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this Rule, the term "pet" means an animal kept for amusement or companionship. The term shall not be construed to include cervids held in captivity for breeding for sale to another licensed operator.
 - (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
 - (D) For the purpose of holding wild turkey or black bear.
 - (E) ~~For the purpose of holding deer, elk or any other member of the family Cervidae, except current licenses which may be renewed as specified in Subparagraph (6) of this Paragraph.~~ For the purpose of obtaining an additional captivity license for a person who already holds a captivity license.
 - (F) For the purpose of obtaining a new license if the applicant had a license which was revoked less than five years prior to the application for a new license.
- (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity that complies with the standards set forth in Rule .0302 of this Section and the adequacy of such facility has been verified on inspection by a representative of the Commission.
- (4) Term of License
- (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.
 - (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.
 - (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.
- (5) Holders of Captivity License for cervids.
- (A) Inspection of records. The licensee shall make all records pertaining to tags, licenses or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.
 - (B) Inspection. The licensee shall make all enclosures at each licensed facility and the record-book(s) documenting required monitoring of the outer fence of the enclosure(s) available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
 - (C) Fence Monitoring Requirement. The fence surrounding the enclosure shall be inspected by the licensee or licensee's agent once a week during normal weather conditions to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours

until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection.

- (D) A record-book shall be maintained to record the time and date of the inspection, the name of the person who performed the inspection, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If damage has caused the fence to be breachable, the licensee shall enter a description of measures taken to prevent ingress or egress by cervids. Each record-book entry shall bear the signature or initials of the licensee attesting to the veracity of the entry. The record-book shall be made available to inspection by a representative of the Commission upon request during normal business operating hours.
- (E) Maintenance. Any opening or passage through the enclosure fence that results from damage shall, within one hour of detection, be sealed or otherwise secured to prevent a cervid from escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection. Any damage to the electric fence which makes it non-functional shall be repaired within one week.
- (F) Escape. When a licensee discovers the escape of any cervid from the facility, the licensee or designee shall report within 24 hours the escape to the Commission. If possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take permit and take the escaped cervid pursuant to the terms of the permit. A recaptured live cervid shall be submitted to the Commission for CWD testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study unless the executive director determines that the risk of CWD transmission as a result of this escape is negligible based upon:
 - (i) amount of time the escaped cervid remained out of the facility;
 - (ii) proximity of the escaped cervid to wild populations;
 - (iii) known susceptibility of the escaped cervid species to CWD;
 - (iv) nature of the terrain in to which the cervid escaped.
- (G) Chronic Wasting Disease (CWD)
 - (i) Detection. Each licensee shall notify the Commission within 24 hours if any cervid within the facility exhibits clinical symptoms of CWD or if a quarantine is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.
 - (ii) Cervid death. The carcass of any captive Category 1 cervid as defined in 15A NCAC 10B .0101 that was 12~~six~~ months or older at time of death shall be transported and submitted by the licensee or his designee to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of the cervid's death, or by the end of the next business day, whichever is later. Ear tags distributed by the Commission and subsequently affixed to the cervids as required by this Rule, may not be removed from the cervid's head prior to submitting the head for CWD evaluation.

- (iii) The Commission shall require testing or forfeiture of cervids from a facility holding cervids in this state should the following circumstances or conditions occur:
 - (I) The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.
 - (II) The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.
- (H) Tagging Required. Effective upon receipt of tags from the Commission, each licensee shall implement the tagging requirement using only the tags provided by the Commission as follows:
 - (i) All cervids born within a facility shall be tagged by March 1 following the birthing season each year. Fawns and calves must be tagged with a button ear tag before sale or transfer to another captive cervid facility within North Carolina. The receiver is required to affix the bangle ear tag before March 1 following the birth of the calf or fawn.
 - (ii) All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
- (I) Application for Tags.
 - (i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the birthing season of each year. The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:
 - (I) Applicant name, mailing address, and telephone number;
 - (II) Facility name and site address;
 - (III) Captivity license number;
 - (IV) Species of each cervid; and
 - (V) Birth year of each cervid.
 - (ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.
- (J) Placement of Tags.

- (i) A single button ear tag provided by the Commission shall be permanently affixed by the licensee onto either the right or left ear of each cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
 - (ii) A single bangle ear tag provided by the Commission shall be permanently affixed by the licensee onto the right or left ear of each cervid except Muntjac deer, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag. Muntjac deer are not required to be tagged with the bangle tag.
 - (iii) Once a tag is affixed in the manner required by this Rule, it shall not be removed.
- (K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:
 - (i) Licensee name, mailing address, and telephone number;
 - (ii) Facility name and site address, including the County in which the site is located;
 - (iii) Captivity license number;
 - (iv) Species and sex of each cervid;
 - (v) Tag number(s) for each cervid; and
 - (vi) Birth year of each cervid.
- (L) Replacement of Tags. The Commission shall replace tags that are lost or unusable and shall extend the time within which a licensee shall tag cervids consistent with time required to issue a replacement.
 - (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee and application shall be made for a replacement upon discovery of the loss. Application for a replacement shall include the information required by Part (c)(5)(I) of this Rule along with a statement and applicant's signature verifying that the information is accurate. Lost tags shall be replaced on the animal by the licensee within 30 days of receipt of the replacement tag.
 - (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or that cannot be read because of malformation or damage to the tags or obscurement of the tag numbers shall be returned to the Commission along with an application for a replacement tag with a statement and applicant's signature verifying that the information in the application is accurate.
- (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal has live cervids and continues to meet the requirements of this Section for the license. ~~Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility.~~ All expanded pens shall adhere to fencing specifications set forth in 15A NCAC 10H .0302. No renewals shall be issued for a license that has been allowed to lapse due to the negligence of the former licensee.

- (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint, investigation or other cause shall be continued notwithstanding the termination of the original license.

(d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.

(e) Sale, Transfer or Release of Captive Wildlife.

- (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or bird may be surrendered to an agent of the Commission.
- (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to sell or transfer the animal or bird held under such license, except that such animal or bird may be surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal or bird (except members of the family Cervidae) to another person who has obtained a license to hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only intrastate from between Certified Herds, as defined in 15A NCAC 10H .0304. Any captive cervid may be sold to a buyer outside of North Carolina. Upon such a sale or transfer, the seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and license number of the buyer or transferee, a copy of which shall be provided to the Commission.
- (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:
 - (A) any species of deer, elk or other members of the family Cervidae, or
 - (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or
 - (C) any member of the family Suidae.

(f) Transportation Permit.

- (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully held wild animal or wild bird within the State.
- (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a transportation permit from the Commission.
- (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued for deer, elk, or other species in the family Cervidae except into and between Certified Herds as defined in 15A NCAC 10H .0304.
- (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae may be issued by the Commission to an applicant for the purpose of transporting the animal or animals for export out of state, to a slaughterhouse for slaughter, from a N.C. Certified Herd to another captive cervid facility. ~~Certified Herd as defined~~

~~in 15A NCAC 10H .0304~~, or to a veterinary medical facility for treatment provided that the animal for which the permit is issued does not exhibit clinical symptoms of Chronic Wasting Disease. No person shall transport a cervid to slaughter or export out of state without bearing a copy of the transportation permit issued by the Commission authorizing that transportation. No person shall transport a cervid for veterinary treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of this Rule. Any person transporting a cervid shall present the transportation permit to any law enforcement officer or any representative of the Commission upon request, except that a person transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or any representative of the Commission upon request.

- (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant name, mailing address, and telephone number;
 - (ii) Facility site address;
 - (iii) Captivity license number;
 - (iv) Name, address, county and phone number of the slaughter house to which the cervid will be transported;
 - (v) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
 - (vi) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
 - (vii) Date of transportation;
 - (viii) Species and sex of each cervid; and
 - (ix) Tag number(s) for each cervid.
- (B) Exportation. Nothing in this rule shall be construed to prohibit the lawful exportation of a member of the family Cervidae for sale out of state. Application for a transportation permit for purpose of exportation out of state shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
 - (ii) Facility site address;
 - (iii) Captivity license number;
 - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
 - (v) Name, site address, county, state and phone number of the destination facility to which the cervid is exported;
 - (vi) A copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;

- (vii) Date of departure;
 - (viii) Species and sex of each cervid; and
 - (ix) Tag number(s) for each cervid.
- (C) Between herds. Application for a transportation permit for purpose of moving a cervid from ~~one a~~ Certified Herd to another captive cervid facility ~~Certified Herd, as defined in 15A NCAC 10H .0304~~, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
 - (ii) Facility site address;
 - (iii) Captivity license number;
 - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
 - (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
 - (vi) Date of departure;
 - (vii) Species and sex of each cervid; and
 - (viii) Tag number(s) for each cervid.
- (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
- (i) Applicant's name, mailing address and telephone number;
 - (ii) Facility name and site address;
 - (iii) Captivity license number;
 - (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
 - (v) Date of transportation;

- (vi) Species and sex of each cervid;
- (vii) Tag number(s) for each cervid;
- (viii) Name, address and phone number of the veterinarian and clinic that treated the cervid;
- (ix) Symptoms for which cervid received treatment; and
- (x) Diagnosis of veterinarian who treated the cervid.

(g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

- (1) Applicant name, mailing address, and telephone number;
- (2) Facility site address;
- (3) Captivity license number;
- (4) Name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
- (5) Date of slaughter;
- (6) Species and sex of each cervid; and
- (7) Tag number(s) for each cervid.

Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274;

Eff. February 1, 1976;

Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988;

Temporary Amendment Eff. October 8, 2002; May 17, 2002(this temporary rule replaced the permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1, 2001;

Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.

Amended Eff. January 1, 2013

15A NCAC 10H .0302 Minimum Standards is proposed for amendment as follows:

15A NCAC 10H .0302 MINIMUM STANDARDS

(a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher education that were granted an exemption by the Commission from the standards of this Rule prior to December 1, 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as the captivity license in effect on that date has not expired or been revoked.

(b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the Commission, all holders of captivity licenses shall comply with the following requirements:

(1) Deer, Elk and other species of the family Cervidae

(A) Enclosure specifications. The enclosure shall be on a well-drained site containing natural or manmade shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held provided that no more than 25 percent shall be covered with water. At no time shall the number of cervids in the enclosure exceed the number allowed by the captivity license, except that fawns and calves shall not count towards the total number of cervids in a facility from the time they are born until March 1 of the following year. ~~The enclosure shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet.~~ For enclosures exclusively holding Muntjac deer, the minimum pen size shall be 800 square feet for the first three animals and 200 square feet for each additional animal. No exposed barbed wire, nails, or other protrusions that may cause injury to the animal shall be permitted within the enclosure. Captive cervids shall not be contained within or allowed to enter a place of residence.

(B) Fencing. All enclosures shall be surrounded by a fence of sufficient strength and design to contain the animal under any circumstances, at least eight feet high, and dog-proof to a height of at least six feet. Facilities first licensed after January 1, 2013 and facilities licensed after that date which expand their enclosures or add a new enclosure shall have one fence meeting these standards surrounding the entire perimeter of each enclosure and an interior double-stand electric fence placed at least three feet from the entire perimeter of the outer eight-foot high fence. The lower stand shall be two and one-half feet from the ground and the second strand shall be five feet from the ground. The electric fence shall have current running through it whenever a captive cervid is within the enclosure, except during maintenance of the electric fence. Enclosures and enclosure expansions shall not contain wild deer or elk. The licensee shall ensure his enclosure is devoid of wild deer or elk before stocking with cervids.

~~(B)(C)~~ (C) Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at all times. Food shall be placed in the enclosure as needed, but not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. The animal(s) shall be protected against fright or harm from other animals.

(2) Wild Boars

- (A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The minimum size of the enclosure shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held. The enclosure shall be surrounded by a fence at least five feet high and of sufficient strength to contain the animals. No exposed barbed wire or protruding nails shall be permitted within the enclosure. A roofed building large enough to provide shelter in both a standing or a lying position for each boar must be provided. This building shall be closed on three sides. A pool of water for wallowing or a sprinkler system shall be provided on days when heat could cause stress to the animal(s).
 - (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times. Food shall be placed in the enclosure as needed, but in any case, not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (3) Wild Birds
 - (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural postures. The enclosure shall be designed in such a way that the birds cannot injure themselves and are able to maintain a natural plumage. Protection from sun, weather, and predators shall also be provided.
 - (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp feed. Ample food and clean water shall be available at all times.
- (4) Alligators
 - (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain the animals and that shall prevent contact between the observer and alligator. The enclosure shall contain a pool of water large enough for the animal to completely submerge itself. If more than one animal is kept, the pool must be large enough for all animals to be able to submerge themselves at the same time. A land area with both horizontal dimensions at least as long as the animal shall also be provided. In case of more than one animal, the land area shall have both horizontal dimensions at least as long as the longest animals to occupy the land area at the same time without overlap.
 - (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain good health provided. Protection shall be provided at all times from extremes in temperature that could cause stress to the animal.
- (5) Black Bear
 - (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
 - (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12 feet long by six feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor in which a drainable pool one and one-half feet deep and not less than four by five feet has been constructed. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage must contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned.

A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.

- (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed daily. The den shall be flushed and cleaned at least once each week in hot weather. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be placed over the cage to provide additional shade when necessary for the health of the animal. The use of collars, tethers or stakes to restrain the bear is prohibited, except as a temporary safety device.

(B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than educational institutions or governmental zoos shall be held without caging under conditions simulating a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility:

- (i) The method of confinement is by chain link fence, wall, moat, or a combination of such, without the use of chains or tethers.
- (ii) The area of confinement is at least one acre in extent for one or two bears and an additional one-eighth acre for each additional bear.
- (iii) Bears are free, under normal conditions, to move throughout such area.
- (iv) At least one-half of the area of confinement is wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind.
- (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
- (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
- (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
- (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
- (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.

(6) Cougar

(A) Educational or scientific research institutions and zoos supported by public funds.

- (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be

equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.

- (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.

- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.

- (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
 - (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
 - (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
- (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not be compromised, smaller areas shall be permitted.
- (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
- (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
- (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.

- (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.
- (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).
- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (7) Other Wild Animal Enclosures.
 - (A) General Enclosure Requirements.
 - (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
 - (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
 - (iii) No tethers or chains shall be used to restrain the animal.
 - (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
 - (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
 - (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
 - (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Dimensions in Feet

Animal	Length	Width	Height	Per Animal
Bobcat, Otter	10	5	5	50
Raccoon, Fox, Woodchuck	8	4	4	32
Opossum, Skunk, Rabbit	6	3	3	18

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.
- (D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.
- (E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6;

Eff. February 1, 1976;

Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980;

Temporary Amendment Eff. October 8, 2002;

Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004.

Amended Eff. January 1, 2013

15A NCAC 10H .0304 Captive cervid herd certification program is proposed for amendment as follows:

15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM

(a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread of CWD while allowing for the importation of captive cervids. ~~transportation of cervids from herds in which CWD has not been detected for at least five years, in accordance with the requirements in this Section.~~ Only licensees with Certified Herds as defined in Paragraph (e) of this Rule may import captive cervids under the conditions and restrictions set forth in 15A NCAC 10B .0101. ~~request to expand their pen size to accommodate additional cervids and transport cervids within North Carolina for purposes other than those specified in 15A NCAC 10H .0301(f)(4).~~ Licensees with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. ~~The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section. The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be no importation from individual U.S or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild or captive herd.~~

(b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for enrollment in the Captive Cervid Herd Certification Program. Licensees shall comply with all captivity license requirements outlined in this Section and the rules and laws regulating possession, transportation and importation of cervids in order to remain in the Captive Cervid Herd Certification Program.

(c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply to be enrolled in the Captive Cervid Herd Certification Program. All applications shall be in writing on a form supplied by the Commission. The Commission shall deny an application if:

- (1) the licensee has not complied with all the requirements under the captivity license statutes and all rules pertaining to the holding of cervids in captivity and the transportation or importation of cervids resulting in a failed inspection report for the licensee's most recent inspection; or a pending citation;
- (2) the licensee has provided false information; or
- (3) CWD has been confirmed in a cervid at the licensee's facility.

(d) Enrollment dates. The enrollment date is:

- (1) the first date upon official inspection, documented by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel, on which the licensee has complied with all captivity rules and statutes that pertain to cervids, including tagging, provided that the licensee has continued to comply with these regulations; or

- (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director under the conditions set forth in 15A NCAC 10A .1101(a) that brought the licensee into compliance assuming that there were no other compliance actions pending, provided that the licensee has continued to comply with the captive cervid regulations.

This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel documented that the licensee came into compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all cervids.

(e) Certified herd. When ~~a herd is enrolled~~ an enrollment date is set for a herd in the Captive Cervid Herd Certification Program, ~~it~~ the herd shall be placed in First Year status. If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program, each year on the anniversary of the enrollment date the herd status shall be upgraded by one year. One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not lost or suspended without reinstatement as described in Paragraph (f).

(f) Herd status

- (1) A Certified Herd or any herd enrolled in the program shall have its status suspended or reduced if:
- (A) the licensee fails to comply with any of the ongoing requirements for captive cervid licenses as identified in 15A NCAC 10H .0301;
 - (B) the licensee violates any other North Carolina law or rule related to captive cervids;
 - (C) an animal in the herd exhibits clinical signs of CWD;
 - (D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs of CWD; or
 - (E) the herd is quarantined by the State Veterinarian.
- (2) A Certified Herd or any herd enrolled in the program shall lose its status if:
- (A) an animal in the herd can be traced back to a herd in which CWD has been detected;
 - (B) CWD is detected in an animal in the herd; or
 - (C) the licensee loses his or her license.

The Wildlife Resources Commission shall review cases of suspended status upon request. A Certified Herd with suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.

(g) Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a suspended status, the licensee is responsible for assembling, handling and restraining the captive cervids and all costs incurred to present the animals for inspection.

History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292;

Eff. May 1, 2010.

Amended Eff. January 1, 2013

EXHIBIT S

May 3, 2012

Swine Trapping Permanent Rules Fiscal Note



ROY COOPER
ATTORNEY GENERAL

State of North
Carolina
Department of Justice
9001 Mail Service Center
RALEIGH, NORTH CAROLINA
27699-9001

REPLY TO:
C. NORMAN YOUNG, JR.
SERVICE TO STATE AGENCIES
PHONE: 919-716-6800
FAX: 919-716-6755
E-MAIL: NYOUNG@NCDOJ.GOV

April 16, 2012

Fiscal Note Review of
Proposed Wildlife Resources Commission (WRC) Wildlife Management Rules
15A NCAC 10B .0303
15A NCAC 10B .0304

Contact: Norman Young
Counsel and Rulemaking Coordinator
North Carolina Wildlife Resources Commission

Impact: State government: No
Local government: No
Substantial impact: No

Authority: G.S. § 113-134

These are two proposed permanent rule amendments that were adopted as temporary amendments on December 29, 2011. The reason for the adoption of these temporary rules is to maintain the status quo with respect to the taking of feral swine.

Prior to October 1, 2011, the taking of feral swine was not an activity regulated by the Wildlife Resources Commission, and there were no restrictions on the taking of these animals. Effective October 1, 2011, G.S. 113-129 and G.S. 113-291 were amended by

SL 2011-369 to delegate regulatory authority for feral swine to WRC. Temporary rules were enacted to permit the continued taking of feral swine in the same manner as was done prior to the amendments, to prevent confusion by the public as to seasons and bag limits, and to prevent the escape of trapped feral swine back into the wild. The temporary rules made no substantive changes to the take of feral swine, and making them permanent will likewise not make any substantive changes.

For reasons which will be outlined below, WRC believes that these rule changes do not meet the criteria requiring a fiscal note pursuant to G.S. § 150B-21.4, but the agency is submitting a fiscal analysis for review.

STATE IMPACT ANALYSIS: The agency has concluded that there will be no cost to the State for the following reasons:

* The proposed changes to permit continued hunting of feral swine are the result of significant interest among the regulated community. These rules make no substantive changes from the temporary rules, nor do they change taking practices in effect before WRC assumed jurisdiction.

* The proposed rules are intended to accomplish the agency's mandate to provide for the conservation of wildlife resources, as well as to provide reasonable regulations for the safety of hunters and other members of the public, and are part of a regulatory program enforced by WRC's Division of Enforcement. The proposed changes are not anticipated to affect staffing or costs to WRC for enforcement as no change in practices by hunters is anticipated as a result of these rules.

LOCAL IMPACT ANALYSIS: Local governments are not involved in the enforcement of WRC rules and should incur no costs as a result of this rule.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of any of these proposed changes. There may be a benefit to the public in the reduction of the number of feral swine that tend to do damage to certain crops and wooded areas, but these rules are not anticipated to result in any change in the current activity. Accordingly, WRC has determined that the economic impact to the public is minimal, and does not meet the threshold impact requirement of \$500,000 annually.

CONCLUSION: For all of the foregoing reasons, WRC has concluded that a fiscal note is not required for this rule.

CNY/alh

Appendix 1 – Proposed Rule Amendments

15A NCAC 10B .0303 OPEN SEASONS

(a) General. Following are the seasons for taking by trapping fur-bearing animals as defined in G.S. 113-129(7a), coyotes, armadillos, and groundhogs, all dates being inclusive:

- (1) November 1 through the last day of February except for that part of the state described in Subparagraph (2) of this Paragraph.
- (2) December 1 through the last day of February in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover counties.
- (3) Trapping coyotes is allowed during times and with methods described by local laws in counties where local laws have established fox trapping seasons even when those seasons fall outside the regular trapping seasons described above.
- (4) Nutria may be trapped east of I-77 at any time.

(b) Feral Swine. There is no closed season for trapping feral swine subject to the following restrictions:

- (1) In addition to a hunting or trapping license, a permit issued by the Wildlife Resources Commission is required to trap feral swine. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 may trap feral swine without a hunting or trapping license, but must acquire the permit.
- (2) Feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed in a manner such that a non-target animal can be easily released or can escape without harm. The permit number must be displayed on all traps.
- (3) Feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.

15A NCAC 10B .0304 BAG LIMITS

There ~~are~~ shall be no restrictions on bag limits of furbearers, coyotes, ~~or groundhogs.~~ groundhogs, and feral swine.

Note: Where local laws govern trapping, or are in conflict with these regulations, the local law shall prevail.

EXHIBIT T-1

May 3, 2012



15A NCAC 10F .0354(a)(2) REQUEST FOR REPEAL OF NO WAKE ZONE IN PITT COUNTY WITHDRAWN BY PITT COUNTY COMMISSIONERS

The North Carolina Wildlife Resources Commission received inquiries from Pitt County residents about a no wake zone on the Tar River in the vicinity of Seine Beach. Staff was asked to investigate a repeal of this no wake zone based on elimination of water safety hazards that were the criteria for establishment and enlargement of that no wake zone in 1992 and 1995.

15A NCAC 10F .0354 PITT COUNTY

(a) Regulated Areas. This Rule applies to the waters described in this Paragraph:

- (1) The entire inlet of Hardee Creek from the Tar River in Pitt County;
- (2) The Seine Beach area of the Tar River beginning at Chicod Creek and extending to the east side of the Grimesland Bridge as marked by appropriate markers; and
- (3) that portion of Tranters Creek beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers.

(b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Pitt County is designated a suitable agency for placement and maintenance of markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. May 1, 1988;
Amended Eff. September 1, 2010; July 1, 1995; April 1, 1992.

The Pitt County Board of Commissioners, as the original applicant for the Pitt County no wake zones at Seine Beach, was asked to submit a request for repeal and to advertise and hold a public hearing. Enforcement staff investigated the area and noted that with the closing of the Seine Beach Campground and elimination of public access to the river in that area, WRC statutory authority for the no wake zone (to mitigate hazards to water safety caused by public access to the river and by the presence of campers and swimmers) no longer exists.

To expedite the process for repeal the WRC obtained approval of a fiscal note analysis showing Pitt County as applicant. Notice of Text was submitted to the *North Carolina Register Volume 26, Issue 16, 2-15-2012*, with the comment period for receipt of comments and objections open until April 16, 2012.

The Pitt County Board of Commissioners advertised and held a local public hearing on February 20, 2012. Based on objections to removal of the existing no wake zone from property owners who live on that portion of the Tar River, the Board of Commissioners unanimously agreed not to support the repeal request. On March 1, 2012 James F. Rhodes, Pitt County Planning Director, submitted a letter to the NCWRC (**EXHIBIT T-2**) withdrawing support of the repeal, with a request that the letter be entered into the minutes.

Pursuant to Pitt County's withdrawal of support for repeal of the no wake zone on the Tar River in the vicinity of Seine Beach, and in the absence of a certified Resolution from Pitt County as the applicant in this petition for rulemaking, staff recommends that the North Carolina Wildlife Resources Commission vote to take no action on the proposed amendment to 15A NCAC 10F .0354(a)(2) presented in **EXHIBIT T-1**, and that this proposed repeal be withdrawn from consideration.

Further, staff recommends that the Commission approve withdrawal of the fiscal note already approved by the Office of State Budget and Management (**EXHIBIT T-3**), which no longer is valid with the removal of Pitt County as applicant.

The Wildlife Resources Commission reserves the right under its statutory authority in NCGS 75A-15(a) to undertake future rulemaking and repeal of water safety rules on the public trust waters of North Carolina based on mitigation of hazards to water safety, and to comply with Executive and Legislative mandates to reduce the burden on the citizens by eliminating unnecessary rules.



Google

Eye alt: 4597 ft

Seine Beach Rd

15A NCAC 10F-0354 (a) (2) *i*

Simpson Bridge Rd

Poker House Rd

© 2011 Google

35°34'27.30"N 77°10'34.62"W Elev: 0 ft

1993

Copyright Date: 6/3/2011



North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

January 4, 2012

TO: Ms. Betsy Foard (No Wake Zone Coordinator)

FROM: Sgt. J.E. Alston Jr.

REFERENCE: Seine Beach No Wake Zone, Pitt County

As we discussed, the No Wake Zone at Seine Beach in Pitt County no longer meets the current criteria for being a valid No Wake Zone. The public access area and the campground have been out of operation for an extended period of time and are not currently being used by the public. I spoke with the Pitt County WRC Officer, Milton Jones and we both agree that NCAC 10F 0354 (a) (2) needs to be repealed.

Sincerely,



Sgt. J.E. Alston Jr.

North Carolina Wildlife Resources Commission

Recommendation for Repeal of Codified Rule in the North Carolina Administrative Code

Pursuant to the authority of the North Carolina Wildlife Resources Commission under NCGS 75A (Boating and Water Safety) to promulgate rules in the North Carolina Administrative Code (15A NCAC 10F) for navigable waters of the State of North Carolina:

1. Governmental Unit Requesting Repeal Pitt County Date December 22, 2011
 Contact Name: James Rhodes
 Mailing Address 1717 West Fifth Street Phone # 252-902-3250
Greenville, NC 27858 Fax# 252-830-2576

2. The above-named local governing unit hereby recommends that the North Carolina Wildlife Resources Commission **repeal** the following rule (s), codified in the North Carolina Administrative Code, that established a no wake zone in Tar River(body of water) in Pitt County.

Rule Number and Text: 15A NCAC 10F .0354(a)(2) and text: The Seine Beach Area of the Tar River beginning at Chicod Creek and extending to the east side of the former Grimesland Bridge as marked by appropriate markers.

3. Reason for proposed repeal of the Rule:

- ☐ Rule is vague or ambiguous, creating undue burden on those who must comply with the rule
- ☒ Hazard to water safety no longer exists
- ☒ Public Access Area has been closed, removing need for a no wake zone
- ☐ Area no longer navigable
- ☐ Rule conflicts with General Assembly Session Law. Cite Session Law _____
- ☐ Rule conflicts with Federal Law. Explain _____

Please add comments explaining any of the above reasons for repeal: The Seine Beach area of the Tar River was once a popular public access area for boating, fishing and swimming. However when the old Grimesland Bridge was replaced in March 2011, public access to the Seine Beach area was eliminated. Now that the public access area has been closed, the no wake zone is no longer warranted since the hazard to water safety no longer exists.

4. Was a public hearing advertised and held by the governmental unit to gauge public support for repeal of this rule? *If so please submit copy of the advertisement for public hearing and date public hearing was held.*
 Public hearing to be held on Monday, February 20th at 6:00pm.

5. *Please submit a certified resolution from the governmental unit, requesting that the Wildlife Resources Commission repeal the rule.*

6. The North Carolina Wildlife Resources Commission does not purchase, maintain, or remove no wake markers. Upon the repeal of a rule it is the responsibility of the governmental unit or its designee to remove any markers. The applicant will be notified by the Wildlife Resources Commission when a rule has been repealed.

Pitt County
 Governmental Unit
 By: J. Scott Elliott

Submit this form and accompanying documents to:
 NC Wildlife Resources Commission
 ATTN: Betsy Foard, No Wake Zone Coordinator
 1701 Mail Service Center
 Raleigh, NC 27699-1701

PUBLIC NOTICE
Repeal of No Wake Zone at Seine Beach

The Pitt County Board of Commissioners will hold a **public hearing on Monday, February 20, 2012 at or after 6:00 p.m.** regarding the repeal of the no wake zone along a portion of the Tar River near Seine Beach. This hearing will be held in **the second floor Board of Commissioners Auditorium of the County Office Building located at 1717 W. 5th Street, Greenville, N.C.**

The purpose of the public hearing is to gather public comment and input on the repeal of the no wake zone extending from the outlet of Chicod Creek and to the east side of the Grimesland Bridge. A map of the no wake zone that is being considered for repeal is available for public review at the Pitt County Planning Department, located at 1717 W. 5th Street, Greenville, N.C. Citizens interested in obtaining additional information on this matter should contact the Pitt County Planning Department (252-902-3250).

Those persons unable to attend the hearing may submit written questions or comments to the Pitt County Manager's Office before the meeting. The mailing address is:

Kimberly Hines, Clerk to the Board
Pitt County Manager's Office
1717 West Fifth Street
Greenville, NC 27834

Wake zone raises concerns

“We are going to do everything we can to keep (the no wake zone) here.”

Randy Dixon
resident along the Tar River

GRIMESLAND — Residents who live along the Tar River near Grimesland Bridge say they are disappointed the state could still repeal a no wake zone designation despite the Pitt County Board of Commissioners’ rejection of the proposal.

The opponents aren’t giving up.

Neighbors will submit a petition to the N.C. Wildlife Resources Commission asking the board to keep the no wake zone in place, said Randy Dixon. He was one of five people who spoke against repealing the rule during last week’s commissioners’ meeting.

Repealing the zone could create safety problems along that section of the Tar River and damage their property, Dixon said.

“We are going to do everything we can to keep it here,” he said.

A wake is a wave created by a boat moving across the surface of water. The size of the wakes vary based on a boat’s size and speed of travel.

North Carolina establishes no wake zones to offset water safety hazards. These zones require boats to travel at idling speed, about 5 mph.

There are about 200 no wake zones along North Carolina’s waterways, three located along the Pitt County stretch of the Tar River, said Betsy Foard, administrative officer and no wake zone coordinator with the N.C. Wildlife Resources Commission.

Greenville resident Ernest F. Albritton asked for the repeal of no wake zone, calling it a “real annoyance.”

The no wake zone extended about 1,700 feet, approximately one-third of a mile from the entrance of Chicod Creek to where the old Grimesland Bridge was located, just east of the current structure.

“I probably went through that area 30 times last year,” Albritton said.

“It takes three or four minutes to get through that area at a no wake zone speed where you could get through there in a minute at normal speed,” he said.

The state has other reasons for pursuing the repeal, Foard said.

Press Releases:

Pitt County No Wake Zone – Seine Beach

The General Assembly last year passed the 2011 Regulatory Reform Act which ordered state agencies to repeal rules that are no longer necessary, ambiguous, conflict with federal law, are hard to enforce or create a burden on citizens expected to follow the rules, Foard said.

The zone was established more than 20 years ago when Seine Beach, a popular boating and swimming area near Grimesland Bridge was open, she said. The no wake zone protected swimmers and boaters in the area from being swamped by the wakes of speeding boats.

The beach closed when the state built a new bridge. Foard said its closure eliminates potential hazards.

Residents along that stretch of the river said closing Seine Beach doesn't eliminate hazards.

Jake Adams lives several hundred feet west of the new Grimesland Bridge.

Tubing, where a boat pulls a person sitting in an inner tube, is popular along that stretch of the river, he said. If multiple boats are in the area, the wakes generated could push the inner tube in the path of another boat.

Dixon said he worries that if two boats approach under the bridge the wakes generated could slam them in the pylons.

"People who are out for a boat ride, they respect (the no wake zone)," Dixon said. "It's mainly the fishermen who fly through there."

The opposition to the proposal has been surprising, Foard said.

"We never had any idea that this would be met with so much objection," she said.

"It has been the Wildlife Resources Commission policy for a long time to carefully balance the rights of nonboaters who live along the waterfront of public trust lakes and rivers against the rights of all citizens to enjoy those waters without undue regulation," Foard said.

People have until April 16 to submit statements arguing for or against repealing the no wake zone. The N.C. Wildlife Resources Commission's board is scheduled to take up the issue during its May 3 meeting.

People can submit written statements through the mail or email. Send them to: Norman Young Jr., c/o N.C. Department of Justice, 9001 Mail Service Center, Raleigh NC 27699-9001 or nyoung@ncdoj.gov or Betsy Foard, c/o N.C. Wildlife Resources Commission, 1701 Mail Service Center, Raleigh NC 27699-1701 or betsy.foard@ncwildlife.org.

Press Releases:
Pitt County No Wake Zone – Seine Beach
Wake zone raises concerns

"We are going to do everything we can to keep (the no wake zone) here."

Randy Dixon
resident along the Tar River

By **Ginger Livingston**

The Daily Reflector

Monday, February 27, 2012

GRIMESLAND — Residents who live along the Tar River near Grimesland Bridge say they are disappointed the state could still repeal a no wake zone designation despite the Pitt County Board of Commissioners' rejection of the proposal.

The opponents aren't giving up.

Neighbors will submit a petition to the N.C. Wildlife Resources Commission asking the board to keep the no wake zone in place, said Randy Dixon. He was one of five people who spoke against repealing the rule during last week's commissioners' meeting.

By **Ginger Livingston**

The Daily Reflector

Friday, March 2, 2012

A no wake zone along the Tar River at Seine Beach no longer can be enforced after a sign signaling its location was lost last week.

A resident living near the beach, located at the foot of Grimesland Bridge, watched the buoy float away after observing two young men in a boat "messing with it" on Feb. 23.

The buoy was lost three days after the Pitt County Board of Commissioners took no action on a proposal to repeal the no wake zone in front of Seine Beach.

Press Releases:

Pitt County No Wake Zone – Seine Beach

Go slow: No wake signs reinstalled

By **Ginger Livingston**

The Daily Reflector

Wednesday, March 14, 2012

Signs designating a no wake zone on the Tar River near the Grimesland Bridge were reinstalled Tuesday morning.

Pitt County employees placed the signs on buoys at both ends of the one-third mile stretch that begins at the mouth of Chicod Creek and extends past Grimesland Bridge.

One sign was removed several years ago when construction began on the new Grimesland Bridge. The buoy near Chicod Creek floated away several weeks ago after residents observed two young men in a boat hanging around it.

From: Foard, Betsy H.

Sent: Tuesday, March 13, 2012 2:45 PM

To: Caveny, Dale; Alston, Ed; St. Clair, Mitch; Barker, Joe; Myers, Gordon S.; Stefanowicz, Anna; Young, Norman

Cc: Jones, Milton R

Subject: FW: Reinstallation of No Wake Zone Signs

The no wake signs that were illegally removed at the Pitt County no wake zone near Seine Beach have been replaced. The NWZ is again enforceable.

Best regards,

Betsy Foard

No Wake Zone Coordinator

Director's Office

919-707-0013

From: Rhodes, James [<mailto:jfrhodes@pittcountync.gov>]

Sent: Tuesday, March 13, 2012 12:27 PM

To: dselliott@pittcountync.gov

Cc: Gallagher, Janis; glivingston@reflector.com; towilliams@pittcountync.gov; Johnson, Eli; Rogers, Mike; Foard, Betsy H.; Hill, Jonas; Elks, Neil; Chick, John

Subject: Reinstallation of No Wake Zone Signs

Scott –

The No Wake Zone signs/buoys were reinstalled earlier today in the vicinity of Seine Beach (see attached pics). Special thanks to all those who helped with getting the signage reestablished:

Tony Williams & John Chick – Sheriff's Office

Mike Rogers & staff – Buildings & Grounds

Eli Johnson & Sam Morris – Planning

Milton Jones – NC Wildlife Resources Commission

Thanks,

JR

James F. Rhodes, AICP
Pitt County Planning Director
1717 W. Fifth Street
Greenville, NC 27834
252.902.3250 (phone)
252.830.2576 (fax)

1. **From:** Zervos, Emmanuel [mailto:ZERVOSE@ecu.edu]
Sent: Sunday, February 26, 2012 9:28 AM
To: Young, Norman
Cc: Foard, Betsy H.

Dear Mr. Young and Ms. Foard,

I have been a homeowner on the Tar River approximately 6 miles west of the Grimesland bridge for 5 years. I am an avid boater and pass through the no wake zone in question over 100 times per boating season. On average, over 100 boats pass in front of my own property during the boating season which is not in a no wake zone. The no wake zone west of the Grimesland bridge is a nuisance and inconvenience for any North Carolinian who uses this waterway and protects only the interests of literally a handful of residents who reside along that stretch of the river. Once the Seine beach was closed and sold to a private citizen, I see no difference in my own rights to a no wake zone and those of the citizens in the area in question. As such, I am in support of repealing the no wake zone along that stretch of the river for the sake of the tens or even hundreds of thousands of North Carolina boaters who pass along those waters each season.

Most Sincerely,

EMMANUE

Professor and
East Carolina
Greenville, NC



L E. ZERVOS, M.D.

Chief, Division of Surgical Oncology
University
27834

2. **From:** Rus [mailto:stovia@yahoo.com]
Sent: Sunday, February 26, 2012 1:21 PM
To: Foard, Betsy H.
Subject: Lift seine beach no wake zone

Please accept my vote for LIFTING the no wake zone at seine beach. It has outlived its purpose. Keeping it only serves the few homeowners located there. If we keep the no wake zone, we might as well make the entire river no wake. It is pointless to those using the river to navigate to and from Greenville / Washington and beyond.

Rusty Morris

Kayak, jet ski, and boat owner

3. **From:** Carey Kendall [mailto:kendalljohn22@yahoo.com]
Sent: Sunday, February 26, 2012 1:56 PM
To: Foard, Betsy H.
Subject: Lift no wake zone!

Sent from my iPhone

4. **From:** Tim Siders [mailto:tdsiders@gmail.com]
Sent: Sunday, February 26, 2012 4:00 PM
To: Foard, Betsy H.
Subject: No wake zone

I would like for you to do away with the no wake zone in Grimesland. It has gotten to the point that every time someone buys a property on a waterway in eastern NC that they feel like it is their right to hinder boaters by trying to establish a no wake zone and having boaters slow to a crawl in their area. It is not fair to the boaters and selfish of the property owners to feel like they own the river in front of their house. The river was there first and it belongs to us all not just them and they should have no more control over it than anyone else. Thank you, Tim Siders - Grimesland, NC

5. From: Bobby Heath [mailto:bobby.heath@live.com]
Sent: Monday, February 27, 2012 11:15 AM
To: Foard, Betsy H.; Young, Norman
Subject: Grimesland 'No wake' zone

The no wake zone should be eliminated. It was appropriate when the Seine Beach public recreation area was open to protect swimmers and boats docking, loading and unloading there, but it is no longer open.

Thanks for listening!
Bobby Heath - Greenville, NC

6. From: K9SARGE@netscape.com [mailto:K9SARGE@netscape.com]
Sent: Tuesday, February 28, 2012 11:47 PM
To: Young, Norman
Cc: Foard, Betsy H.
Subject: Reference No Wake Zone (Grimesland NC)

This email is in reference to the No Wake Zone located on the Tar River, at Grimesland Bridge Road Bridge in Grimesland, NC.

My parents and I have lived in the area since 1974. I have traveled the Tar River for over the last 20 years and I beleive without a doubt it would be dangerous to make this area anything but a No Wake Zone.

I am a retired Law Enforcement Officer with 30 years of service and I spend alot of time in the area, where the No Wake is located. I have a very strong interest in keeping it a No Wake Zone for the following reasons.

(1) the area has numerous curves and several logs and obstacles in the water, I have seen numerous boaters that would have crashed in the area, causing damage and injury, if this area was not a no wake zone. When the boaters slow down it is much safer to navigate the short area between the sharp curve and the bridge.

(2). High Speed through the area causes damage to the shore line, boat docks and property located between the curve and the bridge.

(3). the area between the bridge pilings are small and high speed / large wakes would make it dangerous coming through the bridge. Note I have seen numerous boats almost crash in the area, the boats were traveling at high speeds and not following the rules of no wake.

(4). Numerous houses along the area have boat houses, landings for launching boats and have boats tied up along the area. Boats traveling at high speeds can cause thousands of dollars in damage. (I have noticed that most areas like this are no wake zones, such as the Washington water front. the New Bern Water front and other areas where boats are launched and kept.

Numerous Boaters have spoken against this being a no wake zone and that I do not understand, after the hearing the other day several of them came up the river and took the No Wake marker. I re-enforce this area is dangerous and it needs to remain a No Wake Zone. The markers need to be replaced and the No Wake zone needs to be enforced. It only takes 2 1/2 to 3 minutes to navigate where the no wake marker is located to the exit of the bridge (coming from Greenville) It is worth that to insure that life and property is kept safe.

Please Keep this area a NO WAKE ZONE, thanks for your help in this matter.

7. From: Ernest Albritton [mailto:albritt1@gmail.com]
Sent: Friday, March 09, 2012 9:36 AM
To: Foard, Betsy H.
Subject: Re: Seine Beach

Betsy,

I am sorry this effort did not gather the support of the County Commissioners. I think they could have been convinced to take action if I had been there to speak to the issue. Unfortunately I was not there but the residents who live along the NWZ stretch were there. They shared they were scared to death that someone would pull a tube with children under the bridge and possibly hit the bridge pylons. They also had concerns that fishermen and kayakers in the stretch would be put at risk. I don't see either as such a great hazard/risk for responsible boaters on the river.

So according to the article in our local paper (which I would be happy to send you if you'd like) people have until April 16 to submit statements arguing for or against the NWZ and that the NC Wildlife's Resources Commission's board is scheduled to take up the issue on May 3. This seems appropriate to review this regulation under the guidance of the Regulatory Reform Act. (Please advise)

That said the Seine Beach NWZ was approved predicated on a valid safety hazard to swimmers and boaters using the Seine Beach swim area and landing. Now that the Seine Beach is private the only boaters launching from the landing and using the swim area are the new property owners. They have posted the property with no trespassing signs and are the only residents on the north side of the river. As I recall there are four or five residents on the south side of the river who are quite vocal keeping the NWZ.

My opinion is there is no longer a valid justification based upon several factors

- ☐ Rule is vague or ambiguous, creating undue burden on those who must comply with the rule
- ☒ Hazard to water safety no longer exists
- ☒ Public Access Area has been closed, removing need for a no wake zone
- ☐ Area no longer navigable
- ☐ Rule conflicts with General Assembly Session Law. Cite Session Law _____
- ☐ Rule conflicts with Federal Law. Explain _____

As I understand the Regulatory Reform Act seeks to repeal rules that are no longer necessary...since the justification for cited that led to establishing the NWZ at Seine Beach is no longer valid the NWZ should be rescinded. An additional benefit is that Wildlife Officers will not have to actively patrol/enforce the NWZ. I appeal to the Wildlife Resources Commission on behalf of all citizens and boaters who use the Tar River for the timely repeal of the Seine Beach NWZ. I stand by to assist in this matter. How can I help?

V/R

Ernest F. Albritton Jr.
Citizen and Boater

RECEIVED

FEB 28 REC'D

NCWRC
DIRECTOR'S OFFICE

2-27-2012

Hi. + To whomever it may concern:

(DOB 11/18/37)

I've owned boats for 45 yrs. I feel it is stupid for anyone wanting to "Hot Rod" up and down our waterways. In my many yrs. of boating, different sizes, Horse-power etc. when I wanted to try + break the sound barrier, I'd go out when all the motors would go, out from Richards Truck. Please leave the 70 water zone rule in place. Please let's consider safety for all concerned. The needless additional water erosion harming all land-owners along our water shores. Thirdly + very important, we will all begin again to go slower with this awful price now, of gas + oil!

Let's not let a few morose drunk, thinking people to try and create a ridiculous situation for so many!

That non-caring motor-way speeders should be ticketed as much as possible, same as Air Gun Speeders in our Hi-Rays.

Thanks for the opportunity to "vent."

Respectively,

Dorrie M. K. [Signature]
Mm. D. E. [Signature]



**PITT COUNTY
PLANNING DEPARTMENT
DEVELOPMENT SERVICES BUILDING**
1717 W. 5th STREET
GREENVILLE, NORTH CAROLINA 27834-1696
TELEPHONE: (252) 902-3250
FAX: (252) 830-2576

May 3, 2012

JAMES F. RHODES, AICP
DIRECTOR

March 1, 2012

Ms. Betsy Foard
North Carolina Wildlife Resources
1701 Mail Service Center
Raleigh, NC 27699-1701

Dear Ms. Foard:

As we have discussed, the Pitt County Board of Commissioners held a public hearing on February 20, 2012, to accept comments concerning the repeal of the no wake zone on the Tar River in the vicinity of Seine Beach. Due to concerns of adjacent property owners and others who frequent the area, the Board of Commissioners unanimously agreed not to support the repeal request.

Based on our subsequent conversations following the Board's public hearing, it is my understanding that the Wildlife Resources Commission will continue with the March 2nd public hearing for this repeal request, but will not take any action since the Board did not provide a resolution in support of the repeal. I am requesting that this letter be entered into the March 2nd public hearing record. Additionally, I understand that if the Commission decides to further pursue the repeal request, another 60-day public review period and another public hearing will be required. Please advise me if the Commission opts to continue consideration of the repeal.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Rhodes", is written over the typed name and title.

James F. Rhodes, AICP
Pitt County Planning Director

cc: Board of County Commissioners
Scott Elliott, County Manager
Janis Gallagher, County Attorney
Jonas Hill, Planner III
Milton Jones, Wildlife Enforcement Officer

EXHIBIT T-3

May 3, 2012



ROY COOPER
ATTORNEY GENERAL

State of North Carolina
Department of Justice
9001 Mail Service Center
RALEIGH, NORTH CAROLINA
27699-9001

REPLY TO:
C. NORMAN YOUNG, JR.
SERVICE TO STATE AGENCIES
PHONE: 919-716-6800
FAX: 919-716-6755
E-MAIL: NYOUNG@NCDOJ.GOV

January 7, 2012

Fiscal Note Review of
Proposed Wildlife Resources Commission (WRC) "No-Wake Zone" Rule
(15A NCAC 10F .0354)

Contact: Norman Young
Counsel and Rulemaking Coordinator
North Carolina Wildlife Resources Commission

Impact: State government: No
Local government: Yes
Substantial impact: No

Authority: G.S. 75A-3; 75A-15

This rule would repeal a no-wake zone currently in existence at the Seine Beach area of the Tar River in Pitt County as indicated by the proposed changes. (See Appendix).

For reasons which will be outlined below, WRC believes that this rule change does not meet the criteria requiring a fiscal note pursuant to G.S. § 150B-21.4, but is submitting a fiscal note for review as requested by OSBM on January 6, 2012.

STATE IMPACT ANALYSIS: The agency has concluded that there will be no cost to the State for the following reasons:

* Pitt County has requested the repeal of this no-wake zone and will remove any existing markers.

* WRC has surveyed the site and concurs that there are no longer any safety hazards that require the existing no-wake zone.

* This rule is intended to accomplish the agency's mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program enforced by WRC's Division of Enforcement. The proposed change will not affect

staffing or costs to WRC for enforcement as this is already an active patrol area and the repeal will not result in either an increased or decreased Enforcement presence.

LOCAL IMPACT ANALYSIS: It is the understanding of WRC that Pitt County will be able to remove the markers at no financial cost using existing staff. So, there would be some opportunity cost for the staff time, however, it is likely to be small.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal since, based on its site survey, WRC does not believe that there will be any appreciable economic impact to the public. The regulated community may receive a slight non-economic benefit by the removal of the regulation, but this repeal will not result in any measurable economic loss or gain to the public. Accordingly WRC has determined that the economic impact to the public is minimal to none.

EXHIBIT U

May 3, 2012



No Wake Zone Request – Newport River Beach Access Boat Ramp, Morehead City in Carteret County Proposed Amendment to 15A NCAC 10F .0330

The Town of Morehead City has made an application to the North Carolina Wildlife Resources Commission for an amendment to 15A NCAC 10F .0330, to create a no wake zone in the vicinity of the Newport River Beach Access Boat Ramp in the waters of the Newport River north of the Highway 70 bridge. The Town of Morehead City advertised and held a public hearing on May 10, 2011 prior to submitting a certified resolution in accordance with the provisions of the North Carolina Administrative Procedure Act.

Staff investigated the area and recommended consideration for rulemaking to mitigate water safety hazards caused by boat traffic and pier use around the Newport River Beach Access Boat Ramp. The proposed no wake zone does not extend into the channel.

The Town of Morehead City has agreed to purchase, place and maintain the no wake buoys required to mark the zone at an estimated cost of approximately \$7500.00. OSBM reviewed and approved the fiscal note pursuant to E.O. 70, NCGS 150B-19.1 and NCGS 150B-21.4.

Notice of Text for the amendment to 15A NCAC 10F .0330 was published in the *North Carolina Register Volume 26 Issue 16, 2-15-2012*. No public comments were received during the open comment period.

Staff recommends adoption of the amendment (a)(14) as well as technical changes to 15A NCAC 10F.0330 highlighted in yellow:

15A NCAC 10F .0330 CARTERET COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Carteret County:

- (1) the waters of Money Island Slough beginning at the east end of Money Island near the Anchorage Marina Basin and ending at the west end of Money Island where Brooks Avenue deadends at the slough;
- (2) the waters of Taylor Creek located within the territorial limits of the Town of Beaufort;
- (3) the waters of Pelletier Creek beginning at the entrance to Pelletier Creek at the Intracoastal Waterway and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound Harbor Channel in Morehead City between Sugar Loaf Island and the seawall on the south side of Evans, Shepard and Shackleford Streets and bounded on the east by the State Ports Authority and on the west by the eastern right-of-way margin of South 13th Street extended;
- (5) the waters of Gallant's Channel from the US-70 U.S. 70 crossing over the Grayden Paul bridge to Taylor's Creek;
- (6) the waters of Cedar Island Bay and Harbor from U.S. 70 N.C. Highway 12 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island ~~immediately south of the B & M Railroad and US 70 Bridges across the Intracoastal Waterway in which Radio Island Marina and Morehead Sports Marina are located~~ south of Old Causeway Road; as delineated by appropriate markers;
- (8) the waters of the Newport River beginning at the north side of the Beaufort Drawbridge and ending at marker #6;
- (9) the waters of Spooners Creek within the territorial limits of the Town of Morehead City as delineated by appropriate markers;
- (10) the waters of Taylor's Creek from the eastern end of the current no wake zone eastward to Channel Marker #1A;
- (11) the waters of the Newport River at Bogue Sound including all waters surrounding the Port of Morehead City to Brandt Island as delineated by appropriate markers; ~~and~~
- (12) the waters of Morgans Creek as delineated by appropriate markers;
- (13) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W as delineated by appropriate markers; ~~markers; and~~
- (14) the waters of the Newport River within 200 yards of the Newport River Beach Access Boat Ramp, beginning at the shore north of the U.S. 70 bridge at a point at 34.72141 N, 76.68707 W, west to a point at 34.72128 N, 76.68893 W, north to a point at 34.72376 N, 76.68911 N, then east to the shore at 34.72371 N, 76.68631 W.

(b) Speed Limit. It is unlawful to operate a motorboat or vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Carteret County, with respect to the regulated areas designated in Subparagraphs (1), (3), (5), (6), (7), (8), (10), (12) and (13) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Beaufort, with respect to the regulated area designated in Subparagraph (2) of Paragraph (a) of this Rule, and the Board of Commissioners of Morehead City, with respect to Subparagraph Subparagraphs (4) and (9) (4), (9), and (14) of Paragraph (a) of this Rule, and the North Carolina State Ports Authority, with respect to the regulated area ~~designed~~ designated in Subparagraph (11) of Paragraph (a) of this Rule are designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. March 4, 1979;
Amended Eff. October 1, 1997; May 1, 1995; June 1, 1994; February 1, 1994; July 1, 1993;
Temporary Amendment Eff. February 1, 1998;
Amended Eff. July 1, 1998;
Temporary Amendment Eff. March 1, 1999; November 1, 1998;
Amended Eff. September 1, 2010; July 1, 2000.*

MOREHEAD CITY
NORTH CAROLINA

GERALD A. JONES, JR., Mayor

DEMUS L. THOMPSON, Mayor Pro Tem

Council
GEORGE W. BALLOU
PAUL W. CORDOVA
DAVID HORTON
JOHN F. NELSON

706 Arendell Street
Morehead City, North Carolina 28557-4234
TEL (252) 726-6848
FAX (252) 726-2267
www.moreheadcity.nc.gov



R. RANDY MARTIN
City Manager

NORTH CAROLINA
TOWN OF MOREHEAD CITY

**RESOLUTION 2011-18
OF THE CITY COUNCIL OF THE TOWN OF MOREHEAD CITY, N.C.**

WHEREAS, under authority of North Carolina General Statutes Section 75A-15 any subdivision of the State of North Carolina may at any time, after public notice, make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on any water within its territorial limits.

AND WHEREAS, the TOWN OF MOREHEAD CITY has given public notice of its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on the NEWPORT RIVER within the territorial limits of the TOWN OF MOREHEAD CITY, and for the implementation of the Uniform Waterway Marker System in all the waters of the City.

BE IT RESOLVED, that in accordance with G.S. 75A-15, the CITY COUNCIL of the TOWN OF MOREHEAD CITY requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of NEWPORT RIVER located in MOREHEAD CITY, the pertinent substance of which proposed regulations is as follows:

"Creation of a "NO WAKE" zone in the vicinity of the recently constructed Newport River Beach Access Boat Ramp to prevent boat wakes from jeopardizing boaters during the launching and retrieval of boats in those waters of the Newport River north of the Newport River high rise bridge not located within the Federal ICW."

BE IT FURTHER RESOLVED, that the City Council of the City of Morehead City requests the Wildlife Resources Commission to promulgate regulations fully implementing the Uniform Waterway Marker System in all the waters of the City.

Dated this the 10th day of May, 2011.

A handwritten signature in black ink, appearing to read "Gerald A. Jones, Jr.", is written over a horizontal line.

Gerald A. Jones, Jr., Mayor

CERTIFICATION

This is to certify that the above is a true and exact copy of a resolution adopted by the City Council of the Town of Morehead City at the regular meeting held on Tuesday, May 10, 2011.

A handwritten signature in black ink, appearing to read "Jeanne M. Giblin", is written over a horizontal line.

Jeanne M. Giblin, City Clerk



Proposed NWZ

Existing NWZ

Federal Channel

0

50

100

Yards

34.72342 N
76.68788 W

34.72336 N
76.68910 W

34.72261 N
76.68901 W

34.72174 N
76.68897 W

15A NCAC
10F .0330
(a) (11)

15A NCAC
10F .0330
(a) (7)

1632

70 70

1205

70

1175

EXHIBIT V-1

May 3, 2012

Proposed technical correction to 15A NCAC 10F .0311 - Granville, Vance and Warren Counties. The technical correction adds county names to each no wake zone location. A correction has been made in (a)(2) to the name of the campground where the no wake zone is located. Technical corrections are not substantive changes and a public hearing is not required.

15A NCAC 10F .0311 GRANVILLE, VANCE AND WARREN COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of John H. Kerr Reservoir in Granville, Vance and Warren Counties:

- (1) Kimball Point State Recreation Area, Warren County - Within 50 yards of the shoreline in the northernmost cove of the Kimball Point State Recreation Area located at the western end of SR-1204 in Warren County. Area.
- (2) ~~Kerr Lake Methodist Campground—Beginning 50 yards north and ending 50 yards east of the Kerr Lake Methodist Campground.~~
- (2) Camp Kerr Lake, Vance County – Within the waters of the cove where the Camp Kerr Lake boat ramp is located.
- (3) ~~Lower Mill Creek—~~ Creek, Vance County. Beginning at a point on the eastern side of Lower Mill Creek where it intersects the North Carolina–Virginia state line, running across the creek with said state line and then running in a southerly direction on both the east and west sides of the creek to the head waters and including all waters of the creek south of the state line.
- (4) Flat Creek at NC Highway 39 Bridge— Bridge, Vance County - Within 50 yards on either side of the NC Highway 39 Bridge.
- (5) Satterwhite Point State Recreation Area: Area, Vance County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any concrete boat launching ramp located on the reservoir.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a designated mooring area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any regulated area of the reservoir described in Paragraph (a) of this Rule.

(e) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a designated swimming area established by or with the approval of the US Army Corps of Engineers on the waters of the reservoir.

(f) Placement and Maintenance of Markers. Each of the boards of Commissioners of the above-named counties is designated a suitable agency for placement and maintenance of markers implementing this Rule for regulated areas within their territorial jurisdiction in accordance with the Uniform System, subject to the approval of the US Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. December 1, 1994; March 25, 1978; Temporary Amendment Eff. June 1, 1998; January 1, 1998; Amended Eff. May 1, 2005; April 1, 1999; July 1, 1998.

EXHIBIT V-2

May 3, 2012

Proposed Technical Correction to 15A NCAC 10F.0318- Warren County. The technical correction clarifies the descriptions of two existing no wake zones and provides GPS coordinates. A technical correction is not a substantive change to a rule and does not require a public hearing.

15A NCAC 10F.0318 WARREN COUNTY

(a) Regulated Area. This Rule applies only to that portion of Lake Gaston which lies within the boundaries of Warren County.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of Gaston Lake in Warren County.

(c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a lawfully marked mooring area on the waters of Gaston Lake in Warren County.

(d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any lawfully marked public swimming area on the waters of Gaston Lake in Warren County.

~~(e) Speed Limit in Specific Zones. No person shall operate a vessel at greater than no-wake speed within 50 yards of the following marked zone located on the regulated area described in Paragraph (a) of this Rule: the entrance of the Camp Willow Run Canoe/Sail Cove; and the shoreline of the Mariner's Cove Subdivision 50 yards across State Road 1498 off Hubquarter Creek on Lake Gaston.~~

(e) No person shall operate a vessel at greater than no-wake speed:

(1) within those waters of the Camp Willow Run Canoe/Sail Cove, beginning at a point shore to shore from 36.49355 N, 77.91795 W, to 36.49530 N, 77.91552 W.

(2) within the waters of the cove on Hubquarter Creek, shore to shore beginning at a line from 36.50030 N, 78.00474 W to 36.49551 N, 78.00549 W.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Warren County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking Gaston Lake, all of the supplementary standards listed in Rule .0301(g) of this Section shall apply.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Amended Eff. October 1, 1992; March 25, 1978;

Temporary Amendment Eff. June 17, 2002;

Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on February 20, 2003).

EXHIBIT V-3

May 3, 2012

Proposed Technical Correction to 15A NCAC 10F.0325- Chowan County. The technical corrections identify two no wake zones within the town of Edenton; and correct the route number of the bridge over Pembroke Creek. Technical corrections are not substantive changes to a rule and do not require a public hearing.

15A NCAC 10F.0325 CHOWAN COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Chowan County:

- (1) the In Edenton, the waters contained within the entrance canals and docking areas of Edenton Marina and Pembroke Marina;
- (2) the In Edenton, the waters within 50 yards of the U.S.-Highway-17 West Queen Street bridge on SR 1204 crossing Pembroke Creek;
- (3) the The boat basin and all canals located within Cape Colony Subdivision; and
- (4) the The swimming area located in Albemarle Sound adjacent to the Cape Colony Subdivision Recreation Area.

(b) Speed Limit. No person shall operate any motorboat or vessel at greater than no-wake speed within the regulated areas described in Subparagraphs (1), (2) and (3) of Paragraph (a) of this Rule.

(c) Swimming Area. No person operating or responsible for the operation of any vessel, surfboard or water skis shall permit the same to enter the swimming area described in Subparagraph (4) of Paragraph (a) of this Rule.

(d) Placement and Maintenance of Markers. The Board of Commissioners of Chowan County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards listed in Subparagraphs (1) through (8) of Rule .0301 (g) of this Section shall apply.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. May 1, 1977;

Amended Eff. June 1, 1983.

EXHIBIT V-4

May 3, 2012

Proposed technical corrections to 15A NCAC 10F .0345- Chatham and Wake Counties. The technical corrections identify counties where no wake zones are located, simplify descriptions and add GPS coordinates. Technical corrections are not substantive rule changes and do not require a public hearing.

15A NCAC 10F .0345 CHATHAM AND WAKE COUNTIES

(a) Regulated Areas. This Rule applies to the following waters of the Shearon Harris Nuclear Power Plant Reservoir, otherwise known as Harris Reservoir, which is located in the counties of Chatham and Wake:

(1) All waters within 50 yards of any marked boat launching ramp, pier, dock, mooring area, boat storage structure, bridge, or service area.

(2) ~~The cove located in Chatham County encompassing approximately ten acres wherein a Wildlife Resources Commission access area is located as indicated by markers placed and maintained by the Wildlife Resources Commission.~~ In Chatham County, a portion of the waters of the cove at the Cross Point Landing Boating Access Area shore to shore, beginning at a point at 35.57270 N, 78.97398 W as delineated by appropriate markers.

(3) ~~The~~ In Wake County, the waters surrounding and within 150 yards of the shore of the peninsula wherein a Wildlife Resources Commission access area know as Holleman Boating Access Area is located and as indicated by markers placed and maintained by the Wildlife Resources Commission. appropriate markers.

(b) Restricted Zones. Except for authorized personnel of the power company, no person shall operate a motorboat or vessel in any restricted zone which is marked to prevent entry by boats.

(c) Mast Height. No person shall place or operate on the regulated area described in Paragraph (a) of this Rule any sailboat or other vessel having a mast or any superstructure extending vertically above water level a distance of 35 feet or more.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated areas described in Paragraph (a) of this Rule.

(e) Swimming Areas. No person shall operate any vessel or water skis within a marked public swimming area.

(f) Placement and Maintenance of Markers. The Board of Commissioners of Chatham County and the Board of Commissioners of Wake County are designated suitable agencies for placement and maintenance of markers implementing this Rule within their respective counties. Provided the said boards exercise their supervisory responsibilities, they may delegate the actual placement and maintenance to some other responsible agency, corporation, group or individual. With regard to marking the regulated areas described in Paragraph (a) of this Rule, the supplementary standards set forth in Rule .0301(g) of this Section shall apply.

History Note: Authority G.S. 75A-3; 75A-15; Eff. August 1, 1983; Amended Eff. February 1, 1990; Temporary Amendment Eff. April 1, 1998; Amended Eff. July 1, 1998.

EXHIBIT V-5

May 3, 2012

Proposed technical corrections to 15A NCAC 10F .0345 - Camden County. The technical corrections correctly identify Turner's Cut (South Mills Shore Canal), which is not part of the Intracoastal Waterway*; simplify descriptions; and add GPS coordinates and correctly identify the cove on the east side of the Pasquotank River in Camden in (a)(4). Technical changes are not substantive rule changes and do not require a public hearing.

*information per discussions with USACE Wilmington District, 2012.

15A NCAC 10F .0352 CAMDEN COUNTY

(a) Regulated Areas. This Rule applies to the waters described below:

- (1) Edgewater Canal running parallel with and along the south shore of Camden Point in Camden County and the connecting channels to Albemarle Sound;
- (2) ~~That portion of the ICW also known as the South Mills Shores Canal parallel to Bingham Road for a distance of approximately 1,000 feet to be marked at each end by appropriate markers;~~ That portion of Turner's Cut (South Mills Shore Canal) for a distance of approximately 1000 feet, south of a line from a point on the east shore at 36.41129 N, 76.30598 W to a point on the west shore at 36.41096 N, 76.30654 W and north of a line from a point on the east shore at 36.40912 N, 76.30402 W to a point on the west shore at 36.40880 N, 76.03355 W;
- (3) ~~The canals known as Canals No. 1, 2, 3 and 4 in Whitehall Shores;~~ and of White Hall Shores subdivision on the Pasquotank River; and
- (4) ~~The area known as Roland Creek;~~ cove south of Sawyers Creek on the east side of the Pasquotank River in the town of Camden, east of a line from a point on the north shore at 36.32383 N, 76.18087 W to a point on the south shore at 36.32254 N, 76.18017 W.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated area described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Camden County is designated a suitable agency for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;
Eff. June 1, 1987;
Amended Eff. January 1, 1989;
Temporary Amendment Eff. March 15, 2003;
Temporary Amendment Expired October 12, 2003;
Amended Eff. May 1, 2004.

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EXHIBIT W

May 3, 2012

VIA FACSIMILE: 919-733-2120

March 28, 2012

The Honorable Beverly E. Perdue
Governor State of North Carolina
C/O Mark Davis, Esquire
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Perdue:

It is with great humility and appreciation that I accept your appointment and look forward to serving as resident Superior Court Judge of Judicial District 4-A. It has been my privilege since 2001 to serve as a commissioner of the North Carolina Wildlife Resources Commission. This is indeed, in my opinion, the most rewarding board or commission in the State of North Carolina. In light of my appointment to the Superior Court Bench, I hereby tender my resignation to you as a commissioner of the North Carolina Wildlife Resource Commission effective immediately.

Again, thank you for the opportunity to have served the citizens of North Carolina and protect our resources for future generations.

With warm personal regards, I remain,

Sincerely,



W. Douglas Parsons

WDP/ts

