



## **AGENDA**

### **N.C. WILDLIFE RESOURCES COMMISSION**

**August 30, 2012, 9:00 a.m.**

**1751 Varsity Drive**

**NCWRC Conference Room, 5<sup>th</sup> Floor**

**Raleigh, North Carolina**

**This meeting is being recorded as a public record and is audio streaming live at [www.ncwildlife.org](http://www.ncwildlife.org). As a courtesy to others please turn off all cell phones and pagers during the meeting.**

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - *Commissioner Wes Seegars*

**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.*

**ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COMMISSION MEMBERS VERNON RAY CLIFTON, JR. AND J. GARRY SPENCE-** *The Honorable Douglas Parsons, Superior Court Judge, District 4-A*

**2012 THOMAS L. QUAY AWARD PRESENTATION** – Presentation of 2012 Thomas L. Quay Wildlife Diversity Award to Dr. Harry E. LeGrand, Jr. - *Gordon Myers, Executive Director*

**SPECIAL PRESENTATION** – Recognize former Commissioner Doug Parsons for his years of service to the Wildlife Resources Commission - *Chairman Hoyle*

**SPECIAL PRESENTATION** – Present Mr. Kim Tavasso, *Volunteer Hunter Education Instructor*, with the Hall of Fame Award given at the June 2012 annual meeting by the International Hunter Education Association – *Travis Casper, Hunter Education Coordinator, Enforcement Division (EXHIBIT A)*

**Break for Photographs**

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

**NOTICE OF COMMISSIONER APPOINTMENTS** – Receive Notice of Appointment by President Pro Tempore Berger of *J. Garry Spence* for term ending June 30, 2013; and Notice of Appointment by Governor Beverly Perdue of *Vernon Ray Clifton, Jr. District 4* for term ending June 30, 2013 **(EXHIBITS C-1, C-2)**

**RECEIVE STATE ETHICS COMMISSION REVIEW OF 2012 STATEMENTS OF ECONOMIC INTEREST FOR COMMISSIONERS VERNON RAY CLIFTON, JR. AND J. GARRY SPENCE** - *Pursuant to NCGS §138A-15(c), any actual or potential conflict of interest by a public servant sitting on a board and cited by the Ethics Commission under NCGS 138A-24(e) is required to be read into the minutes of the applicable board.* Read into the minutes relevant portions of the evaluations by the N.C. Ethics Commission of the 2012 Statements of Economic Interest for Ray Clifton and Garry Spence – *Chairman Hoyle*

## **ADMINISTRATION**

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

**2012-2013 Endowment Fund Annual Interest Allocation Report**- Receive a financial status report and take action on the allocation of interest from the Endowment Fund for 2012-2013- *Tommy Clark* **(EXHIBIT E)**

## **COMMITTEE REPORTS**

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

**Land Use and Access Committee Report** – *Jim Cogdell, Chairman*

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

**Executive Committee Report** – *David Hoyle, Jr., Chairman*

**AGENCY SPOTLIGHT** – Receive a presentation about North Carolina Wildlife Enforcement Officers and the “new” black market – *Sergeant Mark Cagle and Master Officer Robert Wayne, Enforcement Division*

## **INLAND FISHERIES**

**Fisheries, Wildlife Education and Outreach Update** - Receive an update on activities of the Division of Inland Fisheries - *Bob Curry, Inland Fisheries Division Chief*

**Cape Fear Shiner Augmentation Plan** - Consider approval of a draft species augmentation plan for the Cape Fear shiner – *Bob Curry* **(EXHIBIT F)**

**Annual Report on Implementation of the Coastal Habitat Protection Plan (CHPP)** – Receive a summary of staff activities associated with the implementation of the CHPP – *Bob Curry* **(EXHIBIT G)**

## **PROPERTY MATTERS**

**Dominion Roanoke-Gaston Conservation Easements, Halifax, Warren and Northampton Counties** – Consider staff recommendation to approve easements for property designated for riparian habitat enhancement in the Dominion FERC Settlement Agreement – *John Barbour, State Property Office Liaison (EXHIBIT H)*

**Proposed Memorandum of Understanding (Reconsideration), Edgecombe County** – Reconsider a MOU and associated request to allow the Pamlico-Tar River Foundation to construct a camping platform adjacent to the river on Tar River Game Land in Edgecombe County – *Isaac Harrold, Public Lands Section Manager (EXHIBIT I)*

**Easement Request, Montgomery County** – Consider a request to formalize and accept an existing prescriptive easement located at the Troy Boating Access Area in Montgomery County – *Isaac Harrold (EXHIBIT J)*

**Easement Request, Gates County** – Consider a request from CenturyLink for an easement across a portion of Chowan Swamp Game Land in Gates County for the purpose of providing telephone service to adjacent property – *Isaac Harrold (EXHIBIT K)*

**Easement Request, Beaufort County** – Consider a request from TideLand Electrical Membership Corporation for an easement across a portion of Goose Creek Game Land in Beaufort County for the purpose of providing electrical service to an adjacent subdivision – *Isaac Harrold (EXHIBIT L)*

**Land Acquisitions** - Consider approval for staff to begin working with the State Property Office and funding partners to develop acquisition plans for the following properties – *Isaac Harrold (EXHIBIT M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8)*

- Braun Tract – Ashe County
- Carter Sisters Tract – Scotland County
- Faircloth Tracts – Bladen County
- McFadden Tract – Bladen County
- Texas Plantation LLC Tract – Tyrrell County
- Riverstone LLC Tract – Columbus County
- Hiwassee River near Hayesville – Clay County
- Little Tennessee River near Franklin – Macon County



## **DIVISION OF WILDLIFE MANAGEMENT**

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

**Field Trial Schedule** – consider approval of the 2012-2013 Field Trial Schedule submitted by the N.C. Field Trial Association for the J. Robert Gordon Field Trial Area – *David Cobb (EXHIBIT N)*

## **RULES**

**2012-2013 Waterfowl Seasons** – Review U.S. Fish and Wildlife Service frameworks, receive public comments and select the 2012-2013 season dates and bag limits for waterfowl – *David Cobb (EXHIBITS O-1, O-2, O-3, O-4)*

**2012 Season to Allow Take of Migrant Peregrine Falcons** – Consider staff recommendations to establish a season for taking migrant peregrine falcons for use in falconry - *David Cobb (EXHIBIT P)*

**Receive Public Comments and Consider Permanent Rule Adoption** – Receive public comments and consider permanent rule adoption for revisions to 15A NCAC 10B .0303 and 15A NCAC 10B .0304 to allow feral swine trapping with no bag limits – *David Cobb (EXHIBIT Q)*

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

**COMMENTS BY EXECUTIVE DIRECTOR** – *Gordon Myers*

**ADJOURN**



## ☒ North Carolina Wildlife Resources Commission ☒

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Gordon Myers, Executive Director

### **EXHIBIT A** **August 30, 2012**

**Special Presentation:** Present Mr. Kim Tavasso, *Volunteer Hunter Education Instructor*, with the Hall of Fame Award given at the June 2012 annual meeting by the International Hunter Education Association – *Travis Casper, Hunter Education Coordinator, Enforcement Division*

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The heart and soul of the Hunter Education Program in North Carolina is volunteer instructors. The International Hunter Education Association and the N.C. Wildlife Resources Commission both recognized a big part of that heart and soul, Kim Tavasso, a volunteer instructor from Winterville, for his recent induction into the IHEA Hall of Fame.

Kim has longevity, with 20 years of instruction under his belt. He has all the top stats, with thousands of students successfully completing coursework, for thousands of hours of instruction, and thousands of hunting licenses acquired and many, many hours of enjoyment of safe hunting taking place because of his efforts.

Tavasso is noted as a leader and a trend setter. He established the hunter education committee for the regional wildlife club and became the club's liaison to the Commission. He supports the Youth Hunter Education Skills Tournament teams, NWTF Jakes events, Youth Conservation Days for Pitt County Wildlife Club and serves as a guide at Camp LeJeune Wounded Warrior Hunts.

The International Hunter Education Association Hall of Fame Award reflects Kim Tavasso's dedication to the hunting heritage, the natural resources, and the welfare of the North Carolina Wildlife Resources Commission's constituency.



# 2012 NORTH CAROLINA HUNTER EDUCATION PROGRAM

The cornerstone of the Hunter Education Program is 798 Hunter Education Instructors, who volunteer 22,540 hours annually, essentially donating service worth the equivalent of \$631,120. They, along with 9 district Hunter Education Specialists and 200 Wildlife Officers, offer the following compendium of programs:

## YOUTH PROGRAMS, ACTIVITIES and ASSISTED EVENTS



Hunter Education Program staff and volunteers devote considerable time to special events, such as those presented by civic, nonprofit and community organizations. They also support Wildlife Commission and other local, state and federal agencies in events and open-to-the public functions to include hunting education as a part of these presentations. They are a large part of the annual Fur, Fish and Game Rendezvous, Becoming an Outdoor-Woman workshops, National Hunting and Fishing Day celebrations, archery field days, sportsmen open houses, education center clinics, scouting jamborees, and many other special events.

- **Staff and volunteer participation in 3,099 community, church or school events last year.**

## YOUTH HUNTER EDUCATION SKILLS TOURNAMENTS



The pre-collegiate shooting sports championships in North Carolina, with segments in rifle, shotgun and archery marksmanship and orienteering. Teams are organized within public and private schools, while home-schooled students and teams representing organizations such as 4-H or FFA also can compete, provided they meet eligibility requirements. Competition is in two divisions, senior (high school) and junior (middle school and elementary) with overall team and individual awards based on aggregate scores. There are nine district-level competitions in March and an invitation only state final in April.

- **Tournaments saw participation by 235 schools and 5,173 competitors last year.**

## NATIONAL ARCHERY IN THE SCHOOLS PROGRAM and ARCHERY OUTREACH



The National Archery in the Schools Program (NASP) is a joint venture between public schools and the Hunter Education Program. NASP teaches 4th- through 12th-graders the basics of shooting a compound bow through their physical education classes. The curriculum builds math skills, teaches history and culture, stresses responsibility and encourages social interaction. A virtual tournament, with simultaneous scoring linked online, is held annually. Mobile units provide live fire archery ranges for various scout programs, National Wild Turkey Federation JAKES events, Ducks Unlimited Green Wings, Quail Unlimited, outdoor trade shows and school and community events.

- **NASP had 35 schools; archery programs engaged 11,710 youth last year.**



## ADVANCED HUNTER EDUCATION



Advanced hunter education courses are single topic instruction, designed to increase an outdoorsman's skills and proficiency. Or to introduce a sportsman to a new, specialty skill. Courses are offered in muzzleloading, orienteering, trapping, archery and tree stand safety. Advanced hunter education courses are provided free of charge in all 100 counties throughout the year. Following completion of course requirements a certification card will be sent, typically within 14 days. Pertinent information is recorded into the agency database upon completion. These specialty courses enhance and expand the hunting experience.

- **Staff and volunteers provided 55 advanced hunting courses with 269 attendees last year.**

## HOME FROM THE HUNT™ SAFETY CAMPAIGN



Home from the Hunt is a multimedia campaign incorporating a continual, central theme for various aspects of hunter safety. It capitalizes on the idea that a safe hunt just doesn't happen, prompting people to think ahead and do the right things in the field. It should also prompt family and friends of hunters to communicate this message to hunters they know. It also provides a "happy ending" by showing that a successful hunt is returning home and living to hunt another day. Home From The Hunt is trademarked. Hunting is one of the safest forms of outdoor recreation in the state and a lifelong activity enjoyed by true conservationists. Every hunt is successful if the hunter appreciates the time spent in the outdoors and returns home safely.

- **Statewide distribution of a poster, 2 TV commercials and 9 theme news releases last year.**

## SENSORY SAFARI



This kid-friendly mobile exhibit encourages conservation, promotes hunter education and enables visitors to learn about local habitats by listening to the sounds of birds, viewing deer and bear mounts and handling pelts of some common mammals. Wildlife Officers and Hunter Education Specialists transport this mobile exhibit across the state to events such as the Dixie Deer Classic, State Fair, Mountain State Fair, Cape Fear Wildlife Expo, natural resource conferences, hunting shows and school functions.

- **Sensory Safari presence at 51 events with an estimated 65,000 visitors last year.**

## FREE HUNTER EDUCATION COURSES



More than a firearm safety course, instruction includes ethics and responsibility, conservation and wildlife management, wildlife identification, survival and first aid, specialty hunting and tree stand safety. All first-time hunting license buyers in North Carolina must first successfully complete the 10-hour course, and certification is accepted in every state and province in North America.

- **Staff and volunteers taught 987 courses in all 100 counties with 18,728 graduates last year.**



**MINUTES - July 12, 2012**  
**N. C. Wildlife Resources Commission Meeting**  
**Raleigh, North Carolina**

The July 12, 2012 Wildlife Resources Commission meeting was called to order by *Commission Chairman David Hoyle, Jr.* at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters in Raleigh. Hoyle reminded everyone that the meeting audio is being streamed live and will be available on the Wildlife Resources Commission website. *Commissioner Steve Windham* was absent.

*Commissioner Durwood Laughinghouse* led the Pledge of Allegiance.

*Commissioner Tom Berry* gave the invocation.

**WELCOME AND MANDATORY ETHICS INQUIRY**

Chairman Hoyle welcomed the Commissioners and guests present, recognizing at Large Commissioner-Elect Garry Spence who will be sworn in at a later date. Chairman Hoyle read the ethics inquiry mandated in North Carolina General Statute 138A-15(e).

**COMMISSIONER ATTENDANCE**

David Hoyle, Jr., Chairman  
Ray White, Vice Chairman  
Thomas A. Berry  
Durwood Laughinghouse  
Berkley Skinner  
Hayden Rogers

John Litton Clark  
Joe Barker  
James Cogdell  
John T. Coley IV  
Dell Murphy

Mark Craig  
Dalton Ruffin  
Mitch St. Clair  
Wes Seegars  
Nat Harris



MINUTES  
WRC Meeting  
July 12, 2012

**VISITORS**

John Barbour - State Property Office  
Joe McClees - N.C. Sporting Dog Assoc.  
Fred Harris - N.C. Wildlife Federation  
Tracy Turner - NCWF; Intern, AG Office  
Russell Poole - N.C. Bowhunter Assoc.  
Tommy Kimball - NCBA  
William Newton - NCBA  
Mickey Strader - NCBA  
Susanna Hailey - KML Gates

Hal Atkinson - Camp-Younts Foundation  
Garry Spence - WRC Commissioner-elect  
Ed Mays - N.C. Handicapped Sportsmen  
Greg Culpepper  
Russell Rhodes - Neuse Sport Shop, Inc.  
Michael Bineham  
Tyler Bineham  
Lori Bineham  
Ashley Bineham

**MINUTES**

Upon a motion by Berkley Skinner and second by Dalton Ruffin, the Commission approved the May 3, 2012 Wildlife Resources Commission Meeting minutes as distributed in **Exhibit A**. The minutes are hereby incorporated into the official record of this meeting.

**ADMINISTRATION**

Tommy Clark, *Budget Officer*, presented in **Exhibit B** the financial status report as of May 31, 2012. The Operating Fund has a balance \$21,239,438.61. The Endowment Fund has a balance of \$90,349,446.81. **Exhibit B** is hereby incorporated into the official record of this meeting.

**NATIONAL FISHING AND BOATING WEEK LIFETIME LICENSE PRESENTATION**

Chairman Hoyle awarded a unified Lifetime Sportsman's License, sponsored by Neuse Sport Shop in Kinston, to Tyler Bineham of Fayetteville. Hoyle thanked Russell Rhodes of Neuse Sport Shop for the donation of the Lifetime Sportsman's License, which allows state-wide hunting and fishing privileges including coastal fishing. A Lifetime Freshwater Fishing License, sponsored by the N.C. Council of Trout Unlimited, was won by Rheannan Parks of New Holland, who was unable to attend. Hoyle also thanked Trout Unlimited for their support of the National Fishing and Boating Week License drawings. Winners were chosen from state-wide entries by participants in 45 kids' "Fish for Fun" events held in celebration of 2012 National Fishing and Boating Week.

At 9:05 Chairman Hoyle announced a short recess so that photographs could be taken. At 9:10 a.m. the meeting reconvened.

## **COMMITTEE REPORTS**

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

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

**Habitat, Nongame, and Endangered Species Committee Meeting Report** – *Committee Chairman* Durwood Laughinghouse reported that the HNGES Committee met on July 11. Discussion was held regarding working with the USFWS to reintroduce the Cape Fear shiner above the dam near Siler City. The Committee will make a motion later in the meeting to endorse **Exhibit I**, *Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina*.

**Action:** The Commission adopted a motion from the HNGES Committee, made by Durwood Laughinghouse and seconded by Dalton Ruffin, to accept the reappointments of six members of the Nongame Wildlife Advisory Committee (NWAC). The members are Alvin Braswell, Fred Harris, Ted Simons, John Conners, Logan Williams, and Andy Wood.

**Action:** The Commission approved the motion from the HNGES Committee, made by Durwood Laughinghouse and seconded by Wes Seegars, for Dr. Harry LeGrand to be the recipient of the 2012 Thomas L. Quay Wildlife Diversity Award. Dr. LeGrand will receive the award at the August meeting of the Wildlife Resources Commission.

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

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

## AGENCY SPOTLIGHT

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

## INLAND FISHERIES UPDATE

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

## 2013-2014 FISHING PROPOSALS FOR CONSIDERATION AT STATE-WIDE PUBLIC HEARINGS

Bob Curry presented **Exhibit C**, forty-one proposed changes in fishing regulations for 2013-2014 to be presented at state-wide public hearings. On a motion by Joe Barker and second by Nat Harris the Commission voted to take the rules to public hearings. **Exhibit C** is hereby incorporated into the official record of this meeting. The verbatim **Rule Text** is incorporated by reference into the official record of this meeting.

### Trout

- 1) South Fork New River (Ashe County) – Designate approximately 1.0 mile of the South Fork New River in Ashe County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain Trout Waters*

- 2) Big Elkin Creek (Surry County) – Designate approximately 0.4 mile of Big Elkin Creek in Surry County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.

*Amend the following rule:*

*15A NCAC 10C .0205 Public Mountain Trout Waters*

- 3) South Fork New River (Watauga County) – Designate 1.0 mile of the South Fork New River in Watauga County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 4) Fires Creek (Clay County) – Reclassify 2.2 miles of Fires Creek in Clay County from Wild Trout Waters to Delayed Harvest Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 5) Big Snowbird Creek (Graham County) – Reclassify 2.8 miles of Big Snowbird Creek in Graham County from Hatchery Supported Trout Waters to Delayed Harvest Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 6) Reclassify the tributaries of 19 Hatchery Supported Trout Waters on Commission game lands from Hatchery Supported Trout Waters to Wild Trout Waters unless otherwise classified. The Hatchery Supported Waters are: Elk River in Avery County; Corner Rock Creek and Bent Creek in Buncombe County; Carroll Creek and Linville River in Burke County; Hyatt Creek and Junaluska Creek in Cherokee County; Santeetlah Creek, (Big) Snowbird Creek, and Panther Creek in Graham County; Cold Springs Creek in Haywood County; Burningtown Creek and Cullasaja River in Macon County; Shut-in Creek, Roaring Fork, and Spillcorn Creek in Madison County; Little Buck Creek in McDowell County; Connelly Creek in Swain County; and West Fork French Broad River in Transylvania County.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 7) North Fork New River (Watauga County) – Reclassify 1.5 miles of North Fork New River in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 8) Maine Branch (Watauga County) – Reclassify 1.0 mile of Maine Branch in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 9) Howard Creek (Watauga County) – Reclassify 6.0 miles of Howard Creek in Watauga County from Hatchery Supported Trout Waters to Wild Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 10) Nantahala River (Macon County) – Reclassify the portion of the upper Nantahala River and its tributaries on Commission game lands from Wild Trout Waters to Wild Trout/Natural Bait Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**
- 11) Richland Creek (Haywood County) – Modify the lower boundary of Hatchery Supported Trout Waters on Richland Creek in Haywood County, adding 0.3 mile to Public Mountain Trout Waters.  
*Amend the following rule:*  
**15A NCAC 10C .0205 Public Mountain Trout Waters**



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



- 21) Pine Swamp Creek (Ashe County) – Remove 4.0 miles of Pine Swamp Creek in Ashe County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 22) Mill Creek (Ashe County) – Remove 3.0 miles of Mill Creek in Ashe County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 23) Yellow Creek (Graham County) – Remove 6.8 miles of Yellow Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.8 miles on Commission game lands will default to Wild Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 24) Mountain Creek (Graham County) – Remove 5.2 miles of Mountain Creek in Graham County on private lands from Public Mountain Trout Waters. The remaining 0.4 mile on Commission game lands will default to Wild Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 25) Shoal Creek (Jackson County) – Remove approximately 0.1 mile of Shoal Creek in Jackson County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 26) West Fork Tuckasegee River (Jackson County) – Remove 3.3 miles of the West Fork Tuckasegee River in Jackson County from Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 27) East Prong Roaring River (Alleghany County) – Clarify that East Prong Roaring River in Alleghany County should not be listed as Public Mountain Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 28) Little Buffalo Creek (Graham County) – Clarify that Little Buffalo Creek in Graham County should not be listed as Hatchery Supported Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 29) East Prong Roaring River (Wilkes County) – Clarify the boundaries for Hatchery Supported Trout Waters and Delayed Harvest Trout Waters on East Prong Roaring River in Wilkes County.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Trout Waters*

**Black Bass**

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

*Amend the following rule:*

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

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

*Amend the following rule:*

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

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

*Amend the following rule:*

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

**Striped Bass and Hybrid Striped Bass**

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

*Amend the following rule:*

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

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

*Amend the following rule:*

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

**Walleye**

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

*Amend the following rule:*

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

**American Shad**

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

*Amend the following rule:*

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

**Crappie and Sunfish**

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

*Amend the following rule:*

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

**Other**

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

*Amend the following rule:*

*15A NCAC 10C .0206 Trolllines and Set-Hooks*

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

*Amend the following rule:*

*15A NCAC 10C .0211 Possession of Certain Fishes*

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

*Amend the following rules:*

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

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

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

*Amend the following rule:*

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

**MEMORANDUM OF UNDERSTANDING – ALLEGHANY COUNTY**

Dr. David Cobb, *Wildlife Management Division Chief*, presented in **Exhibit D** a proposed Memorandum of Understanding authorizing the Piedmont Land Conservancy to construct and maintain a pedestrian trail on the Saddle Mountain tract of Mitchell River Game Land in Alleghany County with no financial commitment on the part of the Wildlife Resources Commission. A motion to approve the MOU was made by Wes Seegars, seconded by Durwood Laughinghouse, and carried. **MOU – Alleghany County** is hereby incorporated into the official record of this meeting.



### **MEMORANDUM OF UNDERSTANDING – MITCHELL AND MCDOWELL COUNTIES**

Dr. Cobb presented **Exhibit E**, a Memorandum of Understanding authorizing Southern Appalachian Highlands Conservancy to establish and maintain pedestrian trails on the Rose Creek and Little Tablerock Mountain tracts of NCWRC-Pisgah Game Land in Mitchell and McDowell counties. The MOU establishes no additional financial commitment on the part of the WRC. A motion to approve the MOU was made by Jim Cogdell, seconded by Dalton Ruffin, and carried. **The Memorandum of Understanding – Mitchell and McDowell Counties** is hereby incorporated into the official record of this meeting.

### **RECIPROCAL EASEMENT REQUEST – CALDWELL COUNTY**

Dr. Cobb presented **Exhibit F**, a staff recommendation to work with the State Property Office to formalize a reciprocal access easement on Buffalo Cove Game Land in Caldwell County. Mr. Folger Teague owns a 50-acre inholding surrounded by the game land, and is agreeable to formalizing a legal easement that allows public access over his property in exchange for legal access across the game land to his inholding property. Dalton Ruffin made a motion to adopt the reciprocal easement request. The motion was seconded by Mitch St. Clair and carried. **Exhibit F** is hereby incorporated into the official record of this meeting.

### **PROPERTY EXCHANGE PROPOSAL – BURKE COUNTY**

On a motion by Jim Cogdell and second by Nat Harris, the Commission approved a property exchange on Johns River Game Land in Burke County presented in **Exhibit G**. The property exchange will resolve boundary line encroachments by an adjacent landowner on a portion of the game land. **Exhibit G** is hereby incorporated into the official record of this meeting.

### **WILDLIFE MANAGEMENT UPDATE**

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

### **NORTH CAROLINA BLACK BEAR MANAGEMENT PLAN**

On a motion by Wes Seegars and second by Joe Barker, the Commission adopted the *North Carolina Black Bear Management Plan 2012-2022*, presented by Dr. Cobb in **Exhibit H**. *The North Carolina Black Bear Management Plan* in its entirety is hereby incorporated by reference into the official record of this meeting.

### **CONSERVATION RECOMMENDATIONS FOR PRIORITY TERRESTRIAL WILDLIFE SPECIES AND HABITATS IN NORTH CAROLINA**

Upon a motion by Durwood Laughinghouse and second by Nat Harris, the Commission unanimously endorsed the document "Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina," presented in **Exhibit I**. The document in its entirety is hereby incorporated by reference into the official record of this meeting.

### **PROPOSED 2012-2013 EARLY HUNTING SEASON FRAMEWORKS FOR CERTAIN MIGRATORY GAME BIRDS**

Dr. Cobb presented **Exhibit J-1**, outlining Department of the Interior frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2012 and March 10, 2013. **Exhibit J-1** is hereby incorporated into the official record of this meeting.

### **PUBLIC COMMENTS REGARDING 2012-2013 RECOMMENDATIONS FOR EARLY SEASON FRAMEWORKS**

Dr. Cobb presented in **Exhibit J-2** a summary of public comments by internet regarding the proposed Early Migratory Game Bird Season Frameworks. **Exhibit J-2** is hereby incorporated into the official record of this meeting.

### **2012-2013 EARLY SEASONS AND BAG LIMITS FOR WEBLESS MIGRATORY GAME BIRDS AND WATERFOWL**

Dr. Cobb presented **Exhibit J-3**, staff recommendations for the 2012-2013 seasons, bag limits, and shooting hours for webless migratory game birds.

**Action:** Jim Cogdell made a motion, seconded by Wes Seegars, to adopt the staff recommendation to begin shooting hours for the September 1 opening of dove season *one-half hour before sunrise and end at sunset*. Those shooting hours will remain for the entire season. That motion carried.



**Action:** On a motion by Joe Barker and second by Hayden Rogers the Commission adopted the 2012-2013 early season migratory game bird season frameworks:

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

**Exhibit J-3**, the 2012-2032 Early Seasons are hereby incorporated into the official record of this meeting.

### **2012-2013 EXTENDED FALCONRY SEASONS FOR WEBLESS MIGRATORY GAME BIRDS**

On a motion by Nat Harris and second by Joe Barker, the Commission adopted the 2012-2013 extended falconry seasons for webless migratory game birds, presented by Dr. Cobb in **Exhibit J-4**, **Exhibit J-4** is hereby incorporated into the official record of this meeting:

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

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

**Action - Waterfowl Zoning Proposal:** Upon a motion from the Migratory Birds and Waterfowl Committee made by Berkley Skinner and seconded by Wes Seegars, the Commission voted not to consider zoning for waterfowl seasons.

**2013-2014 HUNTING, NONGAME, PERMITTING, GAME LAND MANAGEMENT AND CAPTIVE CERVID RULES FOR CONSIDERATION AT STATE-WIDE PUBLIC HEARINGS**

The Commission considered taking to state-wide public hearings proposed changes in hunting, nongame, permitting, game land management, and captive cervid regulations for 2013-2014. Dr. Cobb presented the **Exhibit K-1 Supplement**, proposed changes to captive cervid regulations to take to public hearings. Commissioner Wes Seegars recused himself from consideration and action on Exhibit K-1 Supplement. Joe Barker made a motion to take proposed changes to captive cervid regulations to public hearings. The motion was seconded by Durwood Laughinghouse and carried. **Exhibit K-1 Supplement** is hereby incorporated into the official record of this meeting.

**Captive Cervids**

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

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

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

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

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

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

*Amend the following rules:*

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

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

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

*Amend the following rules:*

*15A NCAC 10H .0301 General Requirements*

*15A NCAC 10H .0302 Minimum Standards*

- 3) Increase the age for the requirement for CWD testing of deceased captive cervids from six months to 12 months.  
*Amend the following rule:*  
**15A NCAC 10H .0301 General Requirements**
- 4) Reduce the species of captive cervids that must be tested for CWD upon death from all captive cervids to only Category 1 cervids.  
*Amend the following rule:*  
**15A NCAC 10H .0301 General Requirements**
- 5) Allow for pen expansion for all captive cervid licensees if the entire expanded pen has two fences: an eight-foot high fence and an electric fence, placed either internally or externally, two feet away from the eight-foot high fence with strand placements at: 12, 20, 28, 36 and 48 inches above ground. The strands at 20 and 36 inches would be non-electrified grounding strands.  
*Amend the following rules:*  
**15A NCAC 10H .0301 General Requirements**  
**15A NCAC 10H .0302 Minimum Standards**  
**15A NCAC 10H .0304 Captive Cervid Herd Certification Program**
- 6) Allow transportation of captive cervids from any N.C. Certified herd to any other captive cervid herd up to the licensed pen capacity for the receiving herd.  
*Amend the following rule:*  
**15A NCAC 10H .0301 General Requirements**

Upon a motion by Berkley Skinner and second by Durwood Laughinghouse, the Commission voted to take to state-wide public hearings the remaining proposed changes in hunting, nongame, permitting, and game land management presented in **Exhibit K-1**. **Exhibit K-1** is hereby incorporated into the official record of this meeting. Complete rule text of **Exhibits K-1** and **the Exhibit K-1 Supplement** are incorporated by reference into the official record of this meeting.

### Deer

- 7) Move the portions of Avery and Yancey counties that are currently in the Introductory Either-Sex deer season (one day) into the Conservative Either-Sex deer season (six days) for all private lands. Keep game land either-sex season as Introductory (one day).  
*Amend the following rule:*  
**15A NCAC 10B .0203 Deer (White-tailed)**
- 8) Remove restrictions on carrying firearms during the deer bow-and-arrow season and pistols during the muzzleloader season in accordance with state law. Allow hunting with muzzleloading pistols.  
*Amend the following rule:*  
**15A NCAC 10B .0203 Deer (White-tailed)**

### Turkeys

- 1) Allow an adult to accompany more than one youth during the one-day Spring Youth Only Wild Turkey Season.  
*Amend the following rule:*  
*15A NCAC 10B .0209 Wild Turkey*
- 2) Create a one week Spring Youth Only Wild Turkey Season from the first Saturday in April through the following Friday. The bag limit for this entire week will be one bird.  
*Amend the following rule:*  
*15A NCAC 10B .0209 Wild Turkey*

### Squirrels

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

### Alligators

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

### Dog Training

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

### Game Lands

- 1) Increase user fees for the use of the field trial facilities located on the Sandhills Game Lands from the current \$25.00 to \$75.00 for use of the club house only and \$100 to \$200 for the use of the club house and field trial grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*
- 2) Allow open carry of firearms anytime on state-owned game lands and conservation areas.  
*Amend the following rules:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*  
*15A NCAC 10D .0103 Hunting on Game Lands*  
*15A NCAC 10J .0102 General Regulation Regarding Use of Conservation Areas*
- 3) Prohibit the discharge of any firearm on game lands for purposes other than hunting, trapping, or self-defense except in designated target shooting areas.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*

- 4) Allow hunting by special permit on game lands when the seasons for game animals (bear, fox, rabbit, squirrel, deer, bobcat, opossum and raccoon) and game birds (all migratory game birds and upland game birds) are closed.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 5) Limit hunting on game lands with weapons legal for open game animal or game bird seasons.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 6) Allow trapping on Sherwood and Harmon Den Bear Sanctuaries  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*
- 7) Allow waterfowl hunting to take place the Monday after Christmas and the Monday after New Year's Day when these two holidays fall on a Sunday.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 8) Allow a youth/adult dove hunt on opening day of dove season on Needmore Game Lands. This hunt would be on posted dove fields by permit only.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 9) Prohibit equestrian use on Perkins Game Land (Davie County).  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 10) Clarify existing regulations that allow muzzleloader and archery deer hunting on the J. Robert Gordon Field Trial Grounds.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 11) Allow waterfowl hunting on the J. Robert Gordon Field Trial Grounds during all open days of the waterfowl season.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- 12) Open spring camping season on the game lands on March 31.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*



## Permits

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

*Amend the following rule:*

*15A NCAC 10B .0106 Wildlife Taken for Depredation*

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

*Amend the following rule:*

*15A NCAC 10B .0106 Wildlife Taken for Depredation*

*Adopt the following rule:*

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

## RULEMAKING

### Fiscal Note – Captive Cervid Rules

Tommy Clark, *Budget Director*, presented in **Exhibit L** the fiscal note for proposed rules 15A NCAC 10B .0101, 15A NCAC 10H .0301, 15A NCAC 10H .0302, and 15A NCAC 10H .0304, pertaining to cervids held in captivity, as required prior to publication in the *North Carolina Register*. Nat Harris made a motion to approve the fiscal note. The motion was seconded by Joe Barker and carried. **Exhibit L** is hereby incorporated into the official record of this meeting.

### **Fiscal Note – 2013-2014 Proposed Rules**

Norman Young, *Rulemaking Coordinator*, presented **Exhibit M**, the fiscal note for 2013 – 2014 rules proposals, which is required to be approved by the Commission prior to publication in the *North Carolina Register*. Wes Seegars made a motion to approve the fiscal note. The motion was seconded by Durwood Laughinghouse and carried. **Exhibit M** is hereby incorporated into the official record of this meeting.

### **BEAUFORT COUNTY NO WAKE ZONE RULE CHANGES – 15A NCAC 10F. 0303**

#### **Technical Changes, Broad Creek and Tranter's Creek**

Norman Young presented in **Exhibit N-1** proposed technical changes to portions of NCAC 10F .0303 (a)(1) and (a)(7) - Beaufort County, to clarify text and describe no wake zones using GPS coordinates. Technical changes do not substantially change a rule and do not require Notice of Text and public hearing.

#### **Agency Proposal for Amendment and Repeal in Vicinity of Mouth of the Creek Bridge, Blounts Creek**

Young then presented **Exhibit N-2**, a proposal by the Wildlife Resources Commission for an amendment and repeal under 15A NCAC 10F .0303 to take to public hearing with notice in the *North Carolina Register*, to correct the description of the no wake zone at Mouth of the Creek bridge on Blounts Creek and to correct the location of no wake markers that are established at that location.

#### **Agency Proposal for Amendment for Blounts Creek Boating Access Area, Blounts Creek**

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

**Action:** On a motion by Ray White and second by Joe Barker, the Commission adopted the technical changes, and proposed amendments and repeal for public hearing and Notice in the *North Carolina Register* as presented in **Exhibits N-1, N-2, and N-3**, which are hereby incorporated into the official record of this meeting.

### **Fiscal Note Review – Beaufort County Rule 15A NCAC 10F. 0303**

Norman Young presented **Exhibit O**, a fiscal analysis review of proposed changes to 15A NCAC 10F .0303, which is required for any Administrative Rule proposal prior to public notice in the *North Carolina Register*. Mark Craig made a motion to approve the fiscal note. The motion was seconded by Joe Barker and carried. **Exhibit O** is hereby incorporated into the official record of this meeting.

**TEMPORARY RULES ADOPTION – 15A NCAC 10B .0219 (COYOTE) AND 15A NCAC 10B.0223 (FERAL SWINE)**

On a motion by Wes Seegars and second by Tom Berry the Commission adopted temporary rules presented in **Exhibit P** for hunting coyote and feral swine, including technical corrections requested by the Rules Review Commission, to provide for implementation of permanent rules already adopted by the NCWRC on May 3, 2012. **Exhibit P** is hereby incorporated into the official record of this meeting.

**COMMENTS BY THE CHAIRMAN**

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

**EXECUTIVE DIRECTOR SALARY INCREASE**

Chairman Hoyle announced that state employees have received a legislative salary increase, effective July 1, 2012. However, the salary of the Executive Director is set by the Wildlife Resources Commission.

**Action:** On a motion by Tom Berry and second by Durwood Laughinghouse the Commission approved an increase in Gordon Myers’ salary to match the percentage received by other state employees.

**COMMENTS BY EXECUTIVE DIRECTOR**

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

**ADJOURNMENT**

The next meeting of the Wildlife Resources Commission will be held in Raleigh on Thursday, August 30, 2012. There being no further business, the meeting was adjourned at 11:00 a.m.

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

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**David W. Hoyle, Jr., Chairman**

**Date**

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**Gordon Myers, Executive Director**

**Date**



# **EXHIBIT C-1**

**August 30, 2012**

## **GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011 HOUSE BILL 555**

**Corrected Copy 4/4/11**

**Senate Rules and Operations of the Senate Committee Substitute Adopted 6/28/12**

**Short Title: 2012 PPT's Appointments Bill.**

**A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS.**

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate; and

Whereas, the President Pro Tempore has made recommendations;

Now, therefore, the General Assembly of North Carolina enacts:

### **PART I. PRESIDENT PRO TEMPORE'S APPOINTMENTS**

**SECTION 1.31.** Garry Spence of Mecklenburg County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on June 30, 2013, to fill the unexpired term of Doc J. Thurston.

**August 30, 2012**



**STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR**

**20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301**

**BEVERLY EAVES PERDUE  
GOVERNOR**

July 16, 2012

Mr. Vernon Ray Clifton, Jr.  
720 Campbell Road  
Clarkton, NC 28433

Dear Vernon:

I am pleased to confirm your appointment to serve as a member of the North Carolina Wildlife Resources Commission. Your appointment is effective immediately. Your term will expire on June 30, 2013.

Your board or commission is covered by the State Ethics Act. As a result, you must participate in ethics training within six months of your appointment and every two years thereafter, and you will be required to file a Statement of Economic Interest by April 15 of each year.

I am most grateful for your willingness to serve the great State of North Carolina. Your leadership and commitment are critical to this Commission as a part of our efforts to strengthen our communities and improve the quality of life for our citizens.

If you have any question or need additional information, please contact the Office of Boards and Commissions at (919) 715-0275.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beverly Eaves Perdue".

Beverly Eaves Perdue

Enclosures



# NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

## YEAR-TO-DATE REVENUES AND EXPENSES

	June 2011	June 2012
<b>Balance July 1</b>		
Plus: Receipts to Date	\$ 23,459,611.18	\$ 20,845,004.99
	<u>75,012,114.99</u>	<u>69,846,937.33</u>
Balance and Receipts to Date	98,471,726.17	90,691,942.32
Less: Disbursements To Date	<u>77,651,721.18</u>	<u>68,514,235.65</u>
<b>Balance June 30</b>	<u><u>\$ 20,820,004.99</u></u>	<u><u>\$ 22,177,706.67</u></u>

# EXHIBIT D

## August 30, 2012

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

	June 2011			June 2012		
	Authorized Budget 2010-11	Expenditures	% of Budget Expended	Authorized Budget 2011-12	Expenditures	% of Budget Expended
2100 Administration	\$ 9,383,681.00	\$ 8,184,389.65	87.22%	\$ 8,376,254.00	\$ 7,753,115.51	92.56%
2120 Enforcement	23,583,305.00	22,715,304.83	96.32%	21,748,228.00	20,619,826.16	94.81%
2130 Education	4,868,808.00	4,395,861.95	90.29%	4,422,142.00	3,583,444.77	81.03%
2140 Inland Fisheries	9,003,574.00	8,638,855.54	95.95%	10,696,588.00	9,934,085.41	92.87%
2150 Management	15,993,519.00	14,920,541.28	93.29%	17,064,475.00	16,113,785.46	94.43%
2160 Engineering Services	11,431,803.00	10,527,918.81	92.09%	9,007,051.00	8,431,087.99	93.61%
2170 W/Life Fund Receipts	8,328,138.00	8,268,849.12	99.29%	2,403,582.00	2,078,890.35	86.49%
<b>TOTAL</b>	<b>\$ 82,592,828.00</b>	<b>\$ 77,651,721.18</b>	<b>94.02%</b>	<b>\$ 73,718,320.00</b>	<b>\$ 68,514,235.65</b>	<b>92.94%</b>

# NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

## ENDOWMENT FUND YEAR-TO-DATE

	June 2011	June 2012
<b>Balance June 1</b>		
Plus: Revenues from Sales	\$ 82,322,980.68	\$ 90,349,446.81
Return on Investment	177,876.90	199,000.10
	496,206.61	538,441.69
<b>Less: Transfers Out</b>	82,997,064.19	91,086,888.60
	(179,485.00)	-
<b>Balance June 30</b>	<b>\$ 82,817,579.19</b>	<b>\$ 91,086,888.60</b>
<b>Market Value</b>	<b>\$ 87,690,667.33</b>	<b>\$ 100,820,404.19</b>

### Endowment Fund Interest

Sources of Interest Available	Expendable	Non Expendable	Transferred to Operations	Transferred to Capital Projects
ADULT Licenses	\$ 10,641,693.53	\$ -	\$ -	\$ -
INFANT Licenses	-	9,362,552.74		
YOUTH Licenses	-	780,204.26		
Magazine Subscriptions	300,731.90	-	183,561.00	
Contributions - General	455,007.21	-		
Contributions - Diversity	30.14			
<b>TOTAL</b>	<b>\$ 11,397,462.78</b>	<b>\$ 10,142,757.00</b>	<b>\$ 183,561.00</b>	<b>\$ -</b>

### 2011-12 Budgeted Obligated

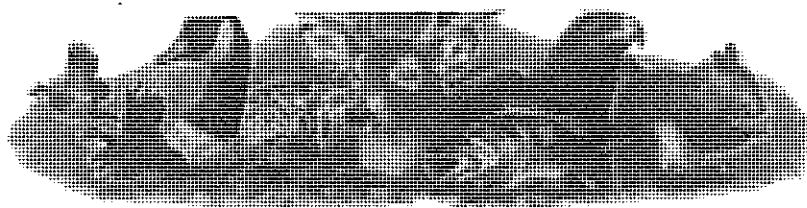
### 2011-12 Transferred To Date

Allocation of Endowment Interest - Sportsman Fund	3,609,567.14	-
Allocation of Endowment Interest - Magazine Fund	183,561.65	183,561.00
	<b>\$ 3,793,128.79</b>	<b>\$ 183,561.00</b>



# EXHIBIT E

August 30, 2012



## North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### 2012-2013 Allocation of Endowment Fund Interest

Endowment Fund Balances:	Sportsman Funds	
	6/30/10	71,990,513.89
	6/30/11	79,096,536.95
	6/30/12	<u>87,287,641.82</u>
		\$ <u>238,374,692.66</u>
Average Balance		\$ 238,374,692.66
		$\div$ <u>3</u>
		\$ 79,458,230.88
Total Allocation		\$ 79,458,230.88
		$\times$ <u>5%</u>
		\$ <u><u>3,972,911.55</u></u>

The formula for determining the amount of interest available to the Wildlife Commission to support fish and wildlife programs was passed in a resolution by the Commission on October 9, 1992:

“.....an amount equal to 5% (five per cent) of the most recent three year average of the year-end balance in the Wildlife Endowment Fund will be allocated to the Wildlife Resources Fund in August of each year for use by the Executive Director to support high priority fish and wildlife programs.....”

The formula for determining the amount of interest available to support *Wildlife in North Carolina* magazine was passed in a motion by the Commission on May 18, 2007. The motion allocated 100 percent of the interest earned from magazine lifetime subscriptions to the magazine budget.

2012-2013 Allocation - **\$258,514.49**

# EXHIBIT F

August 30, 20102



## ⊠ North Carolina Wildlife Resources Commission ⊠

Gordon S. Myers, Executive Director

### MEMORANDUM

**TO:** Mallory G. Martin, Chief Deputy Director

**FROM:** Robert L. Curry, Chief  
Division of Inland Fisheries

**DATE:** August 21, 2012

**SUBJECT:** Cape Fear Shiner Augmentation Plan

Staff presented a project proposal to the Commission's Habitat, Nongame and Endangered Species Committee at its July 11, 2012 meeting that would enhance the endangered Cape Fear shiner populations in the Rocky River in Chatham County. The presentation described in detail the two key components of the augmentation plan 1) Communications and Outreach and 2) Relocation and Monitoring. This cooperative project with the US Fish and Wildlife Service proposes to translocate Cape Fear shiners from sites downstream of Woody Mill Dam where they are abundant to another site upstream of the Woody Mill Dam which is currently designated as Critical Habitat where they are scarce. Staff also presented details of an Outreach and Communications plan that would be initiated before any fish are relocated. The early stages of the Communications plan will allow for local input to be considered before the project is fully implemented.

The Habitat, Nongame and Endangered Species Committee endorsed the plan and charged staff with preparing an exhibit for consideration by the full Commission at its August 2012 meeting. Upon Commission approval, staff will engage local governments and landowners in the vicinity of the project area to make them aware of the proposed plan. Further, staff will report back to the Habitat, Nongame and Endangered Species Committee regarding the information learned from the public informational meetings before implementing the relocation and monitoring component of the plan.

Staff recommends that the Commission endorses the draft Cape Fear Shiner Augmentation Plan and requests authorization to implement the initial phase of the communications plan.

# EXHIBIT F

August 30, 20102



DRAFT

Cape Fear Shiner

Cooperative Augmentation Plan

2012

# **EXHIBIT F**

**August 30, 2010<sup>2</sup>**

## **Table of contents**

Executive Summary

Communications Plan

Augmentation Plan

USFWS Fact Sheet on Cape Fear Shiner (Attachment A)

USFWS Cooperative Augmentation Request (Attachment B)



# EXHIBIT F

August 30, 20102

## Executive Summary: Cape Fear Shiner Augmentation and Communication Plans In the Rocky River, Cape Fear River basin

### History of Cape Fear Shiner and Project

- Described in 1971
- Found only in the upper Cape Fear River basin in Randolph, Moore, Chatham, Lee, and Harnett counties
- Listed by the US Fish and Wildlife Service as Endangered in 1987 (Attachment A)
- Two factors most likely contributed to their decline: water quality and connectivity
- Three areas in NC designated as “critical habitat” including the 4 mile reach to be augmented on Rocky River
- USFWS has a recovery plan that calls for establishment of new populations and augmentation of existing populations with these goals:
  - Preserve existing populations and current habitat
  - Search for additional populations and suitable habitat
  - Monitor all populations biennially
  - **Determine feasibility and reintroduce populations into historic habitat (goal of this project)**
  - Annually assess the recovery program for the species
- Commission received a request on February 14, 2012 from USFWS to work collaboratively to meet recovery goals for Cape Fear shiner (Attachment B)
- Project objective: translocate Cape Fear shiners from sites where they are abundant to the augmented site, which is currently designated as Critical Habitat
- Augmentation Plan:
  - Capture 25 fish from each of 4 healthy populations – twice per year
  - Release fish at the Pittsboro-Goldston Road Crossing
  - Monitor short term persistence by surveying 1 month after release
  - Monitor long term persistence prior to next release
- Communication Plan objective:  
To ensure the support and cooperation of local municipalities and landowners who live in the nearby critical habitat, the Commission has developed a communications plan that will emphasize that augmentation will not incur any increased regulation or restrictions on landowners.
- Four methods to disseminate information for the Communications Plan:
  1. Informational meetings including handouts to landowners and municipality officials with Siler City, local residents, and Chatham County Commissioners
  2. News releases (two for information on the augmentation plan, including the benefits to landowners and municipalities about Cape Fear shiner habitat)
  3. Dedicated Cape Fear Shiner webpage on the Commission’s website, [www.ncwildlife.org](http://www.ncwildlife.org) (including news releases, handouts, and fact sheets)
  4. Social Media (facebook. Twitter, blog and You Tube).

# **EXHIBIT F**

**August 30, 20102**

## **Cape Fear Shiner Communications Plan**

The N.C. Wildlife Resources Commission, in cooperation with the U.S. Fish and Wildlife Service, has developed an augmentation plan for the endangered Cape Fear shiner in the fish's pre-existing critical habitat in the Rocky River. To ensure the support and cooperation of local municipalities and landowners who live in the nearby critical habitat, the Commission has developed a communications plan that will emphasize that augmentation will not incur any increased regulation or restrictions on landowners.

Local governments and landowners in the vicinity of the project area will have multiple opportunities to comment and become familiar with the objectives and purpose of this project.

- Phase I: Providing information and collecting input from the local community
- Phase II: Public information regarding the initiation of the project
- Phase III: Public information regarding the progress of the project after the first monitoring season

The Cape Fear Shiner Communications plan is broken down into four information-dissemination sections. They are:

- Informational meetings including handouts to landowners and municipality officials
- News releases
- Dedicated Cape Fear Shiner webpage on the Commission's website, [www.ncwildlife.org](http://www.ncwildlife.org)
- Social Media

### **Informational meetings including handouts to landowners and municipality officials**

Informational meetings will be scheduled with the officials of Siler City, the Chatham County Commissioners and local residents. They will be provided with informational handouts and a presentation about this fish, the augmentation plan, how it does (not) affect them, and provide a forum for questions or concerns.

Two handouts are planned to relay critical information to two groups: landowners in critical habitat surrounding the Rocky River section that will receive the Cape Fear stockings and Siler City officials.

# **EXHIBIT F**

**August 30, 20102**

The first handout is a direct-mail card that will be sent to landowners (draft being developed). A scheduled mail date will be determined once the card is finalized. It will provide information about the water-quality benefits to landowners and stresses that there will be no increased regulation of the river due to a population of an endangered species being augmented (a fear of landowners and municipality officials).

The second handout is a flier that is planned for the Siler City Town Manager and Chatham County Commissioner (draft being developed). This handout will provide information on how the Cape Fear shiner augmentation could be a public relations benefit to the city by showing that it supports efforts that improve water and habitat quality.

Both handouts will be posted to the website on the Cape Fear shiner page.

## **News Releases**

Two news releases will be developed that provide information on the augmentation plan. They will outline in greater detail the benefits to landowners and municipalities about Cape Fear shiner habitat (i.e., the presence of Cape Fear shiners in a body of water indicates good water quality), and stress that there will be no increased regulation of the river or the property, a fear of landowners and municipality officials alike, because the river reach is already designated Critical Habitat.

News releases will be posted on the Commission's website and sent to regional media, which include newspapers, television stations and radio stations.

The first news release "Cape Fear Shiner Restoration Under Way in Rocky River" (still under development) has a release and web site post date approximately two weeks ahead of the scheduled augmentation date. This time frame allows the Commission to get input from Siler City officials and to advise the media ahead of time on what will take place. It will provide contact information for the biologists involved in the augmentation plan if the media have additional questions or would like to "flesh" out the story on their own.

The second news release will be released after Commission biologists have conducted the first survey to determine the success of the augmentation.



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## Cape Fear Shiner Dedicated Webpage

We have established a dedicated webpage that will be a repository for Cape Fear shiner information in general, as well as the augmentation of the Cape Fear Shiner in the Rocky River. Information posted here includes:

- News releases
- Handouts to landowners and Siler City officials
- Cape Fear shiner fact sheet

## Social Media

The Commission has four social media forums that can be used to disseminate information to constituents. The Cape Fear shiner communications plan will incorporate the Commission's four social media forums, which include: Facebook, Twitter, the Conserve & Protect blog and YouTube.

Facebook: Two postings on the Commission's Facebook page are planned. The first posting is planned for September/October— shortly after the augmentation has taken place. It will be a slideshow depicting Commission biologists augmenting the river and will link back to the news release for additional information.

The second posting on Facebook will be a "What is it Wednesday?" feature. The "What is it Wednesday" feature, which happens every Wednesday and has been well received by the Commission's Facebook followers so far, gives followers opportunities to guess what animal is depicted in a photograph that the Social Media Public Information Officer posts. The Cape Fear shiner will be featured as the "What is it Wednesday?" animal. Posting date to be determined.

Twitter: Each time a news release is posted, it is automatically "tweeted" to our followers on Twitter. A "from the field tweet" is planned during the first stocking. Commission biologists will send photos of the stocking process to the Social Media Public Information Officer who will then send a "twitpic" to Twitter followers almost immediately. A second "from the field tweet" is planned for the following summer when biologists return to the river to conduct a follow-up survey.

Conserve & Protect blog: The first blog post is scheduled for posting just prior to the start of the project.

# **EXHIBIT F**

**August 30, 2010**

YouTube: The Commission's public information officer has extensive experience in videography. He will accompany Commission biologists when they stock the river, shooting video that will then be edited and posted to the Commission's YouTube channel. He will return to the river with them the following summer to video-tape their follow-up survey work. That video also will be edited and posted to the Commission's YouTube channel.

DRAFT

# EXHIBIT F

August 30, 20102

## Cape Fear Shiner Conservation: Augmentation in the Rocky /Deep River Recovery Unit

As of February 2012, the US Fish & Wildlife Service (USFWS) reports 593 species of animals in the US that are designated as endangered or threatened under the Endangered Species Act of 1973. Of these, 149 are fishes, 72 are clams or mussels, and 22 are crustaceans, meaning that 41% (243) of all listed animals are aquatic organisms. Each recovery plan lists goals and actions needed to downlist or delist each species (USFWS 2012).

Five of the 149 listed fish species live in North Carolina, one of which is the Cape Fear shiner, *Notropis mekistocholas*, a small cyprinid endemic to the Cape Fear River drainage in the central portion of the state's Piedmont (Figure 1). Currently, Cape Fear shiners occur in portions of the Deep, lower Rocky, Haw River, and the upper Cape Fear rivers. Due to its limited distribution, habitat degradation, and population reduction in occupied habitats, the Cape Fear shiner was listed in 1987 as Endangered (USFWS 1987). In addition, the USFWS has designated critical habitat for the Cape Fear shiner which includes two sections of the Rocky River (Figure 1). The Cape Fear shiner recovery plan has five goals: (1) preserve existing populations and current habitat, (2) search for additional populations and suitable habitat, (3) determine feasibility and reintroduce populations into historic habitat, (4) monitor all populations biennially, and (5) annually assess the recovery program for the species (USFWS 1988).

This species usually prefers, wide, shallow sections of streams and rivers with substrates consisting of coarse gravel, cobble, and boulders (Pottern and Huish 1985, Snelson 1971, Hewitt et al. 2009). Individuals are typically collected in slow runs, eddies, and pools just

# EXHIBIT F

August 30, 20102

downstream from areas of fast, shallow water where they can feed on algae, insects and detritus (Snelson 1971, Pottern 2009). However, Cape Fear shiners have also been collected in small, sandy bottom streams without vegetation (Pottern and Huish 1985) and in habitats with silt and clay bottoms with woody debris (WRC unpublished data), so habitat preferences may be broader than reported.

Periodic surveys have been conducted for Cape Fear shiners since the mid-1980's and the last widespread, directed survey for this species was conducted in 2007 (Pottern 2009). Cape Fear shiners were once abundant in the Rocky River, and the species was described in 1971 (Snelson) from specimens collected in this river at the Hwy 902 bridge (Figure 2). Water quality problems in the 1970's and 1980's likely reduced their numbers, but more recently these threats have been reduced as wastewater treatment and stormwater management have improved. Several studies have been conducted that suggest that water quality and habitat conditions in the Rocky River are now appropriate to translocate Cape Fear shiners upstream of Reeve's Lake, created by the Rocky River Hydropower Dam (Dwyer et al. 2005, Hewitt et al. 2006, Hewitt et al. 2009). The connectivity between upstream and locally abundant downstream sites is impeded by the hydropower dam. In addition, species that are typically associated with Cape Fear shiners, such as the highfin shiner (*Notropis altipinnis*), swallowtail shiner (*Notropis procne*), and spottail shiner (*Notropis hudsonius*), are present in the Rocky River above Reeve's Lake, but the Cape Fear shiner populations are so low that recent surveys have been unable to detect them.

The goal of this project, aligned with USFWS recovery plan goal 3 (USFWS 1988), is to augment the Cape Fear shiner population in the Rocky River upstream of the Reeve's Lake in Chatham County. The objective is to translocate Cape Fear shiners from sites where they are



# EXHIBIT F

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abundant (lower Rocky and Deep rivers) to the augmentation site, which is currently designated as Critical Habitat (Figure 2). Ultimately, the success of the project will result in the higher abundance of a naturally reproducing population of Cape Fear shiners in the Rocky River upstream from the Rocky River hydropower dam. This project's success will decrease the likelihood of Cape Fear shiner extinction due to stochastic events, which are less threatening to large populations with wider distributions, but can be detrimental to species when populations are small and isolated (Sodhi and Ehrlich, 2010).

## Methods

The augmentation site is located in the Rocky River at the downstream end of USFWS's designated critical habitat near the SR 1010 (Pittsboro-Goldston Road) bridge crossing (Figure 2). Cape Fear shiners will have the potential to expand from the augmentation site 24.7 river kms upstream from SR 1010 to the next dam, Hackney Millpond, and short distance downstream to Reeve's Lake.

To address any genetic concerns, individuals will be collected from locations as geographically close to the augmentation site as possible. In addition, studies by BurrIDGE and Gold (2003) and Gold et al. (2004) suggest that there is little genetic divergence among sample sites. Source sites for the translocation include the Rocky River near the confluence with Bear Creek, near the confluence of the Deep River and Rocky Rivers, the Deep River at Hwy 15/501, and at the Lockville Dam tailrace just upstream from Hwy 1 on the Deep River. The abundance of Cape Fear shiners is high at these locations which will greatly aid in collecting and in minimizing any impacts to the source populations.

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Each spring and fall, approximately 100 individuals per season will be collected from source sites and released into the augmentation site. The goal is to collect equal numbers ( $n = 25$ ) of Cape Fear shiners from each of the source sites. Cape Fear shiners will be fin clipped ( $n = 25-30$ ), preserved in 95% non-denatured EtOH, and archived for genetic reference material at the North Carolina Museum of Natural Science.

If possible, translocations will begin in the fall of 2012, and continue through the spring of 2014 for a total of 400 stocked individuals (Table 1). Spring collection and translocation would take place in April prior to spawning so that gravid individuals could spawn within the augmentation site. Fall collections will target young of the year individuals allowing the Cape Fear shiners to mature over the winter and spawn the following spring. Using both adults and young of the year fish may increase the potential for success.

Cape Fear shiners will be collected with a 1.8 X 3.1 m seines and held in dark-colored buckets with aerated water from the source sites. The duration of sampling will be recorded to determine catch per unit effort (CPUE) which will be expressed as the number of individual Cape Fear shiners collected per minute of seining. Collection and translocations will take place quickly to minimize stress on the Cape Fear shiners. Preliminary plans are to collect at two source sites and then bring those 50 individuals to the augmentation site and release those fish. During the same day, we would then collect at the remaining two source sites and release the remaining 50 Cape Fear shiners at the augmentation site. To help reduce the possibility of introducing pathogens into the resident aquatic community, any individuals that show signs of disease or poor condition will not be translocated. Cape Fear shiner translocation will only occur during favorable weather and hydrologic conditions. Care will be taken to equalize the transport water temperature to that of the augmentation site.

# **EXHIBIT F**

**August 30, 20102**

Short term survivorship will be assessed by surveying at the augmentation site one month after each stocking and recording CPUE. To document persistence, monitoring surveys will be conducted at the augmentation site, including locations upstream and downstream, each spring and fall prior to release of the additional Cape Fear shiners (Table 1). Catch per unit effort data will be used as a comparative baseline value for a successful augmentation. If the released Cape Fear shiners are able to successfully reproduce and increase in abundance to a self-sustaining level, our expectation is that the CPUE in the augmented reach will eventually be similar to the source sites downstream. Once this occurs, the augmentation efforts would be deemed successful and translocation would cease. It is unclear how many years that this would take to occur. If a minimal number of Cape Fear shiners are collected within the first two years, the US FWS and NC WRC will determine whether translocations should continue or to pursue propagating this species in captivity so that a larger number of individuals can be released.

# EXHIBIT F

August 30, 20102

## Literature Cited

- Burridge, C. P., and J. R. Gold. 2003. Conservation genetic studies of the endangered Cape Fear shiner, *Notropis mekistocholas* (Teleostei: Cyprinidae). *Conservation Genetics* 4: 219-225.
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# EXHIBIT F

August 30, 20102

**Table 1.** Schedule for Cape Fear Shiner augmentation.

2013

APR	MAY	JUN JUL AUG	SEPT	OCT
Survey	Monitoring Survey		Monitoring Survey	Monitoring Survey
Collection and Release			Collection and Release	

2014

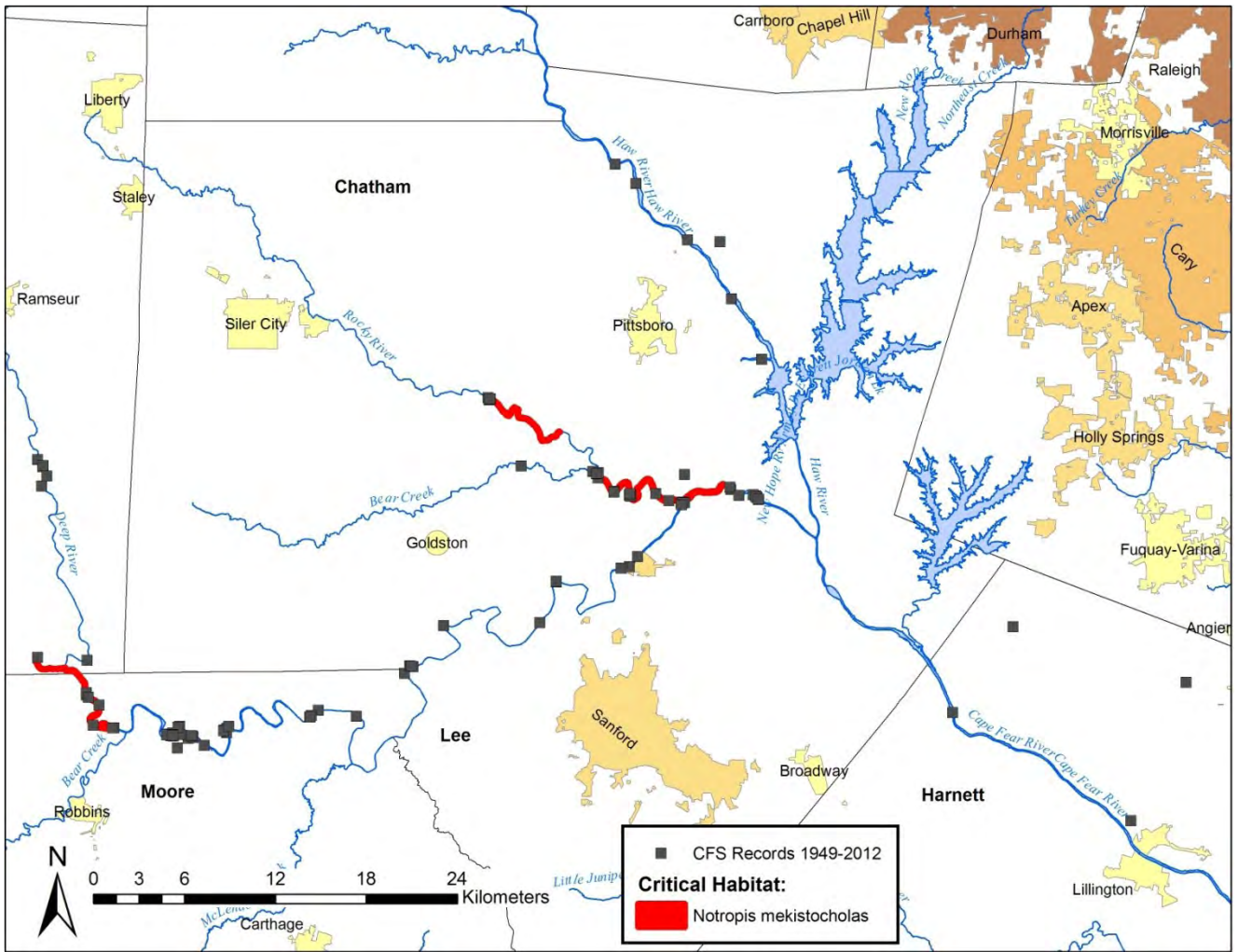
APR	MAY	JUN JUL AUG	SEPT	OCT
Survey	Monitoring Survey		Monitoring Survey	Monitoring Survey
Collection and Release			Collection and Release	

2015

APR OCT	MAY	JUN JUL AUG	SEPT	
Survey	Monitoring Survey			
Collection and Release				

# EXHIBIT F

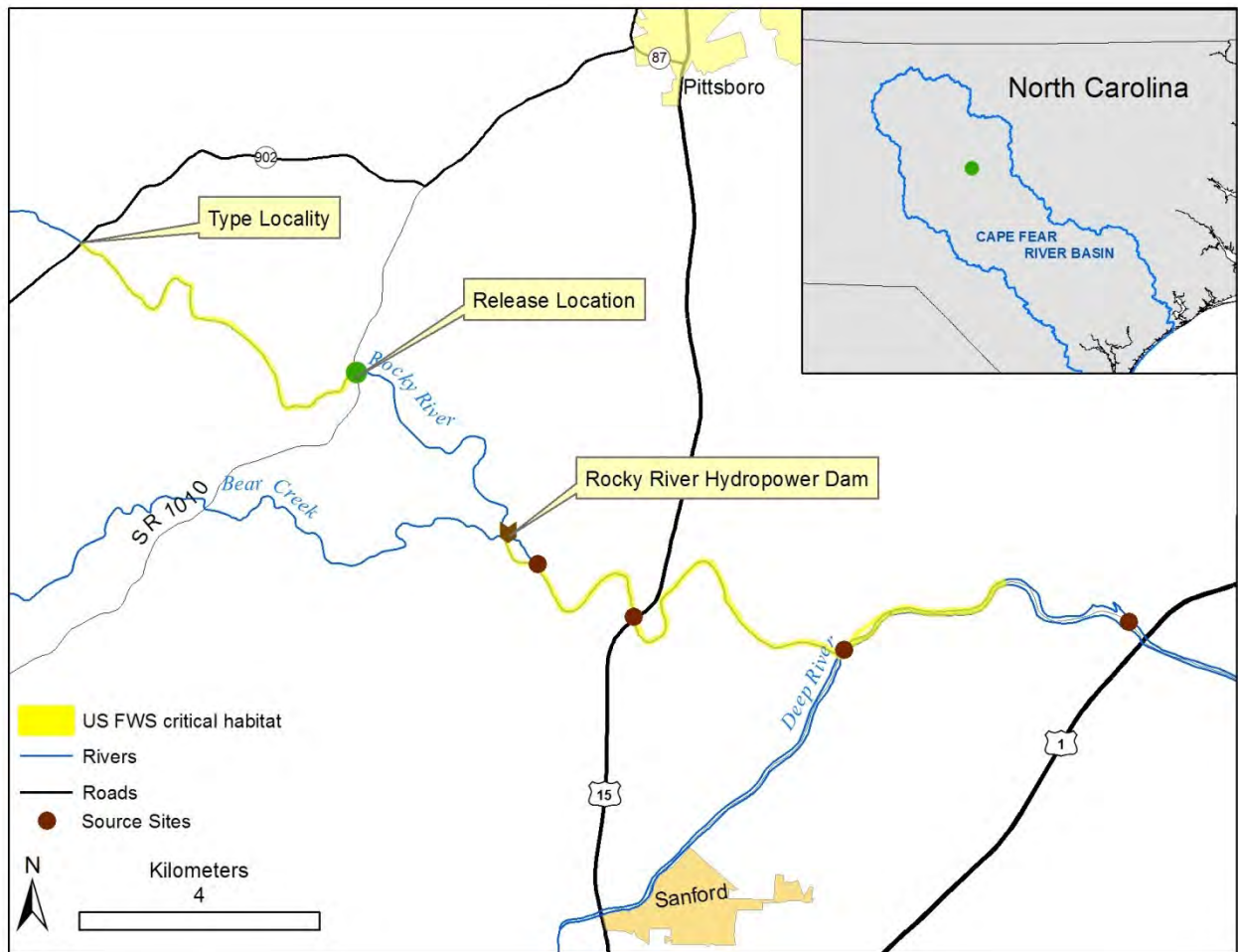
August 30, 20102



**Figure 1:** All known Cape Fear shiner records from 1949 – February 2012 and USFWS designated critical habitat.

# EXHIBIT F

August 30, 20102



**Figure 2:** Type locality and location of the augmentation and source sites for Cape Fear Shiners.

# EXHIBIT F

August 30, 20102

## Attachment A



### United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
Post Office Box 33726  
Raleigh, North Carolina 27636-3726

14 February 2012

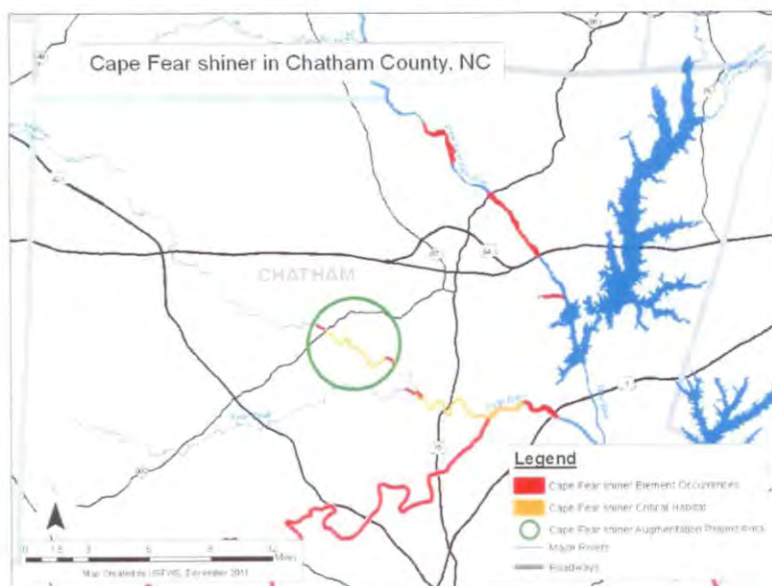
FEB 20 2012

Ms. Shannon Deaton  
Inland Fisheries Habitat Conservation Program  
NC Wildlife Resources Commission  
1721 Mail Service Center  
Raleigh, NC 27699-1721

Dear Ms. Deaton:

The US Fish and Wildlife Service (USFWS) requests the opportunity to work with the NC Wildlife Resources Commission (NCWRC) on an upcoming augmentation project for the federally endangered Cape Fear shiner (*Notropis mekistocholas*). The Cape Fear shiner was listed as an endangered species with three critical habitat areas on September 25, 1987, and a Recovery Plan for the species was completed in 1988. Thought to historically occupy much of the upper Cape Fear River basin, the Cape Fear shiner's current range is restricted to a handful of stream reaches in Randolph, Moore, Chatham, Lee and Harnett Counties, North Carolina. Over the years, the USFWS, NCWRC, and others have worked together to document the species' needs (e.g., food and habitat requirements), to understand the distribution of the species throughout its' limited range, and to assess threats to the species in order to better understand potential causes of decline.

In April 2011, the USFWS convened a group of species experts (i.e., local public and private biologists who have detailed knowledge of Cape Fear shiner biology and ecology) to examine the conservation framework for the Cape Fear shiner. This group generated several conservation priorities with the aim of promoting recovery for the shiner; subsequent meetings of NCWRC and USFWS selected augmentation/reintroduction efforts as the top priority, starting with an augmentation project in the





# EXHIBIT F

August 30, 20102

## Attachment A

designated Critical Habitat for Cape Fear shiner in the upper Rocky River, Chatham County, NC. Other options identified for augmentation/reintroduction efforts include the Deep River above High Falls, the Haw River below Bynum, and the mainstem Cape Fear River below Buckhorn Dam. The upper Rocky River project was selected first because the current quality of the habitat will likely support more Cape Fear shiners, and because this area (i.e., 4 miles of the Rocky River between NC902 and SR1010) has been designated as Critical Habitat, thus it currently receives protection under the Endangered Species Act. Furthermore, the most recent official contact (dated 27 March 2009) with local constituents was a letter from the Chatham County Board of Commissioners to the USFWS requesting a restoration project for imperiled aquatic species in the Rocky River watershed.

The Recovery Plan for the Cape Fear shiner details two recovery tasks for augmentation/reintroduction efforts. Recovery Task #2 states that efforts should be made to “search for additional populations and/or habitat suitable for reintroduction efforts.” It further details that “suitable habitat could also be identified for transplants” (i.e., augmentation). Recovery Task #3 is to “determine the feasibility of reestablishing the Cape Fear shiner back into historic habitat and reintroduce where feasible...if suitable habitat is available or can be made suitable, populations should be reintroduced.” In collaboration with NCWRC and other conservation partners, we propose an augmentation project in the upper Rocky River, as is consistent with the recovery plan.

The currently proposed approach is the translocation of adult shiners from the downstream healthy population in the Rocky River to augment the area upstream of Rocky River Hydro dam. The goals of this project are to not only bolster the population of Cape Fear shiners in the upper Rocky River, but to also improve techniques for future augmentation/reintroduction of Cape Fear shiners. As previously described, other suitable projects for augmentation/reintroduction of Cape Fear shiners could be in the Haw River, upper Deep River, and upper Cape Fear River. The long-term goal is to downlist/delist the species, which should increase biodiversity and reduce the regulatory burden on the public. Success of this initial augmentation project will be the documented natural reproduction, persistence, and dispersal of Cape Fear shiners in the upper Rocky River, as determined by monitoring. At a minimum, this project would require two twice-annual (spring and fall) translocation efforts to build the population, with one month post-monitoring of each effort, in addition to annual monitoring for three to five years. If translocation methods prove unsuccessful, captive propagation will be undertaken during the third year to augment the population.

The USFWS hopes to partner with NCWRC to accomplish the goals of this project. The NCWRC will be able to contribute expert knowledge of the species as well as translocation (and possible captive propagation) protocols and follow-up monitoring needs, and possibly hatchery expertise. In addition, we look to partner with the NCWRC and the Chatham Conservation Partnership on a positive outreach effort with the local community. As we develop the details of the augmentation project, we will work with NCWRC and other conservation partners on the logistical aspects of making this project a success.

If you have any questions or comments, please contact Sarah McRae at 919-856-4520x16 or [sarah\\_mcr@fws.gov](mailto:sarah_mcr@fws.gov).

Sincerely,



Pete Benjamin  
Field Supervisor



# EXHIBIT F

August 30, 20102

Attachment B

U.S. Fish and Wildlife Service



## Cape Fear Shiner (*Notropis mekistocholas*)

### Description

The Cape Fear shiner (*Notropis mekistocholas*) is a small (about two inches long), yellowish minnow with a black band along the sides of its body. The fins are yellow and somewhat pointed. The upper lip is black, and the lower lip bears a thin black bar along its margin.

### Habitat

The species is generally associated with gravel, cobble, and boulder substrates, and is known to inhabit slow pools, riffles, and runs. These areas occasionally support American water willow (*Justicia americana*), which may be used by the minnow as cover or protection from predators. The Cape Fear shiner can be found swimming in schools of other minnow species but is never the most abundant species.

During the spawning season, Cape Fear shiner adults move to slower flowing pools to lay eggs on the rocky substrate.



Cape Fear shiner habitat in the Rocky River.  
Photo by David Rabon/USFWS



Captive Population of Cape Fear shiners. Photo by Conservation Fisheries, Inc.

Juveniles are often found in slack water, among large rock outcrops of the midstream, and in flooded side channels and pools.

### Life History

The Cape Fear shiner is thought to live to about three years of age in the wild. In captivity, however, the minnow can live to six years of age. Reproductive maturity is reached after the first year. Adults lay eggs in the spring and summer (May - July), when water temperatures are warm. Eggs hatch about three days after being laid, but the fry continue to gain nourishment from the yolk sack for another five days.

### Distribution

The Cape Fear shiner is endemic to the upper Cape Fear River basin in the Central Piedmont of

North Carolina. Currently, five populations of the species are known from the mainstream reaches and the tributaries of the Deep, Haw, and Rocky Rivers in Chatham, Harnett, Lee, Moore, and Randolph counties. The total number of shiners in each population is not known, but all populations appear to be small.



Cape Fear shiner range within North Carolina

### Threats

Like many endangered aquatic species, the Cape Fear shiner is threatened with habitat loss and degradation. The species' habitat becomes unsuitable when the water flow or water levels change. This can be caused by



# EXHIBIT F

August 30, 20102

## Attachment B



*Carbonton Dam located on the Deep River separates two populations of the Cape Fear shiner. Photo by Mike Wicker/USFWS*

fluctuations in water released from dams or physical alteration of the stream.

Pollution is another cause of habitat degradation. The Cape Fear shiner is sensitive to chemicals found in fertilizers, pesticides, and other sources that pollute water. These and other pollutants include water runoff from farms, municipalities and businesses and their associated infrastructure.

Other threats to the Cape Fear shiner include the introduction of nonnative fish to North Carolina rivers which can cause increased predation on the shiner.

### Conservation

To help secure the future of the Cape Fear Shiner, the U.S. Fish and Wildlife Service added the shiner as an endangered species to the Federal Endangered and

Threatened Species List in 1987. The United States Congress, recognizing that many of our Nation's valuable plant and wildlife resources have been lost and that others are imperiled, passed the Endangered Species Act in 1973 to provide a means to help preserve species and their habitats for future generations.

In addition, approximately 17 river miles of the Deep River, Rocky River, Fork Creek, and Bear Creek have been designated as Critical Habitat for the Cape Fear shiner.

Preventing further habitat deterioration and restoring past habitats will help ensure the future of the Cape Fear shiner.



### What You Can Do

- Support measures related to keeping our streams and lakes clean, such as land-use planning that overtly maintains vegetated riparian buffers and water quality.
- Plant and maintain native vegetation along streams and creeks. These "vegetated buffers" prevent the erosion of soil and sediments into the water after heavy rains, keeping the stream clear and clean.
- Be careful when using and disposing toxic substances such as motor oil, pesticides, fertilizers, and other chemicals near creeks and streams. Always follow the instructions for chemical use, and properly dispose of any remaining material and the container.
- Keep livestock out of rivers and streams. Livestock can damage the stream banks by eating the bank vegetation and by causing erosion of the bank. Livestock and their waste can also pollute the water.

- Watch for fish kills, illegal dumping of waste, unusual water color or smell, and other changes in the river's condition. Report environmental emergencies (e.g., fish kills, oil or chemical spills) affecting water resources to the N.C. Division of Emergency Management at 1-800-858-0368.

### Additional Information

For additional information about the Cape Fear shiner, visit our website at <http://nc-es.fws.gov>.

# EXHIBIT G

August 30, 2012



## North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

### MEMORANDUM

**TO:** Mallory Martin, Chief Deputy Director

**FROM:** Robert L. Curry, Chief  
Division of Inland Fisheries

**DATE:** August 22, 2012

**SUBJECT:** North Carolina's Coastal Habitat Protection Plan 2011-2012 Annual Report

A draft of the North Carolina's Coastal Habitat Protection Plan (CHPP) 2011-2012 Annual Report is being circulated to the Coastal Resources Commission, Environmental Management Commission, Marine Fisheries Commission and the Wildlife Resources Commission for review and endorsement. This 46-page report details accomplishments from September 2011 through August 2012 of the four commissions relating to the 2011-2013 CHPP Implementation Plan. Once finalized, the annual report will be submitted to the Joint Legislative Commission on Governmental Operations of the General Assembly.

The annual report provides a brief overview of the CHPP, its purpose, and the role of the four commissions. Also included is a summary of the 2011-2012 accomplishments of the Implementation Plan and a bulleted list of the annual highlights for each of the plan's goals.

The specific accomplishments of each commission are detailed in an attachment to the report, and are listed for each of the plan's goals and recommended actions. The accomplishments for the North Carolina Wildlife Resources Commission are found on pages 34 and 35 of the annual report and are attached. They include activities related to the coordination and planning with partners on resource issues as well as research associated with fish and wildlife resources which utilize coastal habitats.



# EXHIBIT G

August 30, 2012

## Wildlife Resources Commission

*Goal 1: Improve effectiveness of existing rules and programs protecting coastal fish habitats*

Rec	Action	Update
1.3	Promote habitat conservation through the Wildlife Action Plan (Green Toolbox) and Educational Centers.	Agency review of Wildlife Action Plan (WAP) – Habitat vulnerability sections for upcoming WAP revision.
1.3	Encourage CRFL projects related to habitat education.	WRC regularly participates in the CRFL grant committee.
1.4	Continue to review development issues and address environmental issues as they relate to the CAMA Land Use Planning Program.	WRC reviews Land Use Plans when circulated for review by DCM.
1.6	Participate in state and federal efforts to control invasive aquatic species and educate staff and partner agencies.	WRC staff participated in US Department of Agriculture (USDA) multi-agency discussion on <i>Hydrilla</i> in the Albemarle Sound (March 5, 2012).

*Goal 2: Identify, designate and protect strategic habitat areas*

Rec	Action	Update
2.2	Conduct SHA evaluation and designation process for Pamlico Sound and tributaries (Region 2).	Completed – WRC staff participated as an advisory committee member in the SHA region 2 nomination process.
2.2	Conduct SHA evaluation and designation process for White Oak basin (Region 3).	No action – WRC staff will be part of the advisory committee for region 3 when the committee starts its work.
2.2	Integrate resulting criteria and information from SHA committee into DENR divisions' guidelines, policies, and rulemaking.	No action.
2.2	Study the feasibility and benefits of developing an SAV Restoration Program.	WRC participates in the multi-agency SAV committee and Restoration sub-committee.

*Goal 3: Enhance habitat and protect it from physical impacts*

Rec	Action	Update
3.1b	Obtain funding to restore streams and associated wetlands	No action.

# EXHIBIT G

August 30, 2012

	designated as anadromous fish spawning areas in the Albemarle Sound area as implementation steps for the River Herring Fishery Management Plan.	
3.1b	Continue to study the feasibility and benefits of dam and barrier removal in general and for mitigation.	Conducting study on the effects of small dams on fish and mussels in the Chowan, Neuse, Roanoke and Tar river basins.
3.1b	Survey previously identified Albemarle Sound river herring spawning areas to estimate current condition and spawning function, and identify stream obstructions on river herring spawning streams.	WRC staff selected two creeks in the Albemarle Sound region known for an historic herring run to sample weekly with boat electrofishing. A draft report of the results is currently in review.

## *Goal 4: Enhance and protect water quality*

Rec	Action	Update
4.1c	Work with NC State to develop a GIS-based map of potential sources of endocrine disrupting chemicals statewide.	WRC is funding a study on endocrine disrupting chemicals and intersex fish in North Carolina waters including the Roanoke River. Funding info:  Aday, D. D., S. W. Kullman, W. G. Cope, T. J. Kwak, J. A. Rice, and J. M. Law. A Comprehensive Examination of Endocrine Disrupting Compounds and Intersex Fish in North Carolina Water Bodies. 2011–2016. NC Wildlife Resources Commission. \$493,258.

# EXHIBIT H

August 30, 2012



## North Carolina Wildlife Resources Commission

Gordon Myers, Executive Director

### MEMORANDUM

**TO:** Robert L. Curry, Chief of Inland Fisheries  
**FROM:** Shannon L. Deaton, Program Manager  
**DATE:** August 20, 2012  
**SUBJECT:** Conservation Easements – Dominion North Carolina Power

In July 1999 Dominion North Carolina Power (Dominion) submitted a hydropower application to the Federal Energy Regulatory Commission (FERC) to continue operations under a new 40 year license for the Roanoke Rapids and Gaston Hydropower Project Combination Project Number 2009. Principal state and federal agencies involved in addressing fisheries, wildlife, and habitat impacts were NCWRC, NCDENR, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and N.C. Division of Marine Fisheries for this project.

On July 15, 2003 a stakeholder settlement agreement was submitted to FERC summarizing collaborative agreements that have been reached. One portion of this agreement that has not been implemented is the establishment of certain conservation lands as summarized below:

*The continued recreational use and management of Lake Gaston and Roanoke Rapids Lake for North Carolina sportsmen.*

- Dominion will place a permanent conservation easement on recreational facilities, at least 80 acres of shoreline habitat, the bypass reach, and several other identified areas within the project boundary. (See Exhibit A in the attached draft Conservation Easement)

The following lands were identified as areas with high conservation value (see page 8 of Conservation Easement document):

- All islands currently owned by Dominion within Roanoke Rapids Lake and Lake Gaston that are not otherwise obligated;
- Land at the NW corner of the Roanoke Rapids Lake close to Gaston Dam (~30 acres);
- Land located within the bypass reach including the canal trail that falls within the current Project Boundary (~450 acres); and
- Property designated as the “Grant Tract” (~120 acres).

Staff is seeking approval from the Commission for implementation of the settlement agreement provisions for establishment of conservation easements through the State Property Office. This action will ensure that these tracts remain in the present state of land use and provide the Commission with future wildlife conservation and use opportunities.

# EXHIBIT H

August 30, 2012

EXCISE TAX  
RECORDING TIME, BOOK AND PAGE

TAX LOT NO. \_\_\_\_\_ PARCEL IDENTIFIER NO. \_\_\_\_\_  
VERIFIED BY \_\_\_\_\_ COUNTY ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2012  
BY \_\_\_\_\_

MAIL AFTER RECORDING TO J. J. Johnson, Paralegal II, Dominion Resources Services, Inc., 707 East Main Street – 12<sup>th</sup> Floor, Richmond, Virginia 23219

THIS INSTRUMENT WAS PREPARED BY Virginia Electric and Power Company, 707 East Main Street – 12<sup>th</sup> Floor, Richmond, Virginia 23219

BRIEF DESCRIPTION FOR THE INDEX Roanoke Rapids and Gaston Hydropower Projects located in Halifax, Northampton and Warren Counties, North Carolina

## CONSERVATION EASEMENT AGREEMENT

THIS CONSERVATION EASEMENT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between **VIRGINIA ELECTRIC AND POWER COMPANY**, a Virginia public service corporation, doing business in North Carolina as **“Dominion North Carolina Power”** (“**DOMINION**”), to be indexed as a Grantor, whose address is c/o Real Estate Coordinator, 707 East Main Street, 12<sup>th</sup> Floor, Richmond, Virginia 23219; and the **NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**, an agency of the State of North Carolina (the North Carolina Wildlife Resources Commission, together with any successor commission, agency or entity or the respective successors or assigns of the North Carolina Wildlife Resources Commission or such successor commission, agency or entity, being hereinafter collectively referred to as the “**WRC**”), to be indexed as a Grantee, whose address is 1751 Varsity Drive, Raleigh, North Carolina 27606-2576. The designations Grantor and Grantee as used herein shall include said parties and their respective successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

### RECITALS:

WHEREAS, **DOMINION** is the owner in fee simple of certain lands situated in Halifax County, Northampton County and Warren County, North Carolina (the “**Property**”), as more particularly described on **Exhibit A**, attached hereto and by this reference made a part hereof; and

WHEREAS, **DOMINION** is the Licensee under a license issued on March 31, 2004 and amended per rehearing on March 4, 2005, by the Federal Energy Regulatory Commission, which, together with any successor commission, agency or entity, or the respective successors or assigns of the Federal Energy Regulatory Commission or such successor agency, commission or entity, are hereinafter collectively referred to as “**FERC**”) authorizing it to operate hydroelectric generating facilities known as the Roanoke Rapids and Gaston Hydropower Project Combination Project No. 2009 (together with all additions, improvements, modifications and alterations thereto and all replacements thereof, being hereinafter collectively called the “**PROJECT**”) (which **PROJECT** includes Roanoke Rapids Lake, located on the Roanoke River in Halifax and Northampton Counties, in the State of North Carolina); ; and Lake Gaston, located on the

# EXHIBIT H

August 30, 2012

Roanoke River in Halifax, Northampton and Warren Counties, in the State of North Carolina); and

WHEREAS, pursuant to the re-licensing of the PROJECT by FERC, DOMINION desires to grant to the WRC a perpetual conservation easement over portions of the Property, thereby restricting and limiting the use of those portions of the Property to the terms and conditions and for the purposes more particularly hereinafter described; and

WHEREAS, the WRC acknowledges, understands and agrees that DOMINION produces electrical power and in connection therewith DOMINION currently has and in the future will have its Facilities (as defined in Exhibit C hereof) on, above and/or below the Conservation Easement Areas (as hereinafter defined), and that it is the intent of the WRC or DOMINION that DOMINION's electrical generation, distribution and transmission operations and activities at the Property will not be impaired by the Conservation Easement (as hereinafter defined); and

WHEREAS, the WRC is an agency of the State of North Carolina whose purposes include the restoration and enhancement of fish and wildlife habitat; is authorized by the laws of the State of North Carolina to accept, hold and administer conservation easements; and possesses the authority to accept and is willing to accept the conservation easement from DOMINION under the terms and conditions hereinafter described; and

WHEREAS, any reference in this instrument to DOMINION shall hereafter be deemed to include DOMINION and any subsequent FERC licensee of the PROJECT and the respective successors and assigns of DOMINION and any such subsequent licensee of the PROJECT; and

WHEREAS, any reference in this instrument to the WRC shall hereafter be deemed to include the WRC and its successors and assigns.

## WITNESSETH:

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, DOMINION hereby grants and conveys unto the WRC and its successors and assigns forever and in perpetuity (subject to the revocation rights of DOMINION and/or its successors, successors in title or assigns or FERC upon a violation of the covenants, terms, provisions, agreements, conditions or restrictions hereof, as provided below), but subject to the covenants, terms, provisions, agreements, conditions and restrictions hereinafter set forth, a non-exclusive conservation easement (the "**Conservation Easement**") over, under, through, upon and across the portions of the Property (the "**Conservation Easement Areas**") which are more particularly shown on the plats attached hereto as Exhibits B-1, B-2, B-3 and B-4, all of which are incorporated herein by this reference.

TO HAVE AND TO HOLD the Conservation Easement unto the WRC, its successors, successors in title and assigns, forever. The covenants agreed to and the terms, conditions, restrictions and purposes imposed herein and those described in the terms and conditions set forth in Exhibit C, attached hereto and by this reference made a part hereof, shall be binding



# EXHIBIT H

August 30, 2012

upon DOMINION and the WRC and their respective successors, successors in title and assigns, and, except as otherwise provided, shall continue as a servitude running in perpetuity with the Property. PROVIDED HOWEVER, notwithstanding anything to the contrary herein stated, the Conservation Easement is granted with the express understanding and agreement that all rights herein granted are subject to and the WRC, for and on behalf of itself and its successors, successors in title and assigns, agrees to be bound by (1) for so long as the PROJECT is subject to federal licensing jurisdiction under the Federal Power Act (together with any successor legislation relating to the licensing of electric generating plants and facilities, collectively, the “Act”), the licensee’s right without the WRC’s prior approval to comply with the terms and conditions of the license issued under the Act to operate the PROJECT, together with the applicable provisions of the Act and of the rules and regulations of FERC and any amendments to such license, Act and rules and regulations now or hereafter in effect and any lawful directives by FERC with respect to the PROJECT or any part thereof; (2) any state license relating to the PROJECT, together with the applicable provisions of all state laws and rules and regulations now or hereafter in effect; (3) all recorded easements, covenants, conditions, reservations, restrictions and encumbrances applicable to the Property or any part thereof, including, but not limited to, (i) recorded recreation and agricultural easements, rights, covenants and restrictions to which the Property or portions thereof may be subject as of the date hereof, and (ii) waterline and/or sanitary sewer easements to the Roanoke Rapids Sanitary District or similar governmental or quasi-governmental entity which may be entered into and recorded after the date hereof (the “**Sanitary Sewer Easements**”); and (4) the Conservation Easement Conditions and Restrictions attached hereto as **Exhibit C**. To the extent the provisions of the Conservation Easement and/or the Conservation Easement Conditions and Restrictions set forth herein or the rights granted herein conflict with the operation or maintenance of the PROJECT, the Act, any of the aforesaid directives, licenses, laws, rules or regulations relating to the operation or maintenance of the PROJECT, or any of the aforesaid recorded easements, covenants, conditions, reservations, restrictions or encumbrances, said Act, directives, licenses, laws, rules, regulations, easements, covenants, reservations, restrictions and encumbrances shall control.

Notwithstanding any provisions herein to the contrary, (A) this instrument, the conveyance of the Conservation Easement and the covenants, terms, provisions, conditions, restrictions and agreements contained herein are expressly conditioned on and shall not be deemed to be effective or binding on DOMINION or the WRC unless and until approved in writing by FERC; (B) DOMINION and its successors, successors in title and assigns have the right to perform any and all acts required by order of FERC without the prior approval of the WRC or any successor commission, agency or entity, or the respective successors, successors in title or assigns of the WRC or such successor commission, agency or entity; (C) DOMINION and its representatives, successors, successors in title and assigns reserve the right to engage in or permit others to engage in the uses of the Conservation Easement Areas that are not inconsistent with the purposes of the Conservation Easement; and (D) all rights granted to or reserved by DOMINION in this instrument (including all exhibits) and DOMINION’s electrical generation, distribution and transmission activities and operations on the Property are consistent with the purposes of the Conservation Easement.

The WRC, for and on behalf of itself and its successors, successors in title and assigns, understands, acknowledges and agrees that DOMINION produces electrical power and now has,

# EXHIBIT H

August 30, 2012

or in the future may have Facilities (as defined in **Exhibit C** hereof) located on, over and/or under the Conservation Easement Areas and that DOMINION has the rights to lay, construct, bury, operate and maintain the Facilities in the Conservation Easement Areas and the rights to inspect, rebuild, remove, repair, maintain, improve, alter, modify, replace and relocate the Facilities or any part thereof within the Conservation Easement Areas, and make such changes, replacements, alterations, substitutions, additions to or extensions of the Facilities as DOMINION may from time to time deem advisable, in its sole and absolute discretion.

The following covenants shall run with the Conservation Easement Areas: (a) the use of such land by the WRC shall not endanger health, create a nuisance, or otherwise be incompatible with overall recreational use; (b) the WRC shall take all reasonable precautions to ensure that the construction, operation, and maintenance of any permitted structures or facilities on the Conservation Easement Areas will occur in a manner that will protect scenic, recreational, and environmental values; (c) WRC shall not restrict public access to PROJECT waters; and (d) if a conflict should arise regarding the Conservation Easement and the rights granted to or reserved by DOMINION in this instrument (including all exhibits) and DOMINION's electrical generation, distribution and transmission activities and operations on the Property shall be construed in favor of the rights granted to or reserved by DOMINION herein.

## Attachments:

Exhibit A – General Description of Property

Exhibits B-1, B-2, B-3 and B-4 – General location map and Plats of Property

Exhibit C - Conservation Easement Terms and Conditions

[Signature pages follow.]

# EXHIBIT H

August 30, 2012

IN WITNESS WHEREOF, DOMINION and he WRC have caused this instrument to be executed as of the day and year first above written.

**USE BLACK INK ONLY**

VIRGINIA ELECTRIC AND POWER COMPANY

By: \_\_\_\_\_

C. D. Holley

Title: Vice President - Fossil & Hydro  
System Operations

COMMONWEALTH OF VIRGINIA,  
CITY / COUNTY OF \_\_\_\_\_ County,

I, \_\_\_\_\_, a Notary Public of the City/County and State aforesaid, hereby certify that C. D. Holley personally came before me this day and acknowledged that he is Vice President - Fossil & Hydro System Operations of Virginia Electric and Power Company, a Virginia corporation, and that by authority duly given and as an act of the corporation, he signed the foregoing instrument in its name and on its behalf as its act and deed.

Witness my hand and notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**SEAL-STAMP**

# EXHIBIT H

August 30, 2012

WRC:

NORTH CAROLINA WILDLIFE RESOURCES  
COMMISSION

By: \_\_\_\_\_

Name:

Title:

NORTH CAROLINA, \_\_\_\_\_ County,

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid,  
certify that \_\_\_\_\_ personally came before me this day and  
acknowledged that he is the \_\_\_\_\_ of the North Carolina Wildlife  
Resources Commission, an agency of the State of North Carolina, and that by authority duly  
given and as an act of the agency, the foregoing instrument was signed in its name and on its  
behalf as its act and deed.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

## SEAL-STAMP

The foregoing Certificate(s) \_\_\_\_\_

\_\_\_\_\_ is/are certified to be correct. This instrument and this certificate are duly registered at the date  
and time and in the Book and Page shown on the first page hereof.

\_\_\_\_\_  
By \_\_\_\_\_ REGISTER OF DEEDS FOR  
COUNTY  
Deputy/Assistant-Register of Deeds

# EXHIBIT H

August 30, 2012

## EXHIBIT A (the “Property”)

1. All islands currently owned by DOMINION within Roanoke Rapids Lake and Lake Gaston that can be legally encumbered, expressly excluding Buggs Island and other islands owned by the US Government, as shown on **Exhibit B-3**. Goat Island shall not be included as it is reserved for future recreational development. (Reference Comprehensive Settlement Agreement Article LK4 paragraph 4.1.1.)
2. The land within the Project Boundary on the northwestern-most shore of Roanoke Rapids Lake close to Gaston Dam (Gaston parcels [a] south of NN2 within the Project Boundary, [b] NN1 and [c] Roanoke Rapids parcel 37), all as shown as the hatched portions on **Exhibit B-1** hereof. (Reference Comprehensive Settlement Agreement Article LK4 paragraph 4.1.2.)
3. The bypass reach area including the canal trail that falls within the current Project Boundary, as shown (diagonal lines) on **Exhibit B-2**. (Reference Comprehensive Settlement Agreement Article LK4 paragraph 4.1.3.)
4. This Property is designated and shown on **Exhibit B-2** as the “Grant Tract No. 1A (1925),” being the crosshatched area located on the north side of the Project Boundary. (Reference Comprehensive Settlement Agreement Article LK4 paragraph 4.2. Paragraph 4.2 requires that 80 acres of land be made subject to a conservation easement. The Grant Tract, as defined in **Exhibit B-2**, encompasses approximately 120 acres.)
5. **Exhibit B-4** is attached and designates general location of the conservation areas noted in items 1, 2, 3 and 4 above.





Bypass reach area including the canal trail within the Project Boundary



# **EXHIBIT H**

August 30, 2012

## **EXHIBIT B-3**

All islands currently owned by DOMINION that can be legally encumbered

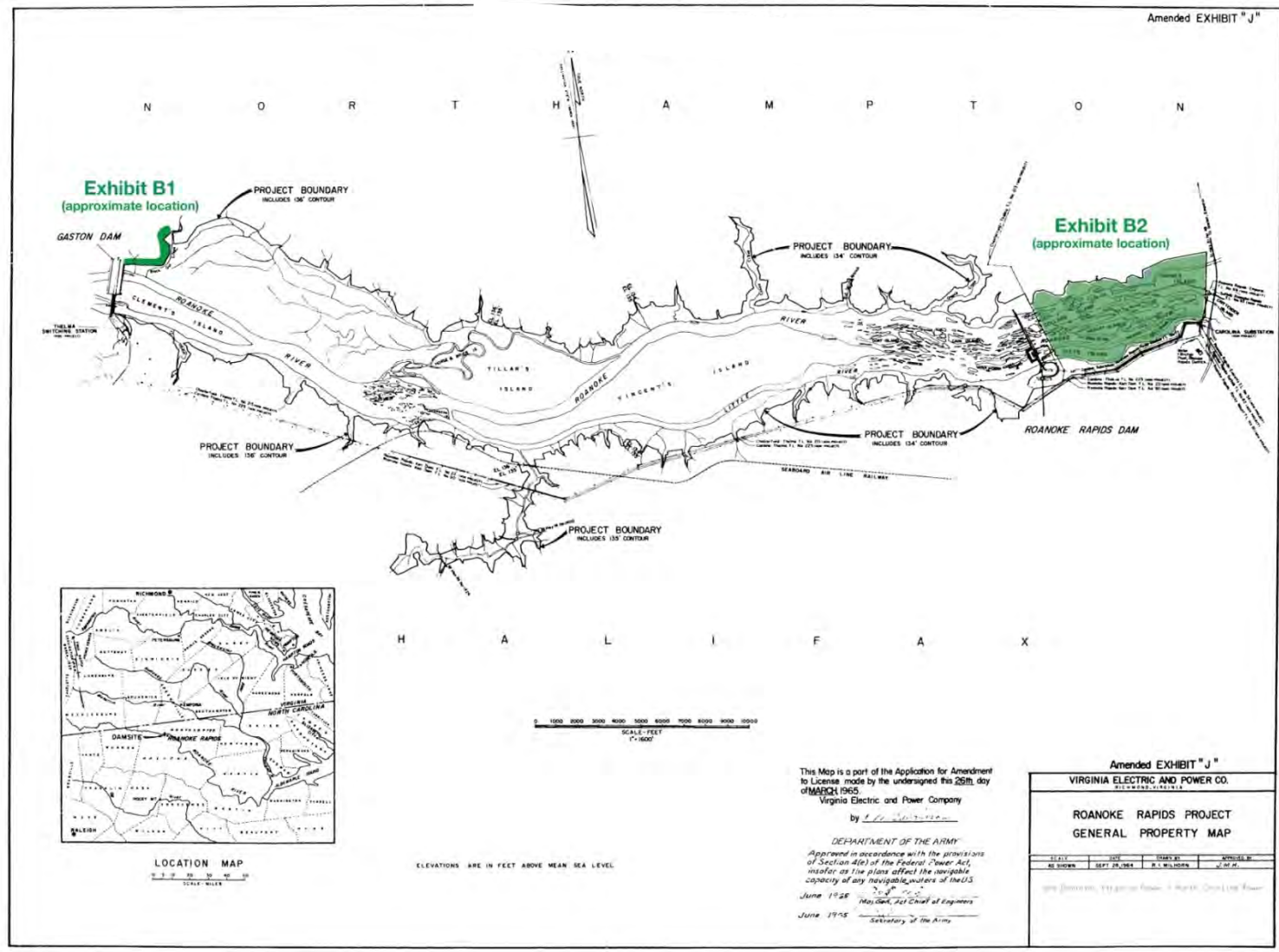
Map Pending

# EXHIBIT H

August 30, 1912

## EXHIBIT B-4

General location map



# EXHIBIT H

August 30, 2012

## EXHIBIT C

### (Conservation Easement Conditions and Restrictions)

The purposes of the Conservation Easement granted in the instrument to which this **Exhibit C** is attached are to provide environmental protection for surface waters, to provide restoration and enhancement of reservoir and riparian habitat for the benefit of fish and wildlife, to protect the conservation values of the Conservation Easement Areas and to maintain permanently the dominant woodland, scenic and natural character of the Conservation Easement Areas. To achieve these purposes, DOMINION and the WRC hereto agree to the covenants, reservations, provisions, conditions and restrictions set forth herein and in the instrument to which this **Exhibit C** is attached, and the Conservation Easement Areas shall be so held, maintained and used therefor and subject thereto.

#### ARTICLE I. DURATION OF EASEMENT

The Conservation Easement shall be perpetual. The Conservation Easement is an easement in gross, runs with the Property and is enforceable by the WRC and DOMINION and their respective successors, successors in title and/or assigns; provided, however, that the provisions of this **Exhibit C** shall be binding on the owner(s) of the portions of the Property on which the Conservation Easement Areas are located and only for such time as they shall be the owner(s) of such portions of the Property.

#### ARTICLE II. PROHIBITED AND RESTRICTED ACTIVITIES

Any activity on, or use of, the Conservation Easement Areas inconsistent with the purposes of the Conservation Easement is prohibited; provided, however, that none of the rights granted to or reserved by DOMINION in the instrument to which this **Exhibit C** is attached and none of the operations and activities of DOMINION in the transmission, generation and distribution of electricity on the Property shall be deemed to be inconsistent with the Conservation Easement. The Conservation Easement Areas shall be maintained in their natural, scenic and open condition and restricted from any development that would significantly impair or interfere with the conservation values of the Conservation Easement Areas. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, restricted or reserved as indicated hereunder, it being hereby agreed that all rights granted to or reserved by DOMINION and the electrical generation, transmission and distribution activities of DOMINION on the Property are consistent with the conservation values of the Conservation Easement Areas.

- A. Disturbance of Natural Features. Any change, disturbance, alteration or impairment of the natural, scenic and aesthetic features of the Conservation Easement Areas or any introduction of non-native plants and/or animal species is prohibited unless the WRC shall give its prior written consent or unless otherwise expressly permitted herein.
- B. Agricultural, Grazing and Horticultural Use. Agricultural, grazing and horticultural use of the Conservation Easement Areas is prohibited. DOMINION may have limited access to the Conservation Easement Areas for the purpose of operating irrigation pumps. In an emergency situation (no other available water source) livestock may access the Conservation Easement Areas for water; access should be limited to one side of the Conservation Easement Areas not to exceed thirty (30) linear feet and the WRC should be notified immediately.
- C. Silvicultural Use and Land Clearing. There may be no destruction or cutting of trees or plants on the Conservation Easement Areas without the prior written approval of the WRC. The gathering of firewood on the Conservation Easement Areas shall be limited to dead trees, such that the gathering is consistent with the purposes of this Conservation Easement. Removal of large trees may be allowed in some cases pending approval by the WRC. Notwithstanding anything to the contrary in this **Exhibit C** or the instrument to which this **Exhibit C** is attached, DOMINION shall have the right to keep ~~the~~ transmission line and distribution line corridors now or hereafter located in the Conservation Easement Areas clear at all times of all trees, stumps, roots, plants and undergrowth and to trim or fell any tree which, in falling or being felled, could come within fifteen (15) feet of any of the facilities or other equipment of DOMINION (including, but not limited to, all current and future lines of aboveground



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- D. and underground conduits and cable, lighting supports, lighting fixtures, wires, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, ground connections, meters, attachments, accessories and appurtenances thereto) (all of the foregoing, together with all additions, improvements, modifications and alterations thereto and all replacements thereof, are hereinafter collectively referred to as the "Facilities") and/or its successors, successors in title, assigns, apportionees and/or permittees and/or which, in the sole and absolute discretion of DOMINION or its successors, successors in title, assigns, apportionees and/or permittees, do or may endanger the safe or proper operation of any of the Facilities.
- E. Hunting and Fishing. The WRC shall manage and control all fishing and hunting rights within the Conservation Easement Areas; provided, however, that (i) such management and control shall be pursuant to a management plan which is subject to the prior written approval of DOMINION or its then current successor, successor in title or assigns; (ii) DOMINION or its then current successor, successor in title or assigns shall have the right at any time and from time to time to require the WRC to make reasonable modifications to such management plan; (iii) DOMINION and its successors, successors in title and assigns, and their respective employees, invitees and licensees shall have the rights to hunt and fish on the Conservation Easement Areas; (iv) DOMINION and its successors, successors in title and assigns shall have the right to control access to and from the Property of all persons for the purposes of hunting and fishing in the Conservation Easement Areas; and (v) the WRC shall ensure that no hunting or fishing activities impact the protection and conservation of any animal/fish habitat or other conservation values of the Conservation Easement Areas.
- F. Dumping or Storage. Dumping or storage of soil, trash, ashes, garbage waste, abandoned vehicles, appliances, machinery, or hazardous substances, or toxic or hazardous waste, or any placement of underground or aboveground storage tanks or other hazardous materials on the Conservation Easement Areas is prohibited except as incidental to the exercise by DOMINION of the rights granted to or reserved by it in this **Exhibit C** or the instrument (including all other exhibits) to which this **Exhibit C** is attached or the electrical generation, transmission and distribution activities and operations of DOMINION on the Property.
- G. Mineral Use, Excavation, Dredging. There shall be no filling, excavation, dredging, mining or drilling, no removal of topsoil, sand, gravel, rock, peat, minerals or other materials, and no change in the topography of the Conservation Easement Areas in any manner nor shall there be any activities conducted on the Conservation Easement Areas which would cause erosion or siltation on the Conservation Easement Areas. This item does not pertain to normal agricultural activities which follow best management practices as prescribed by the Natural Resource Conservation Service and Agriculture Extension Service.
- H. Water Quality and Drainage Pattern. There shall be no activities conducted on the Conservation Easement Areas that would be detrimental to water purity or to any of the plants or habitats within the Conservation Easement Areas. There shall be no activities that would alter natural water levels, drainage, sedimentation and/or flow in or over the Conservation Easement Areas, or cause soil degradation or erosion. Diking, dredging, alteration, draining, filling or removal of wetland or stream is prohibited. The WRC maintains the right to install, operate and maintain structures in the Conservation Easement Areas for the purpose of reestablishing, protecting, and enhancing stream functional values.
- I. Quiet Enjoyment. DOMINION, for itself, its successors, successors in title, assigns, invitees and licensees and FERC, hereby reserves the right to quiet enjoyment of the Conservation Easement Areas, the right to continue to use the Conservation Easement Areas for purposes which are not inconsistent with the Conservation Easement (including, but not limited to, the continued rights to operate and maintain the PROJECT) and the right to sell, transfer, gift or otherwise convey the Conservation Easement Areas, in whole or in part, provided such sale, transfer or gift conveyance is subject to the terms of the Conservation Easement and the covenants, terms, provisions, conditions, reservations and restrictions of this **Exhibit C** and the instrument to which it is attached, written notice is provided to the WRC in accordance with the provisions herein below, following any such sale, transfer or gift conveyance, and the transferor shall have no future liability or obligation under this **Exhibit C**.

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## ARTICLE III. ENFORCEMENT & REMEDIES

- A. The WRC has the right to prevent any action or use of the Conservation Easement Areas that is inconsistent with the purpose of the Conservation Easement. Upon any breach of the terms of the Conservation Easement by DOMINION or by a third party, which comes to the attention of the WRC, the WRC shall notify DOMINION if it is the breaching party or the then current owner(s) of the Conservation Easement Areas if the then current owner(s) (other than Dominion) or a third party is the breaching party in writing of such breach. DOMINION or the then current owner(s) of the Conservation Easement Areas, as the case may be, shall have thirty (30) days after receipt of such notice to begin undertaking actions that are reasonably calculated to promptly correct the conditions constituting such breach. If the breach remains uncured after ninety (90) days, the WRC may enforce the Conservation Easement by appropriate legal proceedings to obtain injunctive and other relief and the right to require that the Conservation Easement Areas be restored promptly to the condition required by the Conservation Easement. The WRC shall have the power and authority, consistent with its statutory authority, to institute and maintain any suits and proceedings as the WRC may reasonably deem advisable in its reasonable judgment: (i) to prevent any impairment of the Conservation Easement Areas by any acts which may be unlawful or in violation of the Conservation Easement; (ii) to otherwise preserve or protect its interest in the Conservation Easement Areas; or (iii) to seek damages from any appropriate person or entity. If the WRC, in its reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Conservation Easement Areas, the WRC may pursue its remedies without prior notice to DOMINION or the then current owner(s) of the Conservation Easement Areas, but shall call DOMINION to leave a voice message and shall exercise within two business days an effort to notify DOMINION and explain the action undertaken.
- B. DOMINION reserves, for itself and its successors, successors in title, assigns, invitees and licensees and FERC, the right to take action against the WRC for use of the Conservation Easement Areas in a way that is inconsistent with the purposes of the Conservation Easement or in a way that does or may jeopardize the operation or maintenance of the PROJECT.
- C. Nothing contained herein shall be construed to entitle the WRC to bring any action against DOMINION for any injury or change in the Conservation Easement Areas resulting from causes beyond DOMINION's reasonable control, including, without limitation, fire, flood, storm, war, acts of God or third parties, or from any prudent action taken in good faith by DOMINION under emergency conditions to prevent, abate, or mitigate significant injury to life, damage to property or harm to the Conservation Easement Areas resulting from such causes.
- D. The WRC may enter the Property only for the purposes set forth in this instrument and only on such portions of the Property as may be reasonably designated from time to time by DOMINION or the then owner(s) of the Property. The WRC shall use good faith efforts to notify DOMINION before entering the Conservation Easement Areas.

## ARTICLE IV. USE AND OCCUPANCY

Notwithstanding any provision to the contrary in this **Exhibit C** or the instrument to which this **Exhibit C** is attached, the only types of use and occupancy for which the Conservation Easement Areas may be used by the WRC are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than ten (10) watercraft; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancements. Any such structures, facilities or improvements described in (1) through (4) of this first paragraph of Article IV which may now or hereafter be located in the Conservation Easement Areas and any construction or other activities of any kind associated therewith must first be approved in writing by DOMINION.

To the extent feasible and desirable to protect and enhance the scenic, recreational and other environmental values of the Conservation Easement Areas, the WRC must obtain from DOMINION a permit for the use and/or occupancy of facilities in and for access to the Conservation Easement Areas; and the WRC must ensure, to the satisfaction of FERC, that the facilities which the WRC is granted permission to use and/or occupy and the access thereto are maintained in good repair and comply with applicable state and local health and safety requirements. The

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provisions of this Article IV shall remain in effect for so long as the PROJECT is subject to federal licensing jurisdiction under the Act.

If any use or occupancy of the Conservation Easement Areas or any part thereof violates any provision of this Article IV or any other provision of this instrument, the WRC hereby acknowledges and agrees that DOMINION and/or its then successor, successor in title or assign or FERC may take any lawful action necessary to correct or remedy the violation, including, if necessary, the revocation of the Conservation Easement and/or requiring the removal of any non-complying structures or facilities.

## ARTICLE V. TITLE

DOMINION covenants and represents to the WRC that DOMINION is the sole owner and is seized of the Conservation Easement Areas in fee simple and has good right to grant and convey the aforesaid Conservation Easement; that the Conservation Easement Areas are free and clear of any and all encumbrances, except for the Sanitary Sewer Easements (as defined in the instrument to which this **Exhibit C** is attached), riparian rights and recorded liens (including, but not limited to, the lien of a Mortgage Indenture in favor of Bank of New York Mellon, successor to JPMorgan Chase Bank), easements, covenants, conditions, reservations, restrictions and encumbrances applicable to the Property or any part thereof as of the date of the instrument to which this **Exhibit C** is attached (including, but not limited to, previously recorded recreation and agricultural easements, rights, covenants and restrictions to which the Property or any part thereof may be subject), and the lien of real estate taxes and assessments not yet due and payable and DOMINION covenants that the WRC shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Conservation Easement so long as the WRC and its successors, successors in title and assigns fully, completely and timely comply with the Sanitary Sewer Easements and all of the aforesaid terms, covenants, riparian rights, easements, encumbrances, conditions, restrictions and reservations applicable to the Property or any part thereof, and to the terms and provisions of the Conservation Easement, this **Exhibit C** and the instrument to which this **Exhibit C** is attached.

## ARTICLE VI. ACCESS BY DOMINION

DOMINION, for itself and its successors, successors in title, assigns, licensees, invitees, and FERC, hereby reserves the right to have access on, over, through and across the Property to perform all activities necessary for the safe and proper operation and maintenance of the PROJECT and any other activity as may be required by FERC.

## ARTICLE VII. MISCELLANEOUS

- A. Subsequent Transfers. DOMINION agrees, for itself, its successors, successors in title and assigns, to notify the WRC in writing of the names and addresses of any party to whom the Conservation Easement Areas, or any part thereof, are to be transferred at or prior to the time said transfer is consummated. DOMINION, for itself, its successors, successors in title and assigns, further agrees to make specific reference to the Conservation Easement in a separate paragraph of any subsequent lease, deed or other legal instrument by which any interest in the Conservation Easement Areas is conveyed.
- B. Conservation Purpose. The WRC, for itself and its successors, successors in title and assigns, agrees that (i) the Conservation Easement shall be held exclusively for conservation purposes; (ii) the parties hereto recognize and agree that the benefits of the Conservation Easement are in gross and assignable, provided, however that in the event of a transfer or assignment of an interest in and to the Conservation Easement, the organization receiving the interest must be a qualified organization, as that term is defined in Section 170(h)(3) of the Internal Revenue Code of 1986 (or any successor section) and the regulations promulgated thereunder, which is organized or operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) and Section 2031 of the Internal Revenue Code, and the WRC further covenants and agrees, for itself and its successors, successors in title and assigns, that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes that this Conservation Easement was originally intended to advance as set forth herein and shall expressly agree to be bound by the terms, covenants, easements, encumbrances, conditions, restrictions and reservations applicable to the Property or any part thereof as of the date of the instrument to which this **Exhibit C** is attached (including, but not limited to,

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- C. previously recorded recreation and agricultural easements, rights, covenants and restrictions to which the Property or any part thereof may be subject) and the terms and provisions of the Conservation Easement, this **Exhibit C** and the instrument to which this **Exhibit C** is attached; and (iii) DOMINION, for itself, its successors, successors in title and assigns, agrees to pay any real estate taxes or other assessments levied on the Conservation Easement Areas.
- D. Construction of Terms. This Conservation Easement shall be construed to promote the purposes of the North Carolina enabling statute set forth in N.C.G.S. 121-34, which authorizes the creation of conservation easements for purposes including those set forth in the recitals herein and in the instrument to which this **Exhibit C** is attached, and the conservation purposes of this Conservation Easement, including such purposes as are defined in Section 170(h)(4)(A) of the Internal Revenue Code.
- E. Entire Agreement. This **Exhibit C** and the instrument to which it is attached and all of the other exhibits thereto set forth the entire agreement of DOMINION and the WRC with respect to the Conservation Easement and supersede all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be invalid, the remainder of the provisions of the Conservation Easement, and the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.
- F. Notices. Any notice shall be sent by registered or certified mail, return receipt requested, addressed to the parties as set forth herein, or to such other addresses as the parties may establish in writing to the other. In any case where the consent of any party is required, such consent shall be requested by written notice. Such consent shall be deemed to have been denied unless, within ninety (90) days after receipt of notice, a written notice of approval has been mailed to the party requesting consent.
- G. Amendments. This **Exhibit C** and the instrument (including all other exhibits thereto) to which it is attached may be amended by the WRC and DOMINION and their respective successors, successors in title or assigns to meet changing conditions; provided, that no amendment will be allowed that (i) is inconsistent with the purposes of the Conservation Easement; (ii) affects the perpetual duration of the Conservation Easement; or (iii) causes or may cause the Conservation Easement, this **Exhibit C** or the instrument (including all other exhibits thereto) to which it is attached or the rights and privileges conferred hereby to violate, interfere with, hinder or otherwise adversely affect (1) the operation or maintenance of the PROJECT, (2) DOMINION's license from FERC to operate the PROJECT, (3) the provisions of the Act or any state law or any rules and regulations now or hereafter in effect, applicable to the PROJECT, (4) as long as the PROJECT is licensed by FERC, the jurisdiction or authority of FERC over the PROJECT or any part thereof, or (5) any previously recorded easements, liens, covenants, conditions, reservations, restrictions or encumbrances having priority over the Conservation Easement. Such amendment(s) shall be effective upon recording in the public records of Halifax County, Northampton County and Warren County, North Carolina.
- H. Recording. The WRC shall record the instrument to which this **Exhibit C** is attached and any amendment hereto or thereto in timely fashion in the public records of Halifax County, Northampton County and Warren County, North Carolina and may re-record it at any time as may be required to preserve the rights under the Conservation Easement.
- I. Historic Preservation. Neither the WRC nor DOMINION nor their respective successors, successors in title or assigns shall remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural, or other cultural artifacts, relics, remains, or objects of antiquity. In the event such items are discovered on the Conservation Easement Areas, the discovering party shall notify the other and the WRC and DOMINION and their respective successors, successors in title and assigns shall protect the site and material from further disturbance.
- J. Obligations of DOMINION. The WRC, for and on behalf of itself and its successors, successors in title and assigns, hereby understands, acknowledges and agrees that, notwithstanding any provision to the contrary in this **Exhibit C** or the instrument (including all other exhibits) to which it is attached, in no event shall DOMINION or its successors, successors in title or assigns have any obligation or liability whatsoever to make or pay for any enhancements, improvements or other changes to the Property or any part thereof or have imposed upon any of them any new legal or other liability or responsibility as owner of the Property.

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August 30, 2012

- K. No Extinguishment through Merger. The terms and provisions of this **Exhibit C** and of the instrument to which this **Exhibit C** is attached (including all other exhibits to such instrument) shall survive any merger of the fee and the Conservation Easement. Further, should the WRC or any successor, successor in title or assign acquire title to all or a portion of the fee interest in the Property subject to the Conservation Easement, (i) said owner shall observe and be bound by the obligations and the restrictions imposed upon the Property by the instrument to which this **Exhibit C** is attached (including all other exhibits to such instrument), and (ii) the Conservation Easement shall not be extinguished through the doctrine of merger in whole or in part in view of the public interest in its enforcement.
- L. Indemnity. To the extent authorized by North Carolina state law (Tort Claims Act), the WRC and its successors, successors in title and assigns agree to indemnify, protect, defend and hold harmless DOMINION and its affiliates and their respective directors, stockholders, members, managers, officers, employees, agents, consultants, representatives, transferees successors, successors in title and assigns, from any and all damages or claims arising from, relating to, or associated with any actual or alleged use of the Property or the Conservation Easement Areas by the WRC or its successors, successors in title or assigns or any third-party.

[End of Exhibit C - Conservation Easement conditions and restrictions.]



# EXHIBIT I

August 30, 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.

You will recall that this MOU was originally presented to the Lands Use and Access Committee and the full Commission in May 2012. The Commission acted at that time to table the request pending further examination by legal counsel regarding potential liability issues. Based on that additional review, the "hold harmless" language in the MOU has been clarified, and similar language has been added to the Liability Waiver Form that PTRF will require all platform users to sign prior to use.



# **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](http://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](http://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 agreeing to~~ release **and hold harmless** PTRF and NCWRC of **any and all** 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:

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

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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](mailto: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.

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Gordon Myers  
Executive Director  
N.C. Wildlife Resources Commission

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David Emmerling  
Executive Director  
Pamlico-Tar River Foundation

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(Date)

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(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.ptrf.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. I agree to use at my own risk, and further agree to release and hold harmless the Pamlico-Tar River Foundation and the landowner of any and all liability associated with this use.**

**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](mailto: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**

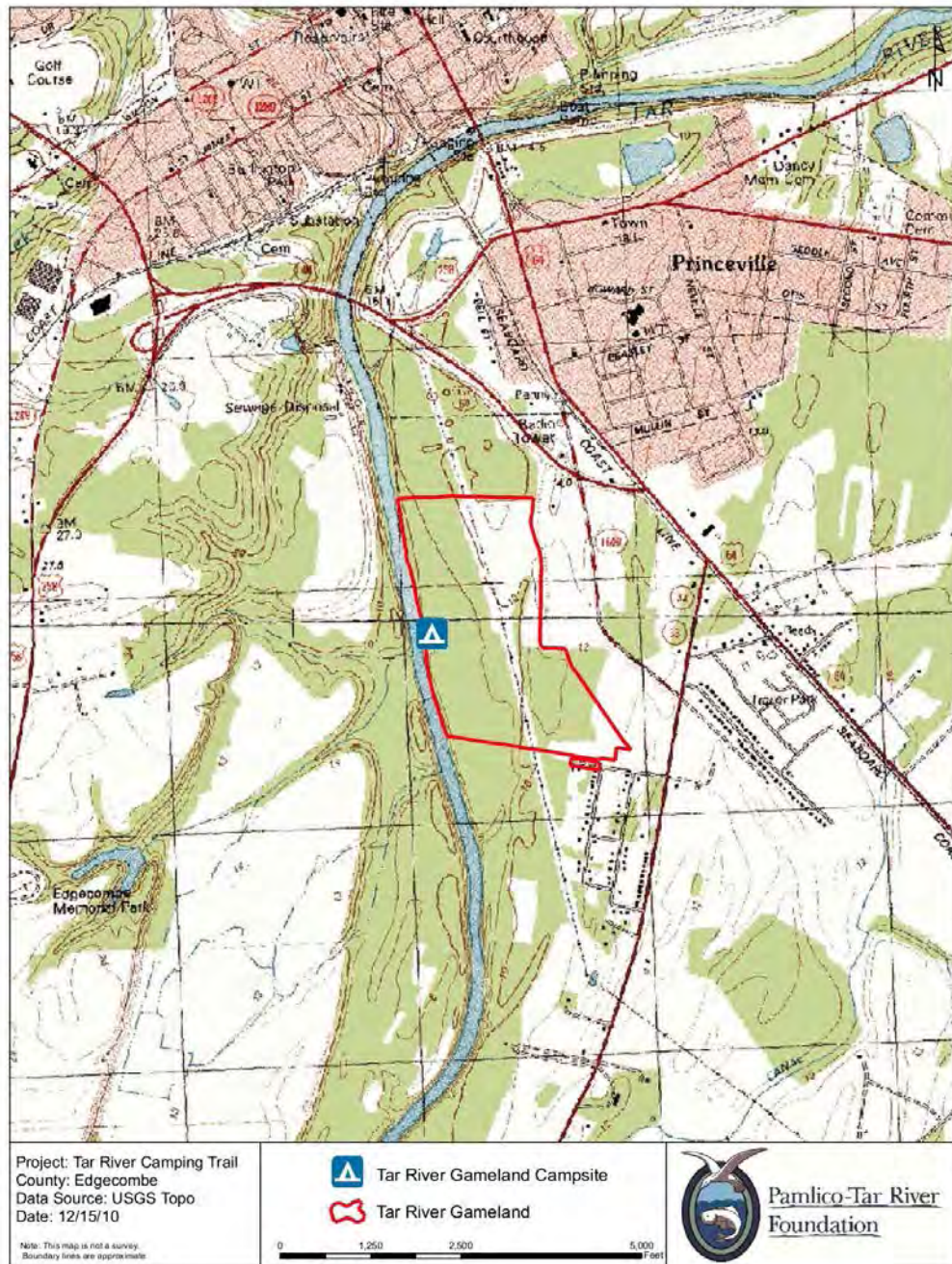
Portable toilets are required. Don’ forget toilet tissue (pack in/pack out). Large & small plastic bags for trash and storage.

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



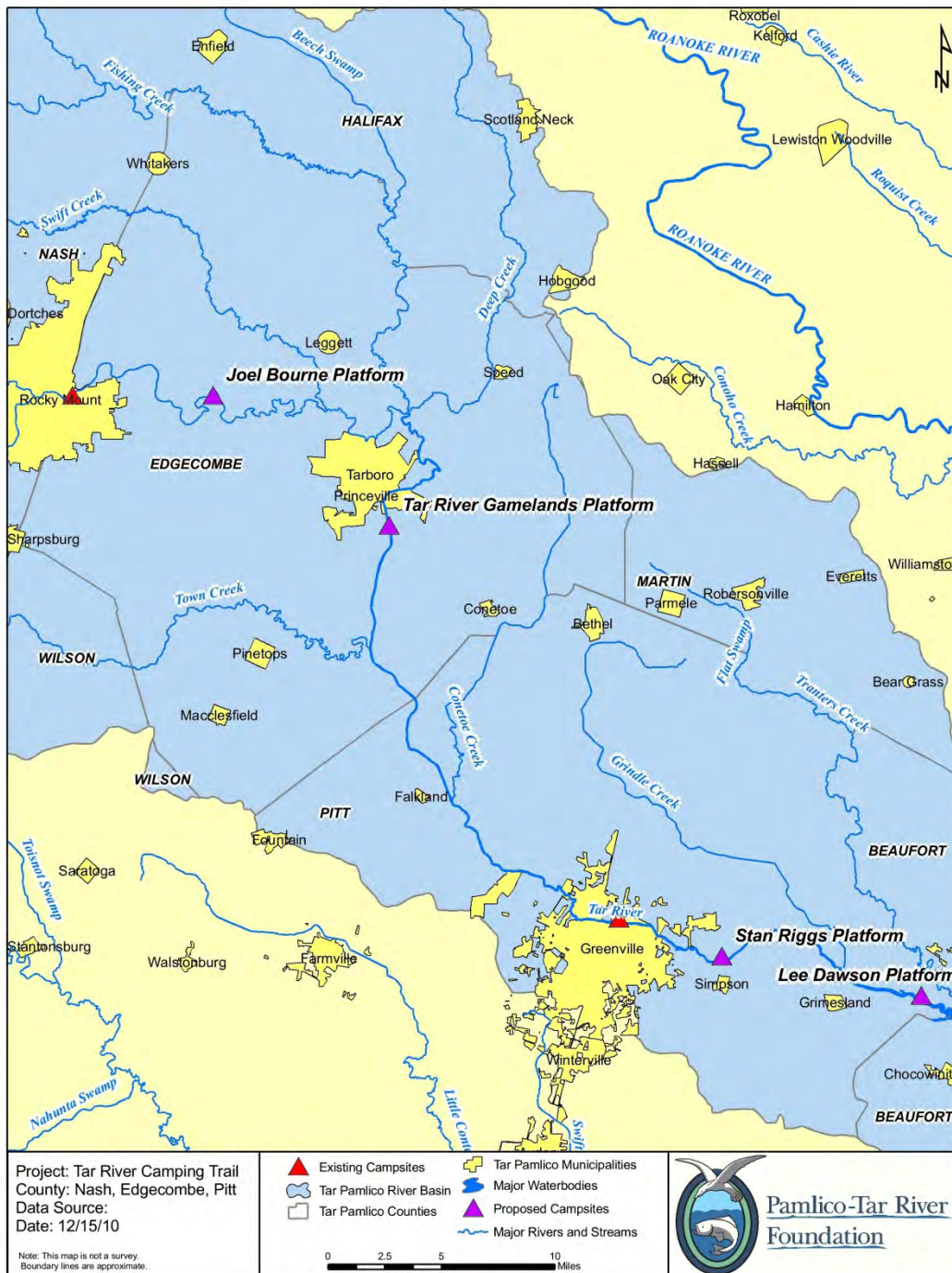
# Maps

## Tar River Gameland Tract





## Proposed Project Phase I Overview





## Rocky Mount Paddle Trail Overview

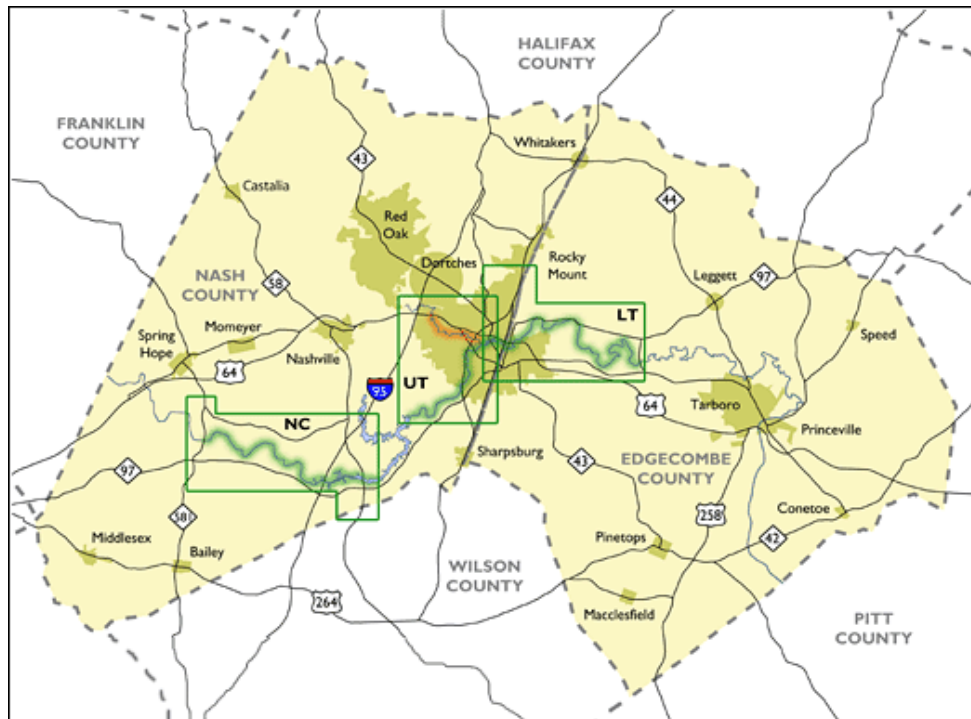
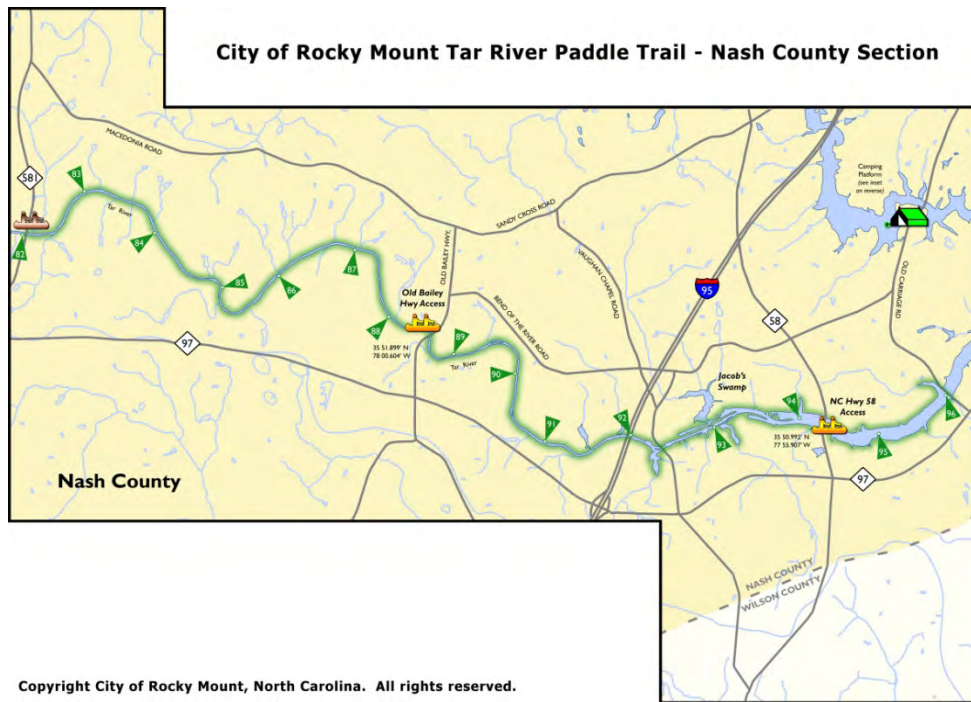


Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

## Rocky Mount Nash County Paddle Trail Map



Copyright City of Rocky Mount, North Carolina. All rights reserved.

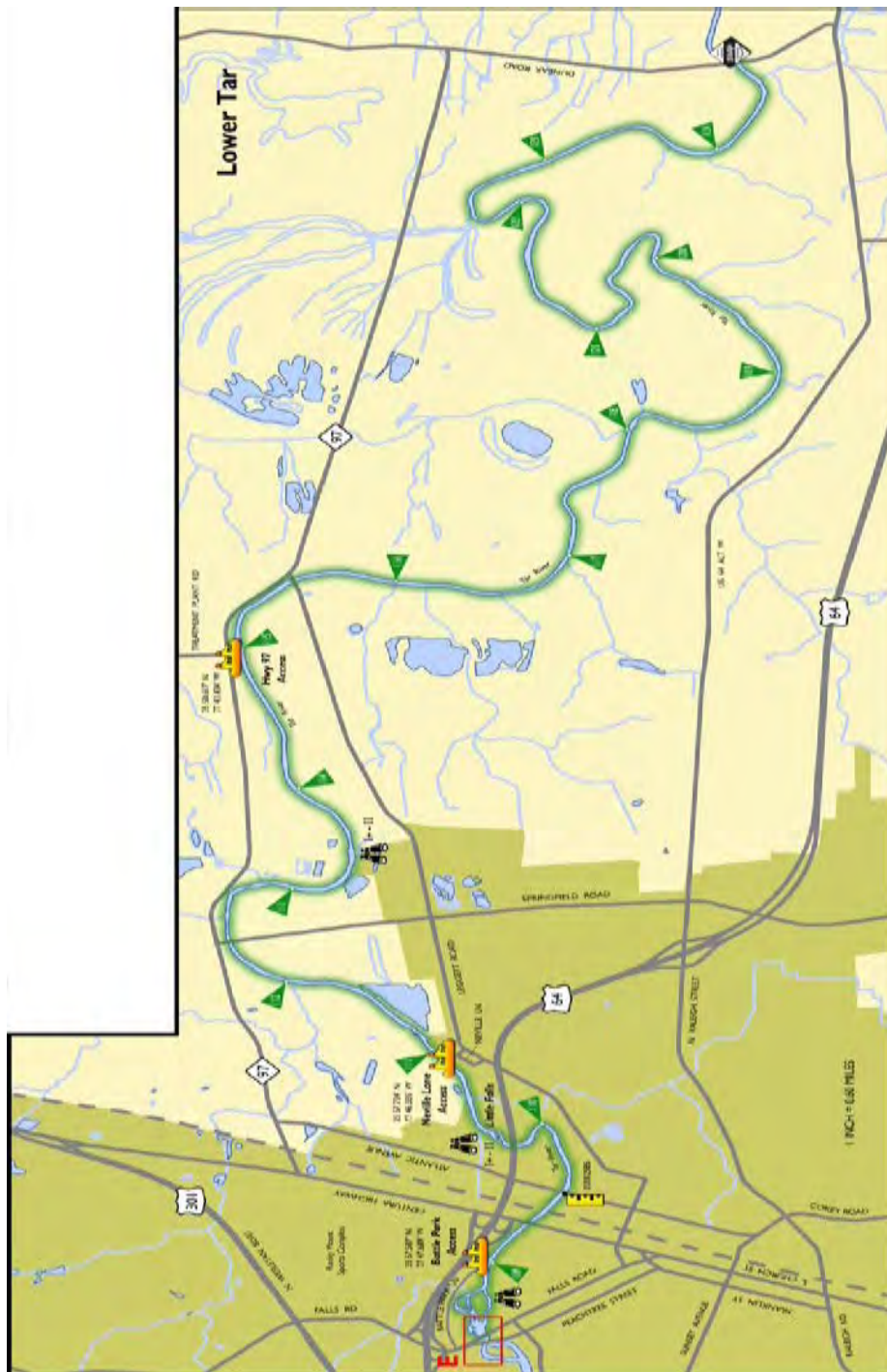
Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

## 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

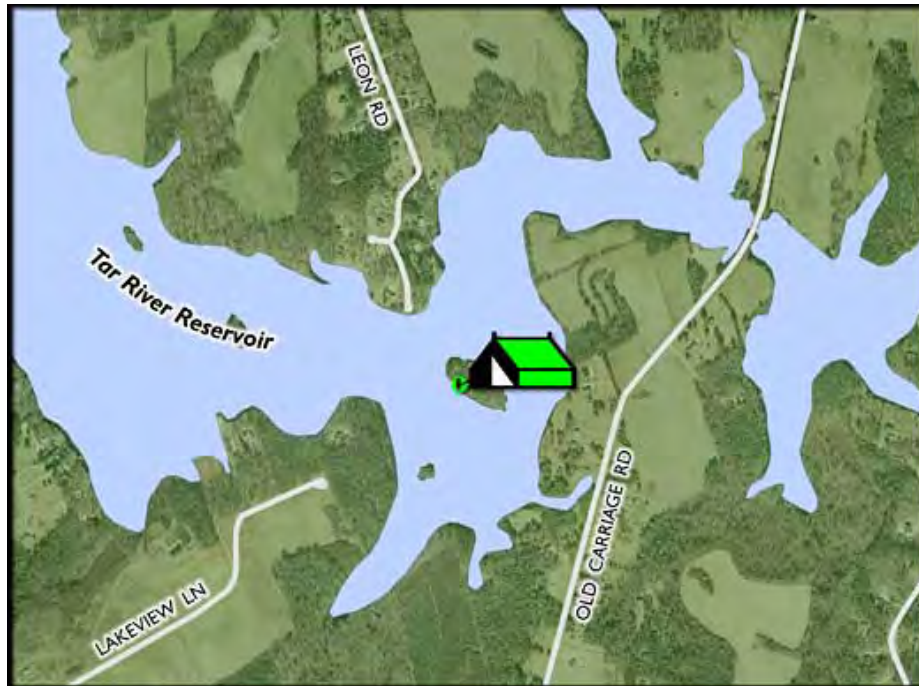


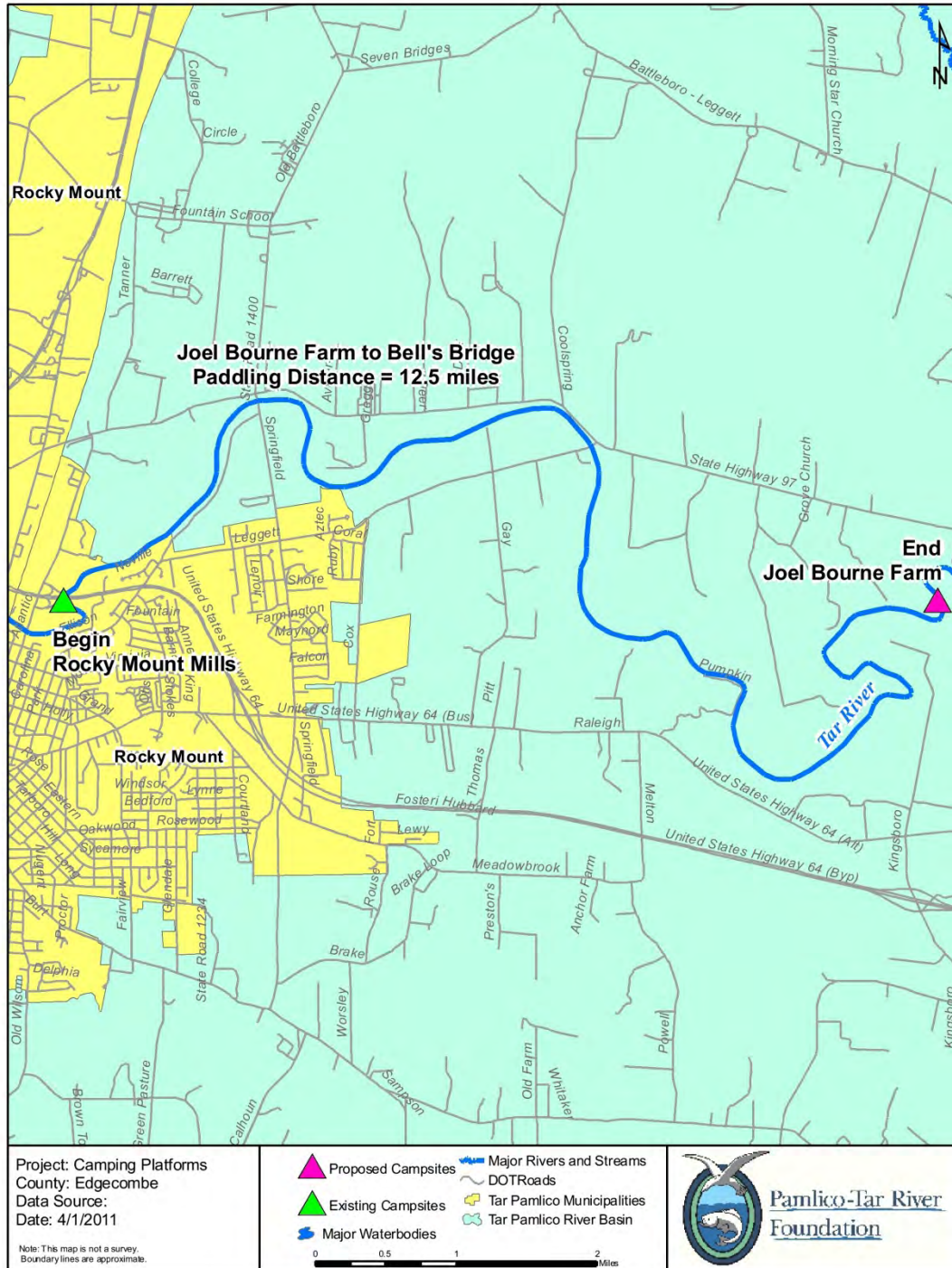
Image courtesy of City of Rocky Mount Parks and Recreation Dept. <http://www.rockymountnc.gov/parks/trails.html>

## 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

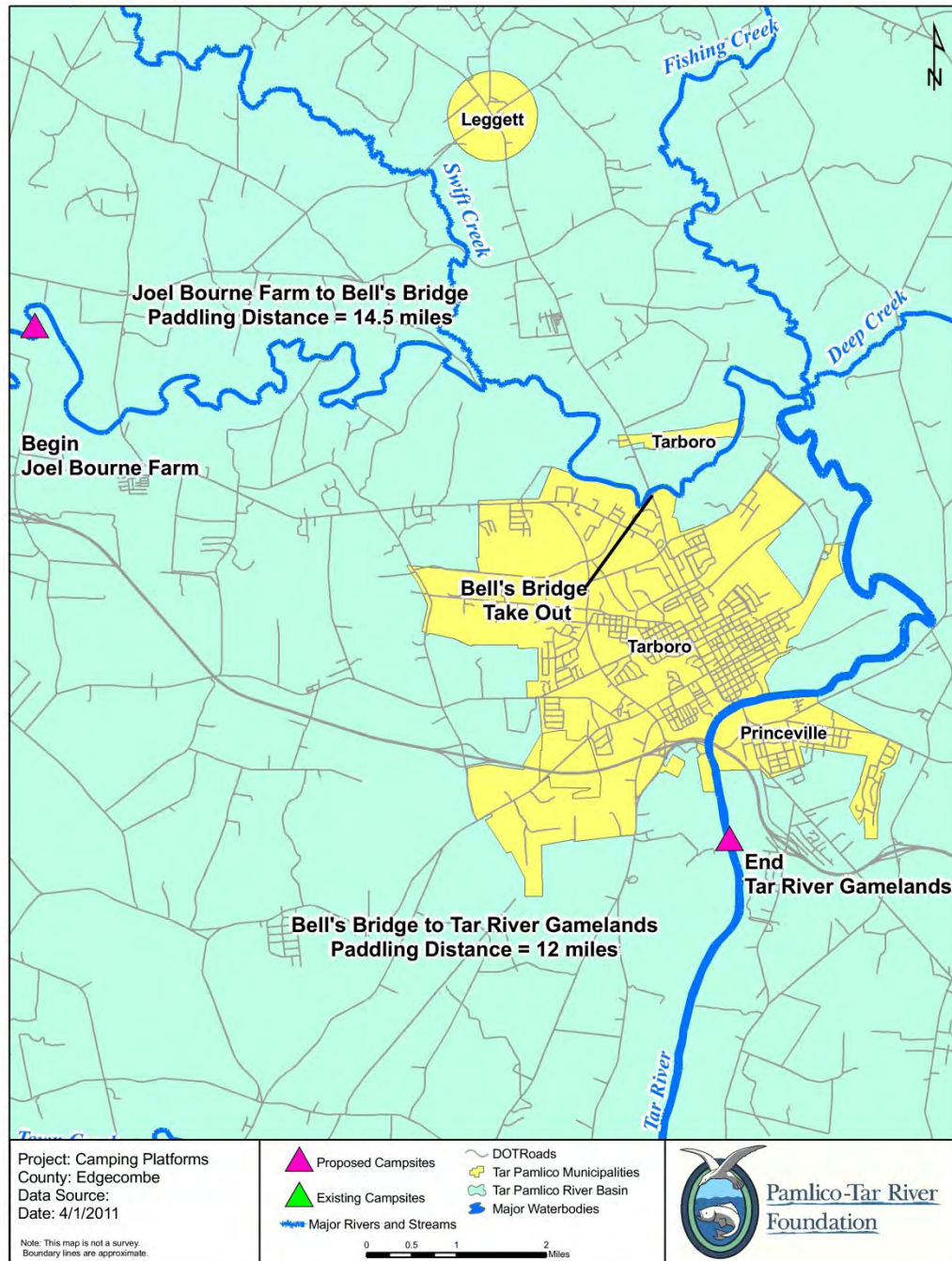




# Proposed Joel Bourne Camping Platform

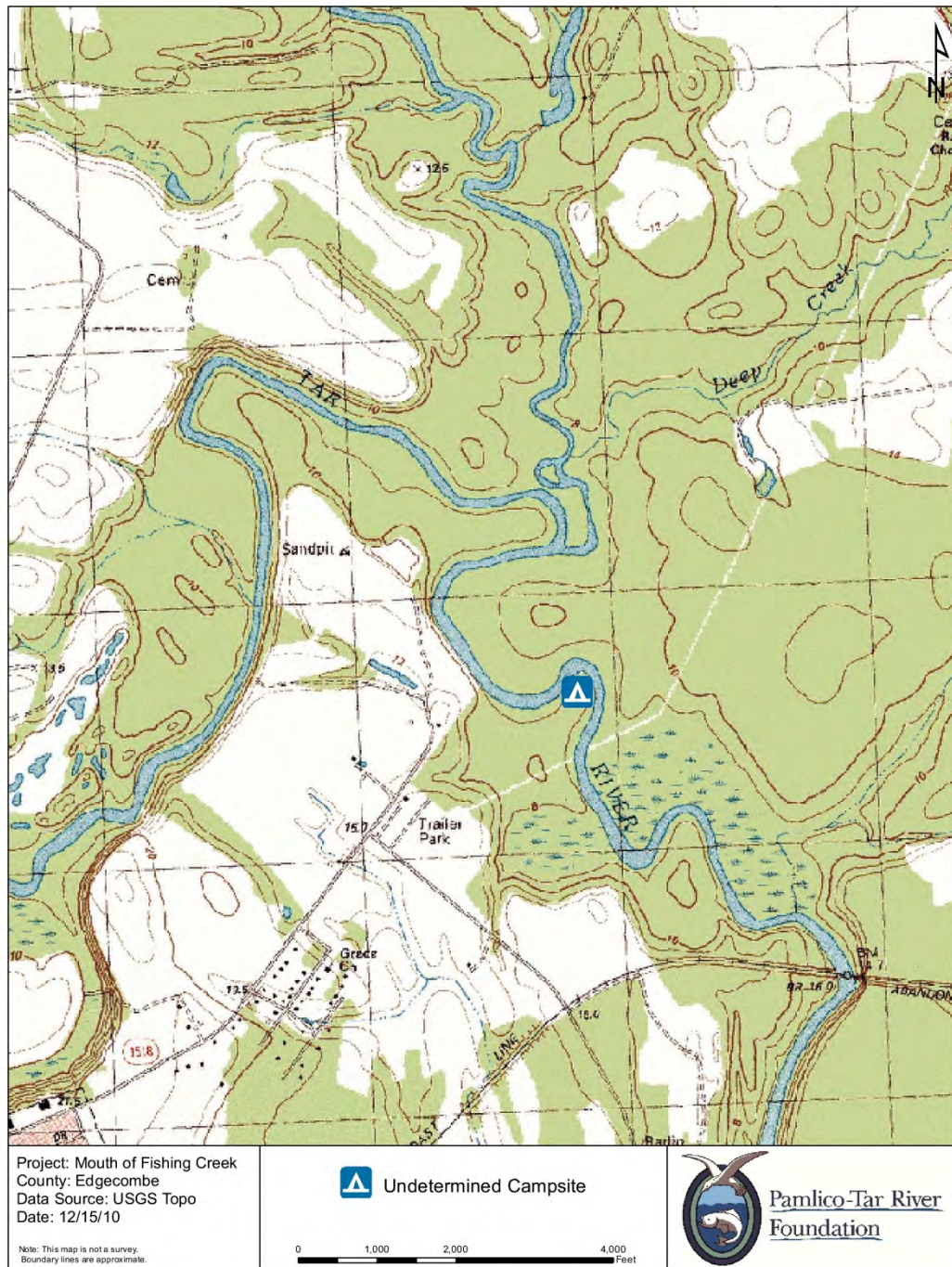


## Proposed Joel Bourne Camping Platform to Proposed Tar River Game Land Camping Platform



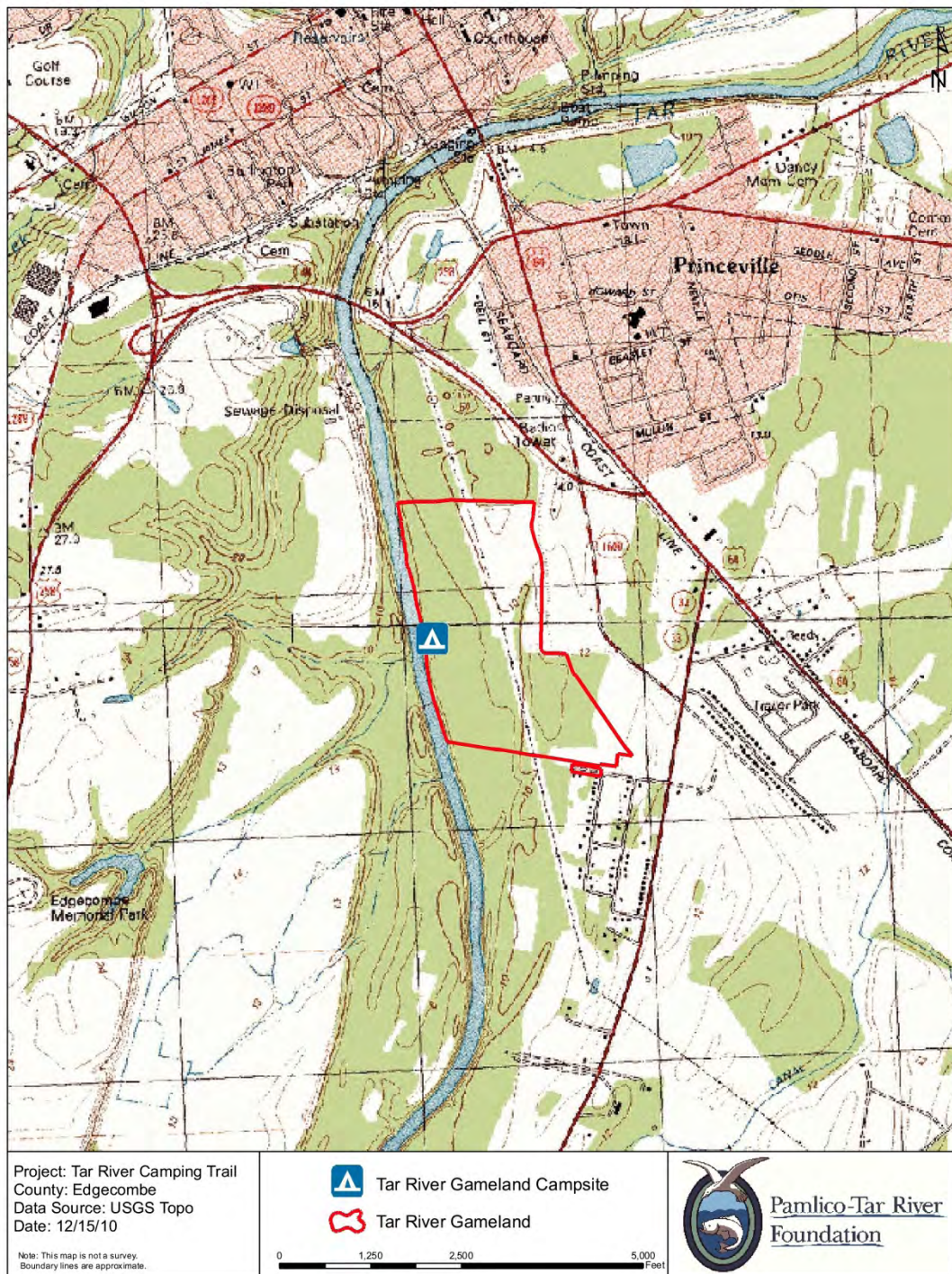


**Proposed Confluence of Fishing Creek and Tar River Camping Platform**  
**(has yet to be determined)**



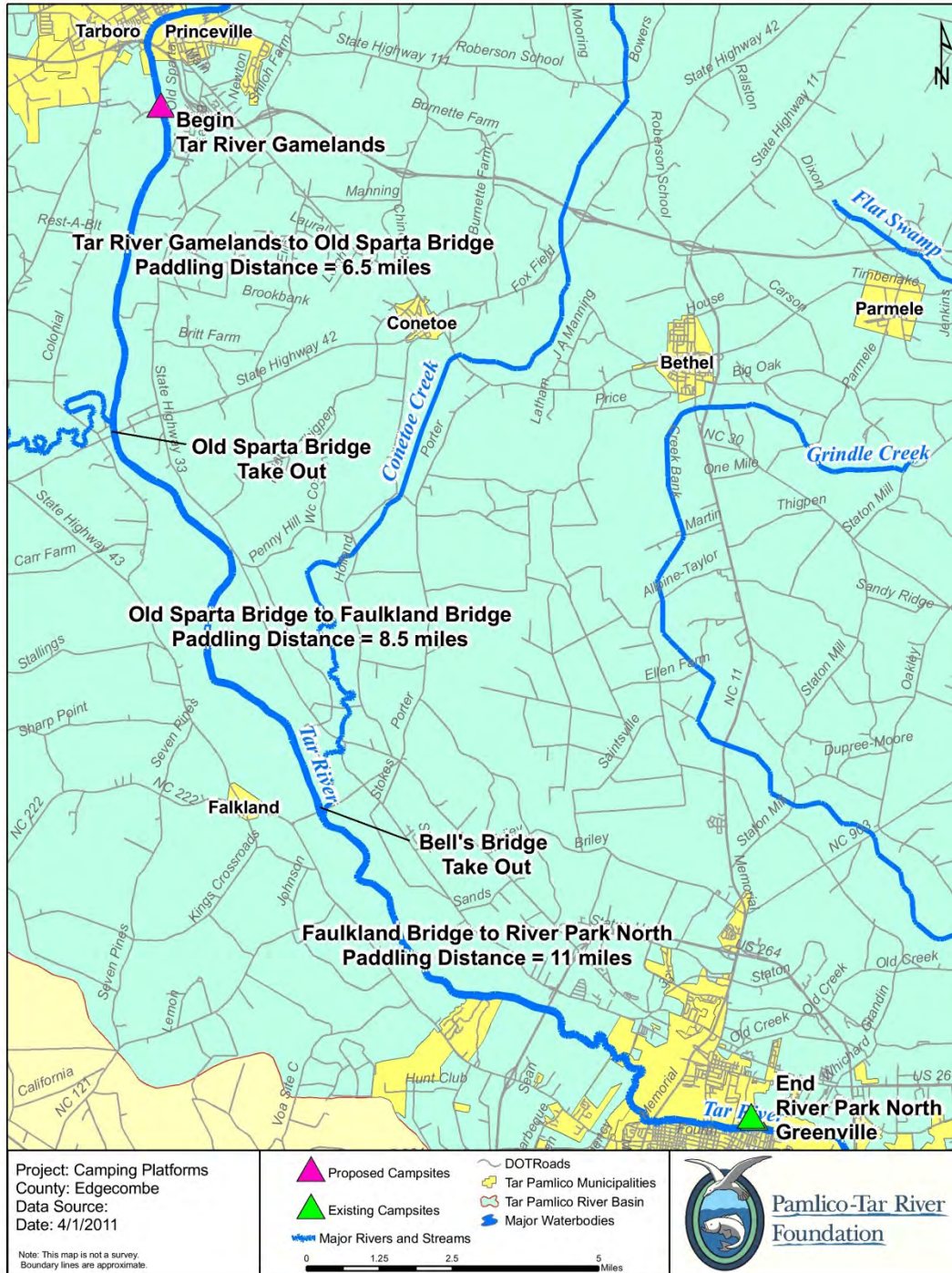


## Proposed Tar River Game Lands Camping Platform



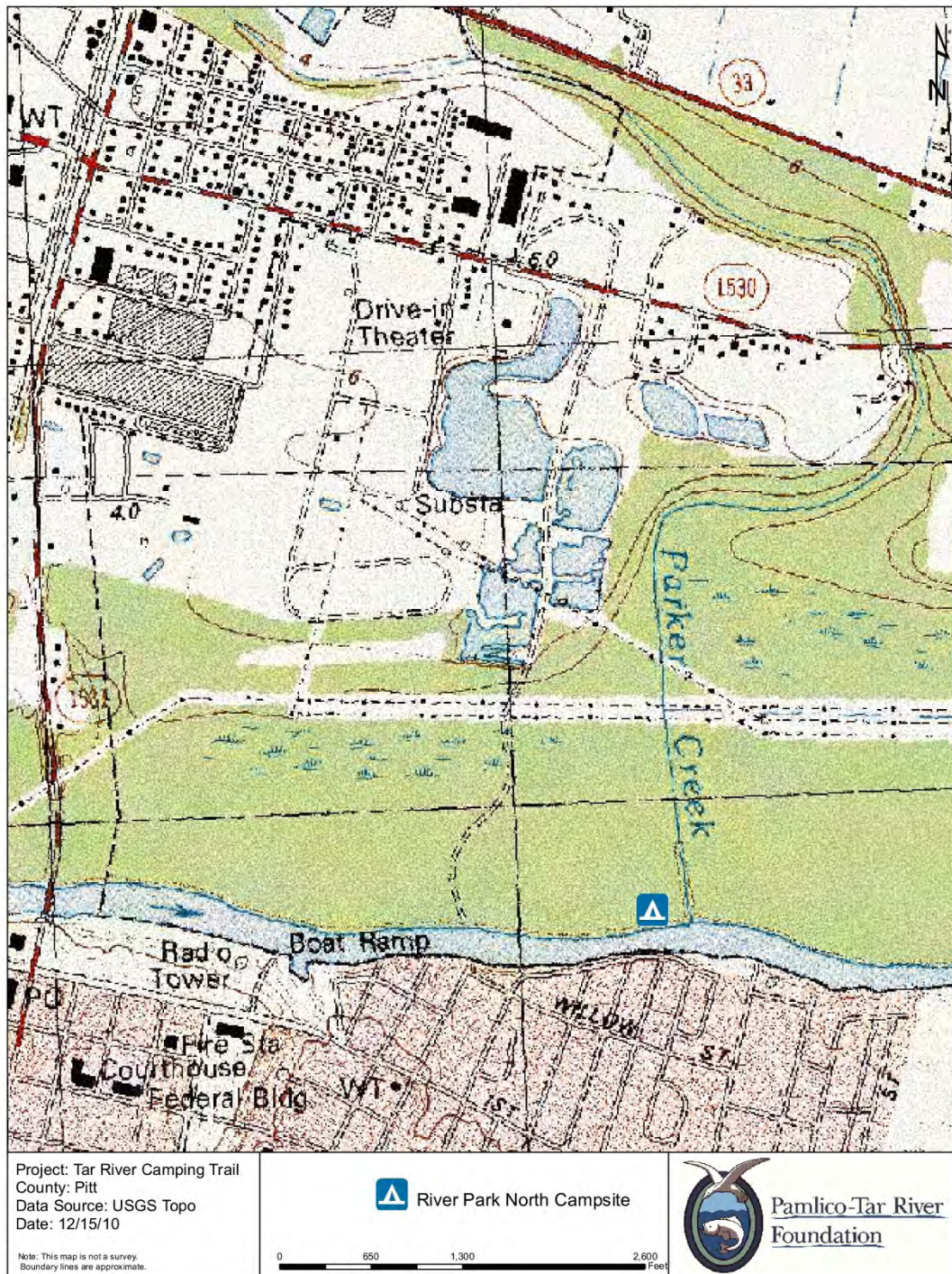


## Proposed Tar River Game Lands Camping Platform to Existing City of Greenville River Park North Facilities





## City of Greenville River Park North Existing Facilities





## Existing River Park North Facilities to Proposed Stan Riggs Camping Platform



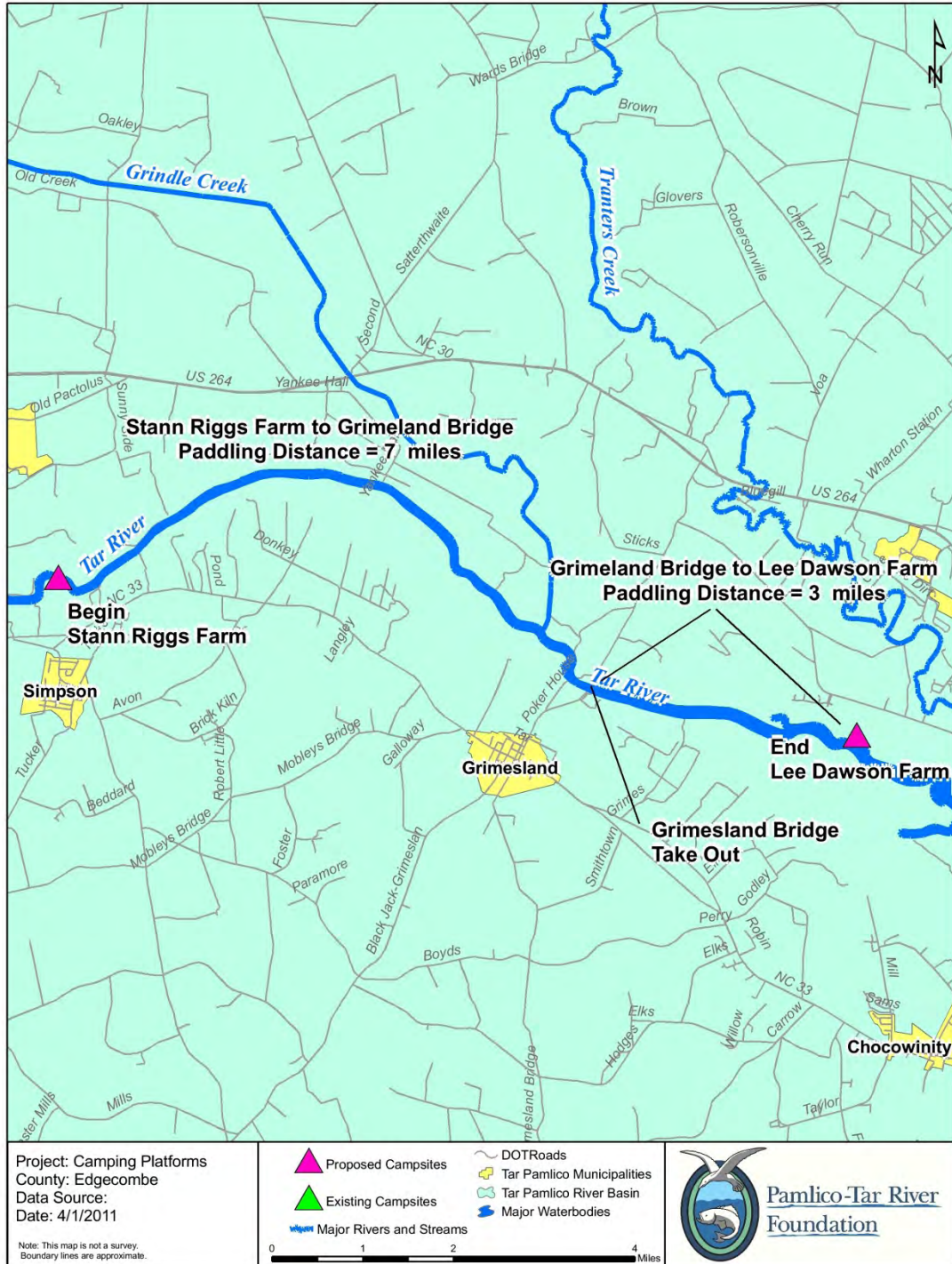


## Proposed Stan Riggs Camping Platform





## Proposed Stan Riggs Camping Platform to Proposed Lee Dawson Camping Platform



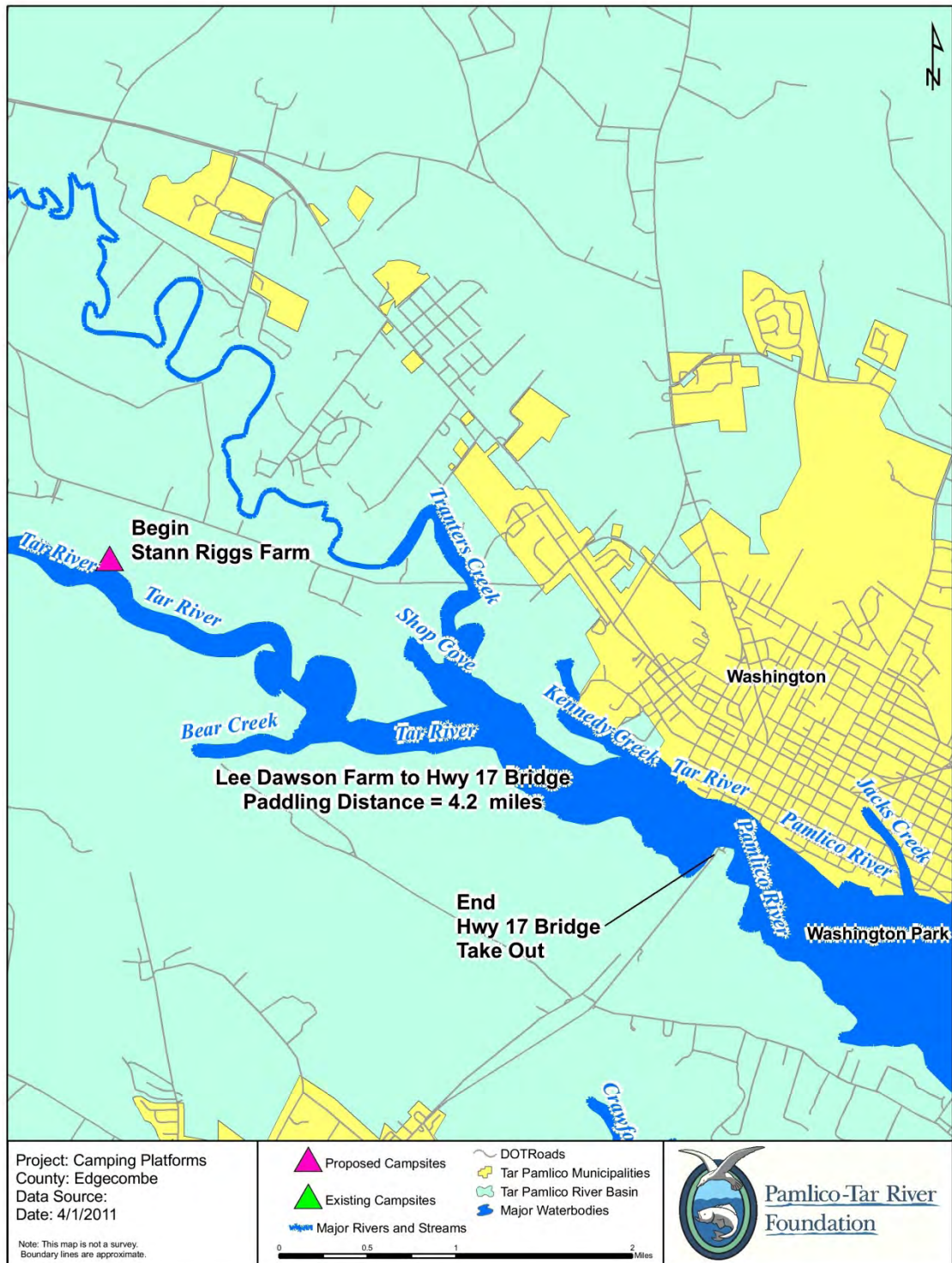


## Proposed Lee Dawson Camping Platform

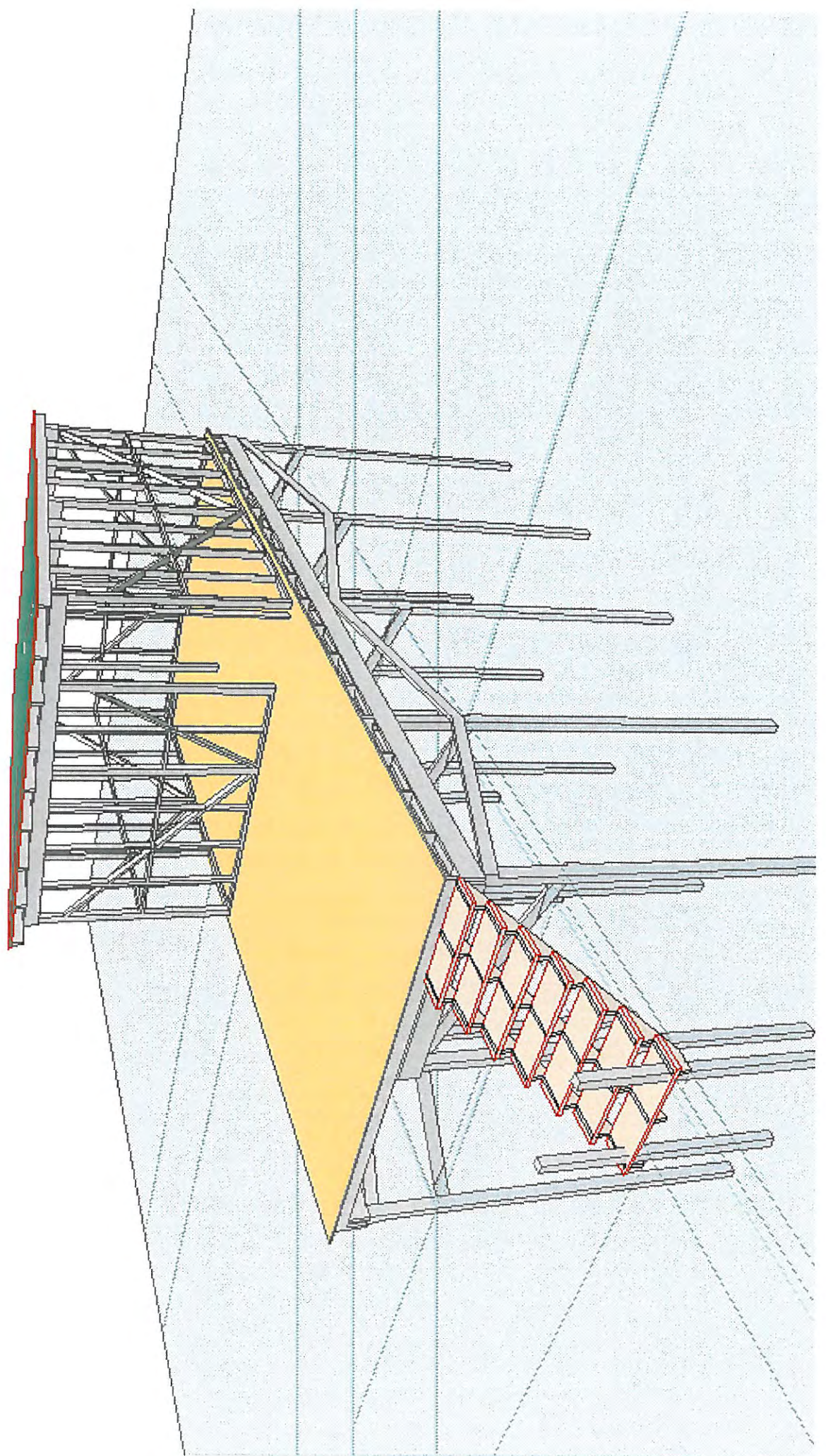


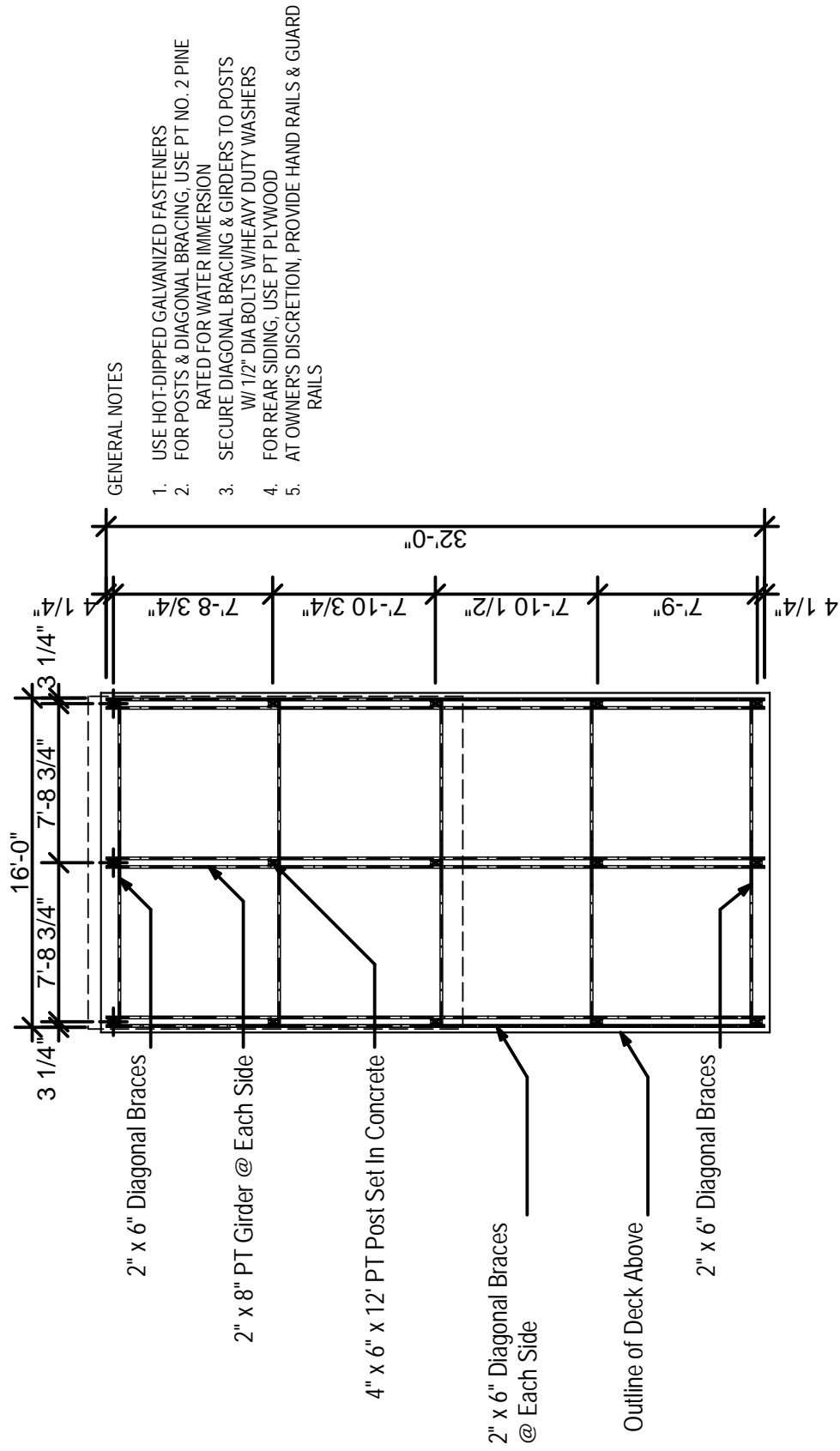


## Proposed Lee Dawson Camping Platform to City of Washington Take Out



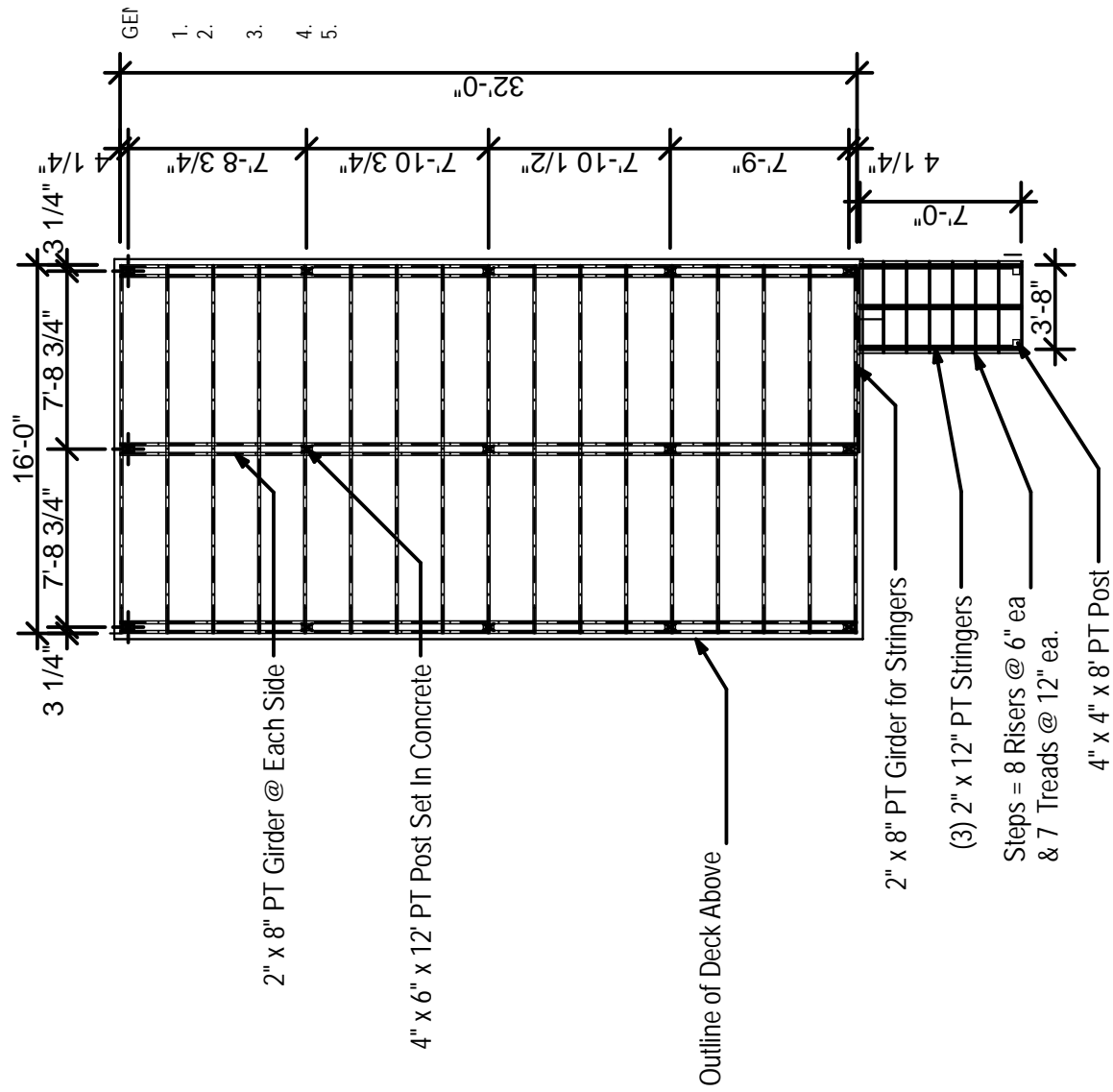






# FOUNDATION PLAN

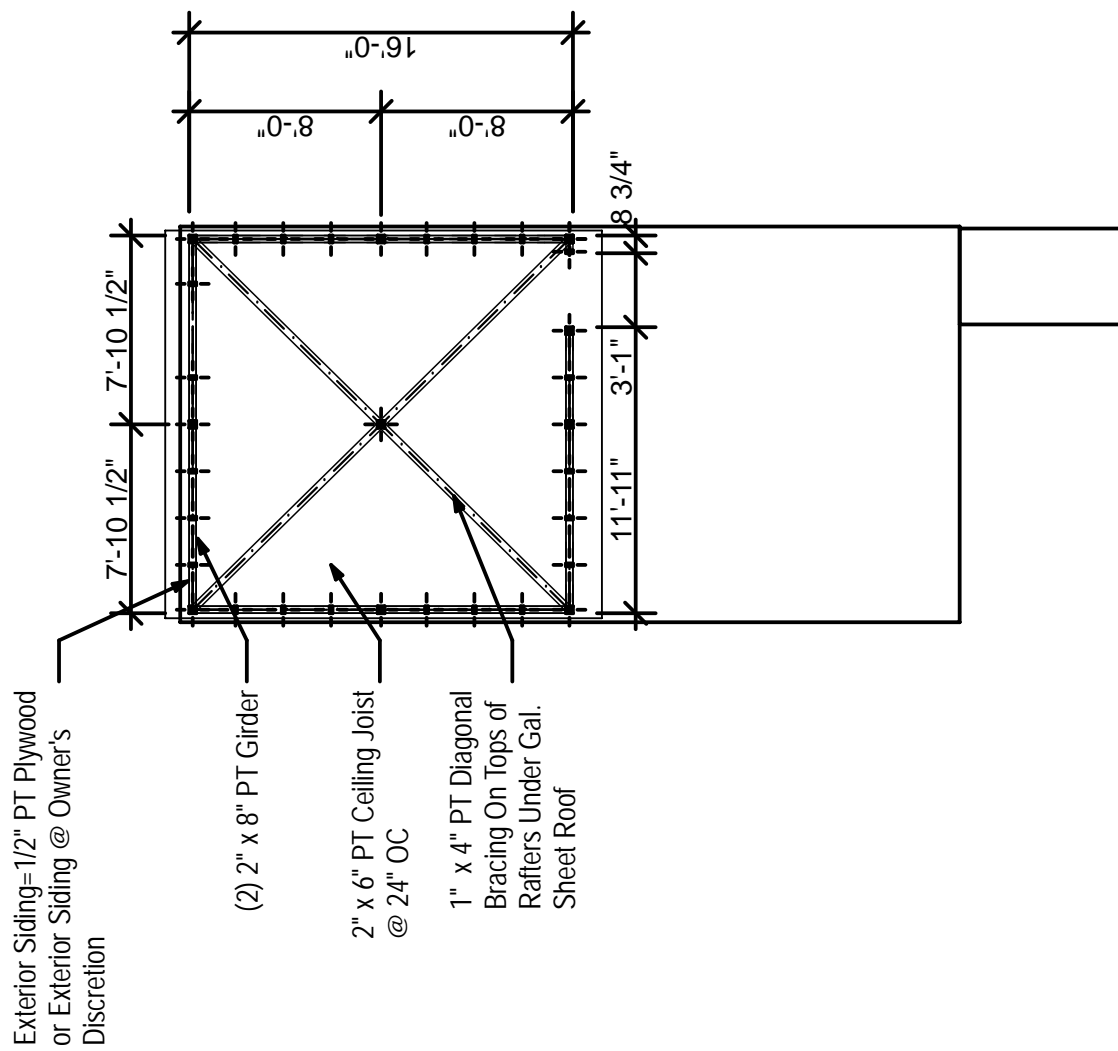
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## FLOOR JOIST & STEP PLAN

2

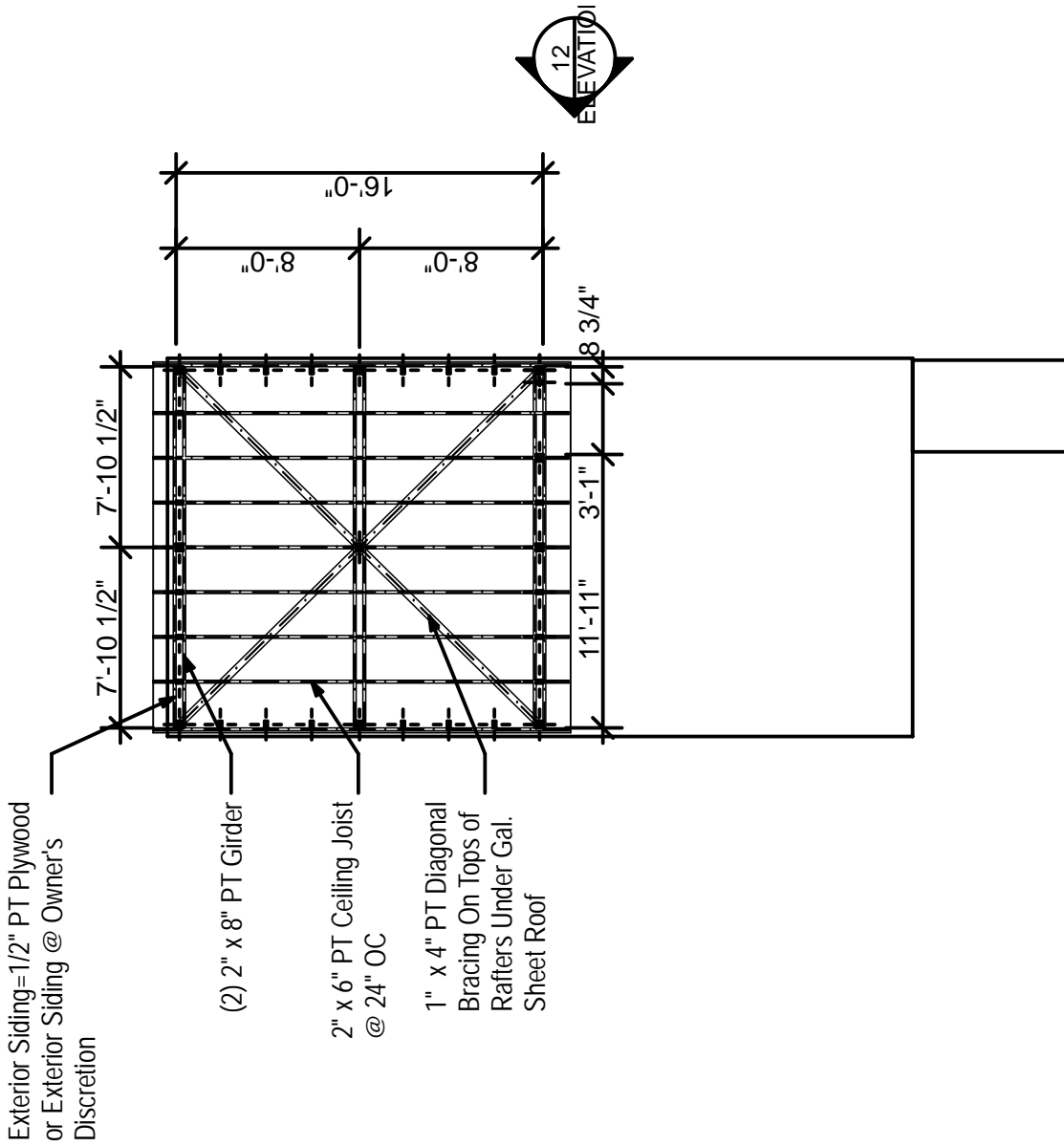
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# SHELTER FLOOR PLAN

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

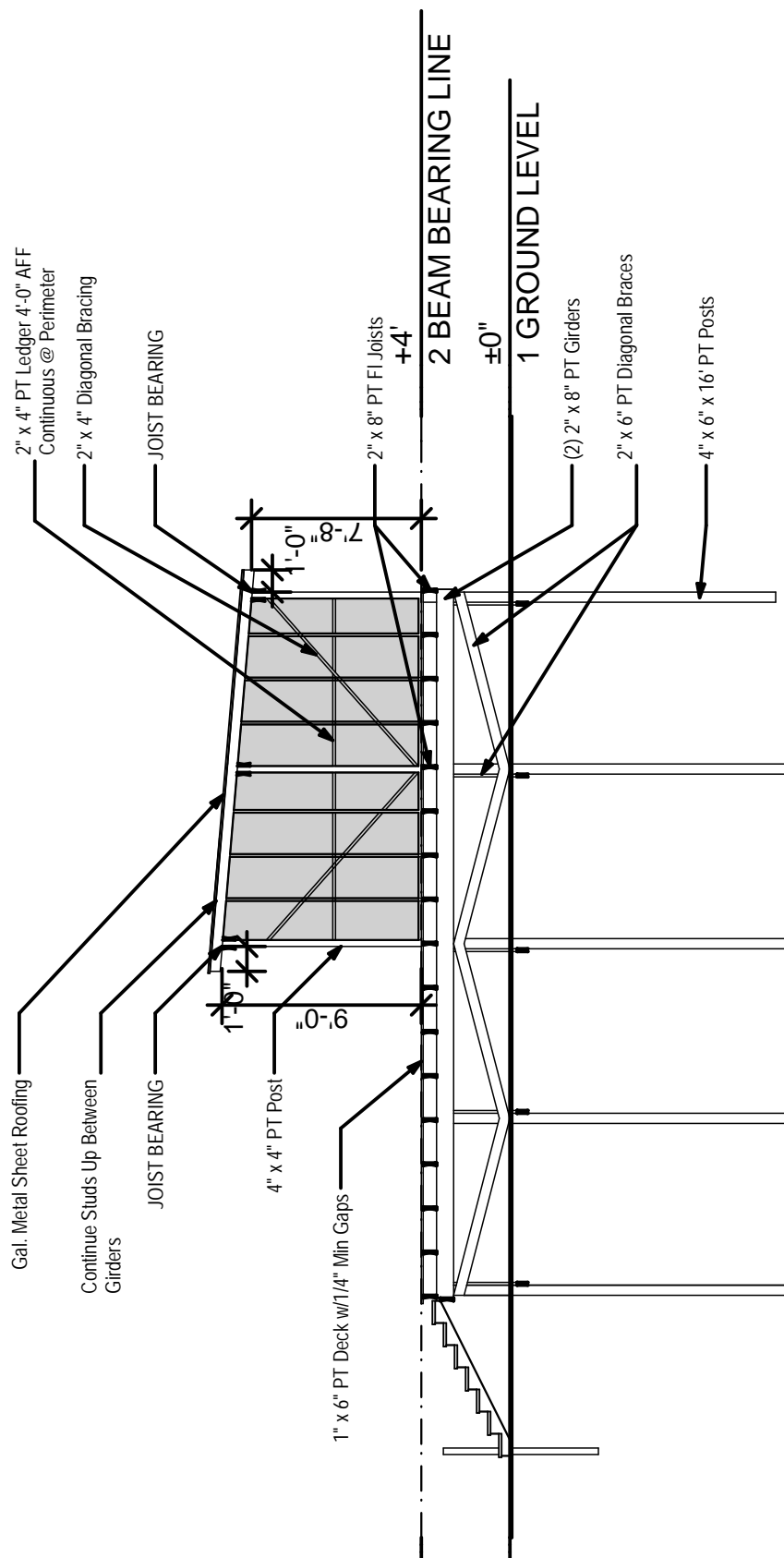




# ROOF FRAMING PLAN

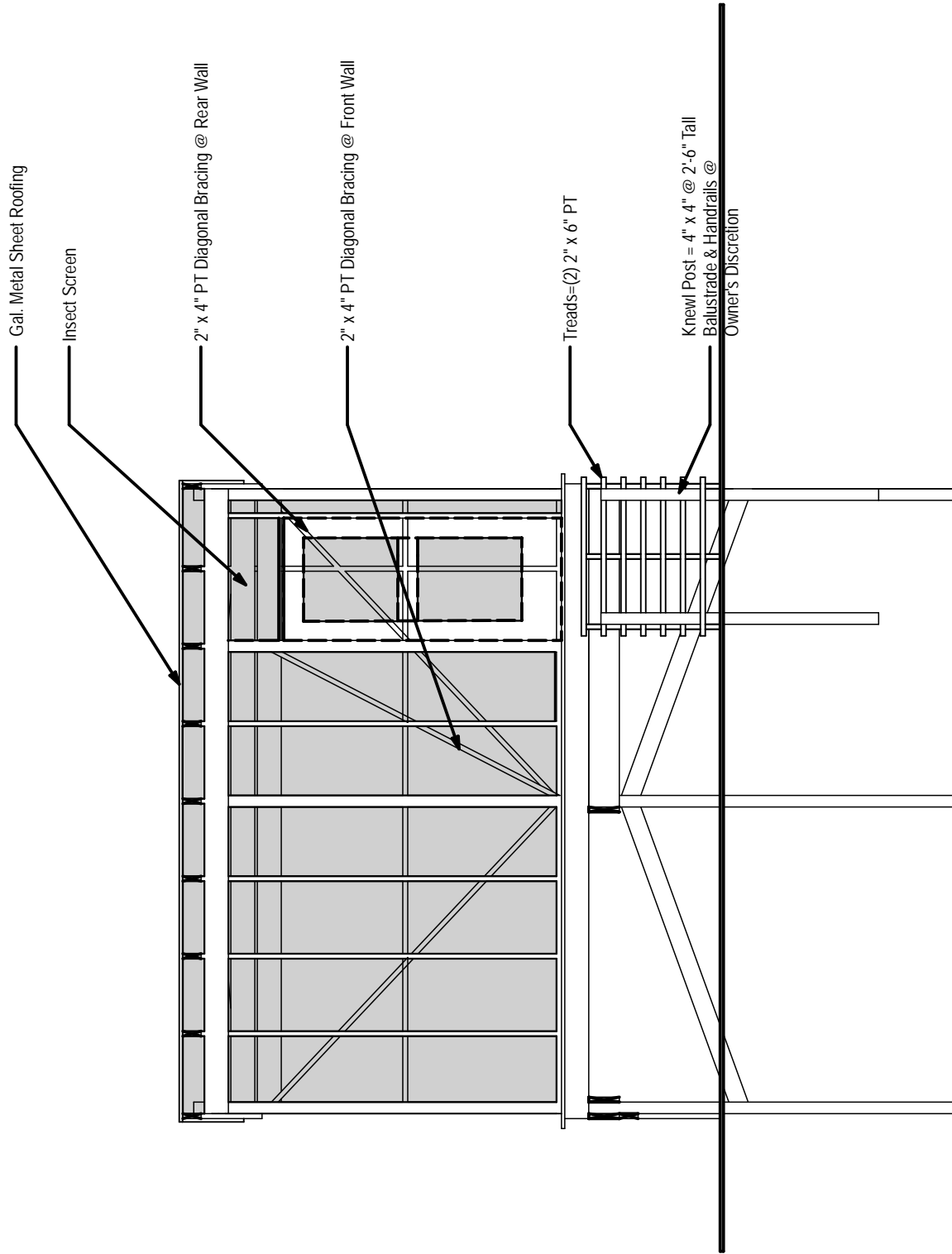
SCALE: 1/8" = 1'-0"





## SIDE ELEVATION

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



# FRONT ELEVATION

6

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

# EXHIBIT J

August 30, 2012



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## North Carolina Wildlife Resources Commission

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Gordon S. Myers, Executive Director

July 31, 2012

### Memorandum

To: Erik Christofferson, Division Chief

From: Daniel Cabe, Project Engineer *DEL*

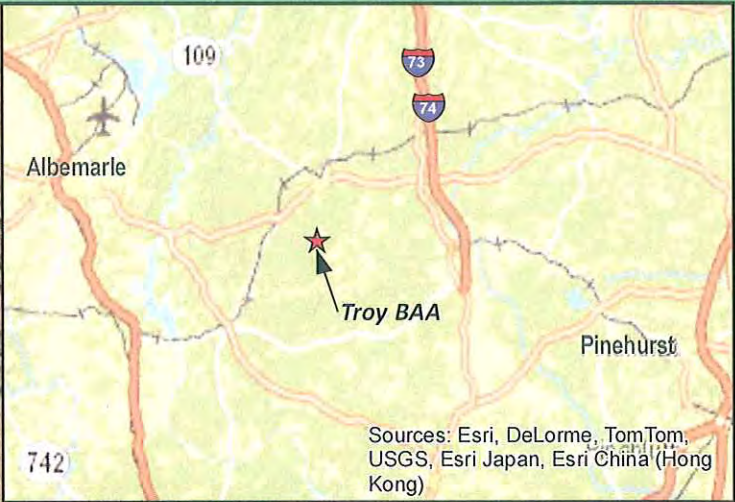
Date: July 31, 2012

Subject: Recommendation to formalize an easement at the Troy Boating Access Area

Property for the Troy Boating Access Area was purchased in 1954 adjacent to the Little River and NCSR 1005 (Pekin Road). Pekin Road was relocated and a new bridge constructed over the Little River sometime in the early 1970's. Relocation of the road resulted in the boating access area being landlocked with legal access by prescriptive easement. The situation is represented graphically in the attached map. I recommend the North Carolina Wildlife Resources Commission proceed with formalizing and recording an easement through the Office of State Property.



Formalizing an Existing Prescriptive Easement  
Troy Boating Access Area, Montgomery County





# EXHIBIT K

August 30, 2012



## North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

August 10, 2012

### MEMORANDUM

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

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

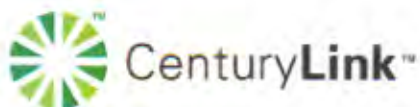
SUBJECT: CenturyLink Easement Request  
Chowan Swamp Game Land – Gates County

Carolina Telephone and Telegraph Company, doing business as CenturyLink, has requested a utility easement across a portion of Chowan Swamp Game Land in Gates County for the purpose of providing telephone service to adjacent property owned by Beaver Lake Property Management Group, LLC. If approved, the cable will be buried approximately 30 inches below grade within the cleared limits of an existing game land road and installed with a vibrating trencher to limit disturbance. Assuming a width of 10 feet and a total distance of 1,266 feet, the total easement area will encompass approximately 0.3 acres. Maps depicting the general location and route of the proposed easement is attached.

Based on the limited anticipated impacts and the absence of other reasonable alternatives, staff recommends conditional approval as follows:

- The easement area must be defined by latitude and longitude point data, survey, or other method deemed acceptable by the NC State Property Office (SPO).
- WRC must be reimbursed for the value of the easement as determined by SPO, to include the cost of any required appraisals.
- As-built drawings identifying cable placement within the easement must be submitted to WRC for approval before any work commences.

SPO is aware of this request and will work with CenturyLink to develop and execute the easement if approved.



14111 Capital Blvd., Wake Forest, NC 27587-5900  
Mailstop: NCWKFR0215-216215  
Voice: 919.554.7940 | Cell: 919.601.4033 | Fax: 919.554.5310  
Email: [stephen.williams3@centurylink.com](mailto:stephen.williams3@centurylink.com)

NC Wildlife Commission  
C/O Dale Davis  
132 Marina Drive  
Edenton, North Carolina 27932

July 10, 2012

Dear Mr. Davis,

Carolina Telephone and Telegraph Company LLC d/b/a CenturyLink requests permission to place cable through a portion of property owned by the State of North Carolina in Gates County, that portion being identified as Parcel Number 0200982.

The purpose of this work is to provide service to property owned by Beaver Lake Property Management Group, LLC, identified as Parcel Number 0200387.

Thank you for your consideration.

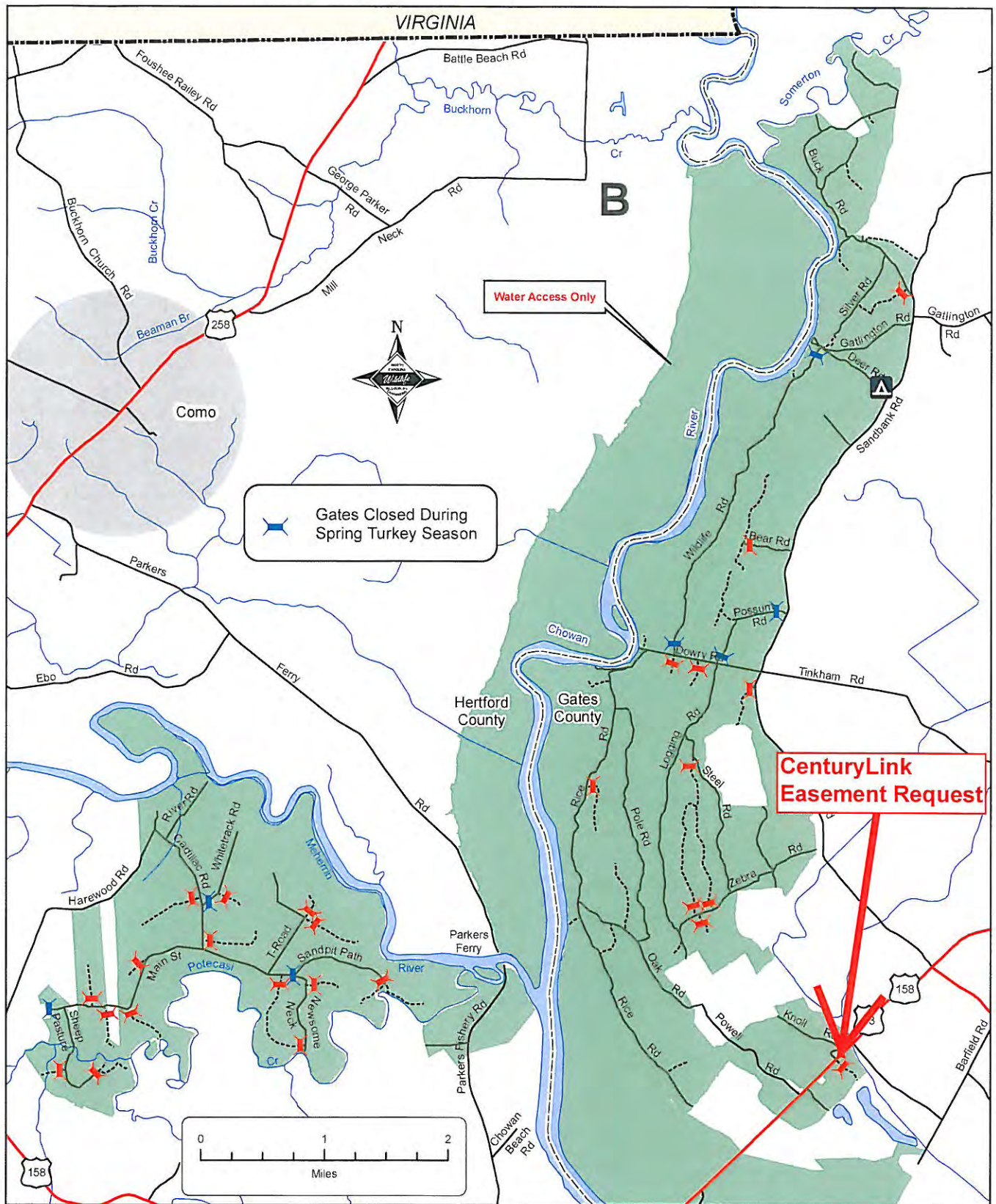
Best regards,

Stephen Williams



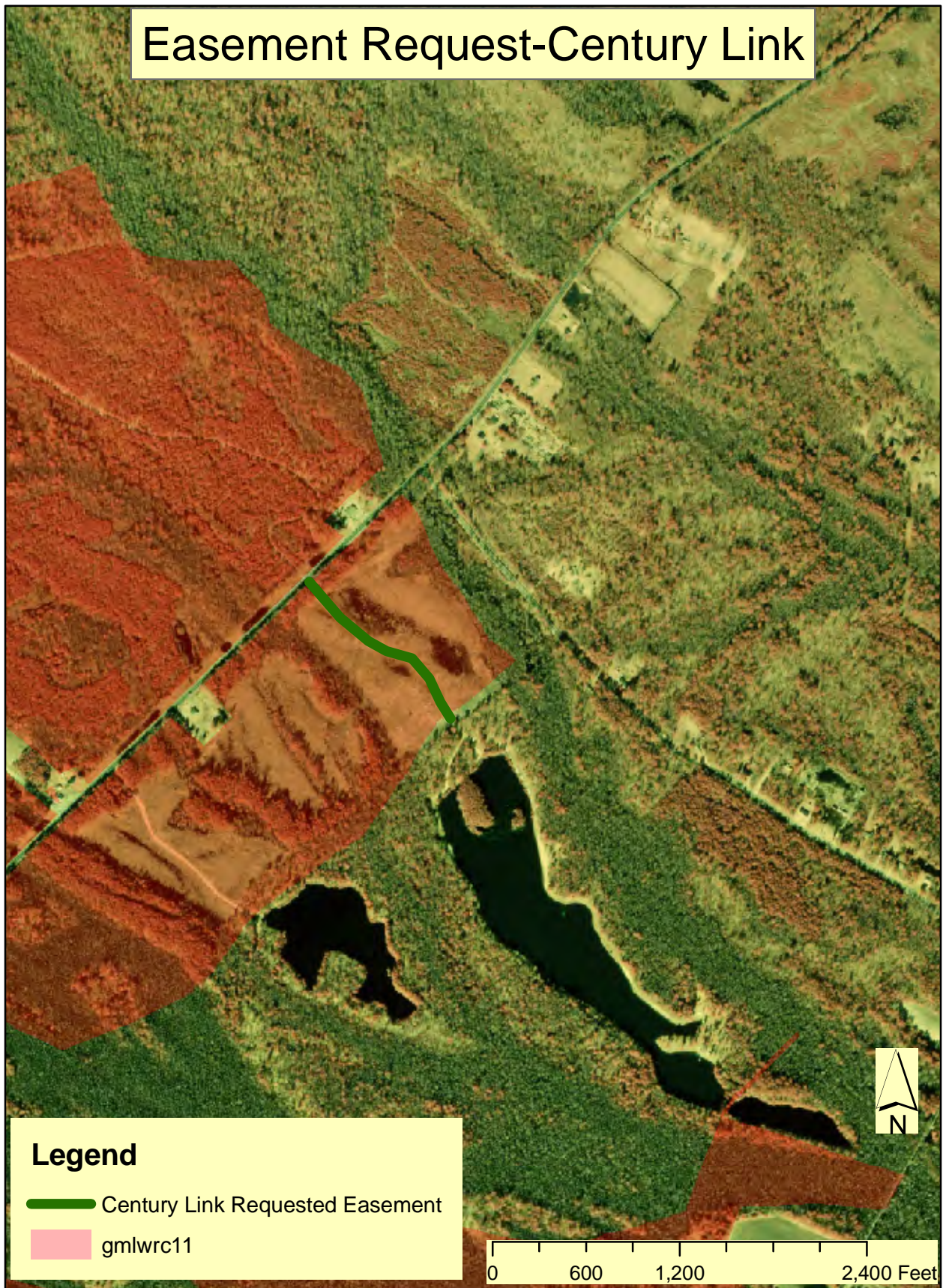
## CHOWAN SWAMP GAME LAND (continued)

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





# Easement Request-Century Link





# EXHIBIT L

August 30, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

August 10, 2012

### MEMORANDUM

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

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

SUBJECT: Tideland EMC Easement Request  
Goose Creek Game Land – Beaufort County

Tideland EMC has requested a utility easement along Canady Landing Road (SR 1900) on Goose Creek Game Land in Beaufort County for an overhead power line to providing electrical service to the Canady Landing subdivision. The requested easement is 35 feet wide for a distance of 1 mile and will encompass approximately 4 acres. General vicinity and preliminary survey maps are attached.

Based on the limited anticipated impacts and the absence of other reasonable alternatives, staff recommends conditional approval as follows:

1. Proposed easement shall be thirty five feet wide, with fifteen feet being from the centerline of the pole line going towards the road and twenty feet being from the centerline of the pole line going towards the trees on the game land property. This alignment will allow for the placement of guys and anchors on the wooded or field side of the poles, as required. WRC will maintain this easement area to benefit wildlife.
2. Tideland EMC will clear an additional ten feet on the wooded side of the easement to reduce hazard tree loss due to easement maintenance. This is a requirement of the NC Wildlife Commission and Tideland EMC will pay for the timber value (to be assessed at their expense) for this area.
3. Culvert crossings on the game land shall not be obstructed by poles, guys or anchors that will hinder equipment access or future timber operations.

4. Transmission line height from the ground should not be less than 27.5 feet on WRC property.
5. All poles erected on the game land should be fire retardant.
6. WRC must be reimbursed for the value of the easement as determined by the State Property Office (SPO), to include the cost of any required appraisals.

SPO is aware of this request and will work with Tideland EMC to develop and execute the easement if approved.

**August 1, 2012**

Mr. John Barbour  
N. C. State Property Office  
1321 Mail Office Service Center  
Raleigh, NC 27699-1321

Subject: Easement to Construct an Overhead Power Line Along Canady Landing Road, Aurora, Beaufort County, North Carolina

Dear Mr. Barbour,

With this letter, Tideland Electric Membership Corporation would like to request an easement along Canady Landing Road (SR 1900), on the Goose Creek Gameland, near Aurora, Beaufort County, NC, for an overhead power line to provide power to the Canady Landing subdivision. The centerline of the proposed power line will be approximately one foot outside of the NCDOT road right-of-way and will follow along the outside of the curves in the road, to prevent the requirement of poles on the opposite side of the road for guying. **The width of the proposed easement would be thirty five feet, with fifteen feet being from the centerline of the pole line going towards the road and twenty feet being from the centerline of the pole line going towards the trees on the Gameland property. This will allow for the placement of guys and anchors on the wooded or field side of the poles, as required. We will maintain this easement area. In addition, we will clear, but not maintain, an additional ten feet on the wooded side of the easement area to fill the requirements of the NC Wildlife Commission and will pay for the timber value (to be assessed at our expense) of this area.**

The Canady Landing subdivision has approximately 25 homes, and is currently served from a line which goes under Lower Spring Creek via a submarine cable. This cable has outlived its useful life and currently is in need of replacement. The line then comes back up overhead and goes through a heavily wooded area before crossing back over a small creek via an overhead crossing. In its current location, this line is very inaccessible for maintenance and is susceptible to storm damage. Due to these existing conditions and the cost involved in replacing and maintaining this line section, it is rather urgent that we construct a new power line along Canady Landing Road as soon as possible. The power line will be constructed utilizing fire retardant poles, which should prevent interference with any controlled burns that may be conducted on the property and will result in negligible environmental impact. We will be removing vegetation from the proposed easement area and understand that we will be responsible for any timber value along the easement, to be determined by a timber appraiser.

This easement should be granted to:

Tideland Electrical Membership Corporation  
PO Box 159  
25831 US Hwy 264E  
Pantego, NC 27860

Per your instructions, I have included with this request:

- An NCDOT drawing of the roadway, showing the proposed pole locations
- A satellite image with the proposed pole locations identified
- Two (2) copies of our easement form, one filled out and one blank

I have also included a NOAA nautical chart of the area, which shows where our existing cable runs under Lower Spring Creek.

Thank you in advance for your assistance with this matter. Please refer all correspondence to the address below. If you have any question or need any information, please contact me at:

Email: [marystancill@tidelandemc.com](mailto:marystancill@tidelandemc.com)

Phone: 252-514-1140

Sincerely,

Mary D. Stancill  
Senior Staking Technician  
Tideland EMC  
P.O. Box 38  
Grantsboro, North Carolina 28529

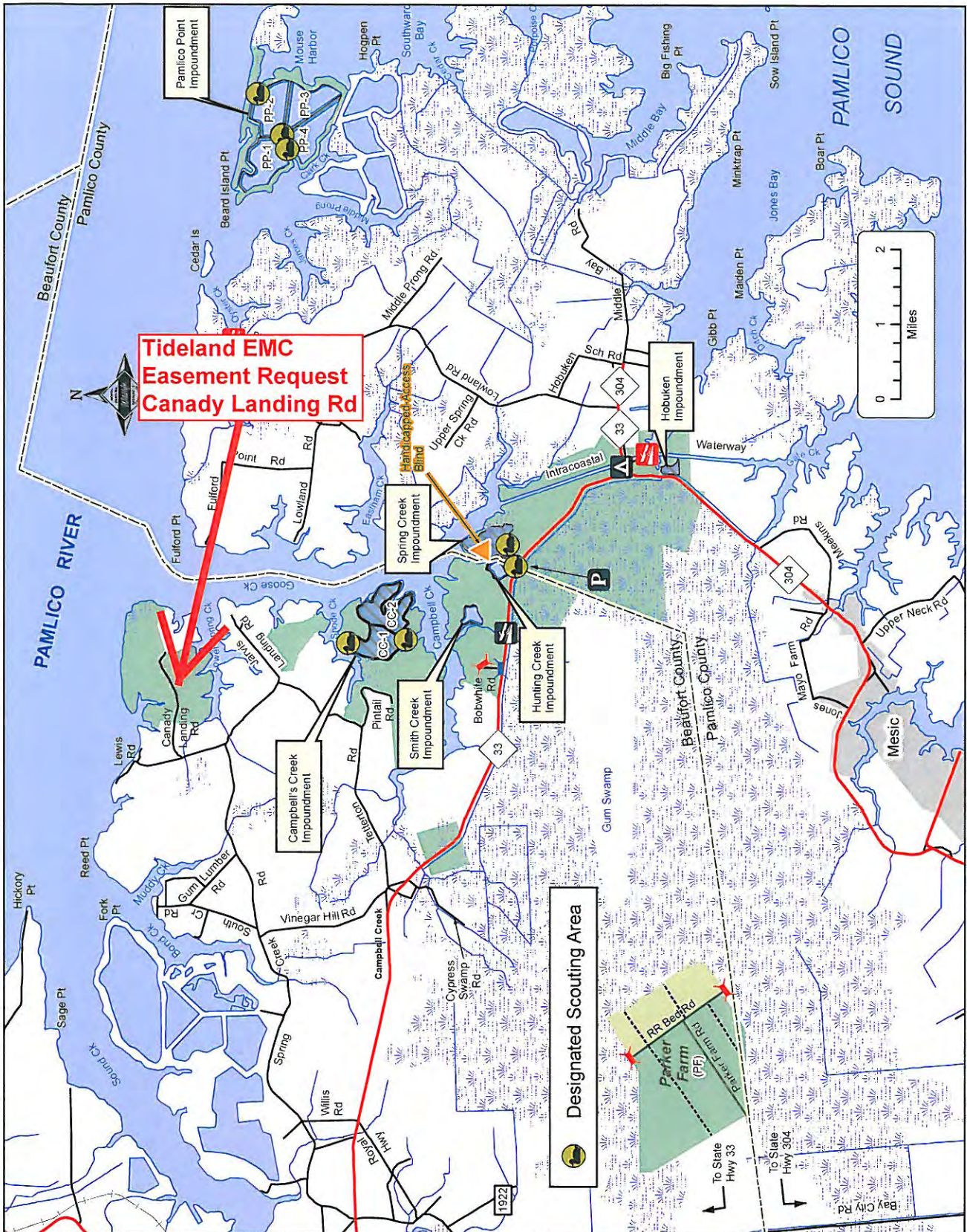
cc: Mr. Tommy Hughes, NC Wildlife Resource Commission  
Mr. Brent Wilson, NC Wildlife Resource Commission

Attachments



## GOOSE CREEK GAME LAND

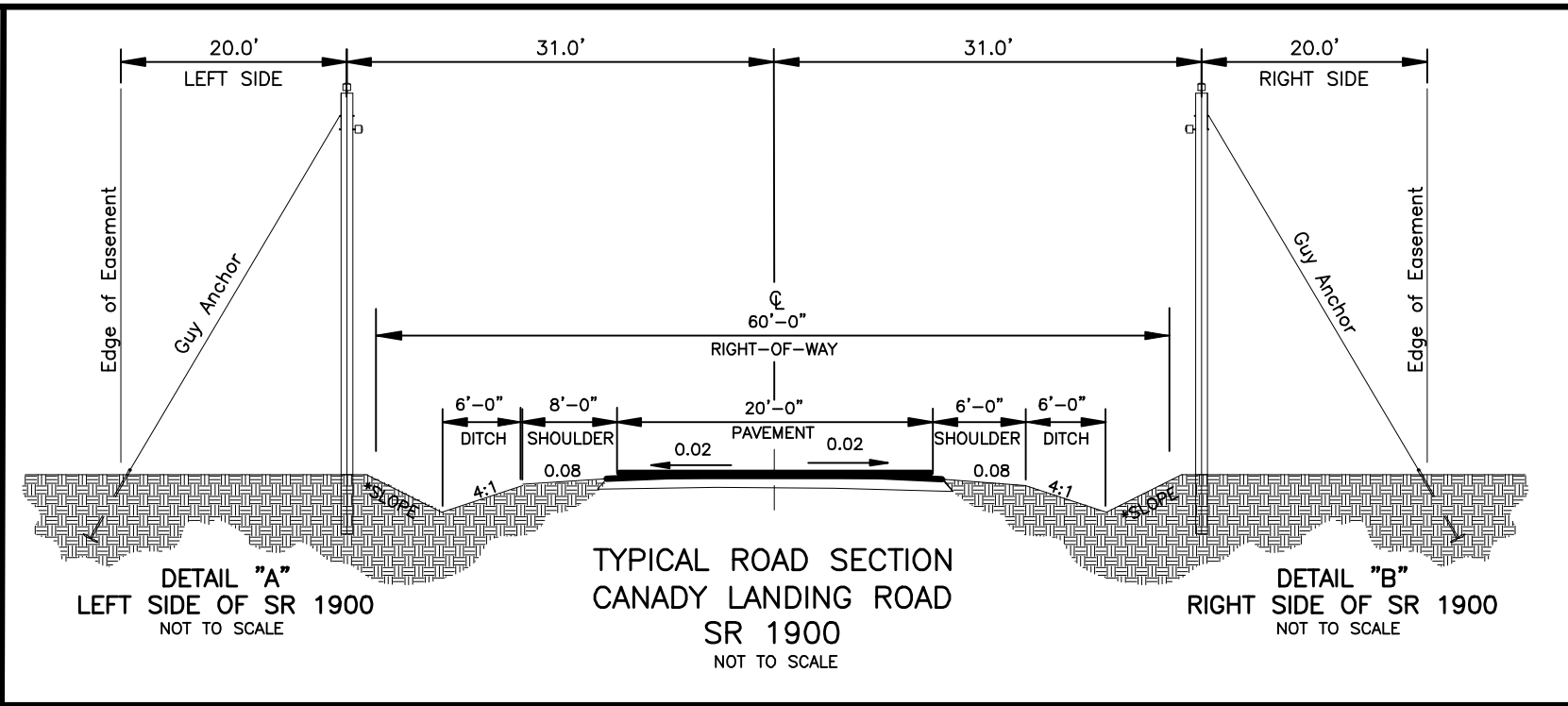
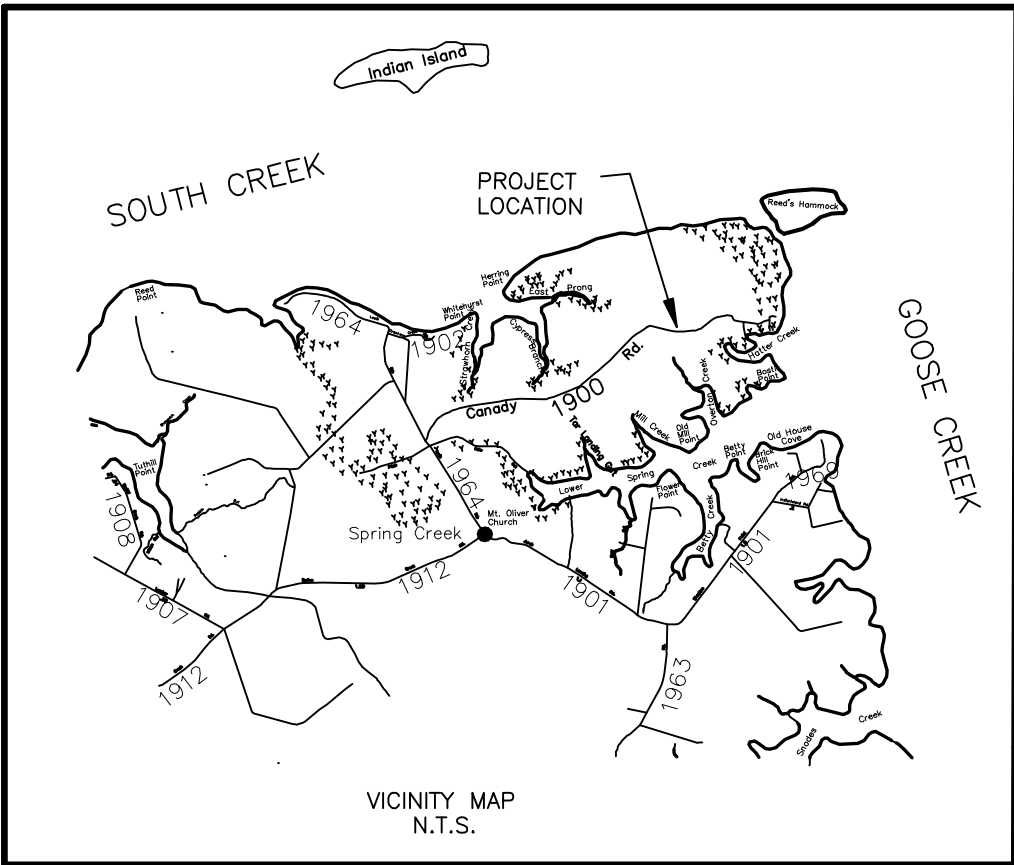
G. E. Jackson, N. C. Wildlife Resources Commission, P.C.S. Phosphate  
Beaufort and Pamlico Counties (10,027 acres)



**NOTE:** Disabled sportsman waterfowl blind available at Spring Creek Impoundment.





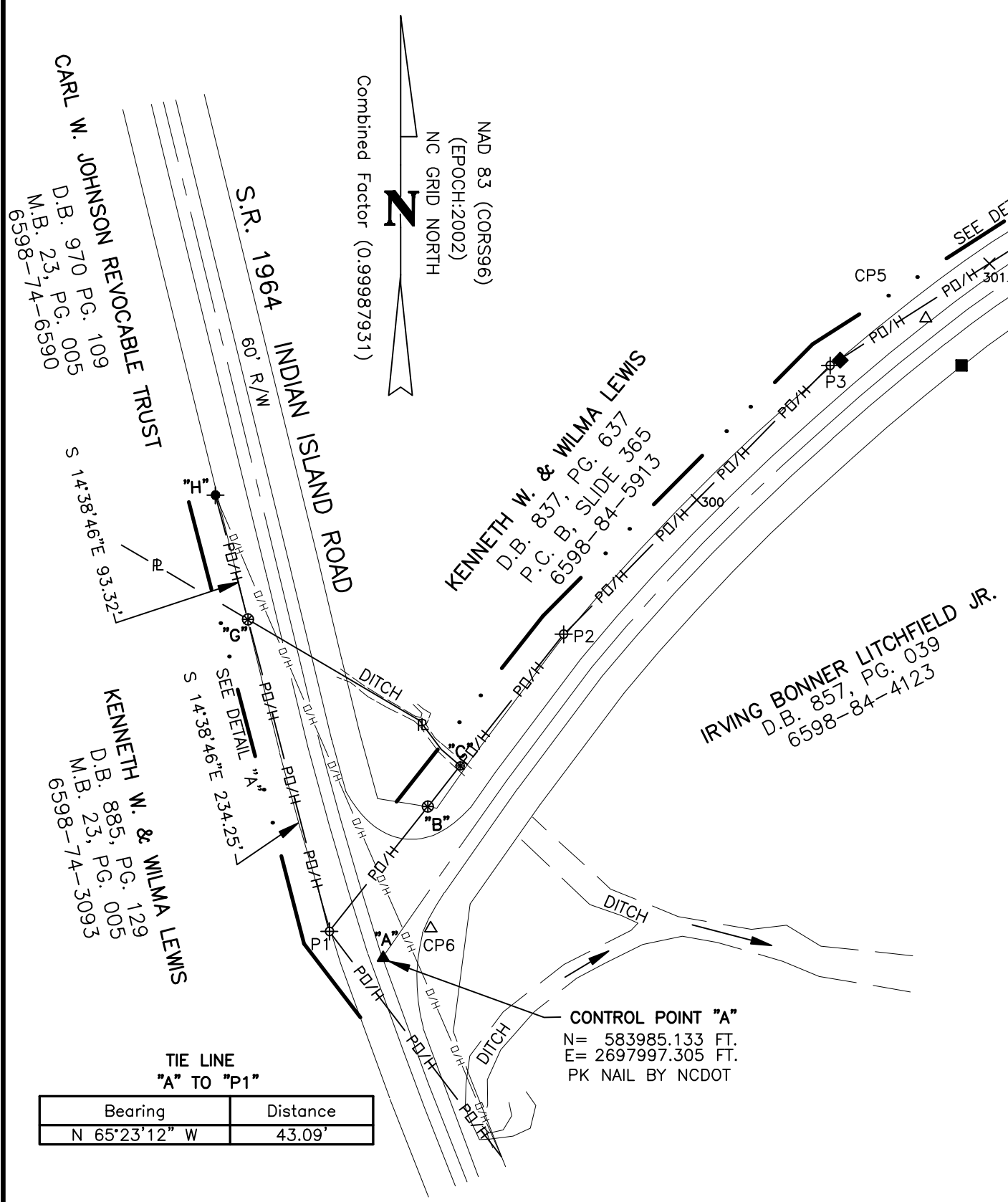


TIE LINE "A" TO "B"	
Bearing	Distance
N 16°35'38" E	113.30'

PROPOSED EASEMENT LINE "B" TO "C"	
D.B. 885, PG. 129	
Bearing	Distance
N 38°17'00" E	37.87'

PROPOSED EASEMENT LINE "C" TO "D"	
D.B. 837, PG. 637	
Bearing	Distance
N 38°17'00" E	121.67'
N 44°46'13" E	275.00'
N 57°21'22" E	275.00'
N 76°40'38" E	275.00'
N 82°34'24" E	168.62'

PROPOSED EASEMENT LINE "D" TO "E"	
D.B. 1754, PG. 672	
Bearing	Distance
N 82°34'24" E	106.38'
S 89°43'35" E	275.00'
S 87°08'07" E	275.00'
S 84°32'07" E	275.00'
S 84°21'10" E	447.00'



TIE LINE "A" TO "P1"	
Bearing	Distance
N 65°23'12" W	43.09'

STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT,  
I, \_\_\_\_\_, REVIEW OFFICER OF BEAUFORT COUNTY,  
CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE MAP/PLAT  
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY  
REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_  
DATE \_\_\_\_\_  
STATE OF NORTH CAROLINA  
COUNTY OF BEAUFORT  
THIS MAP/PLAT WAS PRESENTED FOR REGISTRATION AND RECORDED IN  
THIS OFFICE IN PLAT CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2012 AT \_\_\_\_\_ M.  
JENNIFER LEGGETT WHITEHURST BY \_\_\_\_\_  
REGISTER OF DEEDS ASST/DEPTY

I, NORWOOD MARTIN MAYO, CERTIFY THAT THIS PLAT WAS DRAWN  
UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL SURVEY (A  
DEED DESCRIPTION RECORDED IN DEED BOOK N/A  
PAGE \_\_\_\_\_) THAT THE ERROR OF CLOSURE AS CALCULATED BY  
LATITUDES AND DEPARTURES IS 1:10000. I THAT THE BOUNDARIES  
NOT SURVEYED ARE SHOWN AS BROKEN LINES PLATTED FROM INFOR-  
MATION FOUND IN MAP BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ AND THAT THIS PLAT  
WAS PREPARED IN ACCORDANCE G.S. 47-30, AS AMENDED.  
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
THIS 12 DAY JUNE A.D. 2012.

NORWOOD MARTIN MAYO, PLS  
REGISTRATION NUMBER L-1546

THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE  
RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY,  
OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

NORWOOD MARTIN MAYO  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER: L-1546

I, NORWOOD MARTIN MAYO, CERTIFY THAT THIS MAP WAS DRAWN UNDER BY SUPERVISION  
FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING  
INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: C
2. POSITIONAL ACCURACY: 2cm
3. TYPE OF GPS FIELD PROCEDURE: RTK, OPUS & TRADITIONAL TRAVERSE.
4. DATES OF SURVEY: 06/25/2012 TO 06/27/2012
5. DATUM/EPOCH: NAD 83 (CDRS96) (EPOCH2002)
6. PUBLISHED/FIXED-CONTROL USE: OPUS
7. GEODID MODEL: GEODID 09
8. COMBINED GRID FACTOR(S): 0.99987931
9. UNITS: US SURVEY FEET

NORWOOD MARTIN MAYO, PLS  
REGISTRATION NO: L-1546

The State Plane Coordinates (SPC) for this project were produced with static GPS  
observations and processed with Online Positioning User Service (OPUS). The  
network positional accuracy of the OPUS derived positional information is 0.020m.  
The following CDRS were used by OPUS

PID	DESIGNATION
DL1892	SWAN QUARTER CDRS ARP
D14768	NEW BERN 6 CDRS ARP
DK7551	WASHINGTON CDRS ARP
DN8739	NEW BERN CDRS ARP
DK7561	BEAUFORT CDRS ARP

Horizontal positions are referenced to NAD83\NSRS(2007)  
Vertical positions are referenced to NAVD83 using (GEOID09)  
Combined Factor 0.99987931.

PERSIMMON TREE LANDING LLC  
D.B. 1754, PG. 672  
P.C. H, SLIDE 35-4  
6598-95-6055

CONTROL POINT "A" TO CONTROL POINT "B"	
Bearing	Distance
S 86°37'01" E	1183.03'
FIELD DISTANCE	
Bearing	Distance
S 86°37'01" E	1183.18'

#### SITE CONTROL

Point	Northing	Easting	Description
CP4	584612.986 FT.	2698846.517 FT.	SET 60d NAIL
CP5	584448.637 FT.	2698391.689 FT.	SET 60d NAIL
CP6	584005.389 FT.	2698031.795 FT.	SET 60d NAIL
CP7	584279.232 FT.	2701720.847 FT.	SET 60d NAIL

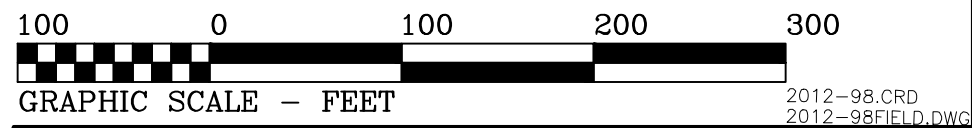
CONTROL POINTS ARE GROUND COORDINATES REFERENCED TO CP1


PROPERTY LINE LOCATIONS SHOWN ON THIS MAP  
ARE APPROXIMATE LOCATIONS AS TAKEN FROM  
MAPS RECORDED IN BEAUFORT COUNTY REGISTER  
OF DEEDS, BEAUFORT COUNTY GIS, AND MAPS  
BY NCDOT OF S.R. 1900.

EASEMENT IDENTIFICATION	
EASEMENT NUMBER	EASEMENT LIMIT
1	"P1" TO "G"
2	"G" TO "H"
3	"B" TO "C"
4	"C" TO "D"

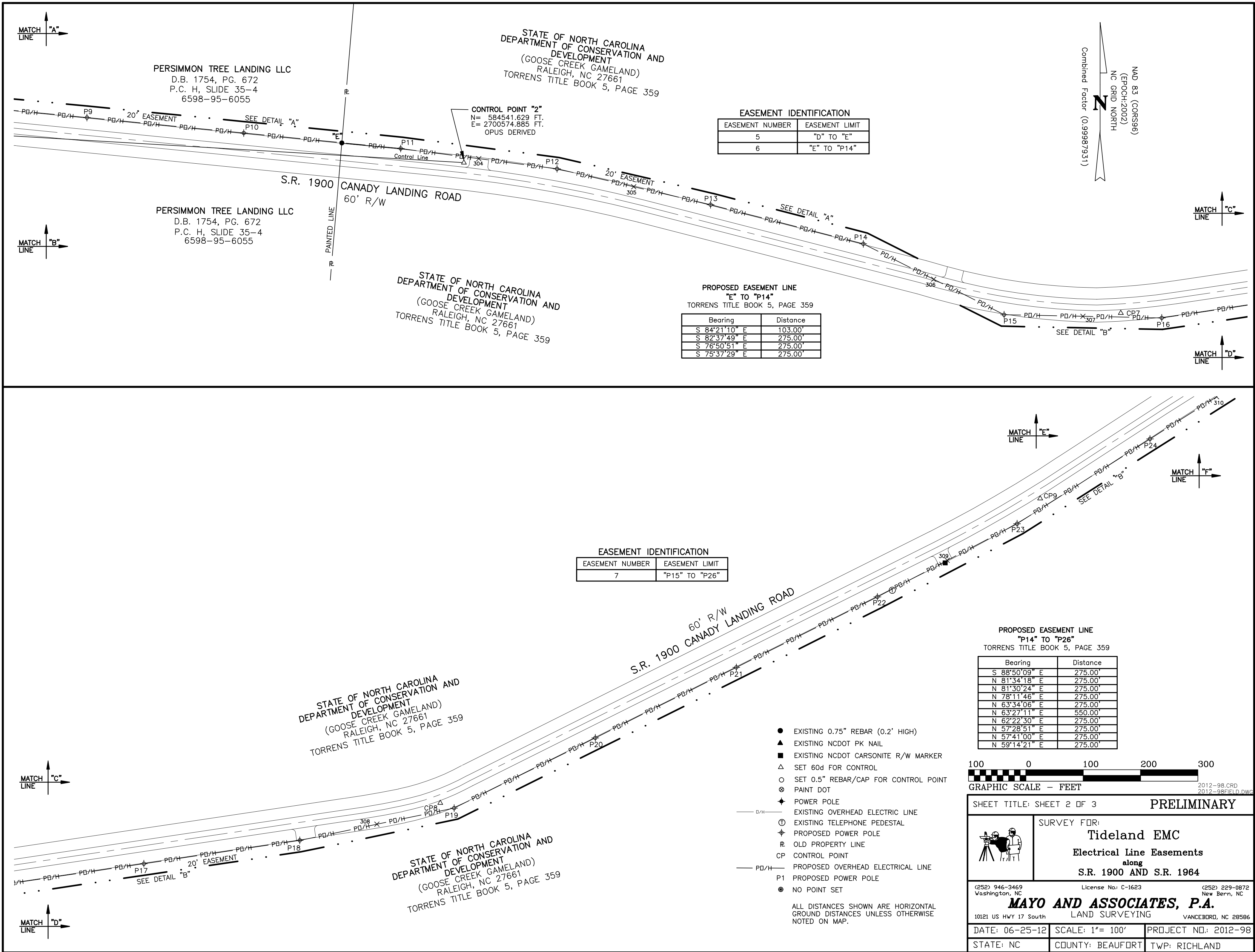
- EXISTING 0.75" REBAR (0.2' HIGH)
- ▲ EXISTING NCDOT PK NAIL
- ▲ EXISTING NCDOT CARSONITE R/W MARKER
- △ SET 60d FOR CONTROL
- SET 0.5" REBAR/CAP FOR CONTROL POINT
- ⊕ PAINT DOT
- ◆ POWER POLE
- D/H — EXISTING OVERHEAD ELECTRIC LINE
- ⊕ EXISTING TELEPHONE PEDESTAL
- ⊕ PROPOSED POWER POLE
- ℙ OLD PROPERTY LINE
- CP CONTROL POINT
- PD/H — PROPOSED OVERHEAD ELECTRICAL LINE
- P1 PROPOSED POWER POLE
- ⊕ NO POINT SET

ALL DISTANCES SHOWN ARE HORIZONTAL  
GROUND DISTANCES UNLESS OTHERWISE  
NOTED ON MAP.



SHEET TITLE: SHEET 1 OF 3		PRELIMINARY	
		SURVEY FOR: <b>Tideland EMC</b> Electrical Line Easements along S.R. 1900 AND S.R. 1964	
(252) 946-3469 Washington, NC		License No: C-1623	(252) 229-0872 New Bern, NC
<b>MAYO AND ASSOCIATES, P.A.</b>		LAND SURVEYING	
10121 US HWY 17 South		VANCEBORO, NC 28586	
DATE: 06-25-12		SCALE: 1"= 100'	PROJECT NO: 2012-98
STATE: NC		COUNTY: BEAUFORT	TWP: RICHLAND

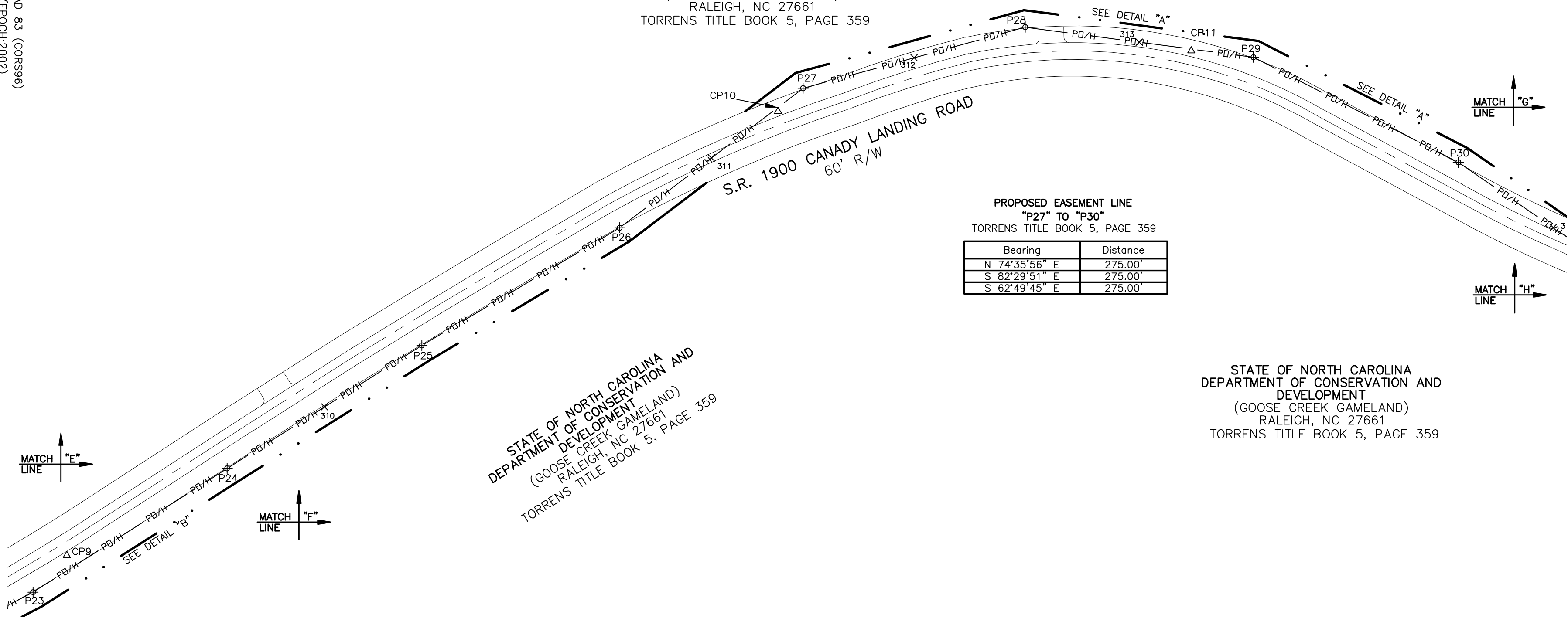
M:\MARTIN DRAWINGS\2012-08\FIELD.dwg, 8/7/2012 2:15:46 PM



NAD 83 (GRS96)  
(EPOCH:2002)  
NC GRID NORTH  
Combined Factor (0.99987931)

STATE OF NORTH CAROLINA  
DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
(GOOSE CREEK GAMELAND)  
RALEIGH, NC 27661  
TORRENS TITLE BOOK 5, PAGE 359

EASEMENT IDENTIFICATION	
EASEMENT NUMBER	EASEMENT LIMIT
8	"P27" TO "P30"

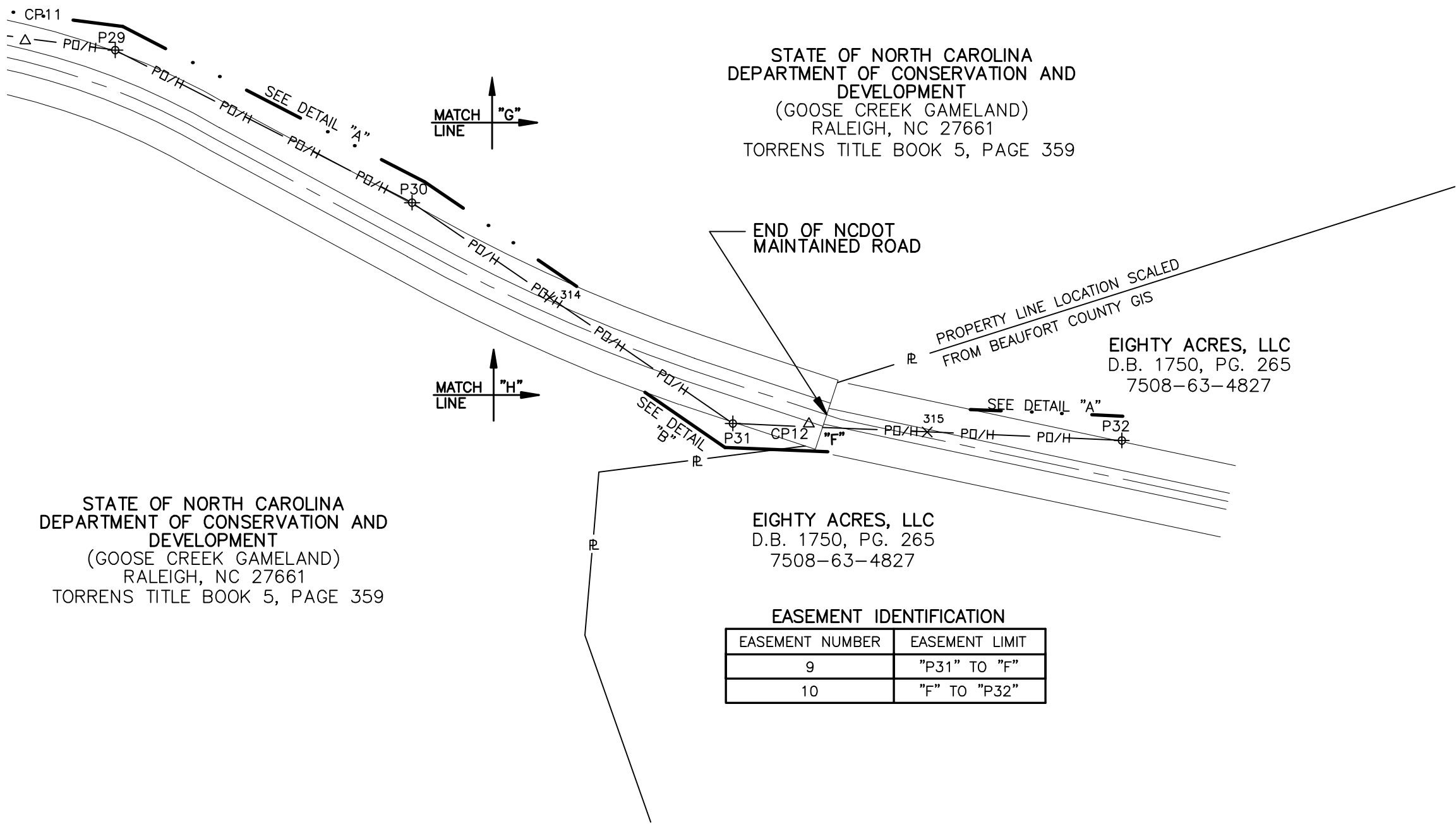


PROPOSED EASEMENT LINE  
"P27" TO "P30"  
TORRENS TITLE BOOK 5, PAGE 359

Bearing	Distance
N 74°35'56" E	275.00'
S 82°29'51" E	275.00'
S 62°49'45" E	275.00'

STATE OF NORTH CAROLINA  
DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
(GOOSE CREEK GAMELAND)  
RALEIGH, NC 27661  
TORRENS TITLE BOOK 5, PAGE 359

STATE OF NORTH CAROLINA  
DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
(GOOSE CREEK GAMELAND)  
RALEIGH, NC 27661  
TORRENS TITLE BOOK 5, PAGE 359



STATE OF NORTH CAROLINA  
DEPARTMENT OF CONSERVATION AND  
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RALEIGH, NC 27661  
TORRENS TITLE BOOK 5, PAGE 359

STATE OF NORTH CAROLINA  
DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
(GOOSE CREEK GAMELAND)  
RALEIGH, NC 27661  
TORRENS TITLE BOOK 5, PAGE 359

EIGHTY ACRES, LLC  
D.B. 1750, PG. 265  
7508-63-4827

EASEMENT IDENTIFICATION	
EASEMENT NUMBER	EASEMENT LIMIT
9	"P31" TO "F"
10	"F" TO "P32"

- EXISTING 0.75" REBAR (0.2' HIGH)
- ▲ EXISTING NCDOT PK NAIL
- EXISTING NCDOT CARSONITE R/W MARKER
- △ SET 60d FOR CONTROL
- SET 0.5" REBAR/CAP FOR CONTROL POINT
- ⊗ PAINT DOT
- ◆ POWER POLE
- O/H — EXISTING OVERHEAD ELECTRIC LINE
- ⓪ EXISTING TELEPHONE PEDESTAL
- ⊕ PROPOSED POWER POLE
- ℙ OLD PROPERTY LINE
- CP CONTROL POINT
- PD/H — PROPOSED OVERHEAD ELECTRICAL LINE
- P1 PROPOSED POWER POLE
- ⊙ NO POINT SET

ALL DISTANCES SHOWN ARE HORIZONTAL  
GROUND DISTANCES UNLESS OTHERWISE  
NOTED ON MAP.

100 0 100 200 300

GRAPHIC SCALE - FEET

SHEET TITLE: SHEET 3 OF 3 PRELIMINARY

SURVEY FOR:  
**Tideland EMC**  
Electrical Line Easements  
along  
S.R. 1900 AND S.R. 1964

(252) 946-3469 Washington, NC License No: C-1623 (252) 229-0872 New Bern, NC

**MAYO AND ASSOCIATES, P.A.**

10121 US HWY 17 South LAND SURVEYING VANCEBORO, NC 28586

DATE: 06-25-12 SCALE: 1"= 100' PROJECT NO: 2012-98

STATE: NC COUNTY: BEAUFORT TWP: RICHLAND



# EXHIBIT M-1

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Gordon Warburton

**Date First Presented to WRC:** Originally submitted 2/11/2009; re-submitted 8/30/2012

**Tract Name:** Braun

**Acreage:** 281

**County:** Ashe

**Estimated Value:** NA – offered as a donation by Blue Ridge Conservancy

**Property Owner or Representative:** Walter Clark

**Phone:** 828-264-2511

**Address:** PO Box 568 Boone NC 286707

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

**Grant Potential:** ☐ NHTF      ☐ CWMTF

☒ OTHER (explain): Donation

**Resources Assessment and Biological Benefits (brief):** The Braun tract is part of the Pond Mountain State Natural Heritage Area and lies at elevations ranging from 3,600-4,600 feet. It offers the unique opportunity to manage for wildlife species and plants requiring both high elevation meadow habitats and northern hardwood forests. The majority of the tract contains northern hardwood forest types which provide excellent opportunities to manage for rose breasted grosbeak, hairy woodpecker, Canada warbler, black-billed cuckoo, brown creeper, sharp-shinned and Cooper's hawks, Northern saw whet owl, Allegheny woodrat, long tailed shrew, southern water shrew, rock vole, Eastern small footed bat, and N. longeared bat, all of which are either state listed or identified as N.C. Wildlife Action Plan priority species. The extensive streams and riparian areas on the tract offer opportunity to manage for a host of state or N.C. Wildlife Action Plan listed salamanders as well as the state and federally threatened bog turtle. The tract also contains many popular game animals such as white-tailed deer, black bear, wild turkey, cottontail rabbit, ruffed grouse, and raccoon.

The property has high value for hunting, angling, other dispersed recreational activities, forestry, and scientific and educational purposes. The location and current condition of this tract combine to create an ideal property for inclusion in the Game Lands Program.

**Additional Comments:**

**Program Potential:** ☒ Game Land      ☐ Wildlife Conservation Area    ☒ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

30

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

**Map Attached:** ☒ Yes      ☐ No

# WORKSHEET

## Relative Priority Evaluation for Conservation Lands

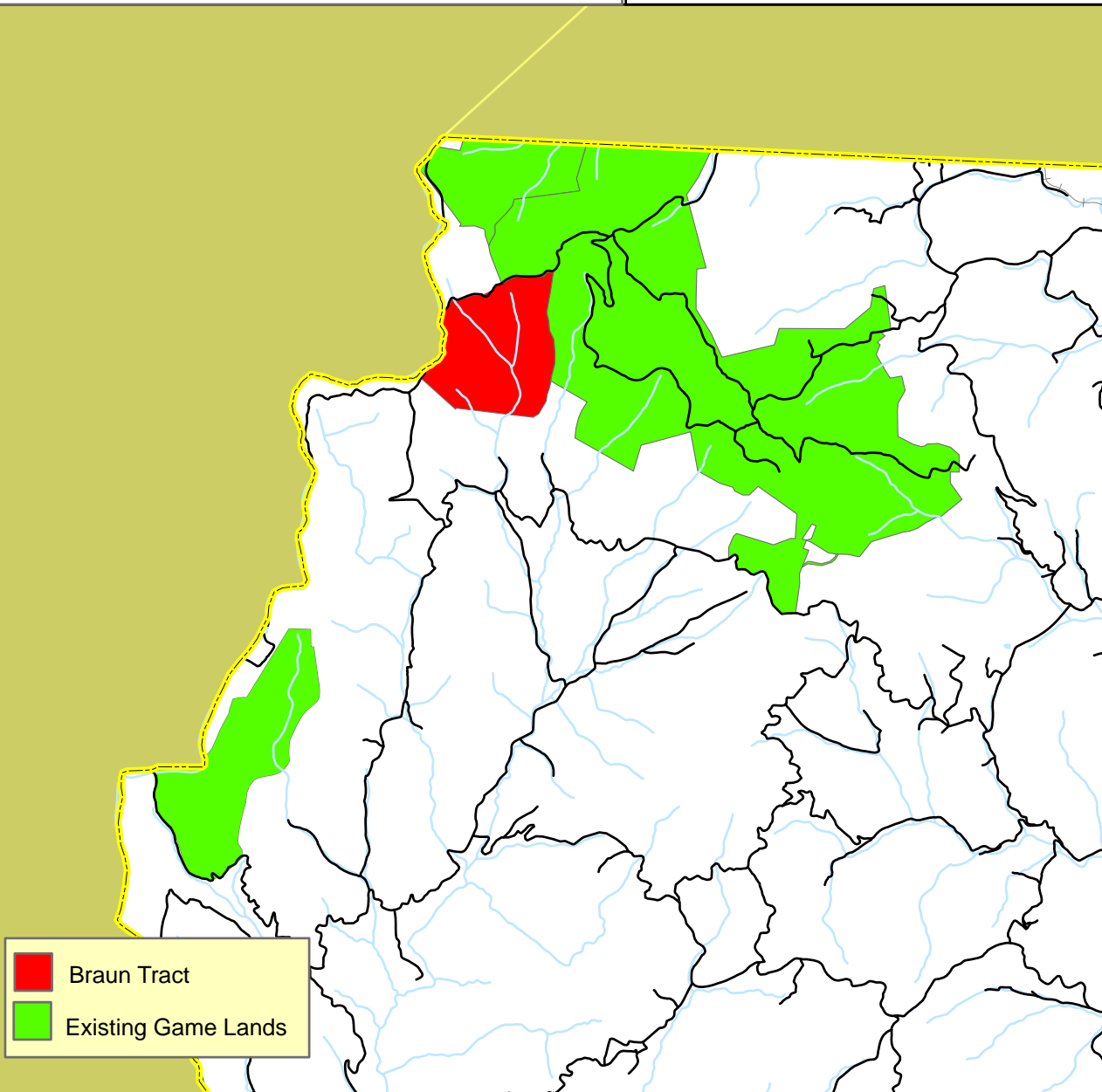
Tract Name (Focal Area) Braun Tract (Pond Mountain Game Land)

Criterion Score (1-5)  
5=Excellent 1=Poor

- |   |                        |
|---|------------------------|
| 1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.   | <u>5</u>               |
| 2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.   | <u>5</u>               |
| 3. No conflicting surrounding land uses.  | <u>5</u>               |
| 4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.                                       | <u>5</u>               |
| 5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts. | <u>5</u>               |
| 6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.                           | <u>5</u>               |
| 7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?  | <u>No</u>              |
| 8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?  | <u>No</u>              |
| 9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?  | <u>No but possible</u> |

**TOTAL SCORE** 30

# Braun Tract Ashe County 281 Acres



August 16, 2012

0 1 2 Miles





# EXHIBIT M-2

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Bill Parsons

**Date First Presented to WRC:** August 30, 2012

**Tract Name:** Carter Sisters (June & Carol)

**Acreage:** 65

**County:** Scotland

**Estimated Value:** Pending appraisal – landowner asking \$227,500 (\$3500/acre)

**Property Owner or Representative:** June Ellis & Carol Graham

**Phone:** (H) 910-276-7049 June Ellis; (C) 910-280-5544 Jim Ellis  
(H) 910-810-3153 Carol Graham

**Address:** June Ellis, 24284 Hoffman Road, Laurel Hill, NC 28351  
Carol Graham, 1012 Markham Street, Apex, NC 27502

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

**Grant Potential:** ☒ NHTF      ☐ CWMTF

☒ OTHER (explain): Army Compatible Use Buffer (ACUB) Program; US Fish & Wildlife Section 6 Endangered Species Grant to protect and enhance Red-Cockaded Woodpecker (RCW) habitat.

**Resources Assessment and Biological Benefits (brief):** The larger tract is approximately 60 acres in size. All but about 3 acres are upland habitat. Soils are dry, course well drained, and nutrient poor sand. The tract shares approximately 1,267 feet of common boundary with the Sandhills Game Land. There are 19 acres of open fallow land. There are 21 acres of twenty plus year old longleaf pine in the southeast corner of the property. The young longleaf stand has wiregrass ground cover. There is a 20 acre cut-over along the north and west property lines. The tract has been fire suppressed, but has native ground vegetation on 41 acres.

The smaller 5 acre tract is forested in twenty plus year old mix of loblolly and longleaf pines. Average stem diameters are less than 6 inches with heights reaching 25 feet. Native vegetation is also present on the Graham tract. Trees were seeded in naturally.

The reintroduction of fire to both properties will facilitate the restoration of the native plant communities, enhance wildlife habitat, and promote the development of the longleaf pine forest community. There are 2 active RCW clusters within ½ mile of the Carter Tract located on the Sandhills Game Lands.

**Additional Comments:** This tract is a critical inholding surrounded by Sandhills Game Lands. We need to put this acquisition on top of our list of tracts to purchase. If left in private ownership and developed it could have a negative impact on our use and management of immediate surrounding properties.

**Program Potential:** ☒ Game Land      ☐ Wildlife Conservation Area      ☐ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

26

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

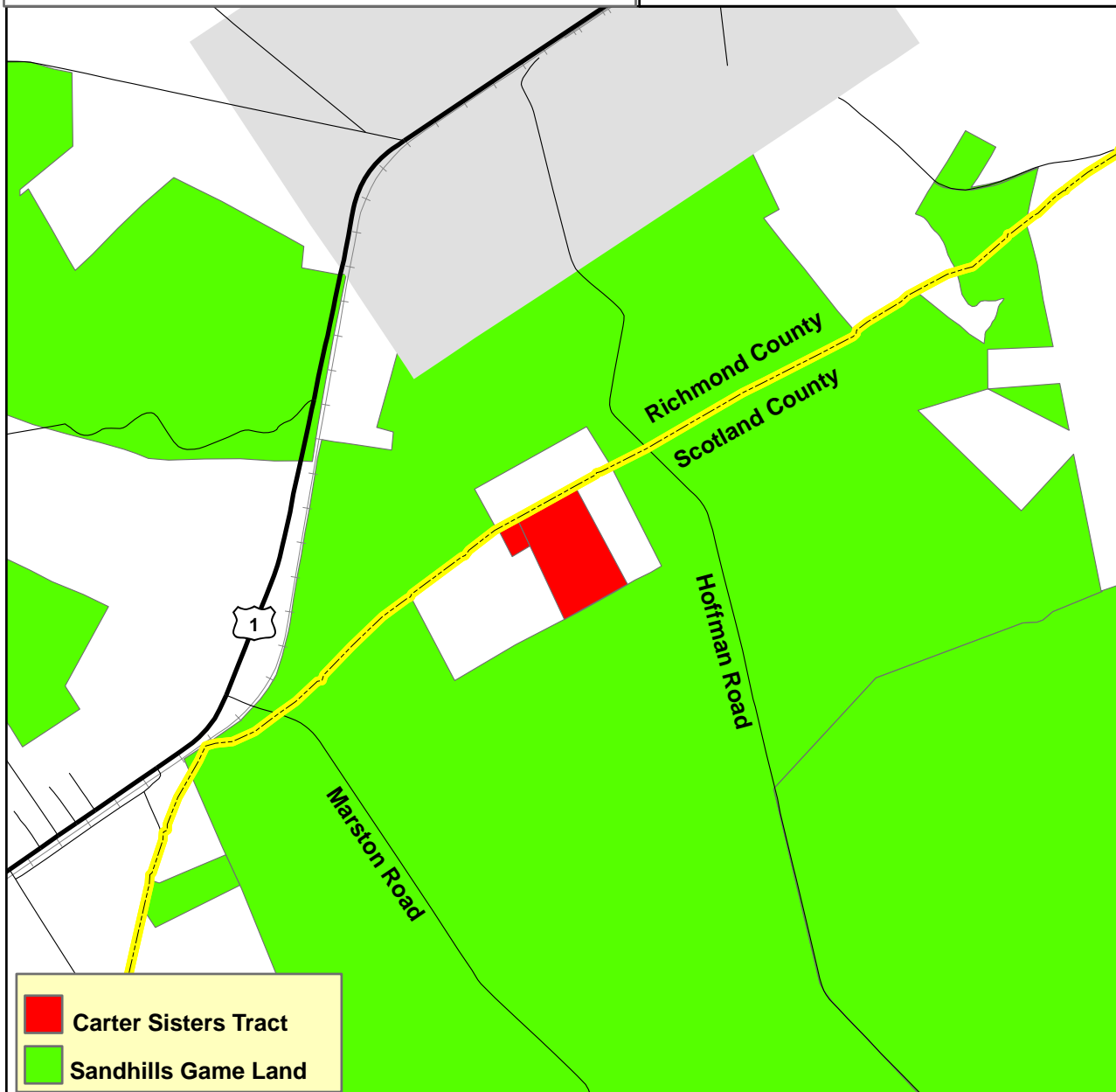
**Map Attached:** ☒ Yes      ☐ No

# WORKSHEET

## Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area)	<u>Carter Sisters Tract</u>
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>3</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>3</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>N/A</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<u>26</u>

# Carter Sisters Tracts Sandhills Game Land Scotland County 65 Acres



August 10, 2012

0 0.5 1 2 Miles





# June Ellis & Carol Graham Tract

## Scotland County (65 acres)

### July 2012



0 380 760 1,520 Feet



# EXHIBIT M-3

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Tommy Hughes

**Date First Presented to WRC:** August 30, 2012

**Tract Name:** Faircloth

**Acreage:** 193.15

**County:** Bladen

**Estimated Value:** Pending appraisal – tax value listed as \$138,200 (\$716/acre)

**Property Owner or Representative:** Wayne Faircloth / James Faircloth

**Phone:** (910) 549-9245 (Mobile)

**Address:** PO Box 58  
White Oak, NC 28399

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

**Grant Potential:** ☒ NHTF      ☐ CWMTF

☒ OTHER (explain): W-57 Pittman Robertson Federal Assistance Grant, T-13 US  
Fish & Wildlife State Wildlife Grant, Natural Heritage Trust Fund, Wildlife Resources  
Commission

#### **Resources Assessment and Biological Benefits (brief):**

The property consists of a 124 acre inholding and a 69 acre peninsula surrounded by the 10,838 acre Suggs Mill Pond Game Land. Based primarily on the presence of Carolina bay and pocosin habitats, approximately 55% of the property is considered nationally significant and the remaining 45% is ranked as regionally significant by the N.C. Natural Heritage Program. Acquisition would protect and provide management opportunities to upland sand rim and carolina bay habitat, and provide additional protection to Little Singletary Lake.

Portions of the property were recently burned over by the Simmons Road wildfire in June, 2011. There are some existing fire suppression lines and the 69 acre parcel has had some timber salvage work completed. However, much of the longleaf ecosystem understory remains intact and this property offers and excellent opportunity to re-establish native longleaf pine on the sand ridges.

Longleaf pine, pocosin, and carolina bay ecosystem components of the property all represent priority habitats identified in the NCWRC Wildlife Action Plan.

**Additional Comments:** Both tracts can be accessed via existing roads on Suggs Mill Pond Game Land.

**Program Potential:** ☒ Game Land      ☐ Wildlife Conservation Area      ☐ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

30

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

**Map Attached:** ☒ Yes      ☐ No

# WORKSHEET

## Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area) Faircloth Tracts – Bladen County

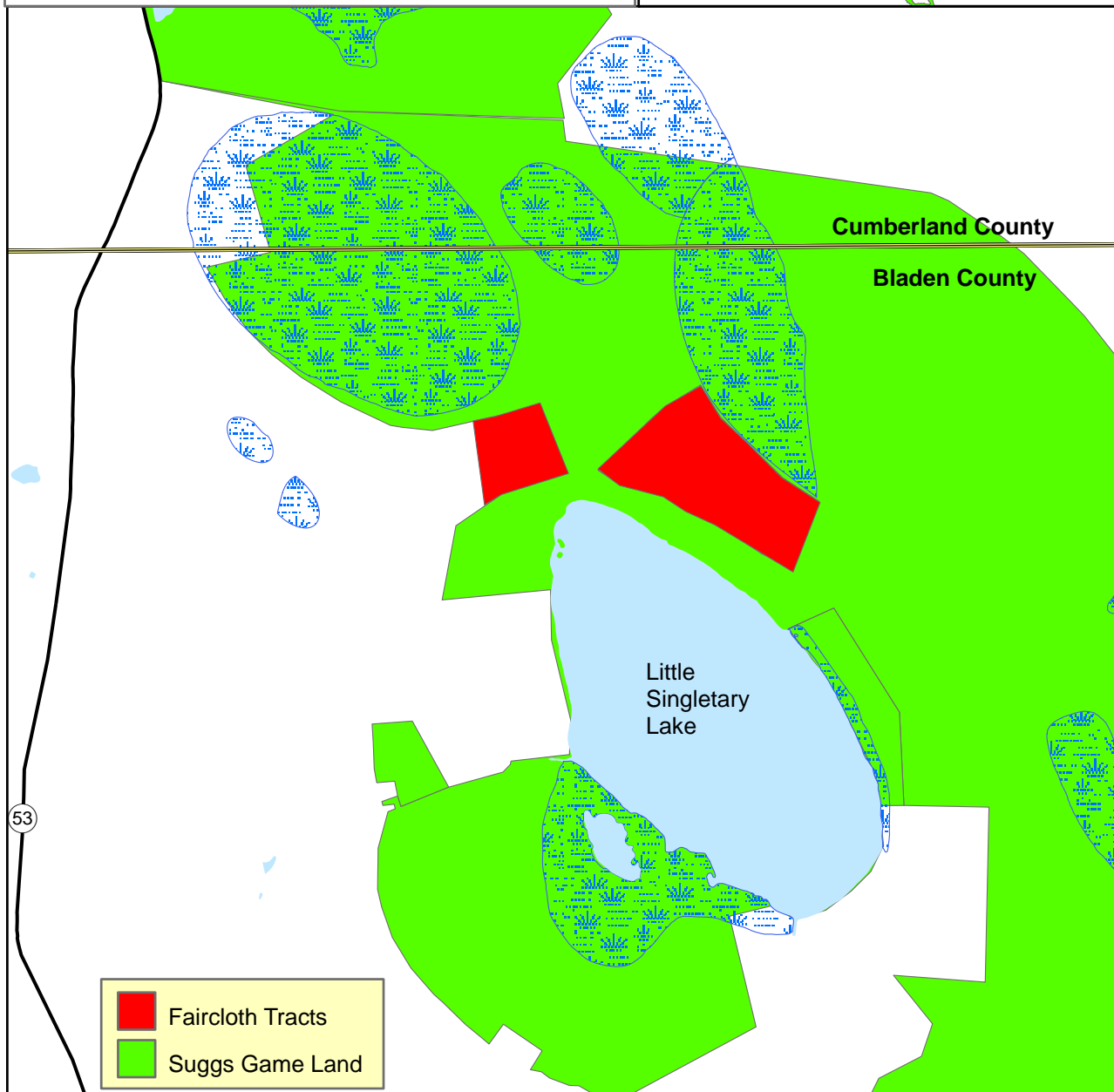
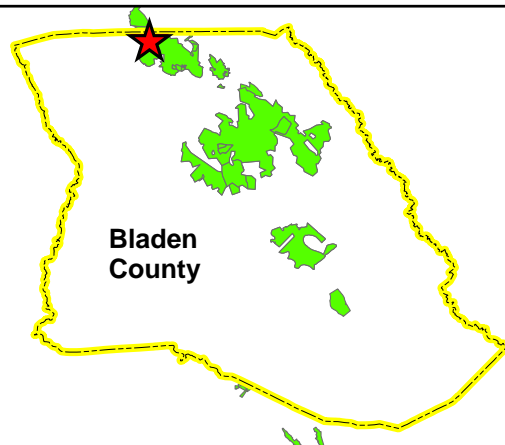
Criterion Score (1-5)  
5=Excellent 1=Poor

- |   |           |
|---|-----------|
| 1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.   | <u>5</u>  |
| 2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.   | <u>5</u>  |
| 3. No conflicting surrounding land uses.  | <u>5</u>  |
| 4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.                                       | <u>5</u>  |
| 5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts. | <u>5</u>  |
| 6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.                           | <u>5</u>  |
| 7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?  | <u>NA</u> |
| 8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?  | <u>NA</u> |
| 9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?  | <u>NA</u> |

**TOTAL SCORE** 30



# Faircloth Tracts Suggs Mill Pond GL Bladen County 193 Acres



August 10, 2012

0 0.4 0.8 1.6 Miles



# EXHIBIT M-4

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Tommy Hughes

**Date First Presented to WRC:** August 30, 2012

**Tract Name:** McFadden

**Acreage:** 250

**County:** Bladen

**Estimated Value:** Pending appraisal – landowner asking \$575,000 (\$2,300/acre)

**Property Owner or Representative:** Charles J. Moody, III

**Phone:** (W) 252-633-6484 (C) 252-514-7641

**Address:** P.O. Box 15069, 2313 Grace Avenue, New Bern 28561

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

**Grant Potential:** ☒ NHTF      ☐ CWMTF

☒ OTHER (explain): The NC Coastal land Trust (NCCLT) has applied for a North American Wetlands Conservation Act (NAWCA) grant to purchase this tract. If the WRC approves this tract for acquisition, we would work with NCCLT to acquire and transfer to the WRC. There is a possibility that additional funds may be needed, but that will not be known until negotiations begin on the tract. \$ 525,000 has been requested in the submitted NAWCA grant.

**Resources Assessment and Biological Benefits (brief):** Property consists of lowland natural regenerated hardwoods (30-50 yr. old) along the Cape Fear River Basin. French's Creek passes through the property and is impounded in several locations by beaver dams creating attractive tupelo gum swamps. Waterfowl (Gadwall and Wood ducks) use the impounded areas. Thirty to forty acres of the tract contains natural regenerated 30-50 year old loblolly pine that can be regenerated to longleaf pine. Approximately 2,251 feet of flood control dike exists on the property that was apparently constructed following the 1942 Cape Fear River flood and is of historical value. The tract has 3,923 feet of Cape Fear River frontage.

The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape function and connectivity. Based upon data found in the NC Conservation Planning Tool, the McFadden Biodiversity index averaged a score of 7 out of 10 (1 represents the lowest possible score and 10 represents the highest possible score). Approximately 72% of the tract scored between 6-9. Areas that support this level of species richness should be targeted for protection.

**Additional Comments:** The property has approximately 996 feet of road frontage to Cassius Smith Road (SR 1538). Approximately 1,760 feet of trail currently exists on the property. Existing vehicular access to the tract is by a sand road across an adjoining landowner. No easements currently exist; however, there may be opportunity for administrative easement across this existing road.

**Program Potential:** ☒ Game Land    ☐ Wildlife Conservation Area    ☐ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet)**

29

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

**Map Attached:** ☒ Yes    ☐ No

# WORKSHEET

## Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area) McFadden Tract ( Milvin Marshall)

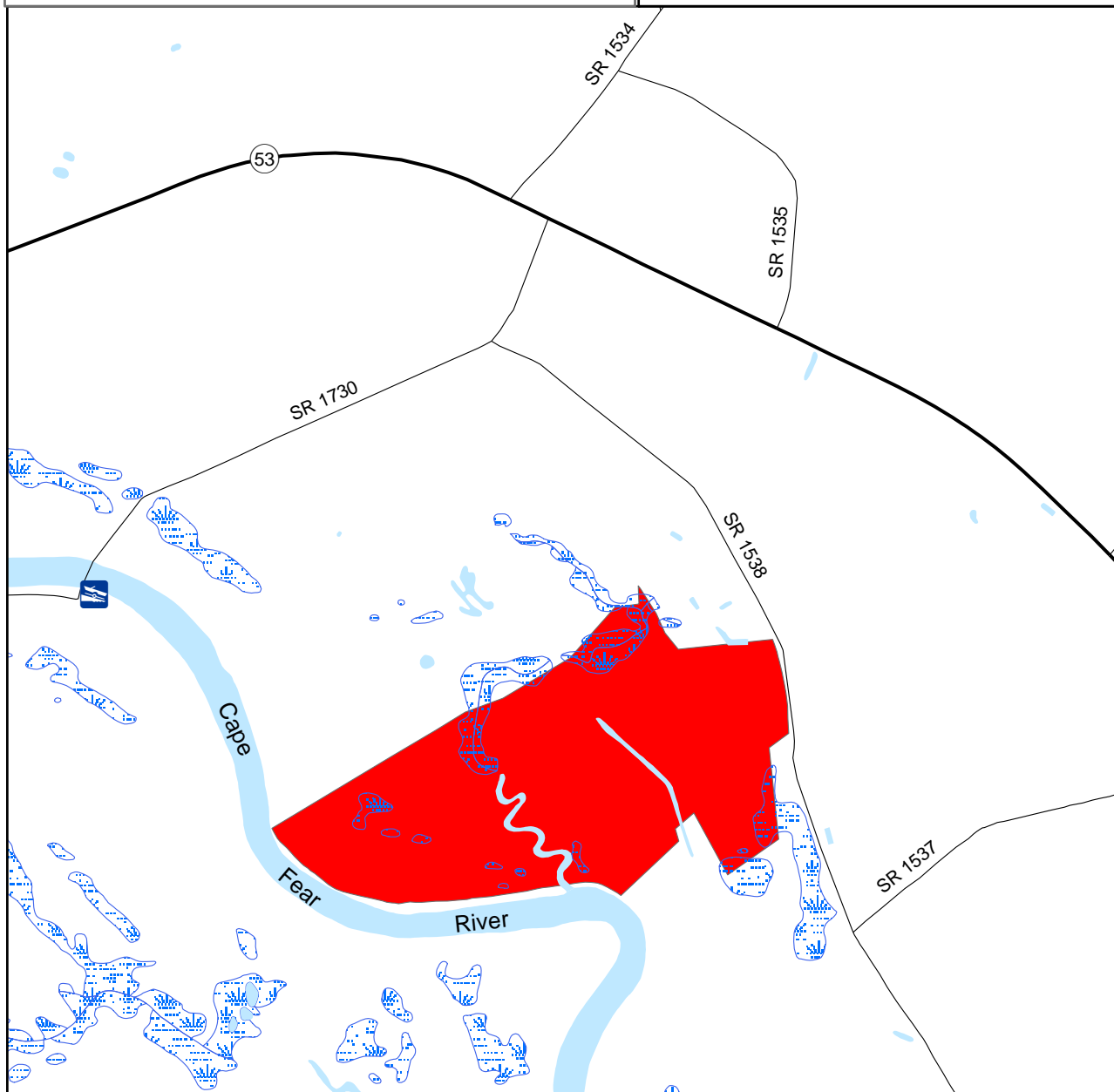
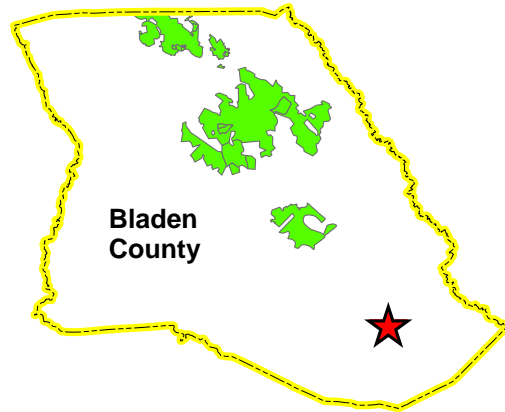
Criterion Score (1-5)  
5=Excellent 1=Poor

- |   |            |
|---|------------|
| 1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.   | <u>4</u>   |
| 2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.   | <u>5</u>   |
| 3. No conflicting surrounding land uses.  | <u>5</u>   |
| 4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.                                       | <u>5</u>   |
| 5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts. | <u>5</u>   |
| 6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.                           | <u>5</u>   |
| 7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?  | <u>Yes</u> |
| 8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?  | <u>Yes</u> |
| 9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?  | <u>No</u>  |

**TOTAL SCORE** 29



**Marshall Property  
McFadden Tract  
Bladen County  
250 Acres**



August 10, 2012

0 0.25 0.5 1 Miles



# EXHIBIT M-5

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

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**WRC Staff Contact:** Tommy Hughes

**Date First Presented to WRC:** Originally submitted 3/6/2002; re-submitted 8/30/2012

**Tract Name:** Texas Plantation, LLC

**Acreage:** 1,467

**County:** Tyrrell

**Estimated Value:** Pending appraisal – landowner was asking \$1,500,000 in 2002. Staff anticipates current asking price to be approximately \$2,000,000 (\$1,363/acre).

**Property Owner or Representative:** Phil Whitley

**Phone:** (W) 919-280-5370 (C) 919-365-5400

**Address:** P.O. Box 1600, Wendell, NC 27591

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

**Grant Potential:** ☒ NHTF ☐ CWMTF

☒ OTHER (explain): Coastal Wetlands, North American Wetlands Conservation Act

The challenge with this tract is that a large portion is under some type of conservation easement. With this protection in place, securing acquisition funds that target protection may be difficult.

**Resources Assessment and Biological Benefits (brief):** The property consists of approximately 1,467 acres, of which 440 acres are cleared with the balance in cut-over woodlands. There is about 180 acres in rentable agricultural land that is currently farmed. The rest of the farm land is enrolled in CRP under practices CP-9, CP-21(Filter Strips-45.9 acres) and CP-22(Riparian Buffers-154.3, Hardwoods-35 ac, Pine-83.3 ac, Open areas-36 ac). The tract is part of NC Partners Program and has two managed waterfowl impoundments (44.2 and 10 acres).

Texas Plantation supports game species, such as black bear, small game, whitetail deer, waterfowl and furbearers. The tract is currently hunted.

Review of the NC Conservation Planning Tool GIS data indicates that the tract supports a mean Biodiversity/Wildlife Habitat index score of 9 out of a highest possible score of 10. This represents a very high score and indicates an extremely important area on the landscape.

**Additional Comments:** None

**Program Potential:** ☒ Game Land      ☐ Wildlife Conservation Area    ☐ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

29

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

**Map Attached:** ☒ Yes      ☐ No

# WORKSHEET

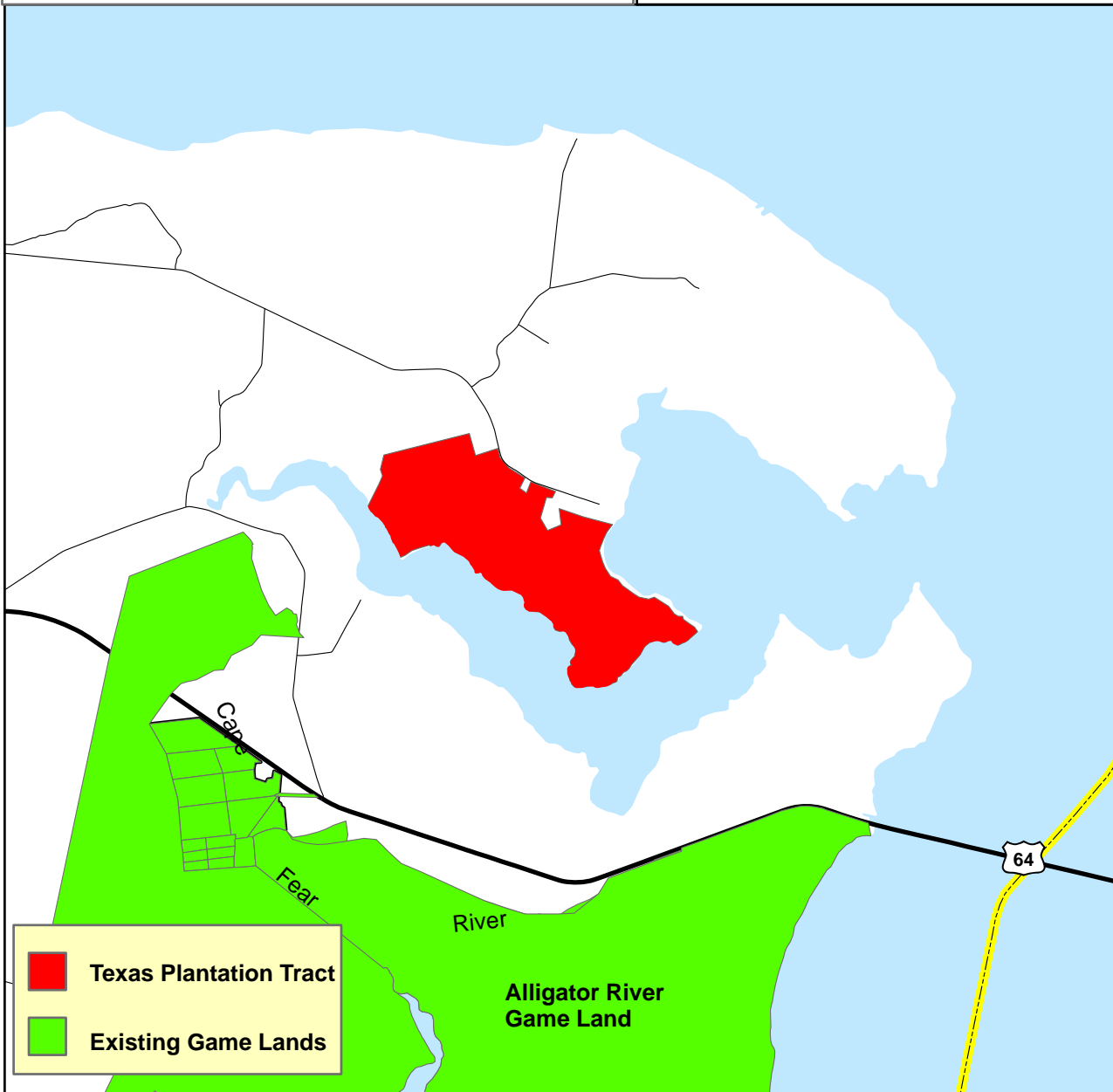
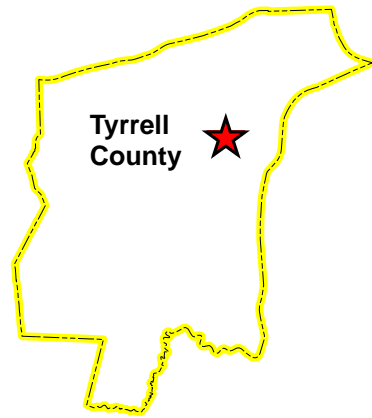
## Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area) Texas Plantation, LLC

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>4</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?	<u>Yes</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>No</u>
<b>TOTAL SCORE</b>	<u>29</u>



# Texas Planatation Tract Tyrrell County 1,467 Acres



August 10, 2012

0 0.4 0.8 1.6 Miles



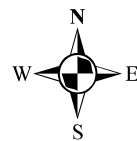




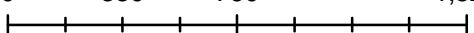
# Texas Plantation Tyrrell County

## Legend

 boundary



0 380 760 1,520 Feet





# EXHIBIT M-6

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

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**WRC Staff Contact:** Tommy Hughes

**Date First Presented to WRC:** August 30, 2012

**Tract Name:** Riverstone LLC

**Acreage:** 18,000

**County:** Columbus

**Estimated Value:** Pending appraisal – landowner asking \$36,000,000 (\$2,000/acres). The Nature Conservancy is in discussion with the owners and believes price to be significantly negotiable.

**Property Owner or Representative:** Jeff Galanti

**Phone:** (W) 804-643-4200

**Address:** 901 East Cary Street, Richmond Virginia 23219

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

**Grant Potential:** ☒ NHTF      ☒ CWMTF- if funding for acquisition returns

☒ OTHER (explain): NAWCA

**Resources Assessment and Biological Benefits (brief):** The Riverstone Tract supports three significant natural areas (See Significant Natural Areas Map in attached Assessment Report). Two sites which represent approximately 60% of the tract acreage are ranked as Nationally Significant while the remaining 40% is rated as State Significant. The nationally significant Upper Waccamaw Swamp contains the largest uninterrupted swamp system in Columbus County. It supports seven endemic or nearly endemic species of fauna that occur nowhere else in the world. These include four fish species (Waccamaw silverside [federally threatened], Waccamaw darter [state species of concern], Carolina pygmy sunfish [federal candidate] & Waccamaw Killfish [federal candidate]), two bivalves (Waccamaw fatmucket [federal candidate], Waccamaw spike [federal candidate] ) and one mollusk (Waccamaw snail [NC special concern]). It also supports populations of seven rare species, including the American alligator and the broadtail mad tom.

The third site, which is ranked State Significant, is known as White Marsh and encompasses about 40% of the area. The White Marsh State Significant area runs parallel to the Waccamaw River tributary of the same name. It is composed of two large marsh sites surrounded by a

Cypress-Gum Swamp and is an important wintering ground for waterfowl including wood duck, mallard, black duck, pintail, widgeon and hooded merganser. The White Marsh also has a rare plant species, the spoonflower.

Review of the NC Conservation Planning Tool GIS data, indicates that approximately 95% of the Riverstone Tract has a Biodiversity/Wildlife Habitat index score of 10. This represents the highest score that a site can obtain and indicates an extremely important area on the landscape.

In addition, the tract provides significant habitat for large rookeries of colonial nesting waterbirds, potential roosting sites for Rafinesque's big-eared bats, potential nesting area for swallow-tailed kites, favorable conditions for the following WAP priority reptile species: 1) turtles - spotted turtle, eastern box turtle, striped mud turtle; 2) lizards - broad-headed skink; 3) snakes - corn snake, eastern mudsnake, common rainbow snake, eastern kingsnake, glossy crayfish snake, black swamp snake, common ribbonsnake, timber rattlesnake; 4) American alligator. Tract is also important to many game species such as black bear, wild turkey, whitetail deer, waterfowl and furbearers.

**Additional Comments:** For more detailed information-see attached assessment report.

**Program Potential:** ☒ Game Land      ☐ Wildlife Conservation Area      ☐ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**

W-57 Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

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

**Map Attached:** ☒ Yes      ☐ No



**WORKSHEET**  
**Relative Priority Evaluation for Conservation Lands**

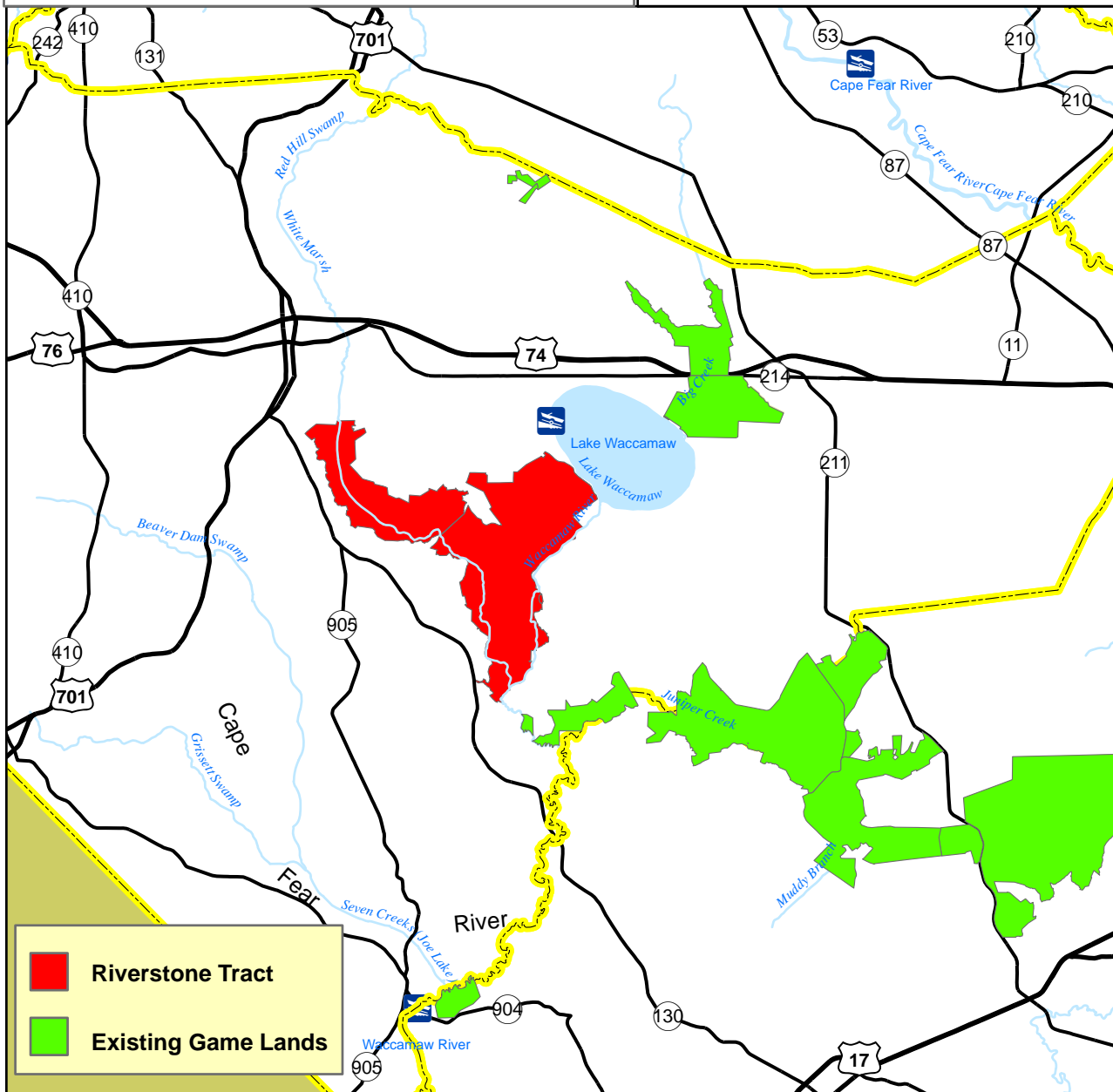
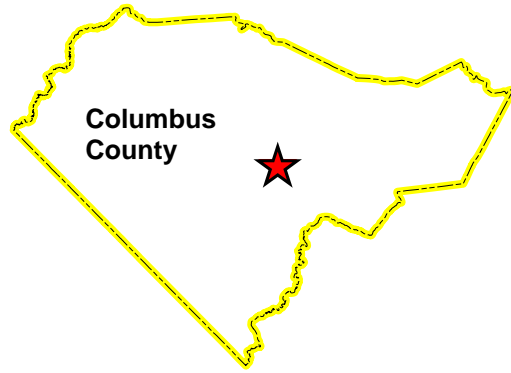
Tract Name (Focal Area) Riverstone Properties, LLC

Criterion Score (1-5)  
5=Excellent 1=Poor

- |   |            |
|---|------------|
| 1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.   | <u>4</u>   |
| 2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.   | <u>5</u>   |
| 3. No conflicting surrounding land uses.  | <u>5</u>   |
| 4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.                                       | <u>5</u>   |
| 5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts. | <u>5</u>   |
| 6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.                           | <u>5</u>   |
| 7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?  | <u>Yes</u> |
| 8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?  | <u>Yes</u> |
| 9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?  | <u>No</u>  |

**TOTAL SCORE** 29

# Riverstone Property Columbus County 18,000 Acres



August 10, 2012

0 3 6 12 Miles



**Natural Resources Assessment**  
**Riverstone Properties LLC Tract**  
**Columbus County, North Carolina**

**September 17, 2010**



## **Property Description:**

The Riverstone Tract is located approximately 4 miles south of the town of Lake Waccamaw and includes 18,000+ acres of intact bottomland hardwoods that contains the headwaters of the Waccamaw River in Columbus County, North Carolina. The tract has approximately 7.5 miles of river frontage on the Waccamaw River and 13 miles of its tributary, the White Marsh. It is also contains most of the floodplain of both of these waterways and is adjacent to Lake Waccamaw State Park (See Location map).

### ***At a Glance***

Ownership: Private

Acreage: 18,600

Protection approach: Fee Simple Acquisition

Total Cost: approximate land costs \$18,000,000

Cost/Acre: 968.00

## **Resources Assessment:**

### ***Significant Natural Areas:***

The Natural Heritage Program initiated work in Columbus County in 1995 to inventory natural areas and rare species. Based upon that work, the Riverstone Tract supports three significant natural areas (See Significant Natural Areas Map). Two sites which represent approximately 60% of the tract acreage are ranked as Nationally Significant while the remaining 40% is rated as State Significant. The nationally significant Upper Waccamaw Swamp contains the largest uninterrupted swamp system in Columbus County. It supports seven endemic or nearly endemic species, fauna that occur nowhere else in the world. These include four fish species (Waccamaw silverside [federally threatened], Waccamaw darter [state species of concern], Carolina pygmy sunfish [federal candidate] & Waccamaw Killfish [federal candidate]), two bivalves (Waccamaw fatmucket [federal candidate], Waccamaw spike [federal candidate] ) and one mollusk (Waccamaw snail [NC special concern]). It also supports populations of seven rare species, including the American alligator and the broadtail mad tom. The Upper Waccamaw Swamp also contains several heron rookeries.

The third site, which is ranked State Significant, is known as White Marsh and encompasses about 40% of the area. The White Marsh State Significant area runs parallel to the Waccamaw River tributary of the same name. It is composed of two large marsh sites surrounded by a Cypress-Gum Swamp and is an important wintering ground for waterfowl including wood duck, mallard, black duck, pintail, widgeon and hooded merganser. The White Marsh also has a rare plant species, the spoonflower.

Review of the NC Conservation Planning Tool GIS data, indicates that approximately 95% of the Riverstone Tract has a Biodiversity/Wildlife Habitat index score of 10. This represents the highest score that a site can obtain and indicates an extremely important area on the landscape. The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape



function and connectivity (See Biodiversity/Wildlife Habitat Index Map). Areas that support this level of species richness should be targeted for protection.

### ***Fisheries:***

**Freshwater Fishes:** Division of Inland Fisheries staff inventoried the fisheries community within the Waccamaw River annually during 1997–1999, and again in 2003 and 2005. These surveys were conducted using electrofishing techniques at several stations on the Waccamaw River in the vicinity of Pireway and Freeland during the late summer or early fall (August through October). Summarization of this data over the five sampling years revealed the collection of 33 fish species (Table 1). Due to the acidic water chemistry in the Waccamaw River and Lumber Basin, fisheries productivity is relatively lower than other coastal river basins. However, the sportfish community in the Waccamaw River provides opportunities for anglers to catch a variety of sunfish species such as bluegill, warmouth, redbreast and redear. Largemouth bass were also present, with sizes from our collections ranging from 4–20 inches. Other sportfish present in the Waccamaw River included black crappie, yellow perch, pumpkinseed, chain pickerel and several catfish species. A diversity of non-game species were present in our samples with eastern mosquitofish, golden shiner, bowfin, and pirate perch some of the most abundant. Size ranges from our samples indicated a healthy, reproducing fisheries community as defined by the presence of multiple adult year classes and the occurrence of young-of-year fish.

In addition to the previously mention survey, the Division of Water Resources sponsored a project to assess trends in gamefish abundance in the Waccamaw River watershed (Moser and Rohde, 1998). The project involved a gear comparison study (rotenone, backpack electroshocking and seining) at 10 sites in the drainage. This information was then used to compare fish community structure, species richness and abundance at 23 sites sampled in 1995-97 to the same parameters calculated from 1961 North Carolina Wildlife Resources Commission (NCWRC) rotenone collections at the identical locations.

The results indicated that fish diversity, abundance and size were significantly lower in recent collections and that DO and current velocity were also significantly lower. The mean pH level was higher than in the previous collection period. These changes in fish abundance and diversity may be attributable to the changes in water quality in the river. As further evidence of effects of water quality on the fisheries in the river, the NC Wildlife Resources Commission found that ten of 33 game fish captured during a study in the Waccamaw River in August 1997 had external parasites and two had sores.

**Wildlife Diversity Aquatic:** There are 17 species of rare fish and mollusks that have been documented from Lake Waccamaw (Table 2; Lindquist and Yarbrough 1979, Porter 1985, Mottes 1998, Shute et al. 2000). Three species of fish are known only from the lake and the Waccamaw River directly below the lake. The Waccamaw silverside (*Menidia extensa*) is listed by the US Fish & Wildlife Service (USFWS) as threatened and the entire lake and a short reach of lower Big Creek (USFWS 1993) are designated as critical habitat. Other endemic fishes include the Waccamaw darter (*Etheostoma perlongum*), and the Waccamaw killifish (*Fundulus waccamensis*). The broadtail madtom (*Noturus* sp.) is another rare species that is found in the lake and nearby counties.

Endemic species of mollusks in Lake Waccamaw include the Waccamaw fatmucket (*Lampsilis fullerkati*), Waccamaw snail (*Amnicola* sp. 1), and the Waccamaw siltsnail (*Cincinnatia* sp. 1). Other rare mussels located in Lake Waccamaw and elsewhere include the pod lance (*Elliptio folliculata*), Waccamaw spike (*Elliptio waccamawensis*), yellow lampmussel (*Lampsilis cariosa*), eastern lampmussel (*Lampsilis radiata*), rayed pink fatmucket (*Lampsilis splendida*), tidewater mucket (*Leptodea ochracea*), Savannah lilliput (*Toxolasma pullus*), and eastern creekshell (*Villosa delumbis*). Additional rare species of snails that have been collected in Lake Waccamaw include the blackwater ancylid (*Ferrissia hendersoni*) and ridged lioplax (*Lioplax subcarinata*).

### ***Wildlife:***

**Nongame- Birds/Bats:** The Riverstone Tract is quite significant in terms of nongame terrestrial wildlife. It contains three large rookeries of colonial nesting waterbirds. At last count the Boggy Swamp rookery contained 160 nests of great egrets and 20 nests of great blue herons, the Bogue Swamp 2 rookery contained 15 great blue heron nests with 70 great egret nests and 2 yellow-crowned night-heron nests, and the Whiteville 1 rookery contained 473 great egret nests, 27 great blue heron nests, and 12 anhinga nests. Indeed the productivity of this area for herons, egrets and anhingas is high with a vast area of flooded wetland forest. Both the yellow-crowned night heron and the anhinga are priority species in the NC Wildlife Action Plan. In addition, the area is used by foraging wood storks which are federally endangered. Wood storks nest about 15 miles down-river from the Riverstone Tract, and regularly use the Riverstone site during the nesting season.

The site also contains many very old and large cypress trees which are used by several rare species. The site has not been surveyed for bald eagles, but eagles often use these large cypress trees as nest sites, and in fact there is a nearby eagle nest that has been active for years at the edge of Waccamaw State Park just one mile away. No doubt these eagles use the Riverstone property as forage habitat. Large hollow cypress trees are also often used by roosting Rafinesque's big-eared bats. These bats are listed by the state as threatened and are of course on our priority list in the Wildlife Action Plan as well. Before Europeans settled North America, these hollow trees were the only nesting and roosting sites for chimney swifts as well, but these birds obviously have a wider variety of nesting and roosting sites now. Still, chimney swifts are listed as a priority in the Wildlife Action Plan due to continued population declines.

The vast expanse of old age hardwood swamp provides habitat for numerous additional priority species including the yellow-billed cuckoo, Mississippi kite, Kentucky warbler, hooded warbler, star nosed mole, Mabee's salamander, spotted turtle, and broad-headed skink. In fact, there are few locations left in North Carolina with such large tracts of relatively unspoiled swamp forest.

Swallow-tailed kites have also been seen in the area of the Riverstone Tract. Although no swallow-tailed kites have ever been documented nesting in North Carolina, the presence of these adult birds throughout the nesting season indicates they are probably nesting here. Swallow-tailed kites are known for their need of very large forested wetlands (over 10,000 ac.), and few locations such other than the Riverstone Tract can support them.

**Nongame- Reptiles/Amphibians:** The Riverstone Tract likely supports several WAP priority amphibian species that occur within this landscape: 1)salamanders - Mabee's salamander, southern dusky salamander, lesser siren, greater siren, many-lined salamander; 2)frogs - oak toad, barking treefrog, southern chorus frog, eastern spadefoot. Although no data currently exists to document trend status, most experts feel these species are experiencing declines in our State. The southern chorus frogs and Mabee's salamanders are of most concern because both species depend on ephemeral wetlands. The swamp fringes on the Riverstone Tract should provide ideal habitat for these species. In addition, the tract should provide outstanding habitat for all of the other salamander species (all are highly aquatic other than the Mabee's).

Habitat on the property should provide favorable conditions for the following WAP priority reptile species: 1)turtles - spotted turtle, eastern box turtle, striped mud turtle; 2)lizards - broad-headed skink; 3)snakes - corn snake, eastern mudsnake, common rainbow snake, eastern kingsnake, glossy crayfish snake, black swamp snake, common ribbonsnake, timber rattlesnake; 4)American alligator. Of these reptiles, the most rare are rainbow snakes (specialize in eating eels), glossy crayfish snakes (specialize in eating crayfish), and black swamp snakes. All three are highly aquatic. The entire Riverstone site looks like outstanding habitat for these three species so there are likely significant populations of all three within the area.

**Game Species:** The Riverstone Tract due to its ecological diversity, quality and size provides important habitat for a variety of common game species pursued by hunters and trappers. The vast size and location coupled with excellent habitat values and its roadless landscape benefit black bear populations that frequent this area. The mix of gum-cypress and hardwoods provides critical dening, foraging and refuge. The Riverstone Tract provides a connection between the Green Swamp to the southeast and Columbus County Game Land, Wananish Tract, to the north. The importance of providing habitat links for large mammals, like bears, is vital for species that have large home ranges.

Woods Ducks and to a lesser extent hooded mergansers are common within these wetlands and benefit from the old growth bald cypress and gum that grow on the property. These old growth trees provide nesting sites for wood ducks and hooded mergansers that depend on natural cavities for nesting sites. The floodplain when inundated provides valuable brood habitat in the spring and summer and essential wintering areas for resident and migratory waterfowl. The freshwater marshes on White Marsh play an important role in providing wintering and migratory habitat for a list of waterfowl species.

The wetland fringes that are not flooded provide quality habitat for woodcock, a webless migratory bird whose survival depends on quality wetlands that produce earthworms.

Furbearers are abundant and benefit from the quality wetlands the tract provides. Raccoons, river otter, weasel, muskrat, beaver are all common within the swamp and in good fur price years are pursued by trappers.

Upland species utilize the "oak islands" located within the swamp. Whitetail deer and wild turkey are common on these sites and are hunted by area sportsmen. The fringes along the tract

border where uplands and wetlands merge support gray fox, bobcat, rabbit and coyotes. Deer are also at their highest densities within this habitat zone.

### ***Game Land Potential:***

The Riverstone Tract will make an excellent addition to the WRC Game Land Program. Game land acreage in southeastern North Carolina is limited and this property will provide quality hunting opportunities for all major game species. Vehicular access on the property is limited; however game land users will be encouraged to hike to pursue their interests. The tract, in addition to hunting and trapping, offers outstanding wildlife viewing, photography and paddling opportunities for the nonconsumptive user.

If acquired, management responsibilities for the property will be allocated to the Division of Wildlife Management, with day to day operations being handled by the Suggs Mill Pond Crew located in Bladen County. Primary management activities will include boundary demarcation, maintenance of roads and trails and enforcement of wildlife rules by Division of Enforcement staff.

### ***Ecological and Other Threats Abated***

The Riverstone Tract is primarily threatened by logging. Large portions of this tract are intact and a timber harvest would impact aforementioned rare species, water quality in both waterways and the ecological significance of these national and state significant areas.

### ***Partnerships and Potential Funding Sources:***

**Potential Partners:** NC State Parks, Ducks Unlimited, National Wild Turkey Federation, Coastal Land Trust, The Nature Conservancy, Local, County and Private Non-Profit Groups

**Potential Funding Sources:** Natural Heritage Trust Fund, Clean Water Management Trust Fund, North American Wetland Conservation Act, Environmental Enhancement Grant, Environmental Enhancement Program

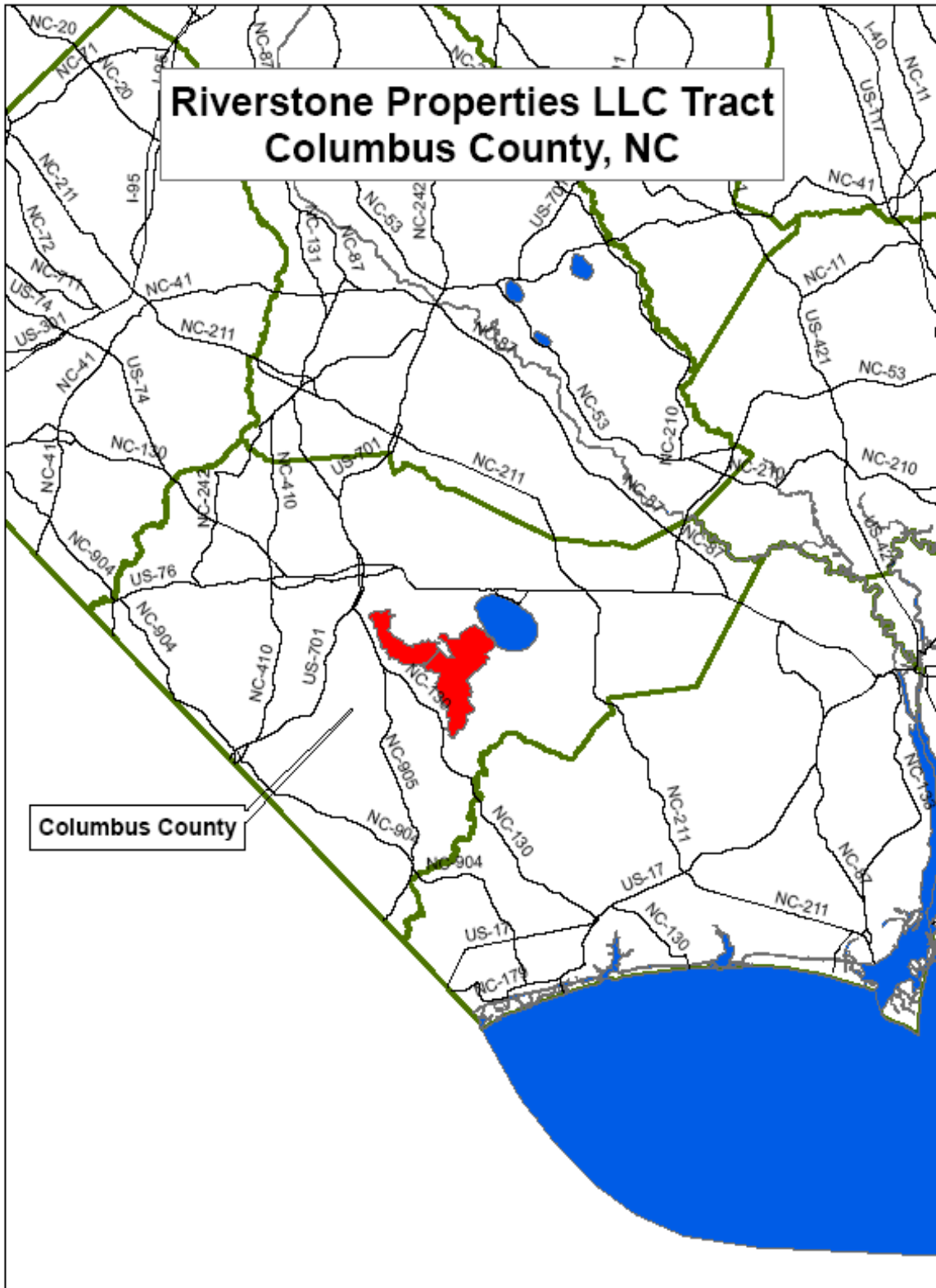
### ***Recommendation:***

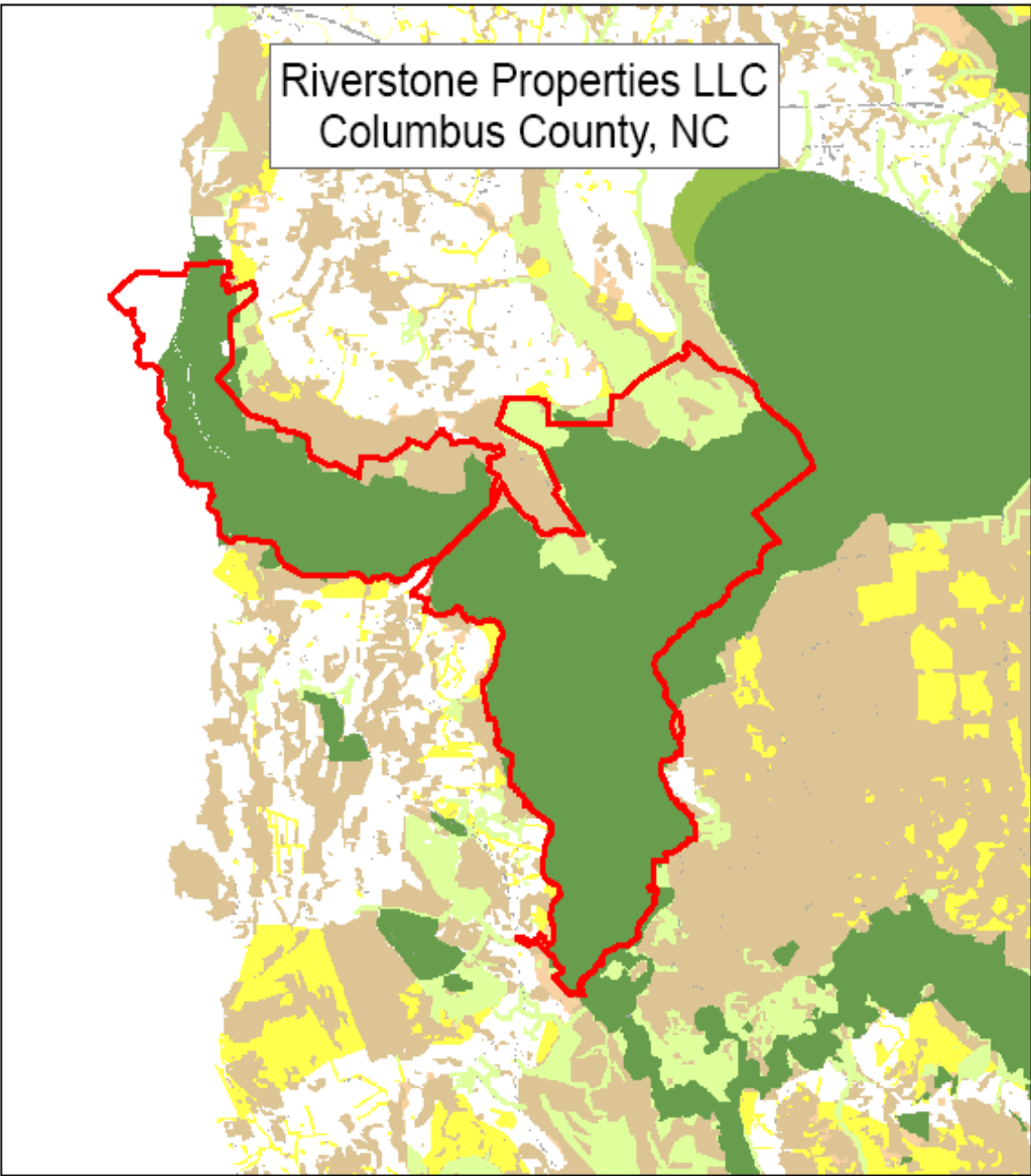
The Riverstone Tract is a large holding that possesses outstanding biodiversity and natural resources values. It supports three Significant Natural Heritage Areas and provides critical habitat to several WAP priority species. In addition, the property supports all major game species that are pursued by sportsmen and provides opportunities for wildlife viewing, photography and paddling. Threats to the tract from logging are realistic and would have major impacts to rare species, water quality and ecological values. Therefore, it is strongly recommended that fee title acquisition of the Riverstone Tract be pursued to protect this critical area.



**Riverstone Properties LLC Tract  
Columbus County, NC**

Columbus County



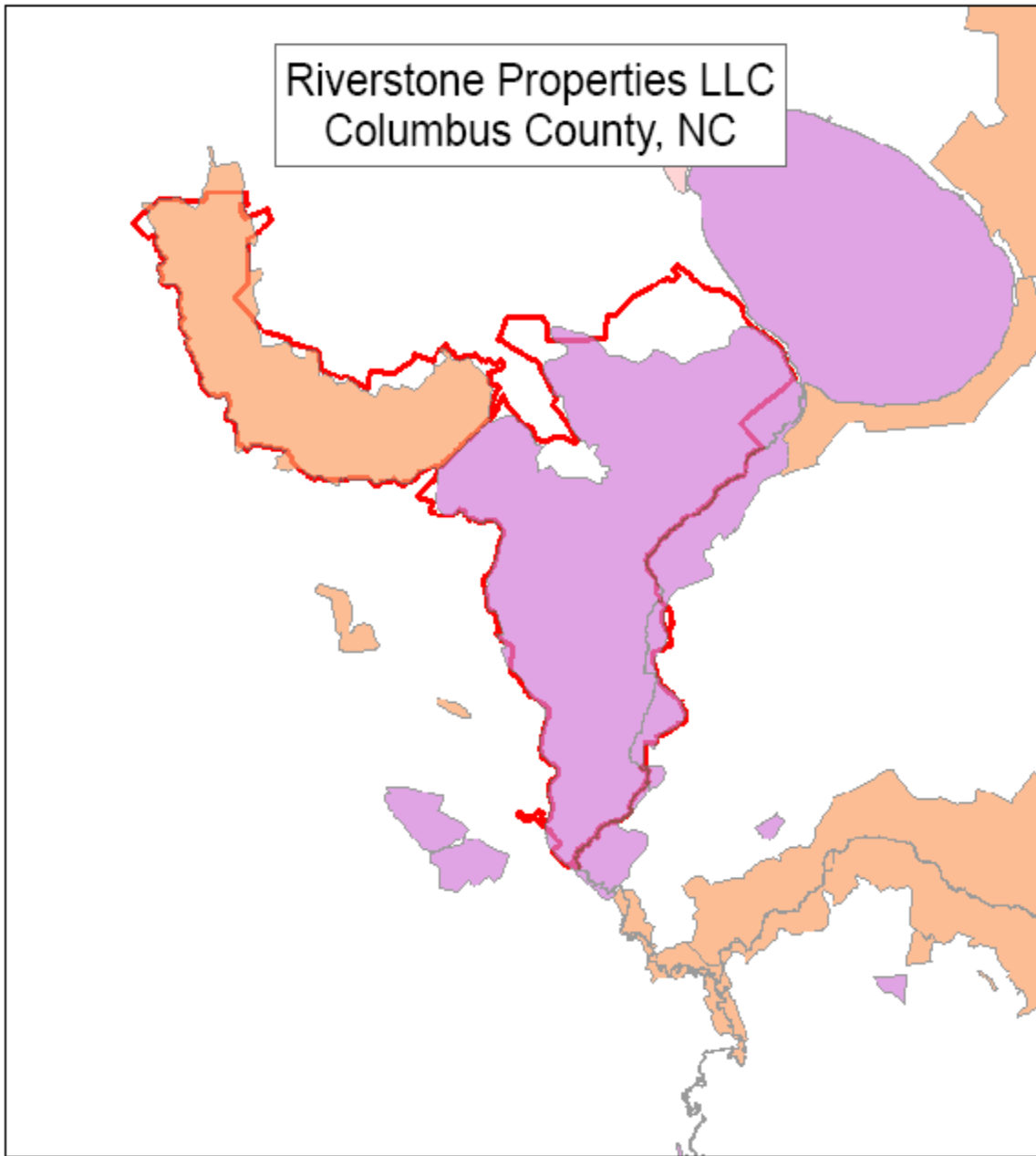


Legend

- Riverstone Properties LLC
- NC Conservation Planning Tool (shape)
- Biodiversity and Wildlife Habitat
  - 9; 10 (Maximum Value)
  - 8
  - 7
  - 6
  - 5
  - 2; 3; 4
  - 1 (Moderate Value)
  - 1 (Impervious Surface)



Riverstone Properties LLC  
Columbus County, NC



Legend

- National Significance
- State Significance
- Regional Significance
- County Significance
- Unranked
- Riverstone Properties LLC



**Table 1.** Species collected during annual electrofishing sampling on the Waccamaw River in the vicinity of Pireway or Freeland. Sampling was conducted in the late summer and early fall during 1997–1999, 2003 and 2005.

<b>Common Species Name</b>	<b>Number of Adults Collected</b>	<b>Size Range (mm)</b>
American eel	4	223–368
Banded pygmy sunfish	1	22
Black crappie	4	208–258
Blue catfish	1	
Bluegill	195	50–218
Bluespotted sunfish	13	40–80
Bowfin	119	230–716
Brook silverside	9	50
Chain pickerel	7	158–497
Channel catfish	2	324–600
Coastal shiner	27	41–62
Common carp	1	770
Creek chubsucker	6	102–257
Dollar sunfish	88	51–141
Eastern mosquitofish	505	20–48
Flathead catfish	24	158–864
Flier	5	82–178
Golden shiner	138	76–223
Largemouth bass	53	104–506
Longnose gar	17	264–924
Pirate perch	116	50–95
Pumpkinseed	11	110–143
Redbreast sunfish	85	52–214
Redear sunfish	27	92–276
Redfin pickerel	5	134–190
Sawcheek darter	2	36–39
Spotted sucker	14	424
Spotted sunfish	62	51–175
Tessellated darter	3	
Warmouth	83	51–232
White catfish	7	106–152
Yellow bullhead	1	
Yellow perch	21	82–283

Table 1. Priority species located in Lake Waccamaw and their federal and state listing status.



**Table 2.** Priority species located in Lake Waccamaw and their federal and state listing status.

<b>Scientific Name</b>	<b>Common Name</b>	<b>Taxa</b>	<b>Federal Status</b>	<b>NC Status</b>
<i>Etheostoma perlongum</i>	Waccamaw darter	fish	FSC	T
<i>Fundulus waccamenis</i>	Waccamaw killifish	fish	FSC	SC
<i>Menidia extensa</i>	Waccamaw silverside	fish	T	T
<i>Noturus sp. 2</i>	Broadtail madtom	fish	FSC	SC
<i>Elliptio folliculate</i>	Pod lance	mussel		SC
<i>Elliptio waccamawensis</i>	Waccamaw spike	mussel	FSC	E
<i>Lampsilis cariosa</i>	Yellow lampmussel	mussel	FSC	E
<i>Lampsilis fullerkati</i>	Waccamaw fatmucket	mussel	FSC	T
<i>Lampsilis radiate</i>	Eastern lampmussel	mussel		T
<i>Lampsilis splendida</i>	Rayed pink fatmucket	mussel		SR
<i>Leptodea ochracea</i>	Tidewater mucket	mussel		T
<i>Toxolasma pullus</i>	Savannah lilliput	mussel	FSC	E
<i>Villosa delumbis</i>	Eastern creekshell	mussel		SR
<i>Amnicola sp.</i>	Waccamaw snail	snail		SC
<i>Cincinnatia sp.</i>	Waccamaw siltsnail	snail		SC
<i>Ferrissia hendersoni</i>	Blackwater ancylid	snail		SC
<i>Liplax subcarinata</i>	Ridged lioplax	snail		Watch List

# EXHIBIT M-7

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Powell Wheeler

**Date First Presented to WRC:** August 29, 2012

**Tract Name:** Hayesville Fishing Access Area (Hiwassee River)

**Acreage:** +/- 1.0 Acre

**County:** Clay

**Estimated Value:** \$15,000

**Property Owner or Representative:** James V. Ledford

**Phone:** 828-361-6770 (cell - preferred)  
828-389-8152 (home)

**Address:** 516 River Oaks Drive  
Hayesville, NC 28904

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

**Grant Potential:** ☐ NHTF ☐ CWMTF

☒ OTHER (explain): Sportfish Restoration funds, license fees

**Resources Assessment and Biological Benefits (brief):** Approximately 1.0 acre available for angler float access on the Hiwassee River in Hayesville, NC. This location would provide a needed intermediate access point between the upper Tennessee Valley Authority access location (aeration weir, RM 0.8) and the lowermost takeout (Mission Reservoir, RM 12.9). The Commission would construct ten angler parking spaces and step-down access to the river at this location.

**Additional Comments:** Direct road access to property at Tusquittee Creek Road (SR1307)

**Program Potential:** ☐ Game Land ☐ Wildlife Conservation Area ☒ Fishing Access Area  
☐ None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**  
Sportfish Restoration funds, license fees

**Relative Priority Evaluation Score (attach worksheet):**

22

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

**Map Attached:** ☒ Yes ☐ No

# EXHIBIT M-7

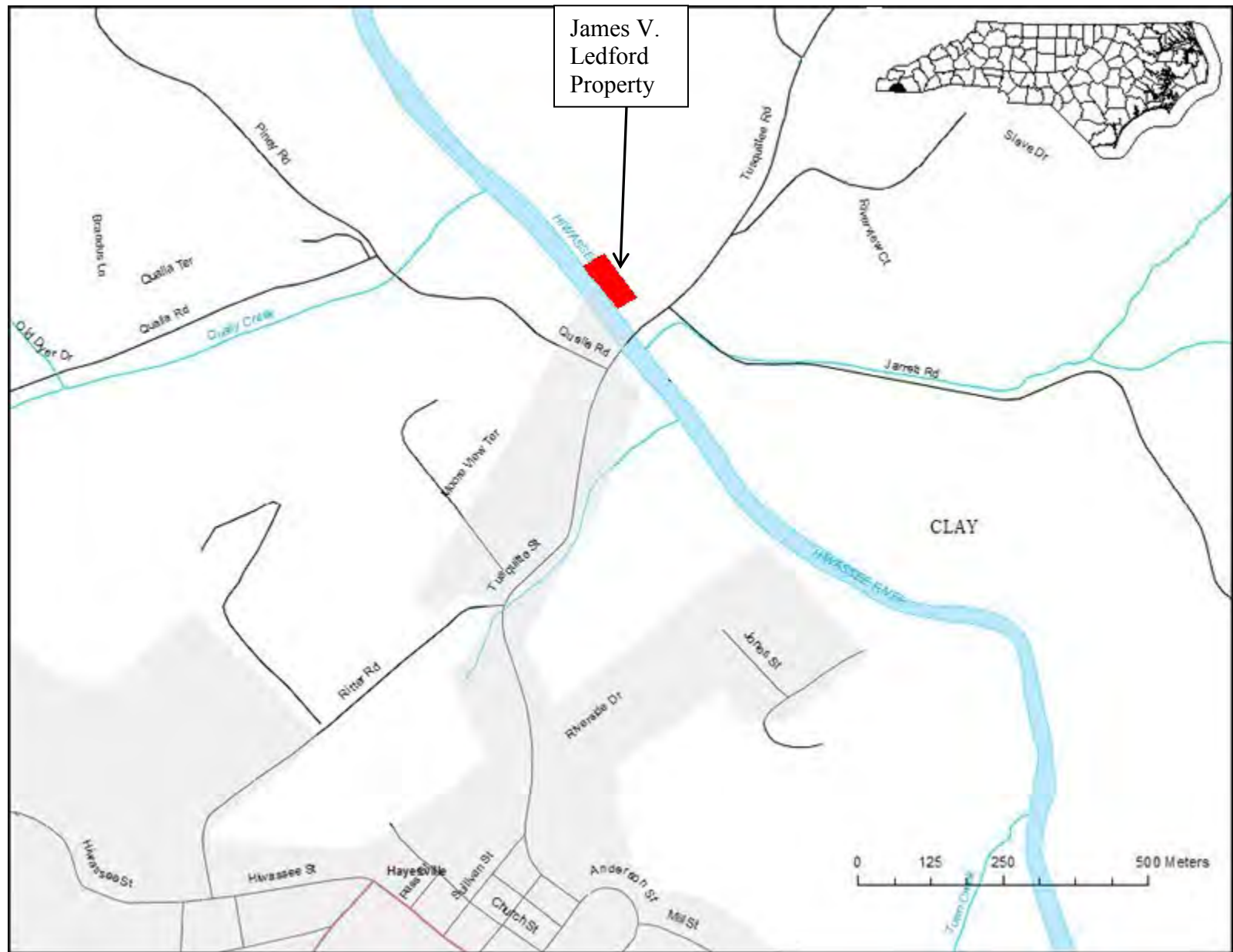
August 30, 2012

## WORKSHEET Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area)	<u>Hayesville Fishing Access Area (Hiwassee River)</u>	
Criterion	Score (1-5)	5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>	
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>	
3. No conflicting surrounding land uses.	<u>5</u>	
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>1</u>	
5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>1</u>	
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>	
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>	
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?	<u>No</u>	
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>	
<b>TOTAL SCORE</b>	<u>22</u>	

# EXHIBIT M-7

August 30, 2012





# EXHIBIT M-7

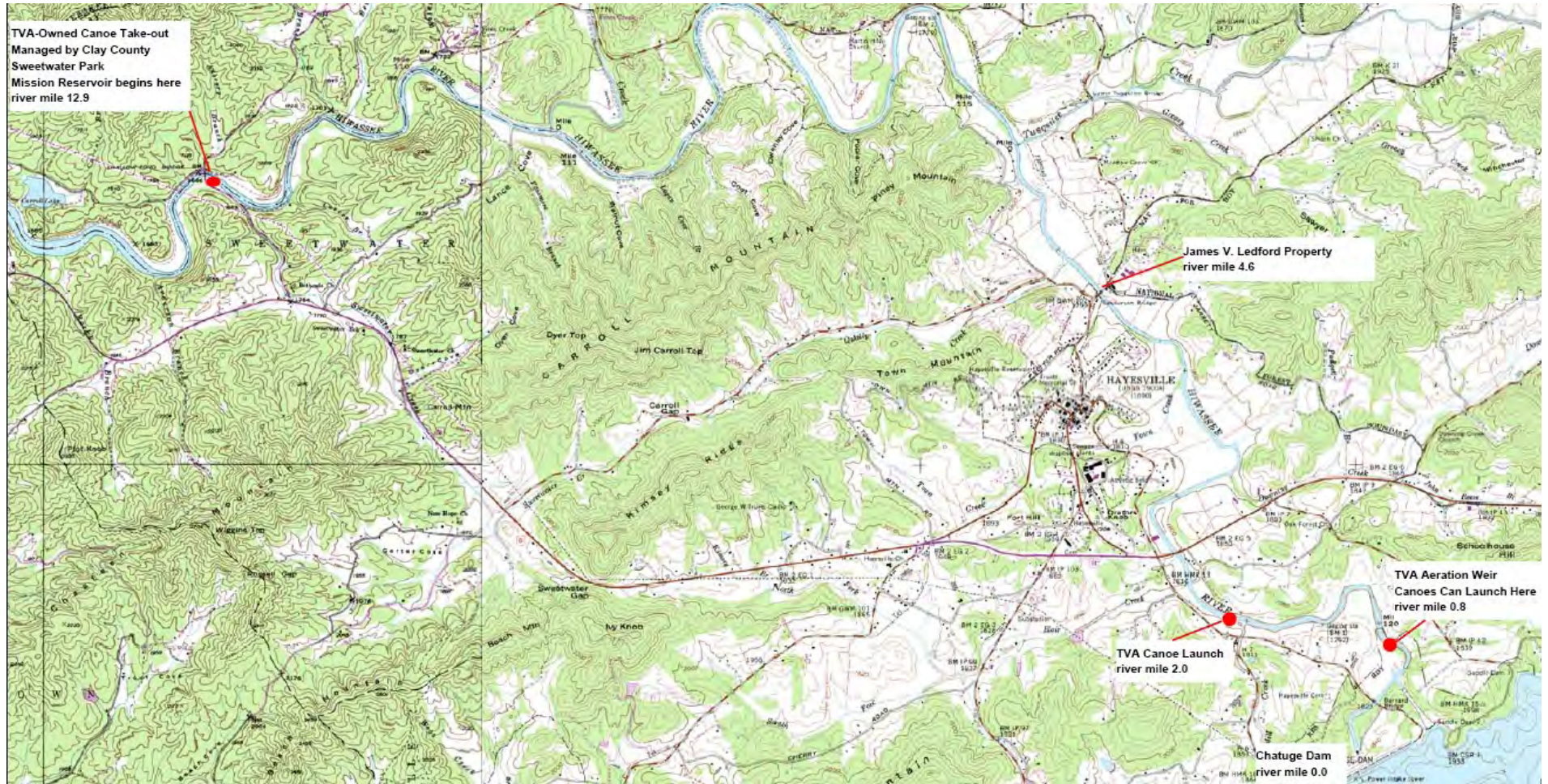
August 30, 2012





# EXHIBIT M-7

August 30, 2012



# EXHIBIT M-8

August 30, 2012

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Doug Besler

**Date First Presented to WRC:** August 29, 2012

**Tract Name:** Riverside Road Angler Access (Little Tennessee River)

**Acreage:** 0.64

**County:** Macon

**Estimated Value:** (Donation)

**Property Owner or Representative:** Debra Henson

**Phone:** 715-268-6692

**Address:** 593 150th Street  
Amery, Wisconsin 54001

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

**Grant Potential:** ☐ NHTF ☐ CWMTF

☒ OTHER (explain): (DONATION)

#### Resources Assessment and Biological Benefits (brief):

Public canoe access to the Little Tennessee River upstream of Franklin would be improved by acquiring this property. Above Riverside, the river is too shallow for canoes, therefore this location is important for maximizing public access. With this access point, canoe float times would be 3.2 miles downstream at Prentiss Bridge and float time from Prentiss Bridge would be 4.5 miles downstream at the Town of Franklin's Tasse Park. The Prentiss Bridge site is owned by TVA and leased to Macon County for river access and the NCWRC is currently cooperating with Macon County to restore this canoe launch site to a usable condition. In addition to fishing, a canoe launched in the upper Little Tennessee River would be used to hunt waterfowl and observe wildlife.

#### Additional Comments:

**Program Potential:** ☐ Game Land ☐ Wildlife Conservation Area ☒ Fishing Access Area  
☐ None

#### Potential Source(s) of Stewardship Funds (indicate federal:state match rates):

Sportfish Restoration funds / F-108 - (75%Federal:25% State)

**Relative Priority Evaluation Score (attach worksheet):**

22

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

**Map Attached:** ☒ Yes ☐ No

# EXHIBIT M-8

August 30, 2012

## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

Tract Name (Focal Area)	<u>Riverside Road Angler Access (Little Tennessee River)</u>
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>4</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>1</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>1</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 minimum)?	<u>No</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>
<b>TOTAL SCORE</b>	<u><u>22</u></u>



# EXHIBIT M-8

August 30, 2012

## Riverside Road Angler Access Franklin, Macon County



# EXHIBIT N

August 30, 2012





## ☒ North Carolina Wildlife Resources Commission ☒

Gordon S. Myers, Executive Director

August 10, 2012

### MEMORANDUM

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

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

SUBJECT: North Carolina Field Trial Association 2012-2013 Running Schedule  
J. Robert Gordon Field Trial Grounds

The 2012-2013 running schedule submitted by the NC Field Trial Association for use of the J. Robert Gordon Field Trial Area is consistent with NCAC rules governing this use and staff recommends approval.

**NORTH CAROLINA FIELD TRIAL ASSOCIATION  
RUNNING SCHEDULE  
2012-2013**

<u>Date</u>	<u>Club</u>	<u>Location</u>
October 6,7	Duplin County Field Club	Warsaw
October 18-21	Richmond County Field Trial Club	Hoffman
Oct. 26-28	Catawba Classic	Hoffman
Nov 1-4	Tar Heel Open All Age Championship	Hoffman
November 5-11	Central Carolina Field Trial Club	Hoffman
Nov 30, Dec 1,2	Carolina Amateur Field Trial Club	Hoffman
December 6-9	Cool Spring FTC	Statesville
December 7-9	Hoffman Amateur Field Trial Club	Hoffman
December 13-16	Region 111 Amateur Championship	Hoffman
Dec 27-31	NC Shooting Dog Championship	Hoffman
January 4-6	Pinehurst FTC	Hoffman
January 4-8	NC Pointing Dog Association	Carrington Tract
January 6-7	Aurora	Pactolus
January 12-14	Tarheel Brittany	Hoffman
January 17-19	Southeastern Brittany	Hoffman
Jan 22 - 25	Atlantic Coast Shooting Dog Championship	Hoffman
Jan 29-31, Feb 1,2	US Quail Futurity	Hoffman
Feb 8-10	NC Amateur All Age	Hoffman
February 15 -17	Lean Breed	Hoffman
February 23 -25	Spring Valley	Hoffman
March 1-3	Cool Spring FTC	Hoffman
March 8-10	NCFTA Open All Age	Hoffman
March 12-15	NC Open Quail Championship	Hoffman
March 16-19	Southern Pines Classic	Hoffman
March 21-24	Cool Spring FTC	Statesville



# EXHIBIT O-1

August 30, 2012

## TRENDS IN DUCK BREEDING POPULATIONS, 1955–2012

Nathan L. Zimpfer, Walter E. Rhodes, Emily D. Silverman,  
Guthrie S. Zimmerman, and Ken D. Richkus

U.S. Fish & Wildlife Service  
Division of Migratory Bird Management  
11510 American Holly Dr.  
Laurel, MD 20708

Administrative Report June 29, 2012

This report summarizes information about the status of duck populations and wetland habitats during spring 2012, focusing on areas encompassed by the U.S. Fish & Wildlife (USFWS) and Canadian Wildlife Services' (CWS) Waterfowl Breeding Population and Habitat Survey. We do not include information from surveys conducted by state or provincial agencies. In the traditional survey area, which includes strata 1–18, 20–50, and 75–77 (Figure 1), the total duck population estimate (excluding scoters [*Melanitta* spp.], eiders [*Somateria* spp. and *Polysticta stelleri*], long-tailed ducks [*Clangula hyemalis*], mergansers [*Mergus* spp. and *Lophodytes cucullatus*], and wood ducks [*Aix sponsa*]) was  $48.6 \pm 0.8$  [SE] million birds (Figure 3, Appendix A). This represents a 7% increase over last year's estimate of  $45.6 \pm 0.8$  million, and is 43% higher than the long-term average<sup>a</sup> (1955–2011; Table 1). Estimated mallard (*Anas platyrhynchos*) abundance was  $10.6 \pm 0.3$  million, which was 15% above the 2011 estimate of  $9.2 \pm 0.3$  million, and 40% above the long-term average of  $7.6 \pm 0.04$  million (Table 2). Estimated abundance of gadwall (*A. strepera*;  $3.6 \pm 0.2$  million) was similar to the 2011 estimate and 96% above the long-term average ( $1.8 \pm 0.02$  million; Table 3). The estimate for American wigeon (*A. americana*;  $2.1 \pm 0.1$  million) was similar to the 2011 estimate and 17% below the long-term average of  $2.6 \pm 0.02$  million (Table 4). The estimated abundance of green-winged teal (*A. crecca*) was  $3.5 \pm 0.2$  million, which was 20% above the 2011 estimate and 74% above the long-term average ( $2.0 \pm 0.02$  million; Table 5). The estimates of blue-winged teal (*A. discors*;  $9.2 \pm 0.4$  million) and northern shoveler (*A. clypeata*;  $5.0 \pm 0.3$  million) were similar to their 2011 estimates and 94% and 111% above the long-term averages of  $4.8 \pm 0.04$  million (Table 6) and  $2.4 \pm 0.02$  million (Table 7), respectively. The estimate for northern pintails (*A. acuta*;  $3.5 \pm 0.2$  million) was 22% below the 2011 estimate of  $4.4 \pm 0.3$  million and 14% below the long-term average of  $4.0 \pm 0.04$  million (Table 8). The estimated abundance for redheads (*Aythya americana*;  $1.3 \pm 0.1$  million) and canvasbacks (*Aythya valisineria*;  $0.8 \pm 0.07$  million) were similar to their 2011 estimates and were 89% and 33% above their long-term averages of  $0.7 \pm 0.01$  million (Table 9) and  $0.6 \pm 0.01$  million (Table 10), respectively. Estimated abundance of scaup (*A. affinis* and *A. marila* combined;  $5.2 \pm 0.3$  million) was 21% above the 2011 estimate and similar to the long-term average of  $5.0 \pm 0.05$  million (Table 11).

Habitat conditions during the 2012 Waterfowl Breeding Population and Habitat Survey were characterized by average to below-average moisture, a mild winter, and an early spring across the

<sup>a</sup>Populations are considered to have changed from the previous year or long-term average if the observed significance value associated with change is  $\leq 0.10$ . Actual *P*-values are presented in tables.



southern portion of the traditional and eastern survey areas. Northern habitats of the traditional and eastern surveys areas generally received average moisture and temperatures. The total pond estimate (Prairie Canada and U.S. combined) was  $5.5 \pm 0.2$  million (Table 12, Figure 2). This was 32% below the 2011 estimate of  $8.1 \pm 0.2$  million ponds, and 9% above the long-term average of  $5.1 \pm 0.03$  million ponds.

Conditions across the Canadian prairies declined relative to 2011 (Figure 4). Residual moisture from prior years benefitted more permanent wetlands of the coteau in Saskatchewan and near the Saskatchewan and Manitoba border, but temporary wetlands retained little moisture owing to a shallow frost seal and below-average precipitation. The 2012 estimate of ponds in Prairie Canada was  $3.9 \pm 0.1$  million. This was 21% below last year's estimate ( $4.9 \pm 0.2$  million) and 13% above the 1961–2011 average ( $3.4 \pm 0.03$  million). Much of the parkland was classified as good; however, habitat conditions declined westward toward Alberta. Following the completion of the survey, the Canadian prairies received above-average precipitation, which may improve habitat conditions for late-nesting waterfowl, re-nesting attempts and brood rearing.

Significant declines in wetland numbers and conditions occurred in the U.S. prairies during 2012. The 2012 pond estimate for the north-central U.S. was  $1.7 \pm 0.1$  million, which was 49% below last year's estimate ( $3.2 \pm 0.1$  million) and similar to the 1974–2011 average. Nearly all of the north-central U.S. was rated as good to excellent in 2011; however, only the coteau of North and South Dakota was rated as good in 2012, and no areas were rated as excellent this year. Drastic wetland declines in western South Dakota and Montana resulted in mostly poor to fair habitat conditions.

In the bush regions of the traditional survey area (Alaska, Yukon, Northwest Territories, northern Alberta, northern Manitoba, northern Saskatchewan, and western Ontario), spring breakup was slightly early in 2012. Average to above-average annual precipitation over much of the bush and ice-free habitats benefitted arriving waterfowl. Drier conditions were observed in northern Alberta and Saskatchewan and habitat was classified as fair. A similar trend was noted in western Ontario where habitat conditions declined from excellent in 2011 to good in 2012.

Most of the eastern survey area had mild winter temperatures with below-average precipitation, although northern survey areas in Labrador, Newfoundland and eastern Quebec experienced more normal conditions, with some areas receiving heavy snowfall. While habitat quality declined overall relative to 2011, good conditions persisted over the majority of the eastern survey area. Exceptions were northwestern Quebec, northern Maine, and New Brunswick, where, despite an early spring, inadequate precipitation caused wetland conditions to deteriorate.

In 2005, the USFWS and CWS began to integrate data from two previously independent waterfowl surveys conducted in eastern North America into a single composite estimate using hierarchical models. Consequently, total indicated bird definitions for American black ducks (*Anas rubripes*) were modified to provide a common index across surveys, and adjustments were made to the geographic stratification of the eastern survey area. Additional refinements to analytical methods are incorporated in the estimates presented in this report. For these reasons, population estimates presented in this report for the eastern survey area (strata 51–72; Table 13) are not directly comparable with estimates presented in reports issued prior to 2006. Specifically, estimates are presented for only a portion of the eastern survey area and include data from strata 51, 52, 63, 64, 66–68, and 70–72. These 10 strata were chosen for presentation because at least one survey (i.e., either the CWS or USFWS survey) was conducted for each of these strata for the full period of record of the eastern survey (1990–2012). In cases where the USFWS has traditionally not recorded observations to the species level, composite estimates are provided only for multiple-species groupings (i.e., mergansers and goldeneyes [*Bucephala clangula* and *B. islandica*]). The CWS and USFWS agreed to use a hierarchical modeling approach for all species in the east. Currently, the models perform well for the six most common species. In previous years, we used design-based estimates

and an overall mean across the two surveys, weighted by their precision, to derive integrated annual population indices for the less common American wigeon, scaup, bufflehead, and scoters until the hierarchical models could adequately analyze the data for these species. These estimates have been discontinued because of concerns about (1) the appropriateness of weighting estimates from these surveys by precision, and (2) whether estimates for some species should be integrated given the data quality and coverage in the eastern survey. Nonetheless, the USFWS will continue to explore methods for deriving integrated estimates for some of the less common species in the eastern survey area. Analytical methods applied to eastern survey area data and results will be presented in greater detail in the 2012 Waterfowl Status Report.

Estimated abundance of American black ducks in the eastern survey area was  $0.6 \pm 0.04$  million, which was 11% higher than the 2011 estimate and similar to the long-term average. The 2012 estimate for mallards was  $0.4 \pm 0.1$  million, which was similar to the 2011 estimate and long-term average. Abundance estimates for goldeneyes, green-winged teal, ring-necked ducks, and mergansers were similar to last year's estimates and their 1990–2011 averages (Table 13, Figure 6, Appendix B).

# **EXHIBIT O-2**

**August 30, 2012**

## **Proposed Regulations Frameworks for 2012–13 Late Hunting Seasons on Certain Migratory Game Birds**

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department has approved the following frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl and coots between the dates of September 1, 2012, and March 10, 2013. These frameworks are summarized below.

### **General**

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (e.g., tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

### **Flyways and Management Units**

#### **Waterfowl Flyways:**

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

#### **Definitions:**

For the purpose of hunting regulations listed below, the collective terms “dark” and “light”

geese include the following species:

*Dark geese:* Canada geese, white-fronted geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

*Light geese:* Snow (including blue) geese and Ross's geese.

**Area, Zone, and Unit Descriptions:** Geographic descriptions related to late-season regulations are contained in a later portion of this document.

**Area-Specific Provisions:** Frameworks for open seasons, season lengths, bag and possession limits, and other special provisions are listed below by Flyway.

### **Waterfowl Seasons in the Atlantic Flyway**

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

### **Special Youth Waterfowl Hunting Days**

**Outside Dates:** States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

**Daily Bag Limits:** The daily bag limits may include ducks, geese, tundra swans, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

**Shooting Hours:** One-half hour before sunrise to sunset.

**Participation Restrictions:** Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day. Tundra swans may only be taken by participants possessing applicable tundra swan permits.

### **Atlantic Flyway**

Ducks, Mergansers, and Coots

**Outside Dates:** Between the Saturday nearest September 24 (September 22) and the last Sunday in January (January 27).

**Hunting Seasons and Duck Limits:** 60 days. The daily bag limit is 6 ducks, including no more than 4 mallards (2 hens), 1 black duck, 2 pintails, 1 mottled duck, 1 fulvous whistling duck, 3 wood ducks, 2 redheads, 4 scaup, 1 canvasback, and 4 scoters.

**Closures:** The season on harlequin ducks is closed.



**Sea Ducks:** Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

**Merganser Limits:** The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, only two of which may be hooded mergansers.

**Coot Limits:** The daily bag limit is 15 coots.

**Zoning and Split Seasons:** Delaware, Florida, Georgia, Maryland, North Carolina, Rhode Island, South Carolina, Virginia, and West Virginia may split their seasons into three segments; Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont may select hunting seasons by zones and may split their seasons into two segments in each zone.

#### **Canada Geese**

**Season Lengths, Outside Dates, and Limits:** Specific regulations for Canada geese are shown below by State. These seasons also include white-fronted geese. Unless specified otherwise, seasons may be split into two segments. In areas within States where the framework closing date for Atlantic Population (AP) goose seasons overlaps with special late-season frameworks for resident geese, the framework closing date for AP goose seasons is January 14.

#### *North Carolina:*

**SJBP Zone:** A 70-day season may be held between October 1 and December 31, with a 5-bird daily bag limit.

**RP Zone:** An 80-day season may be held between October 1 and March 10, with a 5-bird daily bag limit. The season may be split into 3 segments.

**Northeast Hunt Unit:** A 7-day season may be held between the Saturday prior to December 25 (December 24) and January 31, with a 1-bird daily bag limit.

#### **Light Geese**

**Season Lengths, Outside Dates, and Limits:** States may select a 107-day season between October 1 and March 10, with a 25-bird daily bag limit and no possession limit. States may split their seasons into three segments.

#### **Brant**

**Season Lengths, Outside Dates, and Limits:** States may select a 50-day season between the Saturday nearest September 24 (September 22) and January 31, with a 2-bird daily bag limit. States may split their seasons into two segments.

#### **Tundra Swans**

In portions of the Atlantic Flyway (North Carolina and Virginia) and the Central Flyway

(North Dakota, South Dakota [east of the Missouri River], and that portion of Montana in the Central Flyway), an open season for taking a limited number of tundra swans may be selected. Permits will be issued by the States that authorize the take of no more than 1 tundra swan per permit. A second permit may be issued to hunters from unused permits remaining after the first drawing. The States must obtain harvest and hunter participation data. These seasons are also subject to the following conditions:

*In the Atlantic Flyway:*

- The season may be 90 days, between October 1 and January 31.
- In North Carolina, no more than 5,000 permits may be issued.
- In Virginia, no more than 600 permits may be issued.

**Geese**  
**Atlantic Flyway**

*North Carolina*

**SJBP Hunt Zone:** Includes the following Counties or portions of Counties: Anson, Cabarrus, Chatham, Davidson, Durham, Halifax (that portion east of NC 903), Montgomery (that portion west of NC 109), Northampton, Richmond (that portion south of NC 73 and west of US 220 and north of US 74), Rowan, Stanly, Union, and Wake.

**RP Hunt Zone:** Includes the following Counties or portions of Counties: Alamance, Alleghany, Alexander, Ashe, Avery, Beaufort, Bertie (that portion south and west of a line formed by NC 45 at the Washington Co. line to US 17 in Midway, US 17 in Midway to US 13 in Windsor, US 13 in Windsor to the Hertford Co. line), Bladen, Brunswick, Buncombe, Burke, Caldwell, Carteret, Caswell, Catawba, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Davie, Duplin, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax (that portion west of NC 903), Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, McDowell, Macon, Madison, Martin, Mecklenburg, Mitchell, Montgomery (that portion that is east of NC 109), Moore, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Person, Pitt, Polk, Randolph, Richmond (all of the county with exception of that portion that is south of NC 73 and west of US 220 and north of US 74), Robeson, Rockingham, Rutherford, Sampson, Scotland, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey.

**Northeast Hunt Unit:** Includes the following Counties or portions of Counties: Bertie (that portion north and east of a line formed by NC 45 at the Washington County line to US 17 in Midway, US 17 in Midway to US 13 in Windsor, US 13 in Windsor to the Hertford Co. line), Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington.

# EXHIBIT O-3

August 30, 2012

## Opening Statement

The North Carolina Wildlife Resources Commission urges the public to provide input into the selection process for regular waterfowl seasons (duck, goose, brant, swan). Each year, the U.S. Fish and Wildlife Service develops frameworks which establish the opening and closing dates of waterfowl seasons and season structure (i.e. split seasons), and the Commission must remain within those established guidelines. We have provided a recommended season structure under the various species categories for which we are requesting feedback. Please feel free to respond to any or all of the species season structure recommendations. After reviewing the recommendations, you may add additional comments. The Commission values your comments and will consider them if applicable when discussing future season date selections; however, we do not plan to respond to individual comments posted here.

Click on the link below to view the season frameworks or guidelines for regular waterfowl seasons.

Click on the link below to view the 2012 video report on North America's Waterfowl Populations and Habitat Conditions.

**Note: You will leave the Wildlife Commission's web site by following this link.**

**Status of Waterfowl 2012**    <http://flyways.us/status-of-waterfowl/video-report-2012>

Click on the link below to view the North Carolina Canada goose hunt zone map.

**LS1. General Duck Season Dates**

Frameworks: 60 days, no more than 3 splits

Earliest opening date: September 22<sup>nd</sup>

Latest Closing date: January 27<sup>th</sup>

The 2012-13 season dates for the general duck season are proposed for: **October 3<sup>rd</sup> – October 6<sup>th</sup>, November 10<sup>th</sup> – December 1<sup>st</sup>, December 15<sup>th</sup> – January 26<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **52 responses**
- Disagree **39 responses**

**LS2. Special Sea Duck Season Dates (In special sea duck areas only)**

Frameworks: 107 days, no more than 3 splits

Earliest opening date: September 15<sup>th</sup>

Latest Closing date: January 31<sup>st</sup>

The 2012-13 season dates for the special sea duck season are proposed for: **October 1<sup>st</sup> – January 31<sup>st</sup>.**

Do you agree with the proposed dates listed above?

- Agree **24 responses**
- Disagree **1 response**

**LS3. Resident Population (RP) Zone Goose Season Dates**

Frameworks: 80 days, no more than 3 splits

Earliest opening date: October 1<sup>st</sup>

Closing date: March 10<sup>th</sup>

The 2012-13 season dates for Canada geese in the Resident Population (RP) Zone are proposed for: **October 3<sup>rd</sup> – October 13<sup>th</sup>, November 10<sup>th</sup> – December 1<sup>st</sup>, December 15<sup>th</sup> – February 9<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **33 responses**
- Disagree **4 responses**



**LS4. Southern James Bay Population (SJB) Zone Canada Goose Season Dates**

Frameworks: 70 days, no more than 2 splits

Earliest opening date: October 1<sup>st</sup>

Closing date: December 31<sup>st</sup>

The 2012-13 season dates for Canada geese in the Southern James Bay Population (SJB) Zone are proposed for: **October 3<sup>rd</sup> – October 31<sup>st</sup>, November 10<sup>th</sup> – December 31<sup>st</sup>.**

Do you agree with the proposed dates listed above?

- Agree **15 responses**
- Disagree **6 responses**

**LS5. Northeast Hunt Zone Canada Goose Season Dates**

Frameworks: 7 consecutive hunting days

Earliest opening date: December 18<sup>th</sup>

Closing date: January 31<sup>st</sup>

The 2012-13 season dates for Canada geese in the Northeast Hunt Zone are proposed for: **January 19<sup>th</sup> – January 26<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **22 responses**
- Disagree **7 responses**

**LS6. Light goose season dates (includes snow geese, blue geese, and Ross' geese)**

Frameworks: 107 days, no more than 3 splits

Earliest opening date: October 1<sup>st</sup>

Closing date: March 10<sup>th</sup>

The 2012-13 season dates for light geese are proposed for: **October 17<sup>th</sup> – October 20<sup>th</sup> November 10<sup>th</sup> – March 9<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **23 responses**
- Disagree **1 response**

**LS7. Brant Season Dates**

Frameworks: 50 days, no more than 2 splits

Earliest opening date: September 22<sup>nd</sup>

Closing date: January 31<sup>st</sup>

The 2012-13 season dates for brant are proposed for: **November 17<sup>th</sup> – December 1<sup>st</sup>, December 15<sup>th</sup> – January 26<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **24 responses**
- Disagree **3 responses**

**LS8. Tundra Swan Season Dates**

Frameworks: 90 days, no season splits allowed, permit only (5,000 permits)

Earliest opening date: October 1<sup>st</sup>

Closing date: January 31<sup>st</sup>

The 2012-13 season dates for tundra swan are proposed for: **November 10<sup>th</sup> – January 31<sup>st</sup>.**

Do you agree with the proposed dates listed above?

- Agree **36 responses**
- Disagree **No response**

**LS9. Youth Waterfowl Days**

Two youth waterfowl hunting days are allowed. Guidelines for selecting youth days include:

1. The days can occur up to 14 days before or after any regular duck season or in the closed portion between season segments.
2. The days must occur on any non-school day. In North Carolina, this includes Saturdays and any statewide holidays.

The dates for the 2012-13 Youth Waterfowl Days are proposed for: February 2<sup>nd</sup> and February 9<sup>th</sup>.

Do you agree with the proposed dates listed above?

- Agree **36 responses**
- Disagree **15 responses**

**LS10. Extended Falconry Season Dates for Ducks**

Guidelines for extended falconry seasons include:

1. The season must fall between September 1 and March 10.
2. Days allocated to the gun season + extended falconry days may not exceed 107 days

The 2012-2013 extended falconry season dates for ducks are proposed for: **October 22<sup>nd</sup> – November 3<sup>rd</sup>, January 28<sup>th</sup> – February 16<sup>th</sup>.**

Do you agree with the proposed dates listed above?

- Agree **6 responses**
- Disagree **7 responses**

**LS11. Additional comment(s)**

Use this space to provide any additional comment(s) regarding the regular waterfowl season or issues relating to migratory game bird species.

- **13 responses**

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 5	Option 1	Overall I like the way the waterfowl season dates are set. What I would like to see is (1) a 25 shell limit on all public water (2) the total bag limit reduced to 4 or 5 ducks per day per person and (3) no one is allowed to be on the water or leave the ramp or no wake zone before 4am. I hunt public land 95% of the time and the 3 things I listed would improve public land hunting in my opinion.	Randolph	NEWTON, JONATHAN M
LS1	District 3	Option 1		Halifax	HAWKINS, EDWARD K
LS1	District 3	Option 2	Would be happy to take the last week of Nov season and place it towards the end of Jan and run the season all the way to Jan 31	Wake	LOWDERMILK, JOHN B
LS1	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS1	Out of State	Option 1		Out of State	WINN JR, BARCLAY C
LS1	District 1	Option 1		Tyrrell	STANTON, JOHN D
LS1	District 3	Option 2	I would recommend eliminating the October 3rd-6th and extending the December portion from December 15th to December 13th. And opening duck season up for one Saturday in October for individuals who look forward to the early season. The October season typically draws little reward for the effort for a few local domesticated birds. Adding the additional three days to the December - January cut doesn't affect the wintering birds from the North as much as one would think considering New York's season is still pushing birds South during this time. This also allows for individuals to plan longer trips as well as enjoy cooler, better hunting weather. In my opinion. Bunn Boddie	Nash	BODDIE, NATHANIEL B
LS1	District 2	Option 1		Onslow	SULLIVAN, JOHN A
LS1	District 3	Option 2		Johnston	WELLONS, DANIEL I
LS1	District 2	Option 1	I am not a biologist, but it seems like the slow previous season was due to the warm winter and hurricane Irene. If the duck numbers are good it should be safe from a conservational standpoint to have the long season.	Pitt	RIGGS, KEVIN C
LS1	District 4	Option 2	Absolutely not; case in point this past season; mild winters and late migration is ruining our seasons. I know hunters who have stopped all together including taking their kids. Not everyone can afford to hunt a baited impoundment in Hyde County where what ducks are here are there as a whole. Look at Mattamuskeet the last few years; drive through there in December and January then drive through there in February!! Our season typically is closing when the migration is starting to increase with bird numbers. You need bug spray to hunt in December! I know you don't have control of weather but we do the season dates. Give us two weeks in February please!	Harnett	JOHNSON, KEITH R
LS1	District 6	Option 2	Closing date should be the first weekend of february. Would like to see the split reduced to 1 week.	Rowan	WHEELER, THOMAS P
LS1	District 2	Option 2	I think that the Oct hunt should be done away with and add the days to the 2nd split.	Craven	BRYAN III, GARY P



### Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 3	Option 1		Wake	GARDNER, KRISTOPHER B
LS1	District 5	Option 2	i would like to see the late season start around the 1st of january and end towards the end of february	Guilford	TICE, WILLIAM L
LS1	District 1	Option 2	I like the dates but it really should go until January 27. Banning Sunday hunting cannot be justified anymore!	Tyrrell	LUKER, MURRAY C
LS1	District 5	Option 1	I like the ways things are. I hunt from the piedmont to the coast an the splits allow time for waterfowl to rest and migrate in and out of the area	Caswell	ROWLAND, JOHN M
LS1	District 3	Option 2	Based on last year's warm weather, I would prefer the season go through the end of January, ending on Feb. 2.	Wake	MCLAMB, JEFFREY T
LS1	District 4	Option 1	While I prefer taking the 4 day early season and adding it to the late season, I think more young people would use the days better in October. Young hunters do not like cold weather - yet.	Sampson	EASON, DONOVAN E
LS1	District 2	Option 1	This is the best way to set seasons in the framework allowed.	Beaufort	HILL, JUSTIN T
LS1	District 8	Option 2	I'd like the state to consider Sunday hunting. I realize this is still against the law but I believe it is long overdue to review this and consider the possibility of allowing it. As for other ways to split up the season I'd like to see the State of North Carolina lobby the Feds to allow duck season to run into the first weekend of February. The large numbers of diving ducks typically show up the first two weeks of February. Therefore our season has ended when the Chesapeake gets cold enough to finally send ringnecks and blue bills flying south to here. Thank you for the opportunity to voice my opinion. Colt Farrington	Cleveland	FARRINGTON, COLTON W
LS1	District 3	Option 2	I agree with the 3 splits and durations for each but would prefer a later start date for the 1st one. We already have an early teal season for east of US17.	Wilson	REED, LONEY D
LS1	District 3	Option 1		Wake	HOYLE, BRADLEY D
LS1	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS1	District 5	Option 1		Rockingham	GWALTNEY, GREYSON W
LS1	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS1	District 3	Option 1		Wayne	PATE, JONATHAN P
LS1	District 3	Option 2	do federal guidelines made it necessary to have such a split up season- hard for me to plan far in advance for recreation hunting.	Wake	PLEASANTS, ENNIS G
LS1	District 6	Option 1		Cabarrus	LOVE, CHRISTOPHER J
LS1	District 3	Option 1		Franklin	MARTIN, HILLARY G
LS1	District 1	Option 1		Hertford	MOODY, WILLIAM J
LS1	District 5	Option 1		Orange	HACKNEY, WILLIAM B
LS1	District 1	Option 2	I would rather you eliminate the October season and add it to the last segment of the season.	Dare	braithwaite, james b
LS1	District 4	Option 2	Consider first split to begin later in October. Shorten 2nd split by one week and add it to end of season to extend into February.	Brunswick	DEW, CHRISTOPHER A
LS1	District 5	Option 1	I agree with the dates. but i would like to also see the 2nd split being push back one after central opening gun. i believe this will help hunters not have to chose which opening day to participate in.	Durham	CORBETT, JEFFERSON B
LS1	District 7	Option 1		Iredell	NEELY JR, NATHAN T

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 5	Option 2	Would rather see the Oct.3-6 done away with and added to the end of the regular season and end on Jan. 31.	Orange	LAMB JR, JOHN T
LS1	District 1	Option 1	Yes, I agree with these dates	Camden	ANDERSON, JUSTIN S
LS1	District 3	Option 2	In favor of elimination of Oct. season or reducing to two days.	Wake	PAYNE SR, JOHN D
LS1	District 3	Option 1	I like the early (Oct) season for wood ducks. I like to be able to hunt ducks Thanksgiving week. And like everyone else, I want as many late days in January as i can get went the ducks are here and after deer season is out.	Wake	CLAYPOOLE, JOHN E
LS1	District 1	Option 1		Dare	WHITE, W R
LS1	District 3	Option 1		Wake	CALLIS, JOSEPH C
LS1	District 1	Option 2	Discontinue Oct 3rd / thru/ Oct 6th season add those 4 days to the end of Dec 1st thru Dec 15th season.The weather will be cooler and more ducks will have migrated down.Last seasons mild winter was really bad on duck hunting in Currituck. Thanks Johnny Messina	Currituck	MESSINA JR, JOHN J
LS1	District 1	Option 2	Give us the Nov 10th to Dec 1st dates at the end of season, it seems like nobody wants us to shoot ducks because it always seems the ducks show up here in currituck the week after duck season.	Currituck	MAYNE, JOHN R
LS1	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS1	District 5	Option 2	I agree with the first split 10/3/12-10/6/12. I think the second split should be a continuous split starting later in November and running continuously thru the January 26, 2013 closer. With the proposed split, we are missing some of the best days to hunt from 12/3/12-12/14/12. I think this gives all hunters better chances for successful harvest of migratory waterfowl.	Guilford	BRANNAN, STEPHEN W
LS1	District 1	Option 1	The Oct season is okay. It is a chance to get out and enjoy the resource a little early. It is kind of an ice breaker. November is usually the most productive for us. I do not like the idea of zoning the state as far as duck hunting goes. I took the survey and I think that it was not worded properly. I feel like the answers could be misrepresented.	Washington	ROGERS JR, CHARLES S
LS1	District 5	Option 1		Person	CATES, RICHARD C
LS1	District 4	Option 2	back the start of 1st segment to mid-oct. make 2nd segment nov. 24th to jan 26th.	Harnett	PEERY, RICHARD M
LS1	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS1	District 1	Option 2	It would be nice to get rid of the October season. It is a absolute waste of days that could be hunted when all areas of the state have waterfowl. That early in the year, there are no ducks in the coastal areas. It is basicly a "wood duck season", very few species other than would duck will be hunted. It would also be nice for the regular season go until the last day of January. The way the season is proposed, the coastal areas are getting the short end of the stick as our birds get here later in the season.	Dare	O'NEAL, DAVID L
LS1	District 2	Option 1		New Hanover	BROME, RICHEN M

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 3	Option 1	The split from December 1st to December 15 is essential to getting good amounts of migratory birds to their wintering grounds in NC. During this time the birds are not pressured and have time to imprint. Having a season that runs from Dec 1st through Jan will on push ducks away due to added hunting pressure. In NC we have a lot of duck hunters and not many ducks. There needs to be good management implemented to have consistent duck populations.	Halifax	PURVIS SR, JOHN C
LS1	District 2	Option 2	I would prefer the season to run to the 31st of January even if we lose a Saturday. I would take the days from the beginning of the Nov split.	Pitt	FARLEY, JOHN B
LS1	District 7	Option 1	Please allow waterfowl hunting on Sunday's during the season. If the overall season has to be shortened to allow for Sunday hunting, that's fine. Not every one can take off work during the week - most can only hunt one weekend day. At least allow this on private property as is the case for archery deer season.	Iredell	CARROLL, JOSEPH K
LS1	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS1	District 2	Option 1	thank you for turning down the proposals in the waterfowl hunting survey taken earlier in the year, in no way do i see that benefitting us as hunters or the ducks ... - Joe Lawrence	Pitt	LAWRENCE, JOSEPH H
LS1	District 2	Option 1		Onslow	FITZWATER, MARC W
LS1	District 3	Option 1	I encourage the Commission to implement the proposed general duck season. By retaining the 4 day October season, the Commission provides fathers and others an opportunity to take children on a "warm season" duck hunt and introducing another generation to the joys of duck hunting. In addition, the Oct. season provides hunters an opportunity to hunt ducks that migrate only during this time of year.	Wake	ELMORE, WILLIAM L
LS1	District 4	Option 1		Harnett	PITTMAN, BRIAN A
LS1	District 4	Option 1	I would like to see no hunting on Mondays or Tuesdays since there is no hunting on Sunday as well. That would give us maybe more Saturdays to hunt since most people work Monday through Friday and only get to hunt one day a week(overcrowded) due to no Sunday hunting. Maybe trade Tuesdays for every Saturday during the 60 day season. This would give us more days to actually hunt. The current dates only really allow for 16 hunting days the entire season including Christmas and Thanksgiving weekends.	Cumberland	MAXWELL, CHRISTOPHER K
LS1	District 3	Option 2	I would prefer the October season to start a little later if biologically sound.	Wake	LYLE, JOSEPH J
LS1	District 2	Option 2	I would like to see the October season be done away with completely. I see no reason to schedule hunting when there are almost no ducks here.	Carteret	CUNNINGHAM III, JOE S

Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 3	Option 2	I AGREE WITH THE OCT 3-6, AND THE NOVEMBER 10TH - DECEMBER 1ST, BUT I THINK THE LAST SEASON SHOULD BE EXTENDED ON INTO AT LEAST THE SECOND WEEK IN FEBRUARY, BECAUSE MOST DUCKS DO NOT GET DOWN HERE UNTIL LATE JANUARY OR EARLY FEBRUARY. I WOULD SAY RUN THE LAST SEASON FROM DECEMBER 15- FEBRUARY 9TH OR 16TH.	Wayne	TILLMAN, JEREMY P
LS1	District 6	Option 1		Rowan	FLOWERS, TONY K
LS1	District 3	Option 1		Wake	LYLE, JACOB P
LS1	District 1	Option 1		Dare	GRANT, GARRETT T
LS1	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS1	District 1	Option 1		Dare	WARD, BRANDEE R
LS1	District 6	Option 1		Davidson	GRIFFITH, DOUGLAS H
LS1	District 2	Option 2	Duck migration through NC will be greatest during oct and nov full moon. Consider moving 10/3- 10/6 phase to 10/24- 10/28.	New Hanover	BUSHARDT III, JAMES B
LS1	District 4	Option 2	1- I WOULD LIKE TO SEE THE FEDERAL FRAMEWORK CHANGE THE SEASON ENDING DATE & PUSH IT OUT AT LEAST A WEEK POTENTIALLY ENDING THE 1ST WEEKEND IN FEBRUARY, & THEN NC FOLLOWING THIS! 60 DAYS COULD STILL BE MAINTAINED BY MOVING THE 4 DATES FROM THE OCTOBER SEASON & 2 FROM THE BEGINNING OF THE NOVEMBER SEASON! OBVIOUS REASON IS WEATHER HISTORICALLY NOT GETTING COLD ENOUGH TO DRIVE MIGRATING DUCKS DOWN UNTIL AFTER OUR SEASON USUALLY CLOSES AT THE END OF JANUARY!!! SHOULD NOT AFFECT BEGINNING OF MATING SEASON! 2- MOVE DATES IN OCTOBER TO THE END OF THE SEASON!!! THANKS FOR YOUR CONSIDERATION!!!	Cumberland	SIMMONS SR, TROY H
LS1	District 3	Option 2	I really wish they would make it where duck season was in until the end of February. We tend not to see ducks here until later in the year and it really don't get cold enough until January.	Wake	PENNY, EDWARD J
LS1	District 9	Option 2	With a maximum number of splits, I recommend a longer split in October (include the week of Columbus Day - this provides 2 Saturdays and a holiday), and a shorter split in November (just the week of Thanksgiving).	Buncombe	CANTRELL, MARK A
LS1	District 7	Option 1	I would prefer the early season to change to October 24-27 and let us take advantage of earlier migrating birds like pintail and teal.	Forsyth	SEDLAK, EDWARD F
LS1	District 7	Option 2	2nd and 3rd split are great but move the early season back a week, Oct 10-13. Thank you!	Yadkin	HOLCOMB, ARTHUR J
LS1	District 3	Option 2	Please extend the season into mid february	Wayne	LANCASTER, THAD M
LS1	District 2	Option 1		Onslow	BRANNEN III, MICHAEL J
LS1	District 6	Option 2	I believe that the early season needs to start a week later October 10th through the 13th. I do agree with the other dates that are set. But I feel like the early season needs to be moved back a week due to have been seeing a lot of small ducklings.	Davidson	GREER, ALEX K



# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 3	Option 1	If I were to change anything I would start the 11/10-12/1 a week earlier so it didn't start on the same day as central deer rifle season, but there's only so much you can do with 60 days. Those look like good dates. I def like 12/15-1/26.	Wake	DAVIDSON, NATHAN
LS1	District 5	Option 1	There had been rumors of a 20 shell limit. In my opinion this would be a good thing to limit the amount of skybusting. I also heard rumors of a 4 duck limit. I am not for the 4 duck total limit. The dates look great.	Caswell	VERNON, KEVIN L
LS1	District 2	Option 1	I'm concerned with the possibility of loosing the october season. I would like to see it remain in place for my area. I could see perhapse changing it on the coast, say east of hwy 17 and 70. The reason I would like to keep this portion in place is that it is an excellent time for me to hunt with my children. There are also good numbers of woodducks, local canadas, local mallards and bluewinged teal around at that time. One chnage to this time that I would like to suggest is to make these four days in October run Thursday to Monday not Wednesday to Saturday. The reason for this is that Monday in October usually on Veterans day with schools having it off. This is another day that the youth that we are so desperately trying to pull into our sport could participate. Thanks for your time, Joshua McGhee	Craven	MCGHEE, JOSHUA M
LS1	District 5	Option 1		Alamance	STOBER, WADE A
LS1	District 1	Option 2	The October season needs to be moved to the end of the regular season in Dec or jan.	Dare	BELL, STUART L
LS1	District 3	Option 1	Thanks	Wake	GREEN JR, JOHN R
LS1	District 7	Option 2	My preference would be to have the season back loaded towards colder weather. That's when the big ducks come in numbers. Prior to then, I'm just marking time. Let's try 10/3-10/6: 4 days, 11/19-11/24: 6 days, 11/30-1/26: 50 days. Thanks for offering the opportunity to comment. Bo Stukes, Ashe County	Ashe	STUKES, HOWARD W
LS1	District 1	Option 2	I believe that in Eastern NC, the October season is a waste of time, and that it should be added on later in the season. Waterfowl migrations occur here later in the season, and personally I would like to see the seasons as late in the year as possible. The seasons should be 20 days in the first season, 2 week break, then 40 days until the end, similar to the survey you sent out in the spring. East and west duck zones, and the seasons should be set according to the better times for hunting and migrations.	Dare	HICKS, JEREMY S
LS1	District 7	Option 2	I wish to keep the oct. dates , but only hunt two weeks in Nov. and use the extra week to open on Dec. 8th. That would give us 7 weeks in the last split. Many more ducks are here in Dec. than Nov. Thank You	Iredell	GRAY, JOHN R
LS1	District 6	Option 2	It would be nice to take the first two weeks off of the second season and run the second and third seasons together.	Mecklenburg	MCCOY, BRIAN W

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS1	District 7	Option 2	oct. dates I agree, it is our chance at teal and woodies. 3 WEEKS IN NOV. !!!!! to much and few big ducks are here. Hunt the last two weeks in Nov. so folks can hunt Thanksgiving, then close two weeks and open on Dec. 8th when good hunting can happen. Do not waste that week in Nov.	Alexander	GRAY JR, JAMES R
LS1	District 5	Option 2	The second split season should begin November the 17th and then start back up on December the 8th for the third split. We need more of the season when the weather is colder up north so the birds fly down here in North Carolina. Please consider this as duck season is too short or begin with because we can't hunt on Sundays.	Guilford	OGLESBY, DENNIS W
LS2	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS2	District 3	Option 1		Wayne	TILLMAN, JEREMY P
LS2	District 3	Option 2		Wake	LYLE, JACOB P
LS2	District 6	Option 1		Rowan	FLOWERS, TONY K
LS2	District 3	Option 1		Wake	LYLE, JOSEPH J
LS2	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS2	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS2	District 2	Option 1		New Hanover	BRAME, RICHEN M
LS2	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS2	District 1	Option 1		Dare	O'NEAL, DAVID L
LS2	District 4	Option 1		Cumberland	SIMMONS SR, TROY H
LS2	District 3	Option 1		Wake	LOWDERMILK, JOHN B
LS2	District 5	Option 1		Person	CATES, RICHARD C
LS2	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS2	District 1	Option 1		Dare	WHITE, W R
LS2	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS2	District 5	Option 1		Orange	LAMB JR, JOHN T
LS2	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS2	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS2	District 1	Option 1	The birds aren't in the northern Pamlico in huntable numbers until October 20 usually...	Tyrrell	LUKER, MURRAY C
LS2	District 2	Option 1		Pitt	RIGGS, KEVIN C
LS2	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS2	District 2	Option 1		Onslow	SULLIVAN, JOHN A
LS2	District 3	Option 1		Nash	BODDIE, NATHANIEL B
LS2	Out of State	Option 1		Out of State	WINN JR, BARCLAY C
LS3	District 1	Option 1		Tyrrell	STANTON, JOHN D
LS3	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS3	District 3	Option 1	Lake Gaston and Roanoke Rapids Lake need to be in this zone also. Not the southern James Bay zone	Halifax	HAWKINS, EDWARD K
LS3	District 2	Option 1	weather hunt until March 10	Onslow	SULLIVAN, JOHN A
LS3	District 2	Option 1		Pitt	RIGGS, KEVIN C
LS3	District 3	Option 1		Wake	GARDNER, KRISTOPHER B
LS3	District 3	Option 1		Wilson	REED, LONEY D
LS3	District 4	Option 1	I see no problems with these dates.	Sampson	EASON, DONOVAN E
LS3	District 1	Option 1		Camden	ANDERSON, JUSTIN S
LS3	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS3	District 2	Option 1		Beaufort	HILL, JUSTIN T
LS3	District 5	Option 2	Eliminating the Oct split and extending the season into Feb will offer a better chance to harvest resident geese in the central/western part of the state.	Person	CATES, RICHARD C
LS3	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS3	District 3	Option 1		Wayne	PATE, JONATHAN P
LS3	District 5	Option 1		Rockingham	GWALTNEY, GREYSON W
LS3	District 3	Option 1		Wake	HOYLE, BRADLEY D

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS3	District 5	Option 1		Orange	LAMB JR, JOHN T
LS3	District 5	Option 2	I agree with the dates but if all possible ill like to see most of days to coincide with the duck season. but ill also like to see lots of the days push to latest closing day in the framework. it would be nice to have some waterfowl to hunt in late feb.and or early march (theres usually nothing to hunt but squirrel or rabbit).	Durham	CORBETT, JEFFERSON B
LS3	District 6	Option 1		Cabarrus	LOVE, CHRISTOPHER J
LS3	District 1	Option 1		Dare	WHITE, W R
LS3	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS3	District 3	Option 1		Wake	CALLIS, JOSEPH C
LS3	District 8	Option 1		Lincoln	GRASS JR, FLOYD L
LS3	District 9	Option 2	Season should be much longer	Buncombe	CAIN, CHRISTOPHER R
LS3	District 4	Option 1		Harnett	PEERY, RICHARD M
LS3	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS3	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS3	District 3	Option 1	Very glad to see the overlap with duck season - Thank you!	Wake	LYLE, JOSEPH J
LS3	District 4	Option 1		Harnett	PITTMAN, BRIAN A
LS3	District 3	Option 1		Wake	LYLE, JACOB P
LS3	District 1	Option 1		Dare	GRANT, GARRETT T
LS3	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS3	District 4	Option 1		Cumberland	SIMMONS SR, TROY H
LS3	District 7	Option 2	Oct 10-20 on first split. Need more time between early season ans 1st split. Also make the early duck overlap with 1st split of goose	Yadkin	HOLCOMB, ARTHUR J
LS3	District 9	Option 1		Buncombe	CANTRELL, MARK A
LS3	District 1	Option 1		Dare	HICKS, JEREMY S
LS3	District 3	Option 1	Thanks	Wake	GREEN JR, JOHN R
LS4	District 3	Option 2	These dates should more closely overlap with the resident zone - very confusing!	Wake	GREEN JR, JOHN R
LS4	District 5	Option 2	I believe the dates should coincide with the duck season.....so hunter can harvest goose anytime the duck season is in.	Durham	CORBETT, JEFFERSON B
LS4	District 6	Option 1		Mecklenburg	MCCOY, BRIAN W
LS4	District 6	Option 2	I feel as if the season needs to go out when duck season does on January 27th. I would like the season to start in the middle of October have a split then finish at the end of January.	Davidson	GREER, ALEX K
LS4	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS4	District 3	Option 1		Wake	LYLE, JACOB P
LS4	District 3	Option 1		Wake	LYLE, JOSEPH J
LS4	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS4	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS4	District 3	Option 1		Wake	CALLIS, JOSEPH C
LS4	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS4	District 1	Option 1		Dare	WHITE, W R
LS4	District 6	Option 1		Cabarrus	LOVE, CHRISTOPHER J
LS4	District 5	Option 1		Orange	HACKNEY, WILLIAM B
LS4	District 5	Option 1		Rockingham	GWALTNEY, GREYSON W
LS4	District 6	Option 1	Yes, however, the season should mirror duck season! Just reduce the bag limit! If the concern is pressure on migratory birds then take the limit from 5 to 1 or 2. Youth hunters frequently miss chances at quality geese in January and February due to the December season closure.	Davidson	TONGEL, NATHAN R
LS4	District 5	Option 2	The entire NCWRC SJBP zone needs to be revisited.	Person	CATES, RICHARD C
LS4	District 6	Option 1		Rowan	ARMOUR, ALAN L

Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS4	District 3	Option 2	Goose season here needs to run concurrent with duck season. We hunt both. Geese are everywhere! Please reconsider.	Wake	GARDNER, KRISTOPHER B
LS4	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS4	District 3	Option 2	Lake gaston and the roanoke rapids lake along with the roanoke river is overrun by resident geese. If we were in a different zone then we could still hunt these geese untill the jan. season is over and that would help cutt down on the resident population. It seems crazy to give a early season limit of 15 then cut them off in dec.	Halifax	HAWKINS, EDWARD K
LS5	District 3	Option 1		Halifax	HAWKINS, EDWARD K
LS5	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS5	Out of State	Option 1		Out of State	WINN JR, BARCLAY C
LS5	District 1	Option 1		Tyrrell	STANTON, JOHN D
LS5	District 4	Option 2	If a hunter is limited to one goose (no problem there) he/she should have more than one week to fill that tag.	Sampson	EASON, DONOVAN E
LS5	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS5	District 5	Option 1		Person	CATES, RICHARD C
LS5	District 2	Option 1		Beaufort	HILL, JUSTIN T
LS5	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS5	District 1	Option 1		Dare	WHELESS, WALTER J
LS5	District 1	Option 1		Dare	WHITE, W R
LS5	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS5	District 1	Option 2	I do not agree with the Northeast Hunt Zone setup. This season should be extended to the regular season with a limit of atleast one canada goose per day with the purches of a permit. Our neighbors to the north in southeast Virginia are harvesting the same geese with a limit of two a day for there whole season and I feel that we are getting the left overs in northeast North Carolina for the last week of season.	Camden	ANDERSON, JUSTIN S
LS5	District 3	Option 2	Would like to have longer window with four goose limit within the season. Issue tags as with Swan.	Wake	PAYNE SR, JOHN D
LS5	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS5	District 1	Option 1	I would like to see a longer winter Canada Goose season. If they can be hunted the whole way down the flyway why can they not be hunted here?	Washington	ROGERS JR, CHARLES S
LS5	District 1	Option 1		Dare	O'NEAL, DAVID L
LS5	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS5	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS5	District 2	Option 1		New Hanover	BRAME, RICHEN M
LS5	District 2	Option 2	I would prefer the days over the Christmas holidays when I could hunt more.	Pitt	FARLEY, JOHN B
LS5	District 4	Option 1		Harnett	PITTMAN, BRIAN A
LS5	District 3	Option 2	I would prefer the season open earlier in the NE and overlap with one of the holidays to offer more youth hunting opportunities.	Wake	LYLE, JOSEPH J
LS5	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS5	District 3	Option 1		Wake	LYLE, JACOB P
LS5	District 1	Option 1		Dare	GRANT, GARRETT T
LS5	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS5	District 1	Option 2	theres no reason to only have one week season when states to our north have much longer seasons and 40 miles west of us have unplugged guns?	Dare	WARD, BRANDEE R



Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS5	District 1	Option 2	We have so many Canada Geese in eastern NC, and they should be hunted more than they are.	Dare	HICKS, JEREMY S
LS6	District 1	Option 1		Dare	HICKS, JEREMY S
LS6	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS6	District 4	Option 1		Cumberland	SIMMONS SR, TROY H
LS6	District 1	Option 1		Dare	GRANT, GARRETT T
LS6	District 3	Option 1		Wake	LYLE, JACOB P
LS6	District 3	Option 1		Wake	LYLE, JOSEPH J
LS6	District 1	Option 1		Dare	O'NEAL, DAVID L
LS6	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS6	District 2	Option 1		New Hanover	BRAME, RICHEN M
LS6	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS6	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS6	District 2	Option 2	There are no snow geese down in NC the middle of October. Would be better if the season started 3 days earlier as they are sometimes down by the first week in November	Pitt	PRENTICE, MARSHALL W
LS6	District 1	Option 1		Dare	WHITE, W R
LS6	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS6	District 5	Option 1		Orange	LAMB JR, JOHN T
LS6	District 5	Option 1		Person	CATES, RICHARD C
LS6	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS6	District 3	Option 1		Wayne	PATE, JONATHAN P
LS6	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS6	District 1	Option 1		Camden	ANDERSON, JUSTIN S
LS6	District 4	Option 1	I see no problems with these dates. I need to try this one year.	Sampson	EASON, DONOVAN E
LS6	District 3	Option 1		Wilson	REED, LONEY D
LS6	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS6	District 2	Option 1		Onslow	SULLIVAN, JOHN A
LS7	District 2	Option 1		Onslow	SULLIVAN, JOHN A
LS7	District 3	Option 1		Wilson	REED, LONEY D
LS7	District 2	Option 1		Pitt	RIGGS, KEVIN C
LS7	District 3	Option 2	I have been a Duck Hunting Guide in NC for over 20 years. I have hunted Brant all over North America and have hunted Ducks all over the world. Our Brant Population in NC has been decimated by hunters. These birds do not have to instict to stay away from decoys. The Brant season should be totally closed in NC for a few years. This may give Brant adequate time to produce.	Halifax	PURVIS SR, JOHN C
LS7	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS7	District 5	Option 1		Person	CATES, RICHARD C
LS7	District 3	Option 1		Wayne	PATE, JONATHAN P
LS7	District 3	Option 1		Franklin	MARTIN, HILLARY G
LS7	District 1	Option 1		Dare	WHITE, W R
LS7	District 3	Option 1		Wake	PAYNE SR, JOHN D
LS7	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS7	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS7	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS7	District 1	Option 1		Dare	O'NEAL, DAVID L
LS7	District 2	Option 2	I think brant should be closed in NC.	New Hanover	SWART SR, JAMES B
LS7	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS7	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS7	District 3	Option 1		Wake	LYLE, JOSEPH J
LS7	District 6	Option 1		Rowan	FLOWERS, TONY K
LS7	District 3	Option 1		Wake	LYLE, JACOB P
LS7	District 1	Option 1		Dare	GRANT, GARRETT T
LS7	District 4	Option 1		Cumberland	SIMMONS SR, TROY H
LS7	District 6	Option 1		Davidson	GRIFFITH, DOUGLAS H

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS7	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS7	District 2	Option 2	Start with 01/26/13 and count back 50 days. Do away with the split so we have something to hunt for that 2 week closure of duck season.	Onslow	BRANNEN III, MICHAEL J
LS7	District 5	Option 1		Alamance	STOBER, WADE A
LS7	District 1	Option 1		Dare	HICKS, JEREMY S
LS8	District 7	Option 1		Yadkin	HOLCOMB, ARTHUR J
LS8	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS8	District 6	Option 1		Davidson	GRIFFITH, DOUGLAS H
LS8	District 4	Option 1		Cumberland	SIMMONS SR, TROY H
LS8	District 1	Option 1		Dare	GRANT, GARRETT T
LS8	District 3	Option 1		Wayne	TILLMAN, JEREMY P
LS8	District 3	Option 1		Wake	LYLE, JACOB P
LS8	District 6	Option 1		Rowan	FLOWERS, TONY K
LS8	District 3	Option 1		Wake	LYLE, JOSEPH J
LS8	District 4	Option 1		Cumberland	MAXWELL, CHRISTOPHER K
LS8	District 4	Option 1		Harnett	PITTMAN, BRIAN A
LS8	District 2	Option 1		Pitt	LAWRENCE, JOSEPH H
LS8	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS8	District 4	Option 1	select in state before selecting out of stste hunters.	Harnett	PEERY, RICHARD M
LS8	District 1	Option 1		Dare	O'NEAL, DAVID L
LS8	District 1	Option 1		Dare	SCARBOROUGH JR, HARVEY D
LS8	District 1	Option 1		Currituck	MAYNE, JOHN R
LS8	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS8	District 1	Option 1	I agree with the season and the number of permits	Camden	ANDERSON, JUSTIN S
LS8	District 1	Option 1		Dare	WHITE, W R
LS8	District 3	Option 1		Franklin	MARTIN, HILLARY G
LS8	District 5	Option 1		Orange	LAMB JR, JOHN T
LS8	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS8	District 1	Option 1		Dare	WHELESS, WALTER J
LS8	District 5	Option 1		Person	CATES, RICHARD C
LS8	District 3	Option 1		Wake	HOYLE, BRADLEY D
LS8	District 6	Option 1		Rowan	ARMOUR, ALAN L
LS8	District 6	Option 1		Davidson	TONGEL, NATHAN R
LS8	District 3	Option 1		Wayne	PATE, JONATHAN P
LS8	District 3	Option 1		Wake	GARDNER, KRISTOPHER B
LS8	District 3	Option 1		Wilson	REED, LONEY D
LS8	District 4	Option 1	I see no problem with these dates.	Sampson	EASON, DONOVAN E
LS8	District 2	Option 1		Beaufort	HILL, JUSTIN T
LS8	District 2	Option 1		Onslow	SULLIVAN, JOHN A
LS8	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS8	Out of State	Option 1		Out of State	WINN JR, BARCLAY C
LS9	District 1	Option 2	Place one Youth day during the split and also keep the Feb 2 Youth day. More opportunity for Youth to harvest a duck occurs during the split instead of Feb 9th when ducks have already begun to depart the State on their northward migration.	Tyrrell	STANTON, JOHN D
LS9	Out of State	Option 2	One day should be in October or November when temperatures are more moderate for our young hunters.	Out of State	WINN JR, BARCLAY C
LS9	District 3	Option 1		Halifax	HAWKINS, EDWARD K
LS9	District 2	Option 1	keep it late inseason	Onslow	SULLIVAN, JOHN A

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS9	District 4	Option 1	Due to the late flight of ducks I like the youth days in February. The N.C. duck season as a whole needs to be shifted into part of February. The cold weather and the migration over the last several years has been taking place in February. Last year the migration as a whole just didn't happen but again, February should be a part of N.C. waterfowl season.	Harnett	JOHNSON, KEITH R
LS9	District 3	Option 1		Wilson	REED, LONEY D
LS9	District 4	Option 1	The more young people we can get into our sport, the better. I think this is a great way to do it.	Sampson	EASON, DONOVAN E
LS9	District 1	Option 2	Youth should have dates in the beginning of the season when the waterfowl are not so gun shy after a seasons worth of getting shot at. They are our future of hunting and fishing and if that privilege is to be kept we must give them every chance to have a greater interest while increasing their chance at being successful	Camden	ANDERSON, JUSTIN S
LS9	District 5	Option 1	This is by far the best dates to provide quality hunts for youths in NC.	Person	CATES, RICHARD C
LS9	District 6	Option 2	The youth should have the best hunting! Yes to February 9. This allows ducks to calm and begin to decoy after the long late season. Hunted the 4th last year and the ducks were still wild from adult hunting pressure the prior week. Give the youth a day prior to opening season. For example October. resident ducks are in abundance statewide.	Davidson	TONGEL, NATHAN R
LS9	District 6	Option 2	I would agree with only one date if any at all being after the regular seasons. This is far to disruptive to the ducks well established pair bonds at this point.	Rowan	ARMOUR, ALAN L
LS9	District 3	Option 1		Wake	HOYLE, BRADLEY D
LS9	District 2	Option 1		Beaufort	HILL, JUSTIN T
LS9	District 1	Option 1		Dare	WHELESS, STEPHEN D
LS9	District 5	Option 1		Durham	CORBETT, JEFFERSON B
LS9	District 5	Option 1		Orange	LAMB JR, JOHN T
LS9	District 1	Option 1		Dare	WHELESS, WALTER J
LS9	District 5	Option 1		Orange	HACKNEY, WILLIAM B
LS9	District 4	Option 1	GREAT CHANGE!!! WISH I WAS A KID AGAIN :-)))	Cumberland	SIMMONS SR, TROY H
LS9	District 3	Option 1		Wayne	PATE, JONATHAN P
LS9	District 6	Option 2	I would like to see a youth day earlier in the season. Either October or November, then the other in Feb. The days should be with as many species open, such as Oct 31 in the SJBR goose and youth duck, then Feb 9 for resident goose and youth duck	Cabarrus	LOVE, CHRISTOPHER J
LS9	District 1	Option 1		Dare	WHITE, W R
LS9	District 3	Option 2	Should have a day in December	Wake	PAYNE SR, JOHN D
LS9	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS9	District 1	Option 1		Currituck	MAYNE, JOHN R
LS9	District 2	Option 1		New Hanover	SWART SR, JAMES B
LS9	District 1	Option 2		Dare	SCARBOROUGH JR, HARVEY D
LS9	District 1	Option 1		Dare	O'NEAL, DAVID L
LS9	District 3	Option 1		Wake	LOWDERMILK, JOHN B
LS9	District 4	Option 2	have one dec 8th	Harnett	PEERY, RICHARD M
LS9	District 8	Option 1	I am glad that our youth are being given this opportunity to enjoy our resources.	Lincoln	GRASS JR, FLOYD L
LS9	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS9	District 2	Option 1		New Hanover	BRAME, RICHEN M
LS9	District 6	Option 1	Putting the youth dates one of them during the split and one at the end makes more sense.	Rowan	FAULKNER JR, WILLIAM R
LS9	District 2	Option 1		Pitt	FARLEY, JOHN B
LS9	District 2	Option 1		Pitt	LAWRENCE, JOSEPH H
LS9	District 4	Option 2	These dates should be earlier in the season. It gives the kids a better shot at killing something and in order to grow the sport I would like to see it earlier. Maybe a day around columber day then a day late in the season. Also this Sunday no hunting stuff needs to go.	Cumberland	MAXWELL, CHRISTOPHER K
LS9	District 6	Option 1		Rowan	FLOWERS, TONY K
LS9	District 2	Option 2	I would like to see a portion of this between the 2nd and 3rd split	Carteret	CUNNINGHAM III, JOE S
LS9	District 3	Option 2	There should be more than one day for youth waterfowl, maybe even a father-son day, like the turkey season. Also, the youth day should be just before the late season not after it.	Wake	LYLE, JACOB P
LS9	District 3	Option 1		Wayne	TILLMAN, JEREMY P
LS9	District 3	Option 2	I believe the youth day should be the saturday prior to the main duck season opening, say December 8th. The ducks are not as weary as late season ducks and there is a learning opportunity prior to the regular season that can be reinforced during the following weeks, not year. I also believe there should be more than one day for youth season.	Wake	LYLE, JOSEPH J
LS9	District 1	Option 1		Dare	GRANT, GARRETT T
LS9	District 1	Option 1		Dare	braithwaite, james b
LS9	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS9	District 9	Option 2	I recommend a 1 Youth Day in December, on the Saturday prior to the opening of the 3rd split.	Buncombe	CANTRELL, MARK A
LS9	District 3	Option 1		Wake	DAVIDSON, NATHAN
LS9	District 3	Option 1	Thanks	Wake	GREEN JR, JOHN R
LS9	District 1	Option 1		Dare	BELL, STUART L
LS9	District 1	Option 2	There should be one day in between the middle session and the late sessions.	Dare	HICKS, JEREMY S
LS9	District 7	Option 1	I like the youth day being after the reg. season. I hosted 11 young hunters with guides this year. Did not use the youth hunt between the season breaks. May only use the Feb.2nd hunt and then leave them alone.	Alexander	GRAY JR, JAMES R
LS10	District 8	Option 1	I think the season has always ended too soon. With weather patterns as they have been the past few years, it is not cold enough for the major push of ducks to make their way down to NC. I think if the season is extened it will allow for colder weather patterns to push the ducks south. The species are at record highs so harvesting more would help the reocrod numbers from disease.	Gaston	Spell, Jonathan K
LS10	District 3	Option 1		Wake	PERRY SR, JONATHAN C
LS10	District 4	Option 2	This should not be during youth hunt days.	Cumberland	MAXWELL, CHRISTOPHER K
LS10	District 2	Option 2		Pitt	LAWRENCE, JOSEPH H
LS10	District 1	Option 1		Martin	PEAKS, CHRISTOPHER W
LS10	District 2	Option 2	I don't think we should have a falconry season for ducks.	New Hanover	SWART SR, JAMES B
LS10	District 5	Option 2	should be same days as gun duck season	Durham	CORBETT, JEFFERSON B
LS10	District 2	Option 1		Pitt	PRENTICE, MARSHALL W
LS10	District 1	Option 1		Dare	WHITE, W R
LS10	District 5	Option 1		Person	CATES, RICHARD C



### Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS10	District 6	Option 2	I am not receptive to any season that extends into February.	Rowan	ARMOUR, ALAN L
LS10	District 6	Option 2	Just stick to the normal duck season dates.	Davidson	TONGEL, NATHAN R
LS10	District 3	Option 2	I am not sure I even agree with a falconry season for ducks at all. I do think it should only be allowed after the closure of the gun season.	Wilson	REED, LONEY D
LS11	District 3	Option 1	I would support a one box limit for shells to be taken on State Game Lands for waterfowl hunting. This would not eliminate "skybusting" and injuring birds but it may make some think twice about it.	Wilson	REED, LONEY D
LS11	District 4	Option 1	After being out of waterfowl hunting for 30+ years, I really enjoyed getting back into it last season. Thanks for all the permit type hunts. Wish there was a way to get a boat in Little Singlary Lake.	Sampson	EASON, DONOVAN E
LS11	District 5	Option 1	I strongly urge the NCWRC to re-implement an additional waterfowl fee for waterfowl hunters similar to the state stamp program in the past. The fee will increase revenue and help eliminate unethical hunters (such as skybusting), ultimately helping the ducks.	Person	CATES, RICHARD C
LS11	District 2	Option 1	I took part in a survey earlier this year on the dove season but never heard anything back about it and now we get the new dates and nothing has changed.I would like to know whay critera is used to set he seasons for dove,why do we have to have such a messed up split season.I understand that the feds give us X amout of days but it would make more people hunt if the season was spread a little better. I sure would like a comment on this so I could share it with my hunting buddies as they feel as I do ,maybe we would unstand it better. our thoughts are opening week ,wed. and sat. till thanksgiving week all of that week ,wed and sat. till christmas all that week and wed and sat the rest of the season for as long as we can go. please respond so I can pass this on to my friends thanks chris marks chris marks	Pender	MARKS, CHRISTOPHER M
LS11	District 1	Option 1	Thanks for dedication to providing good public hunting opportunities in this State.	Tyrrell	STANTON, JOHN D
LS11	District 6	Option 1	I appreciate the time and effort the NC Wildlife commission puts into duck seasons. I have been very pleased with the enforcement division and well as the biologists, etc. Thanks for a great job to protect and manage our hunting privliges.	Cabarrus	LOVE, CHRISTOPHER J
LS11	District 4	Option 1	This comment is not about waterfowl season but waterfowl regulations on public lands. I would like to see a shell limit restricting hunters to no more than 25 shells per hunter on all NCWRC gameland public waterfowl impoundments. Skybusting of waterfowl on public land is out of control, it ruins hunting for all those who have to deal with it as well as increases crippling of birds	Columbus	HOLDEN, CHARLES B

# Late Season Waterfowl Comments Report for 2012

Reg	District	Position	Comment	County	Name
LS11	District 2	Option 1	Please allow for a limit of 4 Scaup, as our neighbors in MD and VA have done. Also: though I have read the Federal Framework, pls consider leading an initiative to have our 60 day season start in Dec and go into Feb. Perhaps do this east of 17 only? Perhaps do this as an experiment for a few seasons? Hunting on the coast means hunting for divers, and these fowl do not arrive in large numbers until late December. Pls consider this. Call with questions. Brian Kramer USMC Ret	Carteret	KRAMER, BRIAN J
LS11	District 2	Option 1	I would like to see a 25 shell limit for each hunter on all waterfowl permit hunts. I would also like to see each permit be for a party of three, with the identity of the 2 guests at the option of the holder.	New Hanover	SWART SR, JAMES B
LS11	District 3	Option 1	1) 25 shell limit per person on all game lands 2) min. 300 yd distance from setting up around posted gameland impoundments on days permit hunts are allowed	Wake	LOWDERMILK, JOHN B
LS11	District 1	Option 1	I support increasing the bluebill/scaup limit to four per day as recommended by the federal framework. I would also like to see the pintail limit at two per day.	Dare	O'NEAL, DAVID L
LS11	District 4	Option 1	tundra swan permits should be issued to in state hunters before out of stste.	Harnett	PEERY, RICHARD M
LS11	District 6	Option 1	-25 shell limit on all public land during regular waterfowl season -3 days per week hunting on high pressure lakes	Rowan	BYARS, SAMUEL T

# EXHIBIT O-4

August 30, 2012

## **DIVISION OF WILDLIFE MANAGEMENT STAFF RECOMMENDATIONS FOR BAG LIMITS, SHOOTING HOURS AND SEASON DATES FOR WATERFOWL DURING 2012-2013 SEASONS OCCURRING AFTER SEPTEMBER 30**

**Note:** Possession limits are twice the daily bag unless otherwise noted.

### **GENERAL DUCK SEASON (includes coots and mergansers)** STAFF RECOMMENDATION

**Season Length:** 60 hunting days; plus 2 Youth Waterfowl Hunting Days

**Season Dates:** October 3 - 6  
November 10 – December 1  
December 15 – January 26  
(Black duck and mottled duck season closed until Nov. 17)

**February 2 and February 9 – Youth Waterfowl Days**

**Bag Limits:**

a) **Conventional duck bag:** 6 ducks with no more than 4 scoters, 4 mallards with no more than 2 hen mallards, 3 wood ducks, 2 redheads, 4 scaup, 2 pintails, 1 black or mottled duck (season closed until November 17), 1 canvasback, or 1 fulvous whistling duck. The season on harlequin ducks is closed.

b) **coots and mergansers:**

- 15 coots
- 5 mergansers (2 hooded mergansers)

### **SPECIAL SEA DUCK SEASON (IN SPECIAL SEA DUCK AREA ONLY)** STAFF RECOMMENDATION

**Season Length:** 106 hunting days

**Season Dates:** October 1 – January 31

**Bag limit:** 7 sea ducks (In special sea duck area only). In other areas, sea ducks are part of the regular duck bag limit. No more than 4 scoters per day may be taken in either season.

## **GOOSE SEASONS**

### **STAFF RECOMMENDATIONS**

#### **DARK GEESE (includes Canada geese and white-fronted geese)**

##### **RESIDENT (RP) ZONE**

**Season Length:** 78 hunting days  
**Season Dates:** October 3 – October 13  
November 10 - December 1  
December 15 – February 9  
**Bag Limit:** 5 geese per day

##### **SOUTHERN JAMES BAY (SJB) ZONE**

**Season Length:** 69 hunting days  
**Season Dates:** October 3 – October 31  
November 10 - December 31  
**Bag Limit:** 5 geese per day

##### **NORTHEAST HUNT ZONE**

**Season Length:** 7 hunting days  
**Season Dates:** January 19 – January 26  
**Bag Limit:** 1 goose per day - with valid permit  
(unlimited permits available – tagging not required)

#### **LIGHT GEESE (includes snow, blue and Ross' geese):**

**Season Length** 107 hunting days  
**Season Dates:** October 17 – October 20  
November 10 – March 9  
**Bag Limit:** 25 birds daily (no possession limit)  
**Expanded hunting methods:** allow the use of electronic calls and unplugged guns from Feb. 11 – Mar. 9

#### **ATLANTIC BRANT:**

**Season Length:** 50 hunting days  
**Season Dates:** November 17 – December 1  
December 15 - January 26  
**Bag Limit:** 2 birds daily

#### **TUNDRA SWAN:**

**Season Length:** 71 hunting days  
**Season Dates:** November 10 - January 31  
**Bag Limit:** 1 per season (with valid permit)

## **EXTENDED FALCONRY**

### **STAFF RECOMMENDATION**

#### **EXTENDED FALCONRY (ducks and coots only):**

**Season Length:** 106 total hawking days (includes 60 days of gun season + 16 days of special teal season)  
**Season Dates:** Oct. 22 – Nov. 3  
Jan. 28 – February 16  
**Bag Limit:** 3 migratory game birds daily





## 2012-2013 BAG LIMITS, SHOOTING HOURS, AND SEASON DATES FOR WATERFOWL SEASONS OCCURRING AFTER SEPTEMBER 30

SEE THE CURRENT NORTH CAROLINA INLAND FISHING, HUNTING & TRAPPING REGULATIONS DIGEST FOR OTHER REGULATIONS CONCERNING WATERFOWL

### **BAG LIMITS**

- a) **Conventional bag:** 6 ducks with no more than 4 scoters, 4 scaup, 4 mallards with no more than 2 hen mallards, 3 wood ducks, 2 redheads, 2 pintails, 1 black or mottled duck (season closed until November 17), 1 canvasback, or 1 fulvous whistling duck. The season on harlequin ducks is closed. (Possession limits are twice the daily bag unless otherwise noted.)
- b) **Other limits:**
- 1) 25 light geese (Includes snow, blue and Ross' geese), no possession limit
  - 2) 2 brant
  - 3) 5 mergansers (2 hooded mergansers)
  - 4) 7 sea ducks (In special sea duck area only). In other areas, sea ducks are part of the regular duck bag limit. Includes scoters, eiders and long-tailed ducks. No more than 4 scoters per day may be taken in either season.
  - 5) 15 coots
  - 6) 5 dark geese (Includes Canada geese & white-fronted geese) in the Resident Hunt Zone, 5 in the Southern James Bay Zone and 1 in the Northeast Hunt Zone.

**HOURS:** One-half hour before sunrise to sunset.

<b>Ducks, Mergansers and Coots</b>	<b>October 3-6, November 10 – December 1 and December 15 - January 26</b> [Black and mottled ducks closed until Nov. 17]
<b>Sea Ducks (In special sea duck area only)</b>	<b>October 1 – January 31</b>
<b>Dark Geese (Includes Canada geese and white-fronted geese)</b> To view a map of the goose hunt zones, refer to the Regulations Digest or <a href="http://www.ncwildlife.org">www.ncwildlife.org</a>	<b>Resident Population Hunt Zone: Oct. 3-13, Nov. 10 – Dec. 1 and Dec. 15 – Feb. 9</b> <b>Southern James Bay Hunt Zone</b> (Gaddy Goose refuge closed after Sept. 30): <b>Oct. 3 – Oct. 31 and Nov. 10 – Dec. 31.</b> <b>Northeast Hunt Zone: Jan. 19 – Jan. 26</b> (By permit only)
<b>Light Geese (Includes snow and blue geese, and Ross' geese)</b>	<b>October 17 - October 20 November 10 – March 9</b> Electronic calls and unplugged guns are allowed from February 11 – March 9
<b>Brant</b>	<b>November 17 – December 1 and December 15 - January 26</b>
<b>Tundra Swan</b>	<b>November 10 - January 31</b> (1 per season by permit only - 5,000 will be issued.)
<b>Youth Waterfowl Days (Includes ducks, geese, brant, mergansers, coots and tundra swans.)</b> The youth must have a valid permit to harvest a tundra swan or a Canada goose (NE Hunt Zone only).	<b>February 2 and February 9</b> Youth must be 15 years of age or younger and accompanied by a properly licensed adult. The adult can not duck hunt but may participate in other seasons that are open on the special youth day.

You may also call 1-800-675-0263 for this information.

Report all bands by calling 1-800-327-BAND or [www.reportband.gov](http://www.reportband.gov)



## 2012-2013 EXTENDED FALCONRY SEASONS FOR MIGRATORY GAME BIRDS

SPECIES	OPEN DATES	DAILY BAG	POSSESSION
Dove	Oct. 13 – Nov. 17	3	6
King, Clapper, Sora and Virginia Rails	Nov. 17 – Dec. 22	3	6
Gallinule and Moorhens	Nov. 17 – Dec. 22	3	6
Woodcock	Nov. 5 – Dec. 8 & Feb. 1 – Feb. 28	3	6
Ducks, mergansers and coots <sup>1</sup>	Oct. 22 – Nov. 3 & Jan. 28 – Feb. 16	3	6

<sup>1</sup> the taking of harlequin ducks is prohibited

**\*\* Falconers may also hunt during the applicable gun seasons. Daily bag and possession limits of 3 and 6, respectively, also apply while hunting during the gun season.**

**\*\* Falconry hours for all species are from ½ hour before sunrise until sunset.**

**\*\* Falconry is not allowed on Sunday.**

**\*\* Daily bag and possession limits are for all species singly or in the aggregate. For example, if the applicable season(s) are open, a daily bag may consist of 3 doves or 1 dove, 1 duck and 1 woodcock for a total of 3 migratory game birds.**

**Extended Falconry Seasons for Webless Species previously approved at July 12<sup>th</sup> Commission meeting.**

# EXHIBIT P

August 30, 2012



## **Staff Recommendations to Allow Take of Migrant Peregrine Falcons From the Wild for Use in Falconry - 2012**

Allocation of the 36 migrating peregrine falcons to be taken during 2012 from the U.S. east of 100 degrees W longitude has been determined. Based upon those recommendations, the FWS has allocated the allowed take of 12 fall migrants in 2012 east of 100 degrees W longitude to Atlantic Flyway states. North Carolina is allocated 2 birds.

Based on this allocation of 2 birds for take from within North Carolina, DWM staff recommends that the WRC accept the FWS allocation framework and establish a season in 2012 with the following stipulations.

- Total allowable take is 2 birds during the period from September 20, 2012 through October 20, 2012.
- All birds taken must be juveniles.
- Take would be allowed only by permit from the WRC and only east of US Highway 17.
- No banded birds could be taken. Any banded birds captured must be immediately released at the site of capture.
- Permits will be issued through our special hunts permitting system (random).
- One permit will be issued to N.C. residents only; a second permit will be available to either a resident or nonresident falconer.
- An individual issued a permit must have the proper state falconry licenses/permits.
- Each person receiving a permit must complete a post-season survey provided by DWM staff and submit that survey no later than December 15, 2012.

# EXHIBIT Q

August 30, 2012

## Swine Trapping Permanent Rules

Currently, feral swine trapping is allowed under temporary rules. Staff conducted a 60-day public comment period for permanent swine trapping rules 15A NCAC 10B .0303 and 15A NCAC 10B .0304 during which the public could comment via e-mail, U.S. postal service mail, or at a public hearing held on July 18, 2012. The comment period ended on August 14, 2012. One comment was received.

### Public Comments

The Animal Welfare Institute and their collective members in North Carolina are opposed to amending these two rules. Letter available upon request.

### Recommendation

Staff recommends adoption of the following permanent rules as amended:

#### **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.