



## ACTIONS

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

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

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

**Call to Order** – *Commission Chairman* David Hoyle, Jr. called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Conference Room, 5<sup>th</sup> floor. Joe Barker and Berkley Skinner were absent. Commissioner Mitch St. Clair was present by telephone.

**Invocation** - *Commissioner* John Coley gave the invocation.

**Mandatory Ethics Inquiry** - Chairman Hoyle read the ethics inquiry mandated in North Carolina General Statute 138A-15(e). Commissioner Jim Cogdell recused himself from discussion of the FIA-Whitaker Tract in **Exhibit H**, stating he had a potential conflict. Commissioner Wes Seegars recused himself from discussion about **Exhibit R**, the fiscal note for captive cervid rules and deer fencing, noting a potential conflict.

**Welcome** - Chairman Hoyle welcomed Commissioners and guests. He announced that the meeting audio was being streamed live on the WRC website.

**Approval of Minutes** - the Commission approved the January 12, 2012 Wildlife Resources Commission minutes as presented in **Exhibit A**.

**Correction to November 10, 2011 Minutes** – the Commission received a correction to the November 10, 2011 minutes in **Exhibit B**, the addition of Hayden Rogers’ name to the Commissioner attendance list.

**Proclamation – 2012 Safe Boating Week** – the Commission received into the minutes **Exhibit C**, the Proclamation by Governor Beverly E. Perdue designating the week of May 19-25, 2012 as “Safe Boating Week.” The Proclamation was read by Colonel Dale Caveny, *Enforcement Division Chief*.

**Financial Status Report** - the Commission received a financial status report on the Wildlife Operating Fund and the Wildlife Endowment Fund as of March 31, 2012 from Tommy Clark, *Budget Officer*, presented in **Exhibit D**. The Operating Fund balance was \$22,191,255.20. The Endowment Fund balance was \$89,438,809.27.

**Special Presentation Honoring District 8 Hunter Education Specialist Wesley T. Blair** – Travis Casper, *Hunter Education Coordinator*, recognized Wesley T. Blair of Lenoir, the District 8 Hunter Education Specialist. Casper announced that Blair, in addition to his work with hunter education, has served five active duty deployments as a Naval Reservist. Blair was on deployment and missed being awarded the Outstanding Hunter Education Specialist that was presented at the International Hunter Education Conference in 2011. Casper presented Blair with his award and thanked him for his outstanding service.

**Partnership with the City of Jacksonville and Onslow County for Boating Access Area on New River** – the Commission adopted a Memorandum of Agreement to partner with the City of Jacksonville and Onslow County for construction of a Boating Access Area on the New River in Jacksonville that will be operated by the City. **(Exhibit E)**

**Photo Break** – Chairman Hoyle announced a short break for photographs to be taken. The meeting reconvened at 9:30 a.m.

**Engineering Services Update** – the Commission received an update from Erik Christofferson, *Engineering Services Division Chief*, about recent Boating Access Area renovations and construction projects. Christofferson announced that construction begins October 1. Fifteen boat ramps have been renovated and five new Boating Access Areas are under construction. Christofferson recognized Mark Hamlett, *Facility Engineer Supervisor*, for his leadership overseeing construction and renovation and obtaining necessary CAMA permits. He introduced Jenny Harris, the agency *Marketing Director*.

**Boating and Fishing Access Area, Transylvania County** – the Commission adopted the staff recommendation presented in **Exhibit F** by Erik Christofferson, to receive 1.79 acres from the Little River Fire Department in the Town of Penrose to be developed into a Boating and Fishing Access Area on the French Broad River.

**Boating Access Area, Lenoir County** – the Commission adopted a staff proposal, presented by Erik Christofferson in **Exhibit G** to partner with Lenoir County to construct a Boating Access Area on the Neuse River in Kinston.

**Inland Fisheries Update** – the Commission received an update on the activities of the Inland Fisheries Division from Bob Curry, *Inland Fisheries Division Chief*. Curry mentioned a statewide angler survey is being conducted. He announced that the Roanoke River striped bass season is closed, with 87,566 pounds harvested. Curry distributed copies of the 2011 Stocking Summary. The NCWRC sent 70,000 muskellunge fry to Virginia. 700,000 hybrid bass fry were flown to Texas. Curry mentioned some of the recent conservation education activities including the Becoming an Outdoors Woman workshop in Tyrrell County and the recent workshops at the John E. Pechmann Fishing Education Center in Fayetteville.

**Division of Wildlife Management Spotlight** - Jeff Marcus, *Wildlife Diversity Program Biologist, Division of Wildlife Management*, presented a spotlight about recommendations for the conservation of priority terrestrial wildlife species and habitats in North Carolina. Marcus mentioned the efforts of municipal and county planners in preserving wildlife habitats through use of the Green Growth Toolbox, which provides recommendations for habitat needs but does not impose regulations or restrictions. Marcus discussed a compendium that is being developed, using the Wildlife Action Plan, more than one thousand scientific papers, an advisory committee and expert review by 31 individuals and organizations. The document, “Conservation Recommendations for Priority Terrestrial Wildlife Species and Habitats in North Carolina,” identifies conservation recommendations for critical wetland and upland habitats to benefit priority terrestrial species. Emphasis will be placed on encouraging cluster development away from the critical zones, while maintaining connectivity between the zones and providing corridors for wildlife movement away from roads. Marcus told the Commission that the recommendations will be presented in July for possible endorsement by the WRC.

**Property Acquisition Requests** – the Commission approved the staff recommendation presented in **Exhibit H** by Dr. David Cobb, *Wildlife Management Division Chief*, to proceed with the following acquisition projects for which appropriate funding has been identified. Commissioner Jim Cogdell recused himself from discussion about and vote on the FIA – Whitaker Tract acquisition.

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

**Easement Request, Richmond County** – the Commission approved a request in **Exhibit I** from the North Carolina Department of Transportation for an easement on a portion of Sandhills Game Land in Richmond County, to facilitate a road construction project.

**Temporary Easement Request, Hoke County** – the Commission approved a request from the NC Department of Transportation, presented in **Exhibit J**, for a temporary construction easement across a portion of Sandhills Game Land in Hoke County to facilitate a bridge replacement project.

**NCDOT Easement Request, Gates County** – the Commission approved a request by NCDOT, presented in **Exhibit K**, for an easement across a portion of Chowan Swamp Game Land in Gates County to facilitate a road widening project.

**Utility Easement Request, Ashe County** – the Commission approved in **Exhibit L** a request by Tim Tracy for a utility easement across a portion of Pond Mountain Game Land in Ashe County to provide electrical service to an adjacent property. The Commission requested that standards for burial depth of electrical lines are established on game lands, along with a verification procedure that the standards have been met.

**Conservation Easement Modification Request, Caldwell County** – the Commission approved a request from the Patterson School Foundation, presented in **Exhibit M**, to modify the terms of a conservation easement purchased by the NCWRC and Clean Water Management Trust Fund and located on riparian buffers on the school property in Caldwell County. Modification of the conservation easement will allow the school to conduct organic farming on approximately 40 acres of the riparian buffer.

**Removal from Agenda – Proposed MOUs for Construction Projects on Game Lands** – the Commission voted to remove from the agenda pending further staff research and discussion proposed Memoranda of Understanding with Mitchell and Alleghany counties on NCWRC – Pisgah Game Land and Mitchell River Game Land, and with Edgecombe County on Tar River Game Land that would authorize construction and maintenance projects on those game lands (**Exhibits N and O**).

**Request from United States Marine Corps, Sandhills Game Land** – the Commission received an update on a request from the US Marine Corps on behalf of a military contractor, which will allow training of dogs on the Sandhills Game Land.

**Wildlife Management Update** – the Commission received an update about the activities of the Division of Wildlife Management from Dr. David Cobb. Cobb announced that CDs provided to each Commissioner contain documents and newsletters of interest. Dr. Cobb announced that the Black Bear Management Plan is available.

**Night Hunting and Technical Corrections Rules** – the Commission received summaries in **Exhibit P-1** of public comments on proposals to allow night hunting of coyotes and feral swine, and administrative changes to remove wild boar from the North Carolina Administrative Code.

The Commission approved four rules presented in **Exhibit P-2** with amendments as noted, and authorized the Executive Director to pursue temporary rulemaking for any rules that may be subject to a delayed effective date pursuant to NCGS 150-B – 21.3(b1):

**15A NCAC 10B .0219 COYOTE** was adopted as amended (with a no vote by Hayden Rogers): Coyotes may be taken on private lands by hunting anytime during the day or night. Coyotes may be taken on public lands by hunting from the hours of one-half hour before sunrise until one-half hour after sunset, and one-half hour after sunset until one-half hour before sunrise by permit only.

**15A NCAC 10B .0223 FERAL SWINE** was adopted as amended (with a no vote by Hayden Rogers): Feral swine may be taken on private lands by hunting any time during the day or night. Feral swine may be taken on public lands by hunting from the hours of one-half hour before sunrise until one-half hour after sunset, and one-half hour after sunset until one-half hour before sunrise by permit only.

**15A NCAC 10B .0113 BIG GAME KILL REPORTS** was adopted: (a) Upon killing a bear, ~~deer deer, wild boar~~, or wild turkey and before moving the animal from the site of kill, the successful hunter shall validate the Big Game Harvest Report Card furnished with the big game hunting license by cutting or punching out the validation box that correctly identifies the big game animal harvested. In lieu of the Big Game Harvest Report Card, antlerless deer may be recorded as outlined above on the Bonus Antlerless Deer Harvest Report Card acquired from the Wildlife Resources Commission or a Wildlife Service Agent.

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

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

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

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

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

**15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT** was adopted: (a) Only longbows and recurved bows having a minimum pull of 40 pounds, compound bows having a minimum pull of 35 pounds and crossbows shall be used for taking game.

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

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

**Swine Trapping Permanent Rule Proposals for Public Notice** – the Commission approved staff recommendation presented in **Exhibit Q** by Dr. David Cobb to notice for public comment proposed permanent rules for feral swine trapping under 15A NCAC 10B .0303, and no restrictions on bag limits for feral swine under 15A NCAC 10B .0304.

**Captive Cervid Rules Fiscal Note Report** – the Commission received a report in **Exhibit R** from Tommy Clark, *Budget Manager*, concerning fiscal note development for proposed rulemaking pertaining to cervids held in captivity. Commission adoption of the fiscal note at the July WRC meeting will be necessary prior to proposed rule amendments being submitted for public comment.

**Fiscal Note Approval for Swine Trapping Rules** – the Commission approved the fiscal note for proposed swine trapping rulemaking under 15A NCAC 10B .0303 and 10B .0304, presented in **Exhibit S** by Norman Young, *Rulemaking Coordinator*.

**Proposed Repeal of No Wake Zone Rule Withdrawn by Pitt County as Applicant** – the Commission moved to take no action on an outstanding proposal presented in **Exhibits T-1, T-2, and T-3**, to repeal a no wake zone in Pitt County on the Tar River under 15A NCAC 10F .0354(2). Pitt County withdrew as the applicant for the proposed repeal after receiving opposition to the proposal at a local public hearing. The Commission directed Norman Young, *Rulemaking Coordinator*, to notify the Office of Administrative Hearings and the Office of State Budget and Management about withdrawal of the rule proposal and the previously approved fiscal note.

**No Wake Zone Request by Town of Morehead City** – the Commission approved adoption of a request by the Town of Morehead City, Carteret County, presented in **Exhibit U**, for a no wake zone in the waters of the Newport River north of the Highway 70 Bridge at the Newport River Beach Access Boat Ramp. Subject to approval by the Rules Review Commission and codification in the NCAC, the rule will become effective on July 1, 2012.

**Technical Changes to No Wake Rules in Granville, Vance, Warren, Chowan, Chatham, Wake, and Camden Counties**- the Commission adopted technical changes to water safety rules as presented in **Exhibits V-1, V-2, V-3, V-4, and V-5**, to clarify rule text and descriptions in the North Carolina Administrative Code as mandated in the Regulatory Reform Act and Executive Order 70.

**Commissioner Resignation** – the Commission received into the minutes the letter of resignation by *District 4 Commissioner W. Douglas Parsons*, due to his judicial appointment by Governor Perdue. (**Exhibit W**)

**Land Use and Access Committee Meeting Report** – in the absence of former Chair Doug Parsons Commissioner Chairman David W. Hoyle, Jr. reported that the Land Use and Access Committee met on May 2, 2012. The Committee discussed for the first time proposed alternate uses on game lands in Mitchell, Alleghany and Edgecombe counties. Consideration of Memoranda of Agreement in **Exhibits N and O** therefore was tabled until the Committee has more opportunity to discuss. Hoyle announced that Jim Cogdell has been appointed Chair of the Land Use and Access Committee.

**Big Game Committee Meeting Report** - Chairman John Litton Clark reported that the Big Game Committee met a proposal to extend Youth Turkey Day to one week but allowing take of only one turkey. More discussion will be held regarding allowing an adult to take more than one youth hunting. Dr. Cobb gave an update to the Committee about brucellosis in feral hogs.

**Migratory Birds, Waterfowl Committee Meeting Report** – on behalf of Chairman Berkley Skinner, Ray White reported that the Migratory Birds, Waterfowl Committee held a long meeting on May 2. Craig LeSchack of Ducks Unlimited presented an update about the Canada Maritime breeding grounds project. The Division of Wildlife Management presented information to the Committee about hunter attitudes concerning waterfowl zones and updated the Committee about Canada geese in northeastern North Carolina. The Commission adopted a motion from the Migratory Bird, Waterfowl Committee to retain the current Canada goose season of seven days with a one bird limit, to implement a preference point system for tundra swans, and to pursue establishment of two waterfowl season zones divided by Interstate 95. By early June the agency will advise the U.S. Fish and Wildlife Service of the intention to establish two waterfowl season zones. The Commission will vote on the proposal at the August meeting.

**Joint Marine Resources/CRFL Subcommittee Report** – Chairman Ray White reported that the joint CRFL subcommittee met by teleconference on April 16, 2012. Minutes from the November 29, 2011 meeting were approved. The joint CRFL Committee reviewed multiple year grants and approved funding for four 2010 grants and for seven 2011 grants. Funds will become available on June 30, 2012. Of the nearly \$23 million revenue from the Marine Resources Fund all but approximately two million dollars have been allocated. White announced a symposium showcasing five years of CRFL grant funding that will be held on May 31, 2012 in New Bern.

**Committee of the Whole Meeting Report** – Chairman David Hoyle, Jr. reported that the Committee of the Whole held a long meeting on May 2. Among discussion was youth involvement in outdoor activities, hunting, fishing and water safety rule proposals, possible captive cervid rule proposals, temporary rulemaking, and adoption of the September public hearing schedule.

**Comments by the Chairman** – Chairman David W. Hoyle, Jr. thanked Jeff Marcus for presenting the spotlight at today's meeting. Hoyle stated that he is impressed with the Commissioner enthusiasm about involving youth in wildlife activities and their interest in land issues associated with future wildlife conservation. Hoyle wants to hold a Commission retreat to discuss youth involvement, hear from speakers, and to hold a planning session. Hoyle thanked agency staff for their efforts in planning the many meetings held over the past two days.

**Comments by the Executive Director** – Executive Director Gordon Myers announced that the 2012 Recruit School has been very successful, with nineteen candidates including two women and former members of the military. On April 19 for the first time at a Recruit School the Division Chiefs and Deputy Directors attended and shared agency information, including the role of law enforcement and other agency objectives. Myers gave a short update on legislative activities in forming the budget. The budget will be introduced on May 16, the opening day of the Legislative Session. Targeted budget cuts may be 1.5 to 2 percent. The Legislative Sportsmen’s Caucus is invigorated this session, with growing interest in youth recruitment. Myers stated that there may be support for an apprentice license, and also the possible statutory change to provide that a new license will begin when the current license expires. There is interest in another Legislative Day. Chairman Hoyle will talk to Director Myers and to Chris Dillon, *Legislative Liaison*, about Legislative Day.

**Motion to Go Into Closed Session** – Pursuant to NCGS 143-318.11(a)(3), the Commission moved into closed session at 11:15 a.m. to receive legal advice from Norman Young, *Agency Counsel* regarding a letter from Matthew Altamura, Counsel for Wayne Kindley.

**Return to Open Session and Adjournment** – the Commission returned to open session at 11:45 a.m. The meeting was adjourned at 11:46a.m.