



## ACTIONS

### N.C. WILDLIFE RESOURCES COMMISSION

August 25, 2011, 9 a.m.

Wildlife Resources Commission Headquarters  
Raleigh, North Carolina

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

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

**Administer Oath of Office to New Commission Members** – The Honorable Elaine F. Marshall, *North Carolina Secretary of State*, administered the Oath of Office to new *Commissioners at Large* Thomas A. Berry and Mark R. Craig, appointed to two-year terms by *President Pro Tempore* Phil Berger; to *Commissioner at Large* John T. Coley IV, appointed to a two-year term by *House Speaker* Thom Tillis; *District 6 Commissioner* James W. Cogdell, appointed to a six-year term by *Governor* Beverly Perdue; and *District 9 Commissioner* Hayden A. Rogers, appointed to a six-year term by *Governor* Beverly Perdue.

**Presentation of the 2011 Thomas L. Quay Award** – *Executive Director* Gordon Myers introduced Richard B. Hamilton, the 2011 winner of the Thomas L. Quay Wildlife Diversity Award, noting his contributions to wildlife diversity in his 37-year career with the N.C. Wildlife Resources Commission. Among his many accomplishments Hamilton oversaw establishment of the Non-Game Wildlife Advisory Committee in 1986, and served as Executive Director of the agency from 2004-2007. Director Gordon Myers read a resolution in Hamilton's honor, unanimously adopted and incorporated into the minutes, and presented him with a plaque and framed wildlife print.

**Non-Game Wildlife Advisory Committee Special Presentation** – Executive Director Myers recognized Dr. David Webster, a member of the Non-Game Wildlife Advisory Committee, for Webster's ongoing efforts in coordinating the actions of the six Scientific Councils that work with endangered, threatened and special concern species and make recommendations to the Wildlife Resources Commission. Myers presented Dr. Webster with a certificate of appreciation and a framed print.

The Commission meeting recessed at 9:30 for 15 minutes so that photographs could be taken.

**Minutes** – the Commission approved the July 7, 2011 Wildlife Resources Commission minutes, presented in **Exhibit A**.

**Evaluation of 2011 Statements of Economic Interest Read into the Minutes** – Pursuant to the requirements of NCGS §138A-15, Chairman David Hoyle, Jr. read into the minutes portions of the evaluations by the N.C. Ethics Commission of 2011 Statements of Economic Interest for John T. Coley IV, James Cogdell, Thomas A. Berry, John Litton Clark, and Mark Craig.

**Notice of Commissioner Appointments** – Chairman David Hoyle received into the minutes **Exhibits B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10**, Notice of Reappointment by *President Pro Tempore* Phil Berger of Dell Murphy for a term ending June 30, 2013; Notices of Appointment by President Pro Tempore Berger of Thomas Berry, Mark Craig, and Doc Thurston III for terms ending June 30, 2013; and Notice of Appointment by *Governor* Beverly Perdue of Hayden Rogers – District 9, and James Cogdell – District 6, for terms ending April 25, 2017; Notices of Reappointment by *House Speaker* Thom Tillis of Mitch St. Clair, Sr., Durwood Laughinghouse, and John Litton Clark for terms ending June 30, 2013; and Notice of Appointment by Speaker Tillis of John T. Coley, IV for a term ending June 30, 2013.

**Financial Status Report** – the Commission received a financial status report on the Wildlife Operating Fund and the Wildlife Endowment Fund as of June 30, 2011, from Tommy Clark, *Budget Officer*, presented in **Exhibit C**. The Operating Fund balance is \$20,845,004.99. The Endowment Fund balance is \$82,817,579.19. Clark then presented a financial status report on the annual interest allocation for the Endowment Fund as of June 30, 2011, presented in **Exhibit D**. The Commission approved the allocation of \$3,609,567.14 to the Sportsmen Funds. The Commission approved \$183,561.65 to be allocated to the Magazine Fund, which represents 100 percent of the interest derived from sales of lifetime magazine subscriptions.

**Wildlife Management Spotlight – Reptile and Amphibian Projects in the Piedmont and Coastal Plain** – the Commission received an update from Dr. Jeff Humphries, *Wildlife Diversity Biologist*, on the some of the projects funded by the State Wildlife Grants, working with identifying priority species and strategies for conservation among amphibians and reptiles in the Piedmont and Coastal Plain. Dr. Humphries highlighted efforts to restore the habitats of the Carolina gopher frog which is a threatened amphibian species in North Carolina. The Carolina gopher frog is an indicator of a healthy ecosystem in the lowland pine forest but only seven populations of the Carolina gopher frog remain. The Carolina gopher frog is pictured on the 2011 State Fair button distributed by the NCWRC.

**Wildlife Management Update** – the Commission received an update about the activities of the Division of Wildlife Management from Dr. David Cobb, *Wildlife Management Division Chief*. He provided CDs with information about rule proposals for state-wide public hearings, a document about species and habitat recommendations, and copies of publications of interest to the Commissioners.

**Property Acquisition, Camden County** - the Commission approved staff recommendation presented in **Exhibit E** by Dr. David Cobb, to work with the State Property Office for the acquisition by donation from North River Associates of the North River Associates-Sedel Tract in Camden County, as an addition to the North River Game Land.

**Request to Install Monitoring Wells – Angola Bay and Holly Shelter Game Lands, Pender County** – the Commission approved staff recommendation, presented by Dr. Cobb in **Exhibit F**, to work with the State Property Office to provide a temporary easement to Southern Environmental Group, Inc. to install and monitor hydrological wells on Angola Bay and Holly Shelter Game Lands in Pender County. The wells are a requirement of the Division of Water Quality’s permit that regulates the discharge of stormwater, mine dewatering, and wastewater under the National Pollution Discharge Elimination System.

**Property Disposal Request-Chowan Swamp Game Land, Gates County** - the Commission tabled consideration of a staff recommendation, presented by Dr. Cobb in **Exhibit G**, to dispose of three structures on the Chowan Swamp Game Land in Gates County. The Gates County Emergency Management Service expressed interest in burning the structures as a fire department exercise. The Commission asked about possibly leasing one or more of these structures for youth activities on the Game Land. Staff will investigate and report back to the Commission.

**Field Trial Schedule** - the Commission approved the 2011-2012 North Carolina Field Trial Association Running Schedule, presented in **Exhibit H**.

**2011-2012 Waterfowl Seasons-** the Commission received summaries, presented by Dr. Cobb in **Exhibits I-1, I-2, and I-3**, of trends in duck breeding populations from 1955-2011, U.S. Fish and Wildlife Service frameworks for hunting seasons for waterfowl and certain migratory game birds, and summaries of internet comments about waterfowl seasons.

The Commission approved the 2011-2012 options for bag limits, shooting hours, and season dates for waterfowl seasons occurring after September 30, presented in **Exhibit I-4**:

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

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

**Youth Waterfowl Days:** December 10, 2011 and February 4, 2012 (youth must be age 15 or younger and accompanied by a properly licensed adult. The adult cannot duck hunt but may participate in other seasons that are open on the special youth day.)  
Species include ducks, geese, brant, mergansers, coots and tundra swans. The youth must have a valid permit to harvest a Canada goose (NE Hunt Zone only) or a tundra swan.

***GENERAL DUCK SEASON (includes coots and mergansers)***

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

**Season Dates:** October 5 - 8  
November 12 – December 3  
December 17 – January 28  
(Black duck and mottled duck season closed until November 19.)

**Bag Limits:**

a) **Conventional bag:** 6 ducks with no more than 4 scoters, 4 mallards with no more than 2 hen mallards, 3 wood ducks, 2 redheads, 2 scaup, 2 pintails, 1 black or mottled duck (season closed until November 19), 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 bag limits:**

- 25 light geese (includes snow and blue geese and Ross' geese), no possession limit
- 2 brant
- 5 mergansers (2 hooded mergansers)
- 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.
- 15 coots
- 5 dark geese (includes Canada geese and White-fronted geese) in the Resident Hunt Zone, 5 in the Southern James Bay Zone and 1 in the Northeast Hunt Zone.

***SPECIAL SEA DUCK SEASON (IN SPECIAL SEA DUCK AREAS ONLY)***

**Season Length:** 105 hunting days

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

**Bag Limit:** 7 sea ducks (in special sea duck areas 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***

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

**RESIDENT (RP) ZONE**

**Season Length:** 72 days

**Season Dates:** October 5 – October 15  
November 12 – December 3  
December 17 – February 4

**Bag Limit:** 5 geese per day

**SOUTHERN JAMES BAY (SJB) ZONE**

**Season Length:** 70 days

**Season Dates:** October 5 – November 4  
November 12 - December 31

**Bag Limit:** 5 geese per day

**NORTHEAST HUNT ZONE**

**Season Length:** 7 days

**Season Dates:** January 21 – January 28

**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 Days

**Season Dates:** October 19 – October 22  
November 12 – March 10

**Bag Limit:** 25 birds daily (no possession limit)

**Expanded hunting methods:** allow use of electronic calls and unplugged guns from  
February 6 – March 10

**ATLANTIC BRANT:**

**Season Length:** 50 Days

**Season Dates:** November 19 - December 3  
December 17 - January 28

**Bag Limit:** 2 birds daily

**TUNDRA SWAN:**

**Season Length:** 69 Days

**Season Dates:** November 12 - January 31

**Bag Limit:** One per season (with valid permit)

***EXTENDED FALCONRY (migratory game birds):*****DOVE**

<b><u>Season Dates:</u></b>	Oct. 15 - Nov. 19
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	6

**KING, CLAPPER, SORA AND VIRGINIA RAILS**

<b><u>Season Dates:</u></b>	Nov. 19 – Dec. 24
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	6

**GALLINULE AND MOORHENS**

<b><u>Season Dates:</u></b>	Nov. 19 – Dec. 24
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	6

**WOODCOCK**

<b><u>Season Dates:</u></b>	Nov. 7 – Dec. 10 and Jan. 30 – Feb. 25
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	6

**DUCKS, MERGANSERS AND COOTS (the take of harlequin ducks is prohibited)**

<b><u>Season Dates:</u></b>	Oct. 24 – Nov. 5 and Jan. 30 – February 18
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	6

<b><u>Season Length:</u></b>	106 total hawking days (includes 60 days of gun season plus 16 days of special teal season)
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Falconers may also hunt during the applicable gun seasons. Daily bag and possession limits of 3 and 6, respectively, apply while hunting during the gun season.

With the following exception, falconry hours for all species are from ½ hour before sunrise until sunset. For doves on September 3 (gun season), falconry hours are from noon 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.

**Adoption of a Season to Allow the Take of Migrant Peregrine Falcons** – the Commission adopted the proposal presented in **Exhibit J** to establish a 2011 season for the take of one live migrant juvenile peregrine falcon for use in falconry, with the following stipulations:

- Total allowable take is 1 bird during the period from September 20, 2011 through October 20, 2011.
- 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 may 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.
- An individual issued a permit must have the proper state and federal 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, 2011.

**Note:** The state of New Jersey has been allocated one peregrine falcon for take during 2011 but action will not have been taken until September 22, 2011. If for any reason those rules are not adopted by N.J., the one peregrine allocated by the FWS in N.J. will be available for take in N.C. If rules are not adopted to allow peregrine take in N.J. the WRC will accept the re-allocation of one peregrine and will issue a second permit for take of peregrine in N.C. There will be no residency restriction on the second permit.

**Receive Public Comments Regarding Temporary Rulemaking and Adoption of Temporary Rules** – the Commission received public comments pertaining to proposed temporary rulemaking for the take of crows and coyotes by electronic call and for the creation of an open season with no bag limit for the take of feral swine, presented in **Exhibit K-1** by Dr. Cobb. The Commission adopted temporary rules under 15A NCAC 10B. 0215 for the take of crows with electronic calls and under 15A NCAC 10B .0219 for the take of coyotes with the use of electronic calls; and for an open season with no bag limits for the take of feral swine under 15A NCAC 10B .0223, presented by Dr. Cobb in **Exhibit K-2**. Test kits will be available from the Department of Agriculture for testing feral swine. Brucellosis may be carried by feral swine and is transmissible to humans.

**Inland Fisheries Update** - the Commission received an update from Bob Curry, *Inland Fisheries Division Chief*, about activities of the Inland Fisheries Division. He announced that the Mountain State Fair will be held September 9 – 18. National Hunting and Fishing Day is September 24. There will be state-wide family oriented events. Twenty-six project proposals have been received for consideration using Coastal Recreational Fishing License (CRFL) funds. Curry announced that the Wildlife Action Plan is being updated. He announced the Lake Norman fish kill and a fish kill at Jordan Lake.

**Property Acquisition, Warren County** – the Commission approved staff recommendation presented by Bob Curry in **Exhibit L** to acquire property adjacent to Shocco Creek Game Lands northeast of Centerville in Warren County for inclusion into the Game Lands or Wildlife Conservation Area programs, to seek appropriate funding and forward to the State Property Office.

**Fiscal Note for Rulemaking Under 15A NCAC 10F .0313 – Proposed No Wake Zone, Hyde County** – the Commission approved the fiscal note for a proposed no wake zone in Lake Landing Canal in Hyde County, as part of the Notice of Text published in the North Carolina Register prior to consideration for adoption by the Wildlife Resources Commission. *Norman Young, Rulemaking Coordinator*, presented **Exhibit M** and explained that the Regulatory Reform Act requires that the fiscal note showing any impact on state or local government first be approved by the WRC as part of the Notice of Text, which is published for at least 60 days before the Commission may consider the rule for adoption.

**Election of Vice-Chairman** – Pursuant to NCGS 143-243, The Wildlife Resources Commission elected Ray White as Vice-Chairman for a two-year term.

**Joint Big Game / Habitat, Non-Game and Endangered Species Committee Report** - the Commission received a report from *John Litton Clark, Big Game Committee Chairman* that the committees met on August 24, 2011. Discussion included elk, alligator and bear management issues. Clark stated that the General Assembly may consider a bill for hunting alligators. The WRC will be proactive and conduct density studies. Clark stated that the National Park Service will defer management of the elk off park property to the Wildlife Resources Commission. The WRC is preparing a management plan for elk that leave the National Park. Discussion also included information received at the listening sessions held across the state regarding bear management issues.

**Fisheries Committee Report** – *Wes Seegars, Fisheries Committee Chairman*, reported that 29 people attended the Fisheries Committee meeting on August 24. Chad Thomas made a presentation on anadromous fish status including American shad and river herring. Seegars reported that the Coastal Recreational Fishing License (CRFL) report was explained to the new Commissioners. The Commission adopted a motion from the Fisheries Committee to approve the draft North Carolina Estuarine Striped Bass Management Plan, a joint effort between the Wildlife Resources Commission and Division of Marine Fisheries. The Commission adopted a motion from the Fisheries Committee to move the CHPP (Coastal Habitat Protection Plan) implementation plan forward.

**Education and Outreach Committee Report** – *Dell Murphy, Education and Outreach Committee Chairman*, reported that Bob Curry gave a report about the Education Centers at the August 24 committee meeting. Erik Christofferson talked about the recent changes in the *Wildlife in North Carolina* magazine.

**Committee of the Whole Meeting Report** – Chairman David Hoyle, Jr. reported that staff gave a great orientation to the new Commissioners on August 23. He reported that more than 300 people attended the bear listening session in Waynesville. At the bear listening session coon hunters stated that they want to be able to feed raccoons in areas of the State that have an open season for taking black bears. NCGS 113-294 was amended by Session Law 2007 – 96, which prohibits the placement of “processed food products” as bait in areas that have set an open season for taking black bears, including dog food used to supplement naturally available foods for raccoons. *Executive Director Gordon Myers* read a resolution that would allow placement of dry dog food to attract or feed raccoons in areas that have set an open season for taking black bears, provided that the dry food is placed in a single closed container no larger than five gallons, that the product is accessible only through a tube requiring that the raccoon reach into the closed container, and that each container is secured to a tree or post on the ground or in an elevated position to reduce the attractiveness to bears. This policy constitutes the agency interpretation of NCGS 113-294 for enforcement purposes and not rulemaking. The Commission adopted the resolution.



**Comments by the Executive Director** – Executive Director Gordon Myers thanked the new Commissioners for coming to Raleigh early for the orientation. He announced that state-wide public hearings start the Tuesday after Labor Day and invited the Commissioners to attend. The agency also has scheduled seven Town Hall meetings with employees across the state.

**Comments by the Chairman** – Chairman David Hoyle, Jr. presented Steve Windham with a framed print in appreciation for his service as Chairman.

**Adjournment**- the meeting was adjourned by Chairman Hoyle at 11:50 a.m.