



REVISED AGENDA

N.C. WILDLIFE RESOURCES COMMISSION

January 12, 2012, 9:00 a.m.

1751 Varsity Drive

NCWRC Conference Room, 5th Floor

Raleigh, North Carolina

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

PLEDGE OF ALLEGIANCE

INVOCATION - *Commissioner John Litton Clark*

RECOGNITION OF VISITORS

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

APPROVAL OF MINUTES - Take action on the November 10, 2011 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members (**EXHIBIT A**)

APPROVAL OF SPECIAL ELECTRONIC MEETING MINUTES – Take action on the special electronic meeting minutes of the Wildlife Resources Commission on December 12, 2011 as written in the exhibit and distributed to members (**EXHIBIT B**)

ADMINISTRATION

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

SPECIAL PRESENTATION – SHIKAR SAFARI CLUB INTERNATIONAL WILDLIFE OFFICER OF THE YEAR AWARD – Present the Shikar Safari Club International Wildlife Officer of the Year Award to Captain Jon Evans – *Jim Harrison, Shikar Safari Club International* with introduction by *Colonel Dale Caveny, Enforcement Division Chief*

Short Photograph Break

SPOTLIGHT – AGENCY WEBSITE AND SOCIAL MEDIA UPDATES - Receive an update on the redesigned agency website and Social Media Policy – *Gayle Myers, Webmaster* and *Carolyn Rickard, Information and Communications Specialist*

INLAND FISHERIES

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

LAND ACQUISITION AND PROPERTY ISSUES

Land Acquisition Requests – Consider approval for staff to work with the State Property Office and funding partners to develop acquisition plans for the following properties – *Dr. David Cobb, Wildlife Management Division Chief* **(EXHIBIT D)**

- Triangle Tract – Tyrrell County
- Little Atkinson Tract – Pender County
- Hall Mountain Tract – Macon County
- Raby Farm Tract – Macon County
- Roaring Creek Tract – Avery County
- Louise Thomas Tract – Moore County

Adjacent Landowner Request – Sandhills Game Land, Richmond County – Consider an adjacent landowner request to install an irrigation line across a portion of Sandhills Game Land in Richmond County – *Dr. Cobb* **(EXHIBIT E)**

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*

CURE Program Update 2009-2010 – Receive a staff report on the 2009-2010 Cooperative Upland habitat Restoration and Enhancement Program (CURE) – *Dr. Cobb (EXHIBIT F)*

CURE Program Update 2010-2011 – Receive a staff report on the 2010-2011 CURE Program – *Dr. Cobb (EXHIBIT G)*

Rulemaking Revision Proposals to Take to Public Hearing - Consider staff recommendations to take to public hearing revisions to 15A NCAC 10B.0219 and 10B.0223, to allow the hunting of feral swine and coyotes at night with a light; and revisions to 15A NCAC 10B.0113 and 10B.0116, to remove remaining references to wild boar in Wildlife Resources Commission rules – *Dr. Cobb (EXHIBIT H)*

RULEMAKING PROCEDURAL REQUIREMENTS

Fiscal Note for Rulemaking Under 15A NCAC 10F .0330 - Proposed No Wake Zone, Carteret County - To comply with the Regulatory Reform Act, approve the fiscal note as part of a no wake zone application from the Town of Morehead City in Carteret County. The fiscal note is required because of the rule's minor financial impact on the Town of Morehead City. The Carteret County proposed rule amendment may be considered by the Wildlife Resources Commission at the May 3, 2012 meeting – *Norman Young, Rulemaking Coordinator (EXHIBIT I)*

Fiscal Note Review for Rulemaking under 15A NCAC 10F .0354- Pitt County - No Wake Zone Repeal – Approve the fiscal note review required by the Office of State Budget and Management prior to submission to the *North Carolina Register* of Notice of Text, to repeal a portion of 15A NCAC 10F .0354, a no wake zone on a portion of the Tar River in Pitt County near Seine Beach. The proposed repeal of the Pitt County no wake zone may be considered by the Wildlife Resources Commission at the May 3, 2012 meeting – *Norman Young, Rulemaking Coordinator (EXHIBIT J)*

COMMITTEE REPORTS

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

Habitat, Non-Game, Endangered Species Report – *Durwood Laughinghouse, Chairman*

Land Use and Access Committee Report – *Doug Parsons, Chairman*

Joint Coastal Recreational Fishing License Committee Report – *Ray White, Chairman*

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

COMMENTS BY EXECUTIVE DIRECTOR – *Gordon Myers*

ADJOURN

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

COMMENTS BY EXECUTIVE DIRECTOR – *Gordon Myers*

ADJOURN

EXHIBIT A

January 12, 2012



MINUTES

November 10, 2011

N. C. Wildlife Resources Commission Meeting

Raleigh, North Carolina

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

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

MANDATORY ETHICS INQUIRY AND WELCOME

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

COMMISSIONER ATTENDANCE

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

VISITORS

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

MINUTES

Commissioner Wes Seegars made a motion to approve the October 13, 2011 Wildlife Resources Commission Meeting minutes. The motion was seconded by Commissioner Nat Harris and carried. **The Minutes**, titled Exhibit A, are hereby incorporated into the official record of this meeting.

ADMINISTRATION

Tommy Clark, *Budget Officer*, gave the financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund as of September 30, 2011. Cash balance for the Wildlife Operating Fund was \$23,694,419.61. Cash balance for the Endowment Fund was \$85,385,229.77 **The Financial Status Report**, titled Exhibit B, is hereby incorporated into the official record of this meeting.

CONSERVATION EDUCATION DIVISION SPOTLIGHT

Erik Christofferson, *Engineering Services Division Chief*, reported on activities of the Publications Unit of the Conservation Education Division, explaining that responsibilities for the magazine, special publications and marketing are being temporarily managed by Christofferson. Bureaucratic processes and mid-level management have been reduced. The work assignment process for internal customers is managed now by Jim Wilson, magazine *Editor*. Contracted publications work is being brought back in-house. Bob Curry, *Inland Fisheries Division Chief*, reported on activities of the Education Outreach Section, explaining that responsibilities for management of the public information officers and for the agency's four education centers – including exhibits, programming and federal aid allocations – are being temporarily managed by Curry. Curry mentioned the Pisgah Center for Wildlife Education, opened in 1998, followed in 2006 by the Outer Banks Center for Wildlife Education, and the Centennial Campus Center for Wildlife Education and the John E. Pechmann Fishing Education Center in 2007, noting that each center was set up to operate seven days a week. There is one field educator in each of three regions. The center schedules are being revisited due to budgetary constraints. Curry mentioned outdoor skills activities including youth hunts and Becoming an Outdoors Woman programs. Work continues on social media, website management and maintenance, and opportunities for expansion of the constituent base through education outreach. Curry mentioned the Continuation Review through the fiscal research division of the General Assembly. The NCWRC was one agency identified for review of the \$778,000 that currently is earmarked for the Conservation Education Program. The final report to the General Assembly is due in March 2012. The General Assembly will decide whether to continue to fund the agency's Conservation Education Program (not inclusive of the *Wildlife in North Carolina* magazine.) Staff was asked to provide information to the Commissioners about selling an electronic version of the magazine and selling lifetime magazine subscriptions on line. Erik Christofferson will report to the Commission at a later meeting.

INLAND FISHERIES

Inland Fisheries and Outreach Update

Bob Curry, *Inland Fisheries Division Chief*, provided an update about the programs and activities of the Inland Fisheries Division. Curry announced that a survey of catfish anglers and a survey to assess fishing trends will be conducted in 2012. Curry announced a Division of Marine Fisheries proclamation to change the minimum size and creel limit for spotted sea trout. Effective November 14 for recreational fishing in joint and inland waters the WRC rules mirror those of DMF in coastal waters. Minimum size for spotted sea trout is 14 inches with none over 24 inches allowed. Daily creel limit goes from six to four fish. Curry reported an estimate of 34,000 visitors to the WRC exhibit at this year's State Fair. Curry closed by presenting a Certificate of Appreciation to Hal Atkinson on behalf of the Wake County Wildlife Club. Curry thanked the Club for the donation of two lifetime licenses during National Hunting and Fishing Day activities. Monies to fund the licenses come from proceeds from the Dixie Deer Classic.

Adoption of 2012-2013 Fishing Regulation Proposals

On a motion by Wes Seegars and second by Ray White, the Commission adopted staff recommendations for 2012-2013 fishing rule proposals F1 – 25 and F27, presented by Bob Curry in **Exhibit C**. The complete text of the rules is incorporated by reference into the minutes of this meeting.

- 1) Cedar Cliff Lake (Jackson County) - Classify this 146-acre lake as Hatchery-Supported Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 2) Catawba River (McDowell County) - Classify 0.6 miles of this stream as Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 3) Elk Creek (Wilkes County) - Classify 1.5 miles of this stream as Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 4) Shawneehaw Creek (Avery County) - Classify 0.5 miles of this stream as Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 5) Laurel Creek (Watauga County) - Classify 0.3 miles of this stream as Catch and Release/Artificial Lures Only Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters

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NC Wildlife Resources Commission Meeting
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- 6) Little River (Alleghany County) - Reclassify the upper 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 7) Big Horse Creek (Ashe County) - Reclassify the lower 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 8) Elk Creek (Watauga) - Clarify the boundaries of the Hatchery-Supported Trout Waters section of this stream adding approximately 2.0 miles.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 9) North Toe River (Avery County) - Divide the Hatchery-Supported Trout Waters on this stream into an upper and lower section and remove 10.1 miles of this stream from the Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 10) Long Creek (Graham County) - Remove 4.2 miles of this stream from Public Mountain trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 11) Little Hungry River (Henderson County) - Remove 5.9 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 12) Little Creek (Madison County) - Remove 2.0 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 13) Mill Creek (Madison County) - Remove 2.4 miles of this stream from Public Mountain Trout Waters, and reclassify the section on Game Lands as Wild Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 14) Cane Creek (Mitchell County) - Remove 2.4 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters
- 15) French Broad River (Transylvania County) - Remove 10.3 miles of this stream from Public Mountain Trout Waters.
Amend the following rule:
15A NCAC 10C .0205 Public Mountain Trout Waters

- 16) Establish a 4-fish creel limit and a 20-inch size limit on striped bass in lakes Rhodhiss, Hickory, and Lookout Shoals.

Amend the following rule:

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

- 17) ~~Increase the minimum size limit for striped bass and hybrid striped bass in B. Everett Jordan Reservoir from 20 to 24 inches.~~ This will revert to the original text.

Amend the following rule:

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

- 18) Establish a statewide 14-inch, 5-fish limit for black bass in aggregate, allowing 2 undersized fish to be harvested.

Amend the following rule:

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

- 19) Remove the exception to the statewide black bass length limit for District 9 waters and Public Mountain Trout Waters.

Amend the following rule:

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

- 20) Establish a 10-fish daily creel limit of which no more than two fish greater than 14 inches may be possessed in Lake Cammack (Alamance County) and Lake Holt (Granville County).

Amend the following rule:

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

- 21) Establish a maximum size limit for largemouth bass in Randleman Reservoir where only one fish greater than 20 inches can be retained in the 5-fish daily creel and establish a 2-fish exception to the minimum size limit such that 2 fish within the 5-fish daily creel can be less than 14 inches.

Amend the following rule:

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

- 22) Reduce the possession limit of American shad to 1 fish per day within the aggregate daily creel of 10 fish for American and hickory shad in inland fishing waters and tributaries of the Neuse River.

Amend the following rule:

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

- 23) Clarify that channel, white, or blue catfish may only be taken legally by hook and line and the daily creel limit is six fish in aggregate in waters that are stocked and managed for catfish and located on game lands, on other Commission-owned property, or on the property of a cooperator, including waters within the Community Fishing Program. The affected water bodies will be identified by posting instead of being listed in the NCAC.

Amend the following rules:

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

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

15A NCAC 10E .0104 Use of Areas Regulated

- 24) ~~Add Lake Tillery to the list of reservoirs where possession of grass carp is prohibited except those legally taken with bow and arrow.~~ **The original list will be retained.**

Amend the following rule:

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

- 25) Allow the take of nongame fishes with crossbow and arrow from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated public mountain trout waters.

Amend the following rule:

15A NCAC 10C .0404 Special Device Fishing

- 27) Allow individuals who possess a valid concealed handgun permit to carry that handgun concealed on public fishing and boating access areas.

Amend the following rule:

15A NCAC 10E .0104 Use of Areas Regulated

Upon a motion by Wes Seegars and second by Joe Barker, the Commission voted to refer proposal 26 (below) to the Committee of the Whole for further discussion to ensure that the Wildlife Resources Commission has reviewed all pertinent information relative to Inland Primary Nursery Area classification criteria:

- 26) Classify ~~eleven tributaries to the Neuse River,~~ one tributary to the Pamlico River, and one tributary to the Cape Fear River as inland primary nursery areas.

Amend the following rule:

15A NCAC 10C .0503 Descriptive Boundaries

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

WILDLIFE MANAGEMENT

Wildlife Management Update

Chairman Hoyle called upon Dr. David Cobb, *Wildlife Management Division Chief*. Dr. Cobb directed Commissioners to the poster showing areas where wind energy farms are proposed in eastern North Carolina. Dr. Cobb noted that three wind farms are proposed in an area where there is high density of tundra swans. Cobb said there is concern about mortality and displacement of birds in these areas. Dr. Cobb mentioned that CDs have been provided to each Commissioner and contain information about birding trails, Partners in Flight, and black bear bait reports. Cobb announced the recent press release about pockets of epizootic hemorrhagic disease (EHD) found in deer in the Coastal Plain and Roanoke River basin.

Easement Request – Juniper Creek Game Land, Brunswick County

On a motion by Steve Windham and second by Berkley Skinner, the Commission adopted a request from N.C. Department of Transportation, presented by Dr. Cobb in **Exhibit D**, for an easement to improve Egypt Road (SR 1341), a dirt road and major point of access to Juniper Creek Game Land.

Adoption of 2012-2013 Hunting and Trapping Regulation Proposals

Dr. Cobb presented in **Exhibit E** the 2012 -2013 hunting and trapping regulation proposals. The complete text of the rules is incorporated by reference into the minutes of this meeting. Durwood Laughinghouse made a motion to adopt proposals H1 – H9. The motion was seconded by Nat Harris and carried:

- H1) Increase the either-sex deer season from conservative to moderate in Polk County.
Adopt amendments to the following rule:
15A NCAC 10B .0203 Deer (White-tailed)
- H2) Lengthen the bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Greene, Halifax, Lenoir, Martin, Northampton, and Pitt counties. Currently, Greene, Lenoir and Pitt counties are open for one week in November. This proposal adds two weeks in December to their season. Currently, Halifax, Martin and Northampton counties are open for one week in November and three days in December. This proposal would extend the December segment of the season from three days to two weeks. The proposed season for all six of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear
- H3) Open a bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Edgecombe, Harnett, Johnston, Nash, Stokes, Vance, Warren, Wayne, and Wilson counties. In addition, change the bear season in Yadkin, Iredell, Alexander, and Catawba counties. The proposed season for all of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear

- H4) Open the portions of Cleveland, Burke and Surry counties that are currently closed to bear hunting. The proposed season (hunting with dogs and still hunting, unless prohibited by local law) for these counties would be from the Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1.
Adopt amendments to the following rule:
15A NCAC 10B .0202 Bear
- H5) Allow electronic calls for take of crows and coyotes.
Adopt amendments to the following rules:
15A NCAC 10B .0215 Crows
15A NCAC 10B .0219 Coyote
- H6) Add feral swine to the Commission's hunting rules with no closed season and no bag limits.
Adopt the following rule:
15A NCAC 10B .0223
- H7) Allow hunters to use dogs on Sundays on private lands in locations and during seasons where the use of dogs is currently allowed the other six days of the week in those counties or parts thereof which are west of the dog line. The practice is already allowed east of the dog line (except where prohibited by local law). Also, allow falconers to use dogs on private lands and on game lands on Sundays.
Adopt amendments to the following rule:
15A NCAC 10B .0201 Prohibited taking and manner of take
- H8) Allow individuals who possess a valid concealed handgun permit to carry that handgun concealed on wildlife conservation areas and game lands, except for these game lands for which the landowner has asked to be exempted: Buckhorn, Harris, Sutton Lake, Mayo, Hycos, Lee, Chatham, Pee Dee River north of U.S. 74, Butner-Falls, Jordan, Vance, Kerr Scott, Dupont, Bladen Lakes and that portion of R. Wayne Bailey-Caswell that is north of U.S. 158 and east of N.C. 119. Also, allow hunters who possess a valid concealed handgun permit to carry that handgun concealed while dog training and during the deer archery and muzzleloader seasons on both public and private lands.
Adopt amendments to the following rules:
15A NCAC 10D .0102 General regulations regarding use
15A NCAC 10B .0203 Deer (White-tailed)
15A NCAC 10J .0102 General regulation regarding use of conservation areas
15A NCAC 10B .0114 Dog training and field trials
- H9) Allow individuals to use a .22 caliber rimfire pistol to dispatch a wounded deer during the deer archery and muzzleloader seasons on both public and private lands.
Adopt amendments to the following rules:
15A NCAC 10B .0203 Deer (White-tailed)
15A NCAC 10D .0102 General regulations regarding use
15A NCAC 10J .0102 General regulation regarding use of conservation areas

Jim Cogdell made a motion to adopt proposals H11 – H21 and H25 – H29. The motion was seconded by Joe Barker and carried:

- H11) Clarify what wildlife resources and other materials may be possessed on or removed from Commission lands without any type of written permission or license and for which ones removal would require written permission.

Adopt amendments to 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

Adopt the following rule:

15A NCAC 10D .0105 Possession and removal of animals, plants and materials

- H12) Require a permit to enter Hunting Creek Swamp Waterfowl Refuge (HCSWR) in Davie County.

Adopt amendments to the following rules:

15A NCAC 10D .0102 General regulations regarding use

15A NCAC 10D .0103 Hunting on game lands

- H13) Increase fees for the use of the field trial facilities located on the Sandhills Game Land from the current \$25.00 to \$75.00 for use of the club house only and from \$100 to \$200 for the use of the club house and field trial grounds. Current cost estimates for operating the facility (not including staff time) in FY 2009-10 were \$14,025. Revenues generated by user fees during the same time period were \$9,000.

Adopt amendments to the following rule:

15A NCAC 10D .0102 Hunting on game lands

- H14) Allow additional archery and muzzleloader deer hunting on Sandhills Game Land by opening an archery season on the third Monday after Thanksgiving through January 1, except on the field trial grounds.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands

- H15) Increase the either-sex deer season on Butner-Falls of Neuse Game Land from the conservative to moderate.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands

- H16) Increase the either-sex deer season on Neuse River Game Land from moderate to maximum.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands

- H17) Open the bear season at Chowan Swamp Game Land on the first three hunting days during the November bear season and the first three days of the second week of the December bear season in order to be consistent with other game lands in District One.

Adopt amendments to the following rule:

15A NCAC 10D .0103 Hunting on game lands

- H18) Open the raccoon, opossum and bobcat hunting season in the Sherwood and Harmon Den Bear Sanctuaries in Haywood County.
Adopt amendments to the following rule:
15A NCAC 10D .0103 Hunting on game lands
- H19) Make waterfowl hunting from designated Disabled Sportsmen blinds on Catfish Lake Waterfowl Impoundment at the Croatan Game Land by permit only.
Adopt amendments to the following rule:
15A NCAC 10D .0103 Hunting on game lands
- H20) Remove text from the Commission's rule which references the disabled sportsman hunts on R. Wayne Bailey-Caswell, Dupont State Forest, Sandhills, Thurmond Chatham, and Toxaway game lands. Disabled sportsman hunts will continue to be offered through the Permit Hunting Opportunities Program and in the *Permit Hunting Opportunities in North Carolina* guide.
Adopt amendments to the following rule:
15A NCAC 10D .0103 Hunting on game lands
- H21) Prohibit hunting and taking fox squirrels on Rockfish Creek Game Land.
Adopt amendments to the following rule:
15A NCAC 10D .0103 Hunting on game lands
- H25) Require people who possess permit to hold endangered or threatened species to maintain cages or facilities at the same standards as other captivity licensees.
Adopt amendments to the following rule:
15A NCAC 10I .0102 Protection of endangered/threatened/special concern
- H26) Require landowners who receive a depredation permit for Canada Geese that are causing damage to agricultural operations to report the number of geese taken.
Adopt amendments to the following rule:
15A NCAC 10B .0106 Wildlife taken for depredations or accidentally
- H27) Remove the extended season for take of squirrels by falconry.
Adopt amendments to the following rule:
15A NCAC 10B .0216 Falconry
- H28) Allow the practice of falconry on Sundays on Three Day Per Week game lands.
Adopt amendments to the following rule:
15A NCAC 10D.0103 Hunting on Game Lands

- H29) Amend 12 current rules pertaining to falconry, repeal one and adopt two additional rules in order for the Commission to fully regulate falconry in North Carolina in accordance with a directive from the U.S. Fish and Wildlife Service. Deadline for these changes is January 1, 2014.

Adopt amendments to the following rules:

15A NCAC 10H .0801 Definitions

15A NCAC 10H .0802 Permit and license requirements

15A NCAC 10H .0803 Application for ~~permit~~ license

15A NCAC 10H .0804 Examination

15A NCAC 10H .0805 Duration of ~~permit~~ license

15A NCAC 10H .0806 ~~Conditions of permit~~ Acquisition, sale and status change

15A NCAC 10H .0807 ~~classes~~ Levels of ~~permits~~ licenses

15A NCAC 10H .0808 Facilities and equipment

15A NCAC 10H .0809 Marking

15A NCAC 10H .0810 Taking raptors

15A NCAC 10H .0811 Other restrictions and conditions

15A NCAC 10H .0812 Interstate transportation

Repeal to following rule:

15A NCAC 10H .0813 Raptor propagation permit

Adopt the following rules:

15A NCAC 10H .0814 Release of raptors or moved to other permit

15A NCAC 10H .0815 Other uses and allowed activities

Chairman David Hoyle, Jr. recognized Gordon Myers, *Executive Director*, who referred to proposals H10, H22, H23, and H24. Myers stated that the Regulatory Reform Act passed by the General Assembly became effective October 1, 2011. The series of rules proposals under consideration at this meeting were filed on July 11, 2011 in advance of the effective date of the Regulatory Reform Act changes. However, a memorandum received from the Office of the Attorney General states that the provisions of the Regulatory Reform Act are being applied retroactively, including the threshold for a fiscal note requirement of five hundred thousand dollars in a twelve-month period, and the requirement that alternatives be examined for any rule that incurs costs of \$500,000.00 during a twelve-month period. Requirements for possession and transportation of cervids, cervid licensing, and proposed captive cervid facility double fencing requirements to prevent the transmission of Chronic Wasting Disease (CWD), referenced in proposals H10, H22, H23, and H24 may result in costs in excess of the \$500,000.00 threshold.

- H10) Allow the Executive Director or his designee to waive the rule banning the importation of a cervid carcass or carcass part from any state where Chronic Wasting Disease (CWD) occurs for a deer or elk harvested within 20 miles of the North Carolina state line.

Adopt amendments to the following rule:

15A NCAC 10A .1101 Waiver

H22) Establish captive cervid importation criteria for captive cervid licensees with Certified herds. All importation cervids would be prohibited from state/provinces/other countries with active Chronic Wasting Disease (CWD). Importation of white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of cervid in which the scientific community has documented naturally-occurring CWD will be allowed only from states/provinces/countries which have a license type, certification program or monitoring program that requires captive cervid facility owners to, at a minimum:

- submit for CWD testing all deceased animals over the age of 12 months;
- tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and
- keep records of all acquisitions and all dispositions in the facility.

These requirements apply only to white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of cervid in which the scientific community has documented naturally-occurring CWD. The herd of origin for the requested cervid must be successfully participating in the state program. Fallow deer, muntjac deer and other cervid species with no documented naturally-occurring CWD will be eligible for importation if they came from a fenced facility and have been isolated for the past 5 years from species of cervids in which the scientific community has documented naturally-occurring CWD. Animals from mixed herds of the two categories of cervids are subject to the same importation criteria as the species of cervid in which the scientific community has documented naturally-occurring CWD.

Adopt amendments to the following rules:

15A NCAC 10B .0101 Importation of wild animals and birds

15A NCAC 10H .0304 Captive cervid herd certification program

H23) Amend the waiver rule to allow Certified herd owners the ability to apply for an importation waiver for cervids that do not meet the proposed importation criteria, except from states with CWD in wild cervids.

Adopt amendments to the following rule:

15A NCAC 10A .1101 Waiver

H24) Allow for the issuance of new captive cervid licenses with controls in place to prohibit using a secondary license to expand a facility. Require newly licensed facilities to have double-fencing. Allow transportation of cervids from N.C. Certified herds (5-year status) into these new facilities for the first six months after their construction.

Adopt amendments to the following rules:

15A NCAC 10H .0301 General requirements

15A NCAC 10H .0302 Minimum standards

Durwood Laughinghouse made a motion to refer H10, H22, H23, and H24 to the Committee of the Whole for further fiscal analysis and discussion of possible alternatives to the rules pursuant to the requirements of the Regulatory Reform Act. The motion was seconded by Steve Windham and carried. Staff was directed to identify and enlist the input of stakeholders who are affected directly by these regulations. **Exhibit E** is hereby incorporated into the official record of this meeting.

CONSIDERATION OF TABLED REQUEST FOR NO WAKE ZONE

Fishing Creek, Carteret County

Erik Christofferson, *Engineering Services Division Chief*, presented **Exhibit F**, a proposal from the N.C. Division of Parks and Recreation on behalf of the U.S. Coast Guard Sector North Carolina for a no wake zone in the waters of Fishing Creek on the property of Fort Macon State Park. The proposal was tabled at the October 13, 2011 WRC meeting and referred to the Boating Safety Committee for further discussion. The Boating Safety Committee met on November 9, 2011 and received comments from interested parties from North Carolina State Parks and the U.S. Coast Guard Sector North Carolina regarding the proposed no wake zone at Fishing Creek. In the absence of sufficient documented safety hazards, accidents, and congestion Joe Barker made a motion from the Boating Safety Committee with a second by Berkley Skinner of that committee, to take no action on the Fishing Creek no wake zone request. The motion carried. **Exhibit F** is hereby incorporated into the official record of this meeting.

ADOPTION OF REVISED 2012 WRC MEETING SCHEDULE

On a motion by Doug Parsons and second by Berkley Skinner, the Commission adopted the 2012 WRC meeting schedule presented in **Exhibit G**. All Commission meetings will be held in Raleigh:

- Thursday, January 12, 2012
- *No meeting in March; Committee meetings and dates to be announced*
- Thursday, May 3, 2012
- Thursday, July 12, 2012
- Thursday, August 30, 2012
- *No meeting in October; Committee meetings and dates to be announced*
- Thursday, November 8, 2012 (*WRC meeting begins at 1 pm; Committee of the Whole meets in morning*)

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

COMMITTEE REPORTS

Big Game Committee Meeting Report

On behalf of *Chairman* John Litton Clark, Dr. David Cobb gave a report of the meeting of the Big Game Committee held on November 9, 2011. The Big Game Committee reviewed hunting and trapping rule proposals prior to action at the WRC meeting, with the recommendation that proposals H10, H22, H23, and H24 be referred to the Committee of the Whole for discussion relative to changes in the Administrative Procedure Act. The Committee directed staff to present draft text in January for a rule for hunting feral swine and coyotes at night with the use of a light. Such a rule proposal would be considered outside the regulatory cycle, preventing a year delay. Discussion was held about short-term and long-term goals for elk management. The Big Game Committee and the Habitat, Non-Game and Endangered Species Committee will meet in January to address goals and objectives for elk management.

Fisheries Committee Meeting Report

At the request of *Committee Chairman* Wes Seegars, Bob Curry gave a report of the Fisheries Committee meeting held on November 9, 2011. The Fisheries Committee received a report on the Coastal Recreational Fishing License (CRFL) projects and 2012 funding cycle from Chad Thomas. The Joint Marine Resources Committee (WRC and DMF) will meet in Washington on November 29, 2011 regarding 26 project proposals using CRFL revenues. Brian McRae presented an overview of reservoir fisheries management. Doug Besler presented an update on the trout management plan and fisheries habitat update for Upper South Hominy Creek.

Action: Upon a motion from the Fisheries Committee made by Joe Barker and seconded by Wes Seegars, the Commission approved the joint Division of Marine Fisheries/Wildlife Resources Commission North Carolina Estuarine Striped Bass Fisheries Management Plan.

Boating Safety Committee Meeting Report

Joe Barker, *Committee Chairman*, gave a report from the Boating Safety Committee Meeting held on November 9, 2011. Barker reported that the committee received comments from interested parties from North Carolina State Parks and the U.S. Coast Guard Sector North Carolina regarding the proposed no wake zone at Fishing Creek in Carteret County. The Committee recommended that the Commission take no action on the proposal in the absence of sufficient documented safety hazards, accidents, and congestion. That recommendation was approved by the WRC earlier in this meeting.

COMMENTS BY THE CHAIRMAN

Chairman Hoyle again thanked the Wake County Wildlife Club for their ongoing support of youth involvement in wildlife activities and conservation. Hoyle announced that consideration is being given to restructuring and perhaps combining some committees. Committee meetings are open to all Commissioners and Hoyle encouraged attendance, stating that good presentations are made about issues regarding big game, non-game, and boating safety, among others. Some topics pertain to multiple committees. Commissioner Seegars and Commissioner Windham commented that the committee structure was put into place to deal with specific problems as they arise, to expedite business processes of the Commission, and to allow for interaction with constituents and conservation partners. All Committee chairmen were encouraged to sit with their agency contacts to provide information and develop proposals pertinent to their committees. Chairman Hoyle closed by mentioning a photograph in the current issue of *Wildlife in North Carolina*, taken in 1955 of *Commissioner* Ray White and his brother, *Senator* Stan White.

COMMENTS BY THE EXECUTIVE DIRECTOR

Executive Director Gordon Myers thanked agency staff for their presentations at committee meetings on November 9. He encouraged staff and commissioners to participate in additional orientations about management issues pertaining to fox, black bear, deer and elk, as well as the agency organization review and budgetary challenges. Myers stated that information will be provided in SharePoint.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Hoyle at 10:45 a.m.

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

David W. Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date

EXHIBIT B

January 12, 2012

1



MINUTES N.C. WILDLIFE RESOURCES COMMISSION SPECIAL TELECONFERENCE MEETING

December 12, 2011 at 10:30 a.m.
Wildlife Resources Commission Headquarters
Raleigh, North Carolina

In compliance with NCGS § 143-318.13, a special telephonic meeting of the North Carolina Wildlife Resources Commission was called to order by Chairman David Hoyle, Jr. on Monday, December 12, 2011 at 10:30 a.m. in the Commission Room at Wildlife Headquarters in Raleigh. Hoyle stated that the purpose of the special meeting was to consider adoption of temporary rules to allow trapping of feral swine; and to consider repeal of the rule governing wild boar, 15A NCAC 10B .0204.

ROLL CALL AND ANNOUNCEMENT OF VISITORS AND STAFF PRESENT

Betsy Foard, *Executive Officer*, called the roll of Commissioners who were present by speaker phone and present in the room. Commissioners present in the room were David Hoyle, Jr. and Durwood Laughinghouse. Present by teleconference were Joe Barker, Tom Berry, John Litton Clark, Jim Cogdell, John Coley, Dalton Ruffin, Doc Thurston, Ray White, and Steve Windham. Absent were Wes Seegars, Nat Harris, Dell Murphy, Berkley Skinner, Doug Parsons, Mitch St. Clair, Hayden Rogers, and Mark Craig.

Staff members present in the room were David Butts, David Cobb, Russell Wong, Dale Caveny, Mallory Martin, Gordon Myers, Janice Underwood, Lisa Hocutt, Betsy Foard, and Norman Young, *Agency Counsel*. There were no visitors present.

STATUTORY REQUIREMENTS FOR ELECTRONIC MEETINGS

Chairman Hoyle read a portion of NCGS § 143-318.13, which mandates that if a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A public body may not vote by secret or written ballot. The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon.

MANDATORY ETHICS INQUIRY

Chairman Hoyle read the ethics inquiry mandated in NCGS 138A-15(e).

TEMPORARY RULEMAKING

Receive Public Comments

Dr. David Cobb, *Wildlife Management Division Chief*, presented in **Exhibit A-1** comments received from a public hearing held on November 7, 2011 and by correspondence regarding proposed temporary rulemaking for trapping of feral swine. Cobb reported that one person attended the public hearing. The agency also received one email and one letter. All were in support of the proposed temporary rulemaking.

Adoption of Temporary Rulemaking to Allow Trapping of Feral Swine

Dr. Cobb presented in **Exhibit A-2** the recommendation that the Commission adopt temporary rules under 15A NCAC 10B .0303 and 15A NCAC 10B .0304 to allow trapping of feral swine with a permit issued by the Wildlife Resources Commission and without bag limits. Steve Windham made the motion to adopt the temporary rules, seconded by Tom Berry. The Commission voted to adopt temporary rules to allow trapping of feral swine.

REPEAL OF RULE GOVERNING WILD BOAR

Norman Young, *Agency Legal Counsel*, presented **Exhibit B**, the recommendation by Counsel to repeal rule 15A NCAC 10B .0204 that regulates the take of wild boar. Young stated that Rules Review Commission legal staff filed a formal Staff Objection to proposed rule 15A NCAC 10B .0223, citing ambiguity between that rule and 15A NCAC 10B .0204 that refer to "wild boar" and "feral swine," both of the same species classification *Sus scrofa*. Session Law 2011-369 deleted the definition of "wild boar" and added a new definition of "feral swine" in statutes. The existing NCAC rule (10B .0204) was made void and legally unenforceable by repeal of the definition of "wild boar" in S.L. 2011-369. Therefore, repeal of 15A NCAC 10B .0204 will remove the RRC Staff Objection to the permanent adoption of proposed rule 15A NCAC 10B .0223. Young stated that an agency is not required to publish a Notice of Text in the *North Carolina Register* or hold a public hearing for a repeal of a rule as a result of the repeal of the law under which the rule was adopted.

Steve Windham made a motion to repeal the rule, seconded by Tom Berry. The motion carried.

Commissioner Jim Cogdell made a suggestion for purposes of voting by telephonic meeting, that polling each Commissioner for his vote creates a more accurate record of the proceedings. The Chairman agreed and asked Mrs. Foard to call the roll for individual votes on the adoption of temporary rulemaking to allow trapping of feral swine. The vote was unanimous. Another roll call for individual votes on the repeal of the rule governing wild boar was made. That vote was unanimous.

COMMENTS BY THE CHAIRMAN

Chairman Hoyle thanked the Commissioners for taking time from their busy schedules to participate in the telephonic meeting. He wished all a Merry Christmas and noted the next regular meeting of the Wildlife Resources Commission will be January 12, 2012.

COMMENTS BY THE EXECUTIVE DIRECTOR

Executive Director Gordon Myers thanked agency staff for their efforts in planning the special telephonic meeting and he thanked the Commissioners for their attendance. Myers mentioned that staff is working on rule proposals for consideration of hunting swine at night and for taking feral swine outside the requirements for a depredation permit. Myers wished everyone a happy holiday.

ADJOURNMENT

There being no further business, Chairman Hoyle adjourned the telephonic meeting at 10:50 a.m.

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

David W. Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date

EXHIBIT C

January 12, 2012

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

YEAR-TO-DATE REVENUES AND EXPENSES

	November 2010	November 2011
Balance July 1	\$ 23,459,611.18	\$ 20,845,004.99
Plus: Receipts to Date	30,521,430.27	28,684,968.93
Balance and Receipts to Date	53,981,041.45	49,529,973.92
Less: Disbursements To Date	31,762,109.38	27,883,993.14
Balance November 30	\$ 22,218,932.07	\$ 21,645,980.78

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

	November 2010		November 2011	
	Authorized Budget 2010-11	Expenditures	Authorized Budget 2011-12	Expenditures
2100 Administration	\$ 10,849,081.00	\$ 3,929,089.24	\$ 8,356,234.00	\$ 3,356,408.75
2120 Enforcement	22,449,530.00	9,855,377.51	21,435,364.00	9,160,312.69
2130 Education	5,131,774.00	1,972,808.33	4,438,939.00	1,543,434.79
2140 Inland Fisheries	8,378,286.00	3,603,554.67	8,816,282.00	4,119,860.21
2150 Management	18,173,727.00	5,651,932.92	14,851,919.00	5,444,689.92
2160 Engineering Services	8,044,505.00	4,403,729.77	7,455,768.00	3,770,760.97
2170 W/Life Fund Receipts	5,332,338.00	2,345,616.94	2,329,918.00	488,525.81
TOTAL	\$ 78,359,241.00	\$ 31,762,109.38	\$ 67,684,424.00	\$ 27,883,993.14
		40.53%		41.20%
		36.22%		40.17%
		43.90%		42.73%
		38.44%		34.77%
		43.01%		46.73%
		31.10%		36.66%
		54.74%		50.58%
		43.99%		20.97%

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

ENDOWMENT FUND YEAR-TO-DATE

	<u>November 2010</u>	<u>November 2011</u>
Balance November 1		
Plus: Revenues from Sales	\$ 78,146,357.11	\$ 86,088,812.60
Return on Investment	210,314.80	253,265.70
	<u>419,637.77</u>	<u>420,039.24</u>
Less: Transfers Out	78,776,309.68	86,762,117.54
Balance November 30	\$ 78,776,309.68	\$ 86,762,117.54
Market Value	\$ 85,084,307.60	\$ 94,071,321.24

Endowment Fund Interest

Sources of Interest Available	Expendable	Non Expendable	Transferred to Operations	Transferred to Capital Projects	Expendable Balance
ADULT Licenses	\$ 8,485,206.82	\$ -	\$ -	\$ -	\$ 8,485,206.82
INFANT Licenses	-	8,657,694.91			-
YOUTH Licenses	-	1,863,276.51			-
Magazine Subscriptions	349,626.77	-	-		\$ 349,626.77
Contributions - General	393,788.67	-			\$ 393,788.67
Contributions - Diversity	0.60				\$ 0.60
TOTAL	\$ 9,228,622.86	\$ 10,520,971.42	\$ -	\$ -	\$ 9,228,622.86

2011-12 Budgeted Obligated

Allocation of Endowment Interest - Sportsman Fund
 Allocation of Endowment Interest - Magazine Fund

3,609,567.14
 183,561.65
\$ 3,793,128.79

2011-12 Transferred To Date

To Sportsman Fund
 To Magazine Fund
 To Capital Projects

-
 -
\$ -

EXHIBIT D

January 12, 2012

POTENTIAL LAND ACQUISITION PROJECTS

ITEM	PROJECT	EST. VALUE	ACRES	OWNER	COUNTY	FUNDING SOURCES
1	Alligator River Game Land Triangle tract	Pending appraisal	29	Private	Tyrrell	Federal Funds
2	Holly Shelter Game Land Little Atkinson tract	Pending appraisal	46	Private	Pender	Federal Funds
3	Needmoore Game Land Hall Mountain tract	Pending appraisal	108	Private	Macon	NHTF, State Wildlife Grant (T-13), Land Trust
4	Needmoore Game Land Raby Farm tract	Pending appraisal	54	Private	Macon	NHTF, State Wildlife Grant (T-13), Land Trust
5	Pisgah Game Land Roaring Creek tract	Pending appraisal	136	Private	Avery	NHTF, CWMTF, DOJ-EEG Grant, Private Grant & Donations
6	Sandhills Game Land Louise Thomas tract	Pending appraisal	255	Private	Moore	NHTF, ACUB Program, USFW Sect 6
	TOTALS		628			

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Date: 12-1-11

Tract Name: Triangle Tract

Acreage: 29

County: Tyrrell

Advertised Purchase Amount: \$60,000 approximate

Based on Appraisal: Yes No

Contact: Village Realty

Phone: (252) 796-5263 (W)

(C)

Address: Columbia, N.C.

Status: High Interest Moderate Interest Low Interest No Interest

Grant Potential: NHTF CWMTF DU MARSH

Other : Federal Funds

Resources Assessment (Brief):

- Tract is located between the J. Morgan Futch Game Land and the Alligator River Game Land and is bounded along the North by Highway 64. Small inholding between these two game lands.
- Property lies within the Alligator River watershed, of which a major portion is classified as an Outstanding Resources Water (ORW).
- Property borders the existing Alligator River Game Lands (GMS Tract) which includes the Alligator Creek-Second Creek Swamp Forests Natural Area which has regional significance. This area and the adjoining Game Lands have local significance and are important natural areas for black bear. The Alligator Creek-Second Creek Swamp Forest contains three different swamp forest community types, all of which depends upon soil hydrology. Grants to purchase surrounding properties were obtained from Clean Water Management Trust Fund and North Carolina Natural Heritage Grants in the past.
- Property would connect NCWRC current properties and prevent future development within NCWRC land in the future. The tract does have a small piece of upland approved for a septic system which could be developed in the future.
- Permanent conservation ownership will protect NCWRC Wildlife Action Plan priority habitats and species.

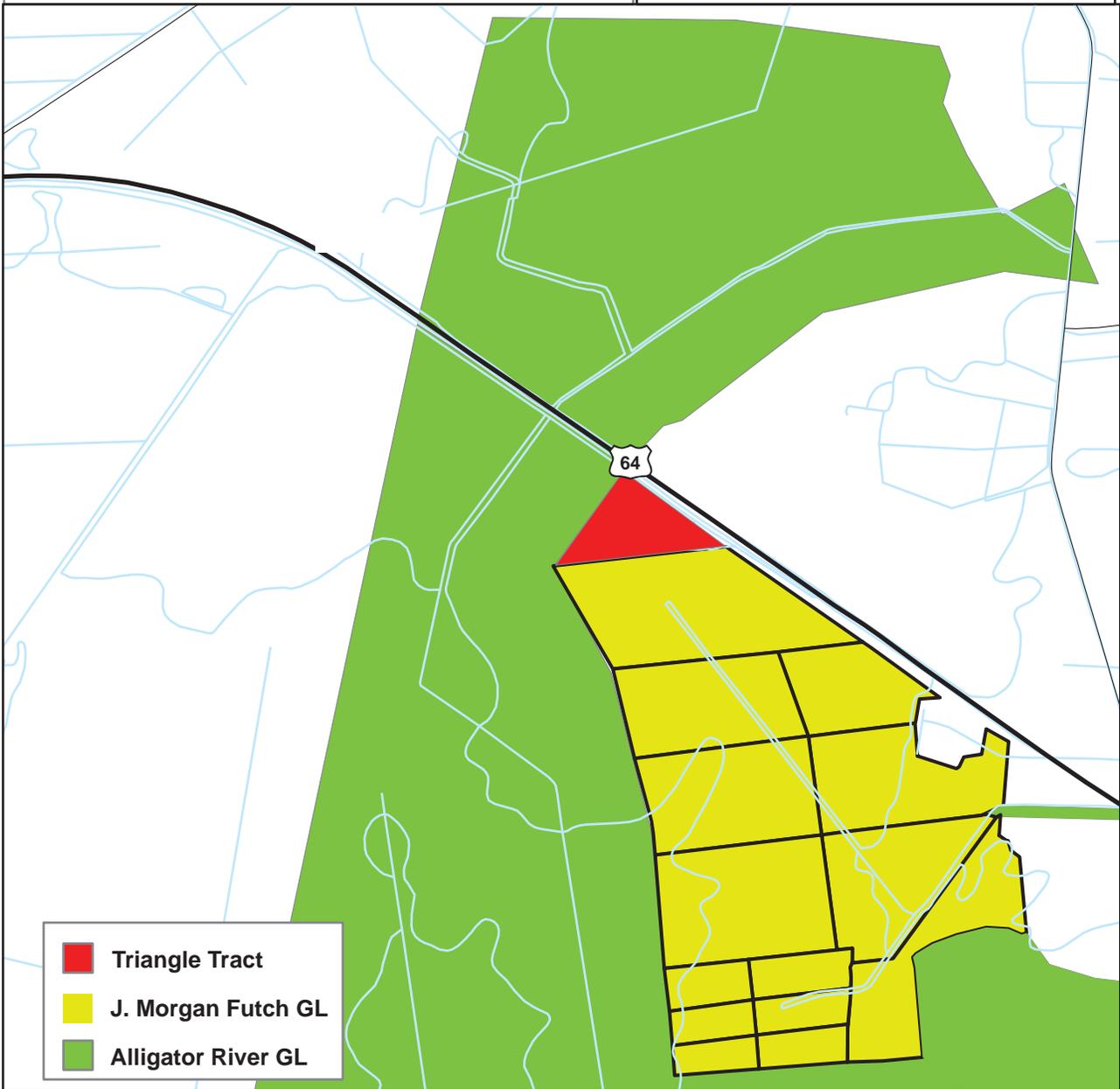
Access Assessment: Access is excellent. Tract has frontage on US 64.

Game Lands Program Potential: Yes (Alligator River/Futch GL) No

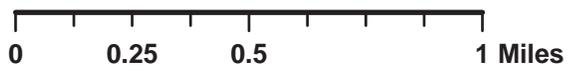
Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

Triangle Tract Tyrrell County 29 Acres



December 12, 2011



North Carolina Wildlife Resources Commission

Land Acquisition

Date: 12-1-11

Tract Name: Little Atkinson Tract

Acreage: 46.17

County: Pender

Advertised Purchase Amount: \$82,295- Tax Value

Based on Appraisal: Yes No

Contact: George Bell (Andy Wood is advising landowner)

Phone: (W)

(C)

Address: 1025 Beecher Rd, Winston Salem, NC

Status: High Interest Moderate Interest Low Interest No Interest

Grant Potential: NHTF CWMTF DU MARSH

Other : Federal Funds

Resources Assessment (Brief):

- Tract is an inholding between the Sleepy Creek Farm acquisition that is currently underway and Holly Shelter Game Land.
- Atkinson Tract acquisition would protect and provide management opportunities on 46 acres of Pond Pine Woodland, Upland Longleaf, and Wet Pine Savanna and Flatwoods and would facilitate management of the Sleepy Creek Tract and adjacent game land.
- Site is close to at least one red-cockaded woodpecker cavity tree (300-400 yards), and also contains three ecological communities that are diminishing in size or quality across the landscape and/or support several rare species of flora and fauna.
- Identified by previous Natural Heritage work as an important conservation corridor between Holly Shelter Game Land and Great Sandy Run Pocosin that needs protection and management.
- Site will be protected by acquisition, and incorporated into the WRC Game Land Program. Fire and longleaf restoration, along with RCW management will play a significant role in the long-term management of this tract.
- Site lies adjacent to Holly Shelter Game Land, which is a Significant Natural Heritage Area that has National significance based upon the Natural Area Inventory of Pender County (by Richard LeBlond).
- Permanent conservation ownership will protect NCWRC Wildlife Action Plan priority habitats and species.

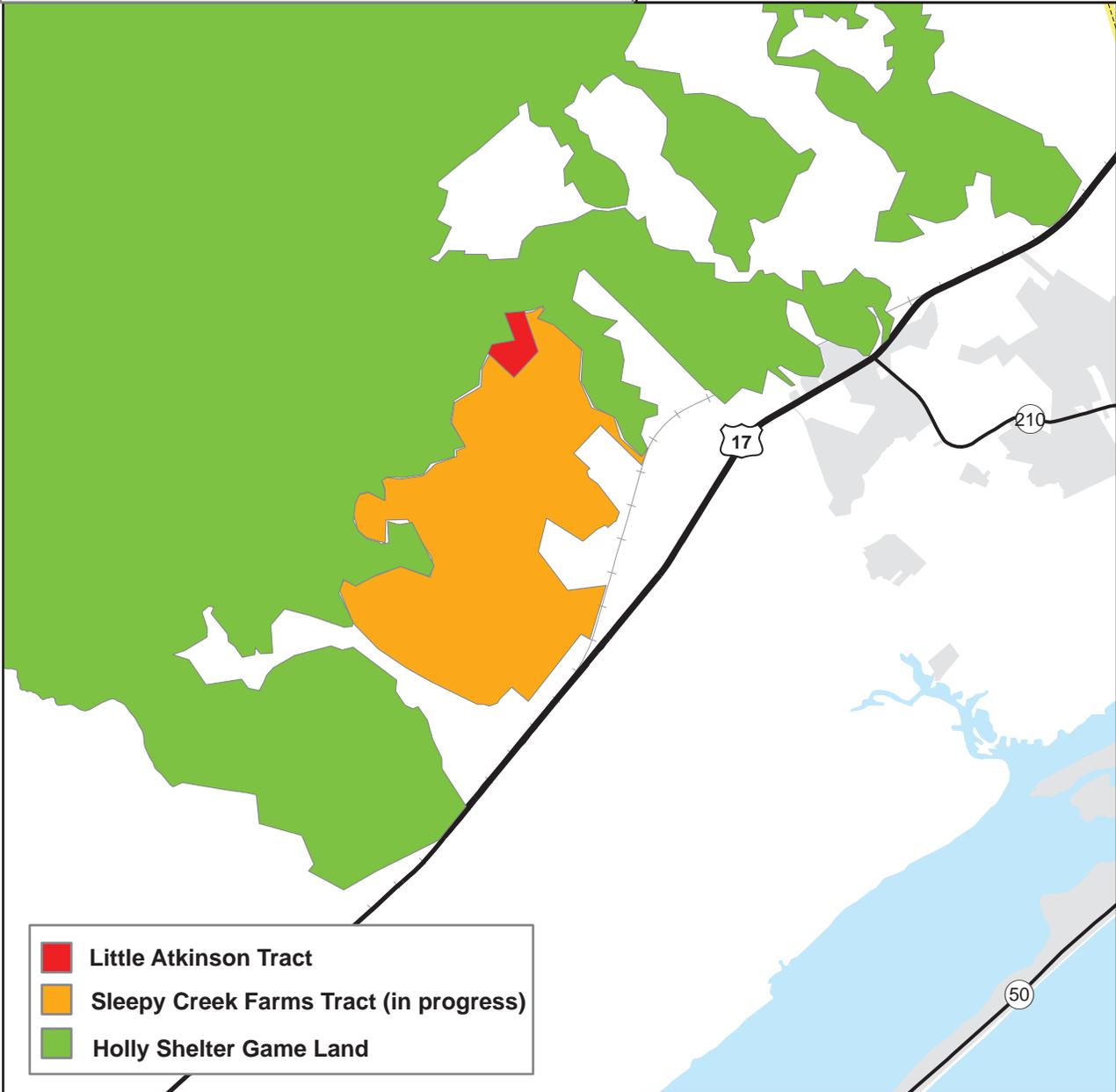
Access Assessment: Access is through the Sleepy Creek Farm Tract

Game Lands Program Potential: Yes (Holly Shelter GL) No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

Little Atkinson Tract Pender County 46 Acres



- Little Atkinson Tract
- Sleepy Creek Farms Tract (in progress)
- Holly Shelter Game Land

December 12, 2011



North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

Date: December 9, 2011

Tract Name: Hall Mountain

Acreage: ≈108 acres

County: Macon

Advertised Purchase Amount: \$595,000

Based on Appraisal: Yes No

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

Phone: 828-524-2711

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

Status: High Interest Moderate Interest Low Interest No Interest

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

Resources Assessment: The Hall Mountain parcels borders a WRC-owned tract in the Needmore game lands. This parcel is approximately 108 acres. It is mostly an upland tract with mature stands of pine and hardwood forests. Acquisition of this tract would help protect many Wildlife Action Plan priority species including, but not limited to, yellow-billed cuckoo, Eastern wood pee-wee, Eastern meadowlark, Eastern mole, and Eastern kingsnake. In addition, protection of this tract would help protect water quality in the nearby Little Tennessee River which has numerous Wildlife Action Plan priority species, including three federally-listed species and a popular smallmouth bass fishery. This tract would provide excellent hunting opportunities for numerous game species.

Access Assessment: The Hall Mountain Tract has full access from Rose Creek Road. Acquisition of this parcel would also provide full access to existing game lands with limited public access.

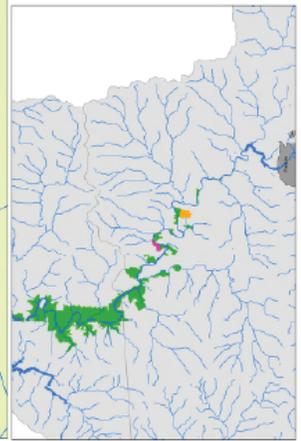
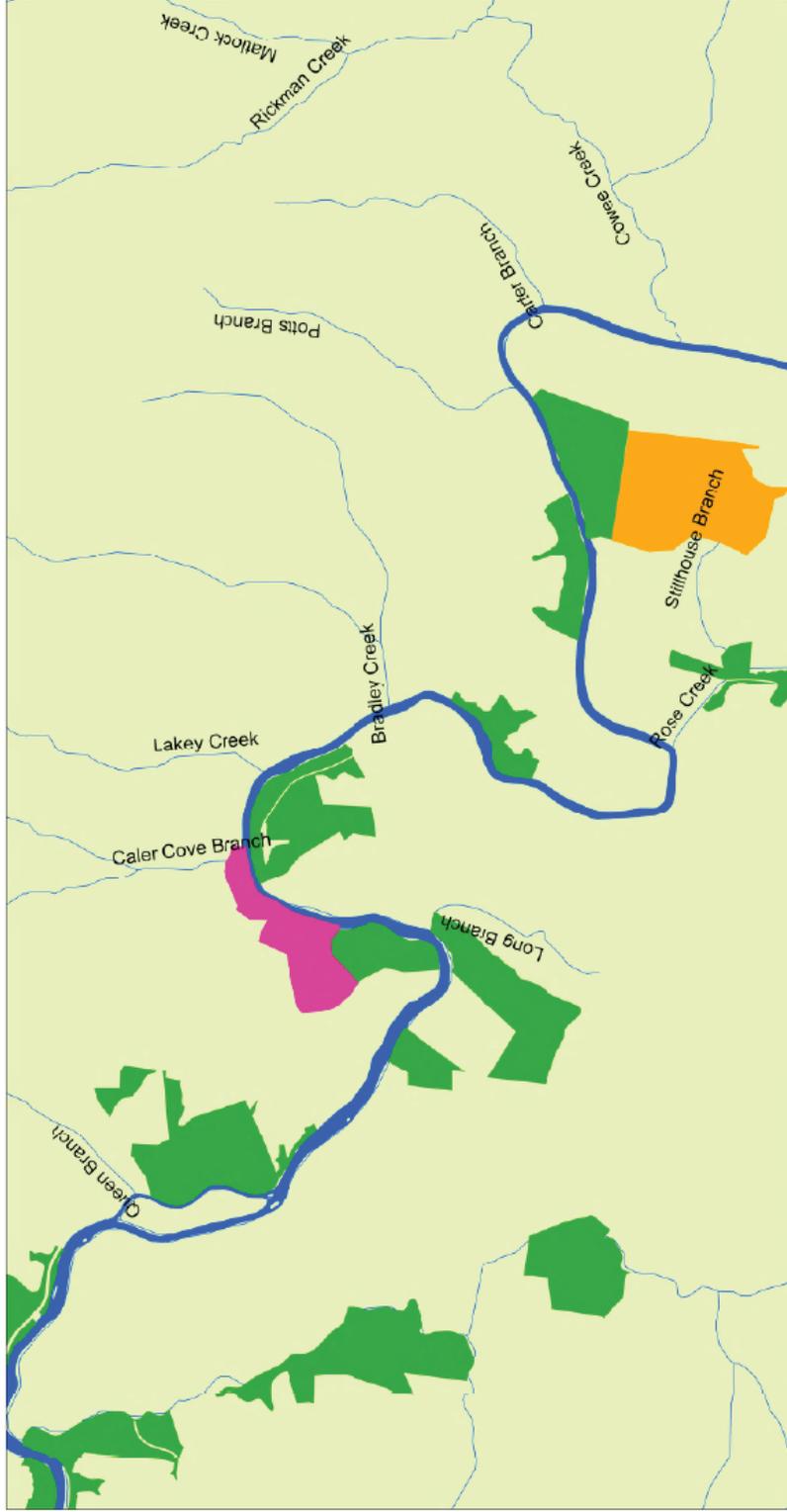
Game Lands Program Potential: Yes (Needmoore GL) No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

State Wildlife Grant T-13 Land Acquisition Grant

Macon County, Little Tennessee River Corridor

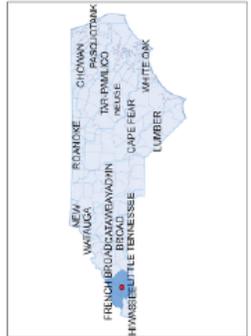


* The Raby Farm Property is approximately 54 acres.
 * The Hall Mountain Property is 108 acres.

Legend

- Raby Property
- Hall Mountain Property
- Needmore Gamelands

Map created by Michael, 2011, October 10



North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Date: December 9, 2011

Tract Name: Raby Farm

Acreage: ≈ 54 acres

County: Macon

Advertised Purchase Amount: \$702,000

Based on Appraisal: Yes No

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

Phone: 828-524-2711 **Address:** P. O. Box 1148, Franklin, NC 28744

Status: High Interest Moderate Interest Low Interest No Interest

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

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

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

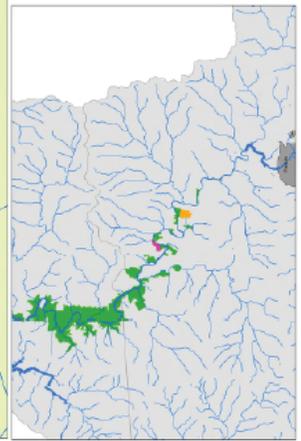
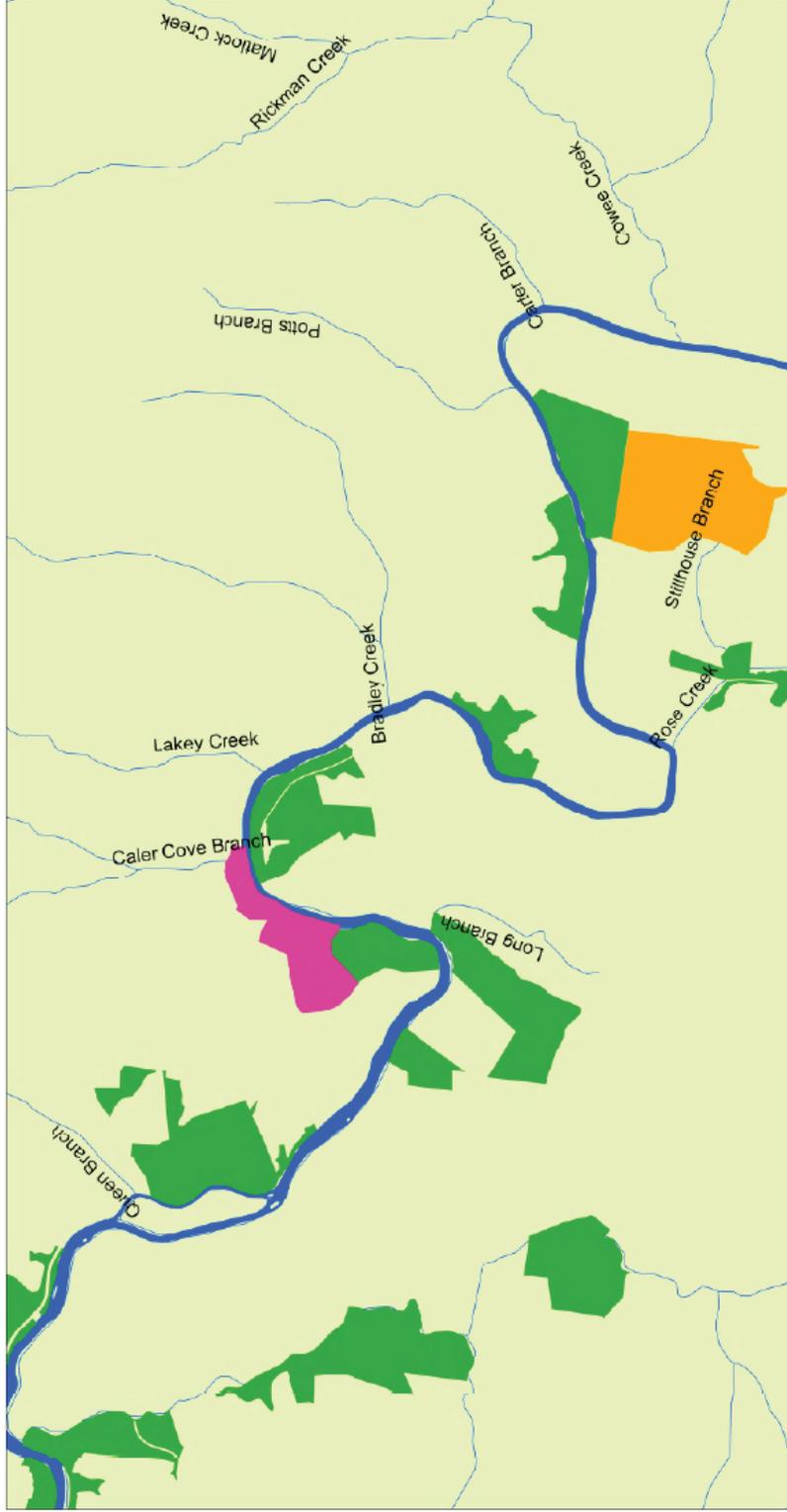
Game Lands Program Potential: Yes (Needmore GL) No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

State Wildlife Grant T-13 Land Acquisition Grant

Macon County, Little Tennessee River Corridor

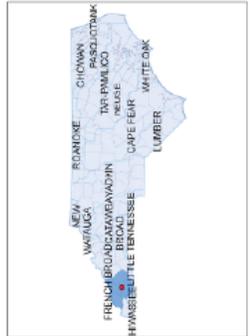


* The Raby Farm Property is approximately 54 acres.
 * The Hall Mountain Property is 108 acres.

Legend

- Raby Property
- Hall Mountain Property
- Needmore Game Lands


 May, updated by Michael, 2011, October '10



North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

Date: December 8, 2011

Tract Name: Roaring Creek - Burleson/Beck

Acreage: 136 acres

County: Avery

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

Based on Appraisal: Yes No (bargain sale)

Contact: Gordon Warburton, Division of Wildlife Management

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

Address: 783 Deepwoods Drive, Marion, NC 28752

Also contact Southern Appalachian Highlands Conservancy 8289432664 (Jay Leutze)

Status: High Interest Moderate Interest Low Interest No Interest

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

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

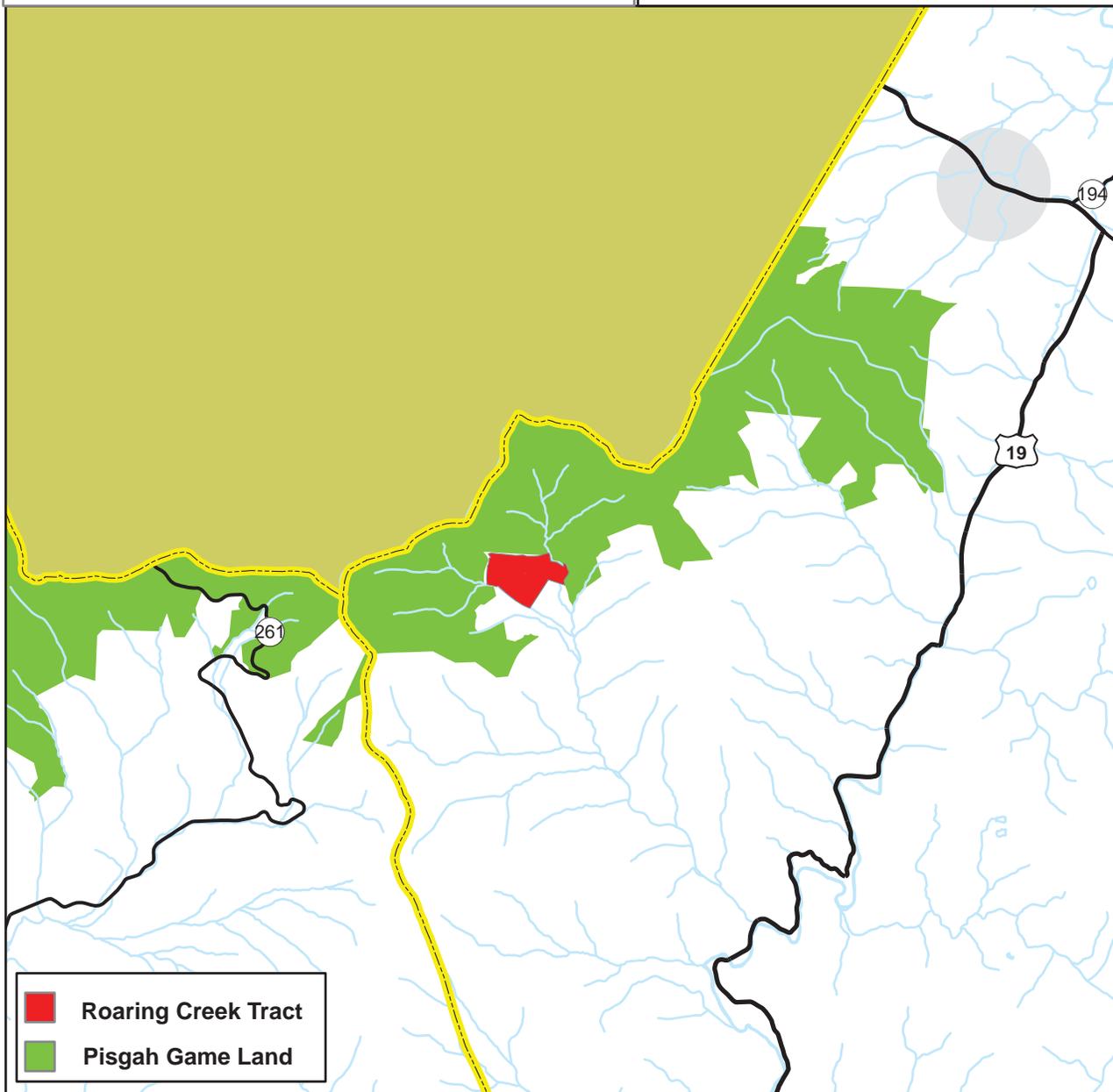
Access Assessment: Access to the tract is present from Roaring Creek Road and would allow administration, and management by NCWRC and use by the public. The tract is surrounded by USFS land and hence adjacent land use is under conservation ownership. Roaring Creek bisects the tract and provides outstanding trout waters; tributaries contain the Southern Appalachian Brook Trout. A few old logging roads exist and use of these roads would entail upgrading their condition. The area will make an excellent area for bird-watching and hiking. A portion of the Overmountain Victory National Historic Trail is on the property.

Game Lands Program Potential: Yes (Pisgah GL) No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

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



December 11, 2011



North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

Date: 12/11/2011

Tract Name: Louise Thomas

Acreage: 255+ acres

County: Moore

Advertised Purchase Amount: Unknown; estimate \$1,150,000 (~\$4,500/acre)

Based on Appraisal: Yes No

Contact: The Nature Conservancy/Louise Thomas, Winston-Salem, NC

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

Address: Louise Thomas, 735 Pine Valley Rd. Winston-Salem, NC 27106

Status: High Interest Moderate Interest Low Interest No Interest

Grant Potential: NHTF CWMTF DU MARSH

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

Resources Assessment (Brief): The tract has mature longleaf/wiregrass (slightly fire suppressed) on about 100 acres, open fields on about 70 ac, and longleaf plantation on about 80 ac. There is 2.43 miles of common boundary with Block Y of the Sandhills Game Land. This acquisition would greatly facilitate fire line maintenance and prescribed burning on Block Y. There are two inactive RCW clusters on adjacent game land within foraging range of the Thomas tract. One cluster is located along the shared boundary. The other is within 1000 feet of the Thomas Tract.

Access Assessment: Approximately 3,005 feet of frontage on SR 1004 (West End Road).

Game Lands Program Potential: Yes (Sandhills GL) No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

**Louise Thomas Tract
Sandhills Game Land
Moore County
255 Acres**

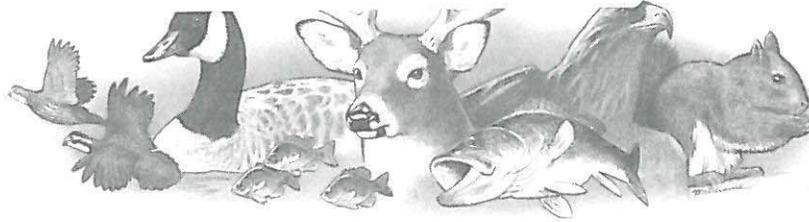


December 11, 2011



EXHIBIT E

January 12, 2012



North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

December 12, 2011

MEMORANDUM

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

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

SUBJECT: Reaves Landscaping Request to Install Irrigation Line
Sandhills Game Land - Richmond County

Mr Joel Kennedy, co-owner of Reaves Landscaping at 4424 North US Hwy 1 in Richmond County, has requested to install a buried irrigation line across a portion of Sandhills Game Land. The game land tract in question, which lays adjacent to US Hwy 1 and Drowning Creek, was acquired as high quality preservation wetlands from Bowater, Inc. in 2004 with funding provided by the NC Ecosystem Enhancement Program (EEP).

The prior owners of Reaves Landscaping historically pumped water from Drowning Creek to holding ponds on the nursery property to service the business during times of drought. Mr. Kennedy continued this practice after purchasing the business in 1994. Bowater entered agreements with the landowners to authorize pumping across the intermediate property, but these agreements were never recorded and were unknown at the time of the State's acquisition. Additional DOT right-of-way acquisition and subsequent road and bridge improvements have eliminated the pumping station and irrigation line that was historically used. Mr. Kennedy is requesting appropriate approvals to resume the practice by trenching and burying a new line (not to exceed 4 inches) along the edge of the existing DOT R/W.

Given the pre-existing nature of this request, I recommend seeking WRC approval to allow a temporary right-of-entry to facilitate installation of the new line. DOT has agreed to pursue an agreement to allow this use of their R/W, pending WRC approval. Routing the new line within the cleared limits of the existing R/W will have minimal impact on the high quality preservation value of the adjacent wetlands. EEP has been consulted and concurs (see attached report).



North Carolina Department of Environment and Natural Resources
Ecosystem Enhancement Program

MEMORANDUM:

TO: Isaac Harrold
Section Manager
Division of Wildlife Management, WRC

FROM: Stephanie Horton
Land Protection Supervisor, EEP

SUBJECT: Drowning Creek (former Bowater Tract)
EEP project 92163, SPO File 63-M
Irrigation line request

DATE: November 29, 2011

The Ecosystem Enhancement Program has reviewed the request of Mr. Joel Kennedy, of Reaves Landscaping, regarding the installation of an irrigation line at the subject site. As you know, Mr. Kennedy purchased an in-holding within the Bowater Tract some years back from the original owners of a plant nursery there. Both Mr. Kennedy and the original owners of this in-holding used an irrigation line that was buried across a portion of what is now State property for the purpose of filling a pond to irrigate nursery stock during times of drought. Both landowners had agreements with Bowater and previous owners to allow this use. Because the agreements were not recorded, this pre-existing land use was not found of record at the time of purchase of the former Bowater property by the State.

Mr. Kennedy originally requested an easement to the creek for the purpose of burying a new irrigation line across the vegetated riparian buffer of the State's property, which is allocated to the Wildlife Resources Commission for management. He requested the easement because he was no longer allowed to access the creek along the DOT right-of-way after a recent bridge improvement project.

Because of the historic use of the creek for this purpose, EEP senior management has approved of allowing the irrigation line to be placed along the boundary that adjoins the Department of Transportation right-of-way, which is already cleared of vegetation. EEP management recently visited the site with DOT representatives. DOT is working on a temporary agreement with the landowner to allow him access to do this work from the DOT right-of-way. This will allow the landowner to install the irrigation line with minimal effect to the State's property.

The State Property Office has confirmed that they have the authority to approve a right-of-entry for this temporary access if the Wildlife Resources Commission agrees and if DOT allows access across the right-of-way.

If approved by all parties, Mr. Kennedy is requesting to dig a 6-inch wide trench to accommodate an irrigation pipe no greater than 4 inches in diameter. See the attached figure for the approximate location of the proposed line. Any future work on the line within the State's property would need another right-of-entry at a minimum. EEP is not recommending sale of a permanent easement to the landowner.

Please let me know if you need additional information in order to get this landowner's request on the Commission's agenda for review in January.

Thank you for allowing the Ecosystem Enhancement Program to comment on this matter.

Cc: LeiLani Paugh, NCDOT
Marc Recktenwald, NCDENR EEP
Blane Rice, SPO
John Barbour, SPO

US 1 over Drowning Creek Moore/Richmond Counties



Legend

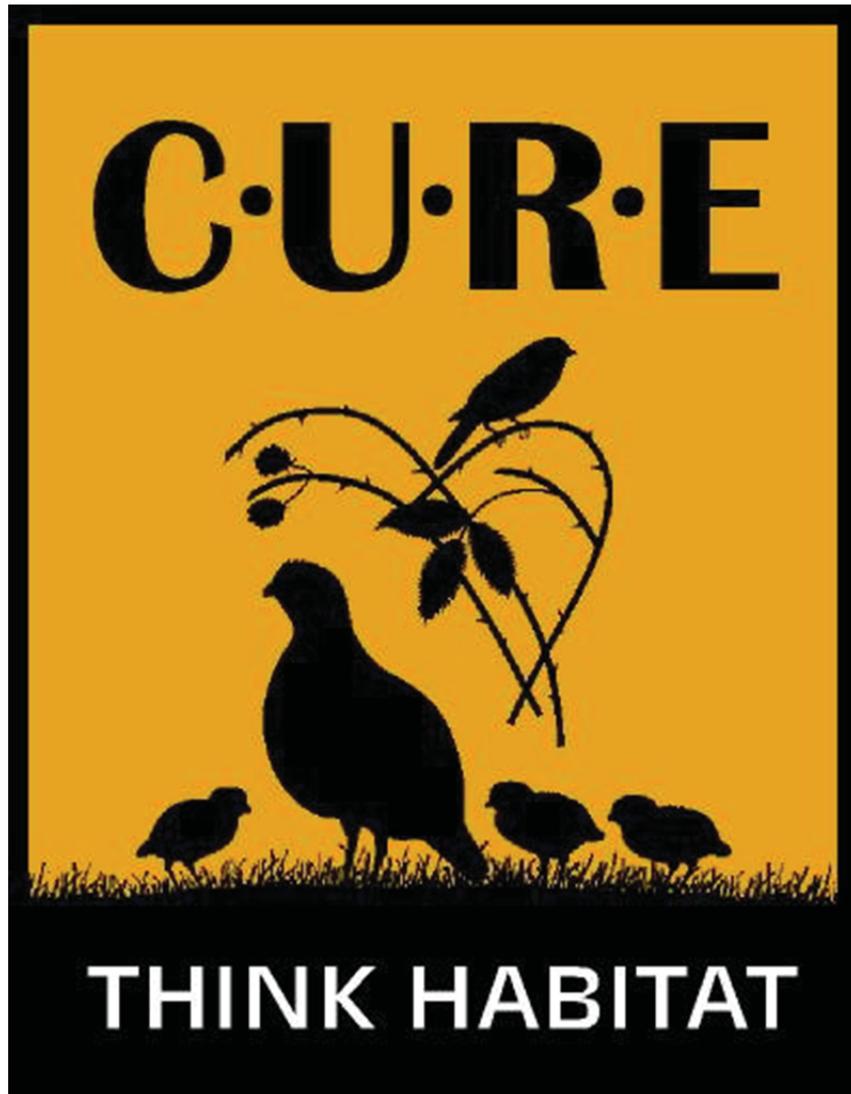
- US 1
- Drowning Creek
- Richmond_2010Parcels

N

EXHIBIT F

January 12, 2012

Cooperative Upland habitat Restoration and Enhancement (CURE) Program



2009-2010 Progress Report

DIVISION OF WILDLIFE MANAGEMENT

DAVID T. COBB, Ph.D., CHIEF

EXECUTIVE SUMMARY – HABITAT INITIATIVES

The CURE Program was established as a result of Commission approval and funding in 2000 and scheduled to run through 2006. Three focal areas, one in the Piedmont and two in the Coastal Plain, were selected based on habitat criteria that provided the greatest potential for impact on bobwhites and other early-successional species through habitat projects. Within these focal areas, three pilot Cooperatives, or groups of private landowners, were selected to enroll in the CURE program. Forty-two landowners with 16,801 acres of land participated in the program. Habitat improvements for quail/songbirds consisted primarily of volunteer native vegetation field borders, stream borders, native grasses, and prescribed burning. Some permit quail hunts occurred on the Rowland CURE area during the early phase of CURE.

A staff proposal to carry the private lands CURE program through 2009 was developed and approved by the Commission and funded at \$750,000 per year. Actual expenditures never closely approached this level. The goal of this phase was to strengthen habitat management impacts on a landscape scale in the three focal areas. The expanded program was available to landowners currently enrolled in CURE or to those adjacent to the Piedmont and Coastal Plain CURE Cooperatives, Game Land CURE Cooperatives, and our Corporate CURE Cooperative. Six habitat improvement practices were funded with emphasis on early succession vegetation in field borders and open forest stands in Coastal areas. The program has funded and facilitated the establishment of native warm season grass (NWSG) stands greater than 5 acres in size in the Western Piedmont focal area.

CURE was designed to answer questions related to early-successional wildlife populations and habitat and to make direct and measurable changes in species populations and habitat. While habitat development within the three focal areas and on the four Game Lands remains an objective of CURE, the program has expanded and provided additional, far-reaching, and unexpected benefits to natural resources (soil, water, wildlife, etc.) across the North Carolina landscape.

In 2005, the Commission initiated a cooperative effort with the Natural Resource Conservation Service (NRCS) to create three new Technical Assistance Biologist (TABs) positions, one in each geographical region of the state, to work directly with the NRCS staff. These positions have had significant influence on the implementation of Farm Bill programs throughout the state and have affected wildlife habitat management in all 100 counties. The NRCS TABs are Commission employees and provide guidance through site visits and plan development. This allows NRCS staff to include these plans in their accomplishments, and these accomplishments are used to assess a county's workload and staffing needs at the Federal level. This may subsequently lead to increased funding and staff allocations within these areas. The NRCS TABs have updated old Farm Bill contracts, assisted in actual on-site installation of habitat, and met with and provided guidance to numerous new landowners across the state. The TABs have motivated landowners to address habitat concerns in a timely fashion and utilized available federal dollars to effectively improve habitat. The NRCS TABs provided technical guidance to landowners managing almost 4,000 acres in fiscal year 2009-2010 alone.

The CURE program, and its associated cooperation with federal agencies, has helped shape how Farm Bill funds are allocated to North Carolina. Federal cost-share programs are generally assigned to the States with a prescribed amount of money to spend or a maximum number of acres to enroll. Due to our ongoing efforts to encourage early-successional habitats, the allocation of CP-33 acres to North Carolina was one of the highest in the Southeast. Federal policy-makers recognized that North Carolina was committed to the same goals CP-33 was seeking to promote, and the state was rewarded for that commitment. North Carolina also successfully developed contracts on a higher proportion of our allocated CP-33 acres than most other southeastern states. Multiple programs have been instituted since the inception of CURE, and many have found roots in and around the established CURE cooperatives. North Carolina's version of the Conservation Reserve Program's State Acres for Wildlife Enhancement Program (SAFE, CP-38) was designed to fit the CURE program. CURE staff identified priority areas and recommended special funding opportunities and specific practices to promote declining habitats. This program could potentially convert 5,300 acres of crop fields into wildlife habitat to benefit early succession species. Farm Bill programs such as WHIP and EQIP have also been utilized more effectively to create habitat due in large part to the existence of the CURE program and wildlife biologists in positions to influence the application of these programs.

NCWRC has established a position to work with the U.S. Fish and Wildlife Service's Landowner Incentive Program (LIP) and manage longleaf pine habitats to mimic natural fire-maintained ecosystems in 4 southeastern counties (Bladen, Cumberland, Duplin, and Sampson). LIP expired on June 30, 2010. At that time, 15 landowners owning approximately 24,000 acres were managing 3,162 acres under the LIP program. Our biologists will continue to attempt to provide technical advice and guidance to these landowners even without the LIP cost share funding.

Under Corporate CURE, NCWRC has obtained 2 grants from the North Carolina Department of Justice to implement early succession habitat improvements on corporate farms operated by Murphy-Brown, LLC and other private corporations on 8,511 acres in Bladen County. Our current grant allows us to continue habitat enhancements on these farms through December 31, 2010. We are currently working on a new grant application for the period to run January 1, 2011 through December 31, 2013.

The successful expansion of wildlife habitat is not solely attributed to Federal Programs or grants. Current habitat establishment accomplishments in the western piedmont focal area are a direct result of Commission actions. The creation of several NWSG plantings on farms in the original Turnersburg cooperative became the examples needed to promote this beneficial habitat practice. These grasses are proven to provide significantly better wildlife habitat than fescue. Establishing and promoting these grasses has allowed the WRC to become more effective in influencing the agriculture landscape of pasturelands in the Piedmont. For example, we have received invitations to participate in NCSU Extension workshops concerning native "summer" grasses. The accessibility of a knowledgeable CURE Technical Assistance Biologist (CURE TAB) has had a very positive effect on the acceptance and interest in these grasses. Continued effort and focus at making farmers aware of these alternatives to fescue may benefit early-successional wildlife for many years into the future.

Technical guidance for wildlife habitat management has been a primary goal of the Division of Wildlife Management for many years. The creation of the CURE program in 2000 increased the significance of early-succession species of wildlife and plants in the agency's priorities. Utilizing these practices on CURE cooperatives and other cooperating lands throughout all regions of the state has increased awareness among private landowners.

The Wildlife Conservation Land Program (WCLP), created through legislative action in the 2008 session of the General Assembly, established another tool for the creation and management of early-successional lands as well as 5 other priority wildlife habitats from the NC Wildlife Action Plan (stream and riparian zones, small wetland communities, longleaf pine forests, rock outcrops and bat caves). In addition to conservation of these habitats, the program also establishes an economic incentive (reduced tax assessments) for private land owners to conserve, manage for, and protect non-game wildlife species that are on the protected species list (endangered, threatened, or of special concern) in North Carolina. Landowners must have a written Wildlife Habitat Conservation Agreement (WHCA) with the North Carolina Wildlife Resources Commission (NCWRC) and must make application with the county for this reduced assessment. NCWRC personnel have been busy with the early stages of this program. Staff conducted 24 WCLP-related site visits and signed 8 WHCAs.

The CURE program has been and continues to be an extremely important component of the fundamental goal and initiative of the Commission to establish early-successional habitat practices across the state. Habitat placed on the ground is the ultimate objective and will be the key to a successful program. However, the interaction between Commission staff and landowners remains a vital component of the CURE program.

From focal areas and Game Lands work funded by the Commission, to work with Federal and State funding, CURE has evolved into a far-reaching program having wide and unexpected benefits throughout North Carolina. Continued support from the Commission is critical to allow this positive work to continue and grow as we attempt to positively impact early-successional wildlife species.

EXECUTIVE SUMMARY – BIOLOGICAL MONITORING

To evaluate the impacts of the Cooperative Upland habitat Restoration and Enhancement (CURE) program on focal birds and habitat, we conducted spring and winter songbird surveys, summer and fall northern bobwhite (hereafter quail) surveys, spring Bachman's sparrow surveys, a fall evaluation of useable habitat for quail and a research project on native warm season grass pasture management impacts on grassland birds and small mammals. The 2009-2010 season was the final year for monitoring on the private CURE cooperatives. In addition, data collection has been completed for many of the surveys designed to evaluate the effects of the initial phase of timber management on CURE game lands. Each Game Land will now evaluate their long term species and habitat monitoring needs.

Most of the CURE areas have been successful in increasing the amount of habitat that is useable for quail across the CURE landscape. On the private cooperatives, winter habitat was most limiting at the inception of the program. On Benthall Plantation and Rowland cooperatives, CURE management doubled the amount of available non-breeding habitat from ~10% to ~20% of the landscape, while gains in the quantity of breeding habitat were more modest.

All CURE game lands started with a relatively low percentage of the CURE area providing useable habitat. All 4 of the game lands have produced dramatic increases in the amount of both breeding and non-breeding habitat available to quail, though none has yet reached the target number of acres stated in the CURE management plan. The Murphy Brown cooperative started with the greatest proportion of the landscape providing useable habitat, and thus far CURE management has not dramatically increased the quantity of useable habitat, though the quality of breeding habitat has been improved on several hundred acres.

The quail population response to CURE management has been varied. Since the start of CURE in 2002, there has been no significant change in quail counts at Benthall Plantation in either the breeding season or fall. At Rowland we detected an increase in both breeding and fall quail numbers early in the program, but in subsequent years counts came back down. At Turnersburg quail populations are relatively low and we did not detect any significant changes from CURE management. Murphy Brown started with the highest quail abundance of all CURE areas and quail counts have not changed since management began.

On game lands quail populations started at a low level. On Caswell there has been no change in counts of breeding quail on the CURE area while the reference route has shown an increasing trend. There has been a modest increase in the number of coveys detected in the fall at Caswell. On Sandhills there was a sharp increase in counts of both breeding and fall quail in 2005 & 2006, but counts dropped off in subsequent years. At South Mountains counts of breeding quail have been variable with no significant trend, while counts on the reference route have been significantly decreasing. At Suggs Mill Pond there has been no change in counts of breeding quail but this site has demonstrated a dramatic increase in fall coveys detected and is the game land that is closest to the 1 covey-per-survey-point threshold desired for quail hunting.

Local quail hunters assisted with bird dog surveys for quail during the 2009-2010 hunting season. At Caswell, 3 hunting parties surveyed for one day each and found no quail. At

Sandhills 5 hunt parties surveyed on 13 party-days (42 party-hours), covering over 1000 acres, and flushed 2 coveys. At Suggs 1 hunting party surveyed for 1 day and flushed one covey. Level of satisfaction with the “quality” of the hunt experience varied widely between participants.

Across all CURE areas, shrub-nesting songbirds are the greatest beneficiaries of CURE management. There has been a significant increase in counts of shrub-nesting birds on both private and game lands CURE areas. Indigo bunting, field sparrow, common yellowthroat, eastern towhee, yellow-breasted chat, and prairie warbler are among the species that have benefited the most. True grassland birds such as eastern meadowlark and grasshopper sparrow have not increased under CURE management, and in many cases these species are more abundant on the control/reference areas.

The species of greatest conservation concern to benefit from CURE management has been Bachman’s sparrow on Sandhills Game Land. Populations of Bachman’s sparrows have increased significantly on the CURE area since the initiation of management, with birds colonizing stands which were previously not useable before management.

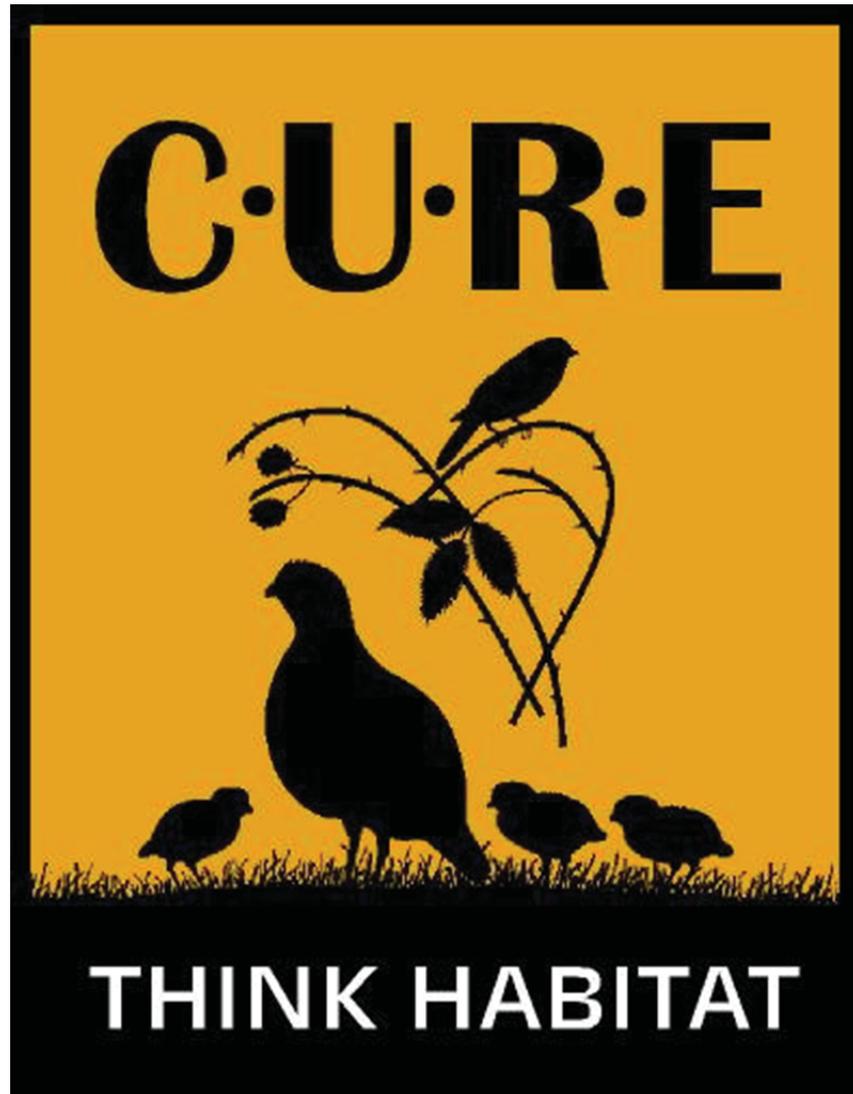
In 2009 we initiated a cooperative research project with NC State University to study how songbird territory density and productivity and small mammal abundance responds to varying grassland management regimes in the western Piedmont. Preliminary results from 2009 reveal greater abundance of small mammals in native warm season grass fields managed specifically for wildlife compared to both native warm season grass fields and exotic cool season grass fields managed for hay production and grazing.

In summary, the CURE program has been successful at increasing early-successional habitat during the non-breeding season on private lands and both breeding and wintering early-successional habitat on forested game lands. The program has increased local populations of several shrub-nesting songbirds and wintering sparrows across most management areas. With the notable exception of Bachman’s sparrows on Sandhills Game Land, CURE has had relatively little impact on songbird species of “high” or “very high” conservation concern. CURE has not produced a consistent quail population response and has not dramatically contributed to quail hunting opportunities.

EXHIBIT G

January 12, 2012

Cooperative Upland habitat Restoration and Enhancement (CURE) Program



2010-2011 Progress Report

DIVISION OF WILDLIFE MANAGEMENT

DAVID T. COBB, Ph.D., CHIEF

EXECUTIVE SUMMARY – HABITAT INITIATIVES

The CURE Program was established as a result of Commission approval and funding in 2000 and originally scheduled to run through 2006. Three focal areas, one in the Piedmont and two in the Coastal Plain, were selected based on criteria that provided the greatest potential for impact on bobwhites and other early-successional species through habitat improvements. Within these focal areas, three pilot Cooperatives, or groups of private landowners, were selected to enroll in the CURE program. Forty-two landowners with 16,801 acres of land participated in the program. Habitat improvements for quail/songbirds consisted primarily of volunteer native vegetation field borders, stream borders, native grasses, and prescribed burning. Some permit quail hunts occurred on the Rowland CURE area during the early phase of CURE.

Timber harvest and prescribed burning highlight the activities for habitat enhancement on the four Game Land CURE areas. Special regulations have been enacted to restrict quail and woodcock harvest and dog training on these areas though plans are in the works for future quail hunting opportunity when appropriate biological criteria are met.

A staff proposal to carry the private lands CURE program through 2009 was developed and approved by the Commission and funded at \$750,000 per year. Actual expenditures never approached this level. The goal of this phase was to strengthen habitat management impacts on a landscape scale in the three focal areas. The expanded program was available to landowners currently enrolled in CURE or to those adjacent to the Private Cooperatives, the four Game Land CURE Cooperatives, and our Corporate CURE Cooperative. Six habitat improvement practices were funded with emphasis on early succession vegetation in field borders and open forest stands in Coastal areas. The program funded and facilitated the establishment of native warm season grass (NWSG) stands greater than 5 acres in size in the Western Piedmont focal area.

CURE was designed to answer questions related to early-successional wildlife populations and habitat and to make direct and measurable changes in species populations and habitat. While habitat development within the three focal areas and on the four Game Lands remains an objective of CURE, the program has expanded and provided additional, far-reaching, and unexpected benefits to natural resources (soil, water, wildlife, etc.) across the North Carolina landscape.

In 2005, the Commission initiated a cooperative effort with the Natural Resource Conservation Service (NRCS) to create three new Technical Assistance Biologist (TABs) positions, one in each geographical region of the state, to work directly with the NRCS staff. These positions have had significant influence on the implementation of Farm Bill programs throughout the state and have affected wildlife habitat management in all 100 counties. The NRCS TABs are Commission employees and provide guidance through site visits and plan development. This allows NRCS staff to include these plans in their accomplishments, and these accomplishments are used to assess a county's workload and staffing needs at the Federal level. This may subsequently lead to increased funding and staff allocations within these areas. The NRCS TABs have developed Farm Bill

contracts, assisted in actual on-site installation of habitat, and met with and provided guidance to numerous new landowners across the state. The TABs have motivated landowners to address habitat concerns in a timely fashion and utilized available federal dollars to effectively improve habitat. The NRCS TABs (only 2 of 3 positions were filled) provided technical guidance to landowners managing almost 3,000 acres in fiscal year 2010-2011 alone.

The CURE program, and its associated cooperation with federal agencies, has helped shape how Farm Bill funds are designed for and allocated to North Carolina. Federal cost-share programs are generally assigned to the States with a prescribed amount of money to spend or a maximum number of acres to enroll. Due to our relationship with NRCS, the implementation of the Wildlife Habitat Incentive Program (WHIP) in North Carolina is heavily influenced by our agency. Multiple programs have been instituted since the inception of CURE, and many have found roots in and around the established CURE. North Carolina's version of the Conservation Reserve Program's State Acres for Wildlife Enhancement Program (SAFE, CP-38) was designed to fit the CURE program. Provisions for forest management under the Environmental Quality Incentives Program (EQIP) have been directly impacted by our staff in terms of designing ranking criteria and directing funds. Farm Bill programs such as WHIP and EQIP have also been utilized more effectively to create habitat due in large part to the existence of the CURE program and wildlife biologists in positions to influence the application of these programs.

NCWRC established a position to work with the U.S. Fish and Wildlife Service's Landowner Incentive Program (LIP) and manage longleaf pine habitats to mimic natural fire-maintained ecosystems in 4 southeastern counties (Bladen, Cumberland, Duplin, and Sampson). LIP expired on June 30, 2010. At that time, 15 landowners owning approximately 24,000 acres were managing 3,162 acres under the LIP program. Our biologists continue to work with these landowners as part of our newly established Southeastern Focal Area (SEFA) in Bladen, Cumberland, Duplin, and Sampson counties and provide technical advice and guidance to these landowners.

Under Corporate CURE, NCWRC has obtained 2 grants from the North Carolina Department of Justice to address water quality issues and implement early succession habitat improvements on corporate farms operated by Murphy-Brown, LLC and other private corporations on over 15,000 acres in Bladen County and adjacent counties. Our current grant allows us to continue habitat enhancements on these farms through December 31, 2012. Permit quail and rabbit hunts have been implemented on Corporate CURE lands through NCWRC's Permit Hunting Opportunities Program.

Work under Corporate CURE has been combined with work done with former LIP landowners as part of the SEFA focal area. Two biologists are assigned to the SEFA focal area and also work to integrate Farm Bill activities into operations when necessary. The ultimately goal of work in the SEFA is to put early successional habitat on the ground using whatever funding source is most appropriate (Corporate CURE, USDA Farm Bill, etc.).

The successful expansion of wildlife habitat is not solely attributed to Federal Programs or grants. Current habitat establishment accomplishments in the western piedmont focal area are a direct result of Commission actions. The creation of several NWSG plantings on farms in the original Turnersburg cooperative became the examples needed to promote this beneficial habitat practice. These grasses are proven to provide significantly better wildlife habitat than fescue. Establishing and promoting these grasses has allowed the NCWRC to become more effective in influencing the agriculture landscape of pasturelands in the Piedmont. We have received invitations to participate in NCSU Extension workshops concerning native “summer” grasses. The availability of a knowledgeable CURE Technical Assistance Biologist (CURE TAB) has had a very positive effect on the acceptance and interest in these grasses. Continued effort and focus at making farmers aware of these alternatives to fescue may benefit early-successional wildlife for many years into the future.

Technical guidance for wildlife habitat management has been a primary goal of the Division of Wildlife Management for many years. The creation of the CURE program in 2000 increased the significance of early-succession species of wildlife and plants in the agency’s priorities. Utilizing these practices on CURE cooperatives and other cooperating lands throughout all regions of the state has increased awareness among private landowners.

The Wildlife Conservation Land Program (WCLP) became active for the 2010 tax year and involved significant staff interaction with landowners, county tax offices and the NC Department of Revenue. Twenty six agreements were signed in 20 different counties certifying 1058.65 acres as qualifying land under five of the seven categories. Bat Caves and Longleaf Pine Forests were the only categories not represented in the inaugural year of the program. Stream and Riparian conservation was by far the leading category with a total of 540.86 acres enrolled. Rock outcrops followed with 179.2. One hundred and seventy eight acres (178) of early successional habitat was enrolled. Species protection plans were completed for two landowners conserving their land for use by mole and four-toed salamanders (22 acres) and timber rattlesnakes (71 acres). Small wetland communities were represented on two properties totaling 68.24 acres.

The CURE program has been and continues to be an extremely important component of the fundamental goal and initiative of the Commission to establish early-successional habitat practices across the state. Habitat placed on the ground is the ultimate objective and will be the key to a successful program. However, the interaction between Commission staff and landowners remains a vital component of the CURE program.

From the original NCWRC-funded focal areas, CURE has evolved into wider-reaching initiatives including the SEFA and Farm Bill work using USDA Farm Bill funds. Game Lands work continues to be funded by the Commission. CURE is a far-reaching program having wide and unexpected benefits throughout North Carolina. Continued support from the Commission is critical to allow this positive work to continue and grow as we attempt to positively impact early-successional wildlife species.

EXECUTIVE SUMMARY – BIOLOGICAL MONITORING

In 2010-2011 long term monitoring continued on all CURE game lands and Murphy Brown farms. Emphasis was placed on summarizing data, sharing results with land managers and other stakeholders, and formulating recommendations for future management.

On Suggs Mill Pond Game Land habitat enhancements from 2002-2011 increased breeding habitat from 13% to 53% of the upland acreage. Quail populations increased during both the breeding season and fall and are currently the highest of all the CURE game lands. No change was detected in populations of breeding or wintering songbirds.

On Sandhills Game Land breeding habitat increased from 11% to 66% and winter habitat from 20% to 46% of the CURE area. Quail counts increased initially but returned close to baseline levels. However, stimulated covey count surveys in 2011 revealed that passive listening surveys may be dramatically underestimating fall densities. There has been a significant increase in counts of grass-nesting birds, shrub-nesting birds, and birds that forage in early successional habitats. Worthy of note has been large magnitude increases in 4 species of shrub nesters and Bachman's sparrows, a species of high conservation concern. Habitat enhancements in former pine-straw raking plantations and drains (streamhead pocosins) were particularly beneficial to priority breeding and wintering birds.

On Caswell Game Land breeding and wintering habitat increased from about 10% to 36% of the landscape. Quail counts are relatively low and remain unchanged from baseline levels. There has been a modest increase in birds that forage in early successional habitats and a dramatic increase in shrub nesters. We detected a statistically significant increase in counts of 8 different species of shrub nesting birds. Wintering birds responded more favorably to management in pine stands than management in hardwood stands.

At South Mountains Game Land, breeding habitat increased from 0% to 16% and winter habitat from 15% to 22% of the CURE area. Quail counts are relatively low and unchanged from baseline levels, but are above counts from a nearby county quail survey route. We detected no change in counts of any early successional species in the breeding season or winter. We detected decreasing counts of a few species of forest interior species.

On the Murphy Brown Ammon farm breeding habitat was increased from 55% to 75% while total acreage of non-breeding habitat has been largely unchanged. Baseline quail counts were very high, and have not changed since the inception of CURE. Counts of wintering sparrows are increasing in managed forest stands.

An in-depth study of native warm season grasses (NWSG) in the western piedmont was conducted in partnership with NC State University. NWSG were not better for grassland birds than exotic cool season pasture grasses. NWSG managed specifically for wildlife were beneficial for 2 shrub nesters (field sparrow and indigo bunting), and NWSG

managed with haying was moderately better for these 2 species than other production fields.

In evaluating 10 year cumulative results across all CURE areas (public and private), overall most CURE areas were successful at meeting habitat establishment goals set out in management plans. However, only the CURE areas in the Sandhills and southern Coastal Plain were successful in achieving the CURE vision of establishing a large scale area of contiguous early successional habitat within a suitable landscape. Quail response was mixed, with the best results realized in the southern Coastal Plain. Overall, most areas produced an increase in shrub nesting birds, in particular field sparrow, indigo bunting, and yellow-breasted chat. Overall, relatively little benefit was realized for grass-nesting birds or birds that forage in early successional habitats.

EXHIBIT H

January 12, 2012

PROPOSED CHANGES IN FERAL SWINE AND COYOTE REGULATIONS RECOMMENDED BY AGENCY STAFF FOR PERMANENT RULE-MAKING

Create night hunting seasons for feral swine and coyote. Three options.

Option 1

Create seasons to allow the hunting of feral swine and coyotes at night with a light. Open these seasons on January 3 and close them on August 31.

Adopt amendments to the following rules:

15A NCAC 10B .0219 Coyote (page 3)

15A NCAC 10B .0223 Feral Swine (page 4)

Explanation:

S.L. 2011-369 gives the Commission the authority to adopt rules prescribing seasons and the manner of taking of wild animals and wild birds with the use of artificial light. Agency staff recognize night hunting as one means for controlling feral swine and coyotes and offer Option 1 which amends the feral swine and coyote hunting rules to allow night hunting with use of artificial lights from one-half hour after sunset to one-half hour before sunrise during the time period January 3 to August 31 only. By restricting night hunting to this time period the Commission minimizes conflicts with deer and bear hunting.

Option 2

Create seasons to allow the hunting of feral swine and coyotes at night with a light. Open these seasons on January 3 and close them on August 31. Offer hunting by permit September 1 through January 2.

Adopt amendments to the following rules:

15A NCAC 10B .0219 Coyote (page 3)

15A NCAC 10B .0223 Feral Swine (page 4)

Explanation:

S.L. 2011-369 gives the Commission the authority to adopt rules prescribing seasons and the manner of taking of wild animals and wild birds with the use of artificial light. Agency staff recognize night hunting as one means for controlling feral swine and coyotes and offer Option 2 which amends the feral swine and coyote hunting rules to allow night hunting with the use of artificial lights from one-half hour after sunset to one-half hour before sunrise during the time period January 3 to August 31 only, and night hunting by permit outside those dates. By restricting non-permit night hunting to the January 3 to August 31 time period the Commission minimizes conflicts with deer and bear hunting. Permits the rest of the year will allow continued night hunting of feral swine and coyote with greater oversight by the Commission.

Option 3

Create seasons to allow the hunting of feral swine and coyotes at night with a light. Open these seasons year-round.

Adopt amendments to the following rules:

15A NCAC 10B .0219 Coyote (page 3)

15A NCAC 10B .0223 Feral Swine (page 4)

Explanation:

S.L. 2011-369 gives the Commission the authority to adopt rules prescribing seasons and the manner of taking of wild animals and wild birds with the use of artificial light. Agency staff recognize night hunting as one means for controlling feral swine and coyotes and offer Option 3 which amends the feral swine and coyote hunting rules to allow hunting 24 hours a day, except Sundays, and the use of artificial lights.

Remove references to wild boar in the N.C. Administrative Code

Remove references to wild boar that remain in the rules of the Wildlife Resources Commission.

Adopt amendments to the following rules:

15A NCAC 10B .0113 Big Game Kill Reports (page 5)

15A NCAC 10B .0116 Permitted Archery Equipment (page 6)

Explanation:

S.L. 2011-369 removes the definition of wild boar from state law. In order to conform with N.C. General Statutes and to avoid confusion with rules regulating the take of feral swine, all references to wild boar in the rules of the Commission must be removed.

Option 1

15A NCAC 10B .0219 COYOTE

(a) Open season daytime. There is no closed season for taking coyotes by ~~hunting~~ hunting from one-half hour before sunrise to one-half hour after sunset.

(b) Open season nighttime. Coyotes may be taken by hunting from one-half hour after sunset to one-half hour before sunrise from January 3 to August 31 only.

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

~~(e)~~ (d) Manner of Take. Hunters may use electronic ~~ealls~~ calls and artificial lights.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;
Eff. July 1, 1993.
Amended Eff. January 1, 2012
Amended Eff. August 1, 2012

Option 2

15A NCAC 10B .0219 COYOTE

(a) Open season daytime. There is no closed season for taking coyotes by ~~hunting~~ hunting from one-half hour before sunrise to one-half hour after sunset.

(b) Open season nighttime. Coyotes may be taken by hunting from one-half hour after sunset to one-half hour before sunrise from January 3 to August 31 without a permit. Hunting from one-half hour after sunset to one-half hour before sunrise from September 1 to January 2 is by permit only.

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

~~(e)~~ (d) Manner of Take Hunters may use electronic ~~ealls~~ calls and artificial lights.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;
Eff. July 1, 1993.
Amended Eff. January 1, 2012
Amended Eff. August 1, 2012

Option 3

15A NCAC 10B .0219 COYOTE

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

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

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

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;
Eff. July 1, 1993.
Amended Eff. January 1, 2012
Amended Eff. August 1, 2012

Option 1

15A NCAC 10B .0223 FERAL SWINE

- (a) ~~Open season.~~ season daytime. There is no closed season for taking feral swine by ~~hunting.~~ hunting from one-half hour before sunrise to one-half hour after sunset.
- (b) Open season nighttime. Feral swine may be taken by hunting from one-half hour after sunset to one-half hour before sunrise from January 3 to August 31 only.
- ~~(b) (c) Bag limits.~~ There are no bag limit ~~restrictions.~~ restrictions on feral swine.
- (d) Manner of take. Hunters may use artificial lights.

History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2
Temporary Adoption Eff. October 1, 2011
Eff. January 1, 2012
Amended Eff. August 1, 2012

Option 2

15A NCAC 10B .0223 FERAL SWINE

- (a) ~~Open season.~~ season daytime. There is no closed season for taking feral swine by ~~hunting.~~ hunting from one-half hour before sunrise to one-half hour after sunset.
- (b) Open season nighttime. Feral swine may be taken by hunting from one-half hour after sunset to one-half hour before sunrise from January 3 to August 31 without a permit. Hunting from one-half hour after sunset to one-half hour before sunrise from September 1 to January 2 is by permit only.
- ~~(b) (c) Bag limits.~~ There are no bag limit ~~restrictions.~~ restrictions on feral swine.
- (d) Manner of take. Hunters may use artificial lights.

History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2
Temporary Adoption Eff. October 1, 2011
Eff. January 1, 2012
Amended Eff. August 1, 2012

Option 3

15A NCAC 10B .0223 FERAL SWINE

- (a) Open season. There is no closed season for taking feral swine by hunting. Feral swine may be taken by hunting anytime during the day or night.
- (b) ~~Bag limits.~~ There are no bag limit ~~restrictions.~~ restrictions on feral swine.
- (c) Manner of take. Hunters may use artificial lights.

History Note: Authority G.S. 113-129; 113-134; 113-291; 113-291.1 113-291.2
Temporary Adoption Eff. October 1, 2011
Eff. January 1, 2012
Amended Eff. August 1, 2012

15A NCAC 10B .0113 BIG GAME KILL REPORTS

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

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

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

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

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

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

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1;
Eff. February 1, 1976;
Amended Eff. July 1, 1998; July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. August 1, 2010; June 1, 2009; May 1, 2007; May 1, 2004; July 1, 2000.
Amended Eff. August 1, 2012

15A NCAC 10B .0116 PERMITTED ARCHERY EQUIPMENT

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

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

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

*History Note: Authority G.S. 113-134; 113-291.1(a);
Eff. September 1, 1980;
Amended Eff. July 10, 2010; May 1, 2007; August 1, 2002; July 1, 2000; July 1, 1998; July 1,
1996; August 1, 1990;
Amended Eff. August 1, 2012*

enforced by WRC's Division of Enforcement. The proposed change will not require any additional staffing or costs to WRC for enforcement as this is already an active patrol area.

LOCAL IMPACT ANALYSIS: WRC has concluded that the cost to the Town of Morehead City will be approximately \$7,750.00, based on the following:

* The proposed no-wake zone is at the request of the Town of Morehead City to minimize the risk of boat collisions in a highly congested area.

* The cost of placement of markers is based on input from the Town of Morehead City for four (4) no wake buoys with concrete anchors attached with chain and cable at a cost of \$7,750.00.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal for the following reasons:

* Based on its site survey, WRC does not believe that there will be any appreciable economic impact to the public. The users will benefit from this rule due to the enhanced safety of the area by no-wake passage near the shoreline and the zone will not result in any measurable economic loss or gain to the public.

* However, boating safety will be enhanced by the implementation of this rule, resulting in less likelihood of personal injury or property damage which is a potential positive economic benefit to the public, although one which is impossible to quantify or reasonably estimate.

Accordingly WRC has determined that the economic impact to the public is minimal to none, and does not meet the threshold impact requirement of \$500,000 annually.

CONCLUSION: For all of the foregoing reasons, WRC requests that the information provided above be considered sufficient to meet the requirements for a fiscal note, and requests that the same be accepted and certified by OSBM.

CNY/alh

APPENDIX

[Final version submitted to OSBM for approval will include an appendix consisting of exact language for the proposed no-wake zone and an aerial photograph delineating its boundaries.]

EXHIBIT I

January 12, 2012



RULEMAKING PROCEDURAL REQUIREMENT UNDER THE ADMINISTRATIVE PROCEDURE ACT

Fiscal Note for Rulemaking Under 15A NCAC 10F .0330(a)(14) - Proposed No Wake Zone, Carteret County

Pursuant to a requirement of the Regulatory Reform Act, Wildlife Resources Commission action is necessary to approve a fiscal note prior to publishing the Notice of Text in the *North Carolina Register*, for a proposed no wake zone in Morehead City in Carteret County.

The Town of Morehead City has submitted an application requesting that the WRC promulgate a rule to establish a no wake zone at the Newport River Beach Access Boat Ramp in Morehead City north of the Highway 70 bridge. *The Wildlife Resources Commission may consider the proposed rule amendment at the May 2012 meeting, after the required notice in the NC Register and comment period have closed.*

The Office of State Budget and Management (OSBM) requires a fiscal note because of the rule's minor financial impact on any unit of local or state government. If the rule amendment is adopted the Town of Morehead City will provide the funds to purchase and place four (4) no wake buoys with concrete anchors attached with chain and cable. Estimated cost is \$7750.00.

Commission approval of the fiscal note is required before the Notice of Text is placed in the *NC Register*.



ROY COOPER
ATTORNEY GENERAL

State of North Carolina
Department of Justice
9001 Mail Service Center
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January 12, 2012

Fiscal Note Review of
Proposed Wildlife Resources Commission (WRC) "No-Wake Zone" Rule
(15A NCAC 10F .0330)

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

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

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

This rule would establish a "no-wake zone" in the waters of Carteret County at the Newport River Beach Access Boat Ramp in Morehead City north of the Highway 70 bridge as indicated by the proposed changes. (see Appendix).

For reasons which will be outlined below, WRC believes that this rule does not meet the criteria requiring a comprehensive fiscal note pursuant to G.S. § 150B-21.4, and requests certification and approval based on the following fiscal information.

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

* The Town of Morehead City has requested this no-wake zone and will be paying for the cost of appropriate markers.

* WRC has surveyed the site and concurs that there are safety hazards that would be addressed by the requested "no-wake" zone.

* This rule is intended to accomplish the agency's mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program

enforced by WRC's Division of Enforcement. The proposed change will not require any additional staffing or costs to WRC for enforcement as this is already an active patrol area.

LOCAL IMPACT ANALYSIS: WRC has concluded that the cost to the Town of Morehead City will be approximately \$7,750.00, based on the following:

* The proposed no-wake zone is at the request of the Town of Morehead City to minimize the risk of boat collisions in a highly congested area.

* The cost of placement of markers is based on input from the Town of Morehead City for four (4) no wake buoys with concrete anchors attached with chain and cable at a cost of \$7,750.00.

SUBSTANTIAL ECONOMIC IMPACT ANALYSIS: WRC has concluded that there will be no substantial economic impact to the public as a result of the adoption of this proposal for the following reasons:

* Based on its site survey, WRC does not believe that there will be any appreciable economic impact to the public. The users will benefit from this rule due to the enhanced safety of the area by no-wake passage near the shoreline and the zone will not result in any measurable economic loss or gain to the public.

* However, boating safety will be enhanced by the implementation of this rule, resulting in less likelihood of personal injury or property damage which is a potential positive economic benefit to the public, although one which is impossible to quantify or reasonably estimate.

Accordingly WRC has determined that the economic impact to the public is minimal to none, and does not meet the threshold impact requirement of \$500,000 annually.

CONCLUSION: For all of the foregoing reasons, WRC requests that the information provided above be considered sufficient to meet the requirements for a fiscal note, and requests that the same be accepted and certified by OSBM.

CNY/alh

APPENDIX

[Final version submitted to OSBM for approval will include an appendix consisting of exact language for the proposed no-wake zone and an aerial photograph delineating its boundaries.]

EXHIBIT J

January 12, 2012



ROY COOPER
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January 7, 2012

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

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

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

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

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

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

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

- * Pitt County has requested the repeal of this no-wake zone and will remove any existing markers.
- * WRC has surveyed the site and concurs that there are no longer any safety hazards that require the existing no-wake zone.
- * This rule is intended to accomplish the agency's mandate to provide for the safety of boaters and other members of the public, and is part of a regulatory program enforced by WRC's Division of Enforcement. The proposed change will not affect

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

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

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

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

CNY/alh

APPENDIX

15A NCAC 10F .0354 PITT COUNTY is proposed for amendment as follows:

15A NCAC 10F .0354 PITT COUNTY

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

(1) The entire inlet of Hardee Creek from the Tar River in Pitt County; and

~~(2) The Seine Beach area of the Tar River beginning at Chicod Creek and extending to the east side of the Grimesland Bridge as marked by appropriate markers; and~~

(3) (2) that portion of Tranters Creek beginning at a line, shore to shore, from a point at 35.56925 N, 77.09138 W and ending at a line, shore to shore, to a point at 35.56703 N, 77.08981 W as delineated by appropriate markers.

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

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