



AGENDA

N.C. WILDLIFE RESOURCES COMMISSION ELECTRONIC MEETING July 23, 2020 9:00 am

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

This electronic meeting is being streamed live and recorded as a public record. The recording of the meeting will be available at www.ncwildlife.org.

ROLL CALL OF COMMISSIONERS PRESENT – *Betsy Haywood, Commission Liaison*

MANDATORY ETHICS INQUIRY – North Carolina General Statute §163A-159(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 inquires 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*

APPROVAL OF MAY 7, 2020 MEETING MINUTES – Take action on the May 7, 2020 Wildlife Resources Commission meeting minutes as written in the exhibit **(EXHIBIT A)**

APPROVAL OF JUNE 3, 2020 SPECIAL MEETING MINUTES – Take action on the June 3, 2020 Wildlife Resources Commission special meeting minutes as written in the exhibit **(EXHIBIT B)**

FINANCIAL STATUS REPORT – Receive a financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund – *Dr. DP Singla, Chief Financial Officer (EXHIBIT C)*

WILDLIFE ENDOWMENT FUND INTEREST ALLOCATION FOR FISCAL YEAR 2021 – Consider approval of Wildlife Endowment Fund interest allocation for Fiscal Year 2021 *DP Singla (EXHIBIT D)*

COMMITTEE MEETING REPORTS

Land Acquisitions and Property Committee Report – June 30, 2020 – Tom Berry, Chair
Committee of the Whole Report – July 22, 2020 – Chairman Hoyle

AGENCY SPOTLIGHT – WRC Capital Forecasting Initiative – Jeff Cole, Facilities Mechanical Engineer and Brad Kleinmaier, Capital Projects Coordinator

LAND AND WATER ACCESS SECTION

Land Acquisitions and Property Matters

Phase II Land Acquisitions – Consider final approval to proceed with acquisition of the following properties – *Jessie Birckhead, Land Acquisition and Grants Manager (EXHIBITS E-1, E-2, E-3, E-4)*

- Hannah Ferry Pump Station BAA Tract – Rowan County (E-1)
- Malvagno Tract – Haywood County (E-2)
- Pascarella Tract – Burke County (E-3)
- Cape Fear BASF Tract – New Hanover County (E-4)

Other Property Matters

Gasca Long Ridge Right of Way Easement Request – Consider a request from Isaias Gasca, adjacent landowner, for a powerline right of way on the Long Ridge Tract of Whitehall Plantation Game Land in Bladen County – *Jessie Birckhead (EXHIBIT F)*

RULEMAKING

Temporary Rulemaking Notice of Text – 15A NCAC 10D .0103 – consider request to publish Notice of Text on the OAH website for temporary rule amendment correcting the primitive weapons season dates for deer on Nicholson Creek Game Land in Hoke County – *Michael Smallwood, JD, Policy Analyst for Rules (EXHIBIT G)*

Temporary Rulemaking Public Comments and Final Adoption – 15A NCAC 10B .0202 Bear – review public comments received during the open comment period and from public hearing. Consider final adoption for temporary amendments to 10B .0202, to correct open season for bear in Camden, Chowan, and Pasquotank counties – *Michael Smallwood (EXHIBITS H-1, H-2)*

Permanent Rulemaking Public Comments and Final Adoption – 15A NCAC 10L .0100 Wildlife Reserve – Review public comments received during the open comment period and from public hearing. Consider adoption of proposed permanent rules addressing the activities required for land to qualify for present-use value taxation as wildlife conservation land that creates and is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation or wildlife activities – *Michael Smallwood (EXHIBITS I-1, I-2)*

Permanent Rulemaking Public Comments and Final Adoption – 15A NCAC 10G .0601 – Totally Disabled Lifetime Licenses – Review public comments and consider final adoption for proposed amendments to 10G .0601, to provide an alternative method for certification of a qualifying disability – *Michael Smallwood (EXHIBITS J-1, J-2)*

Permanent Rulemaking Public Comments and Final Adoption – 15A NCAC 10B .0114 – Dog Training and Field Trials – Review public comments and consider final adoption for proposed amendments to 10B .0114, to provide for the issuance of Field Trial Permits via online portal at www.ncwildlife.org – *Michael Smallwood (EXHIBITS K-1, K-2)*

Permanent Rulemaking Public Comments and Final Adoption – 15A NCAC 10H .1003 – Taxidermist Records and Reporting Requirements – Review public comments and consider final adoption for proposed amendments to 10H .1003, to institute taxidermy reporting requirements pursuant to the taxidermy cervid certification – *Michael Smallwood (EXHIBITS L-1, L-2)*

WATER SAFETY RULEMAKING

Temporary Rulemaking Public Comments and Final Adoption - 15A NCAC 10F .0359 Cherokee County –Review public comments received during the open comment period and from public hearing. Consider adoption of a temporary rule for 15A NCAC 10F .0359 on Hiwassee Lake in Cherokee County to correct the coordinates for the no-wake zone in Harbor Cove shore to shore, within 50 yards of the Harbor Cove Marina facility expansion permitted by the Tennessee Valley Authority – *Betsy Haywood, No Wake Zone Coordinator (EXHIBITS M-1, M-2)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0317 Stanly County – consider request to publish Notice of Text in the *NC Register* with a public hearing and open comment period, for an amendment for a no-wake zone within 50 yards of the Boathouse and Marina on Lake Tillery in Stanly County - *Betsy Haywood (EXHIBIT N)*

Permanent Rulemaking Notice of Text – 15A NCAC 10F .0323 Burke County – consider request to publish Notice of Text in the *NC Register* with a public hearing and open comment period, for an amendment to extend the no-wake zone on Lake James in Burke County shore to shore, northeast of the Highway 126 bridge to south of the Canal Bridge Boating Access Area – *Betsy Haywood (EXHIBIT O)*

Permanent Rulemaking Fiscal Note Review and Notice of Text – 15A NCAC 10F .0308 Clay County – Review the Fiscal Note for rulemaking for no-wake zones on Lake Chatuge at Gibson Cove and within 50 yards of the peninsula at Clay County Recreation Park (**EXHIBIT P-1**).

Consider request to publish Notice of Text in the *NC Register* with a public hearing and open comment period for three amendments:

- extend the no-wake zone at Gibson Cove [10F .0303(a)(3)]
- a no-wake zone within 50 yards of the peninsula at Clay County Recreation Park [10F .0308(a)(8)]
- Dayton Cove [10F .0308(a)(9)]

Betsy Haywood (**EXHIBIT P-2**)

COMMENTS BY THE CHAIRMAN – *Chairman Hoyle*

COMMENTS BY THE EXECUTIVE DIRECTOR – *Executive Director Gordon Myers*

ADJOURN

EXHIBIT A

July 23, 2020



MINUTES

May 7, 2020

N. C. Wildlife Resources Commission Webinar Meeting

Raleigh, North Carolina

Pursuant to NCGS §166A-19.24 (Public Bodies/Remote Meetings During Declared Emergencies) the May 7, 2020 N.C. Wildlife Resources Commission (NCWRC) webinar meeting was called to order by Commission Chairman David Hoyle, Jr. at 10:00 a.m. Chairman Hoyle asked Executive Director Gordon Myers to preside and to explain the statutory requirements for conducting an electronic meeting during a declared emergency.

Myers announced that the webinar meeting audio is being streamed live and will be available at ncwildlife.org. He reminded Commissioners to speak their names before making motions or comments and to mute their devices when not speaking. Myers announced that by the statutory requirement, the roll will be called for attendance and for each motion.

MANDATORY ETHICS INQUIRY

Director Myers advised the Commission of the mandatory ethics inquiry as mandated in North Carolina General Statute §138A-15. Landon Zimmer recused himself from discussion and action on **Exhibit H-2**, Temporary Rulemaking final adoption of 15A NCAC 10F .0317 Stanly County and **Exhibit I-2**, Temporary Rulemaking final adoption of 15A NCAC 10F .0327 Montgomery County.

ROLL CALL

Betsy Haywood, Commission Liaison, called the roll. Mark Craig was absent. Due to technical difficulties Mike Johnson and Hayden Rogers were able to listen to the meeting but could not be heard. Johnson and Rogers did not participate in the voting.

COMMISSIONER ATTENDANCE

David Hoyle, Jr.	Kelly Davis
Wes Seegars	John Stone
Monty Crump	Richard Edwards
Brad Stanback	Ray Clifton
Tom Berry	Tommy Fonville
Landon Zimmer	Jim Ruffin
Nat Harris	John Coley
Jim Cogdell	Steve Windham
Hayden Rogers (listened only)	Mike Johnson (listened only)

MINUTES OF FEBRUARY 27, 2020 MEETING

On a motion by Steve Windham and second by Monty Crump the Commission approved the February 27, 2020 NCWRC minutes as presented in **Exhibit A**. The Minutes are incorporated into the official record of this meeting.

ADMINISTRATION

Financial Status Report – Steve Chase, Interim Chief Financial Officer, presented a status report in **Exhibit B** on the Wildlife Operating Fund and the Wildlife Endowment Fund. As of March 31, 2020, the revenues from the Wildlife Operating Fund are \$52,206,124.36, and the expenditures are \$62,828,126.29. The Fund Balance as of March 31, 2020 is \$10,740,914.28. Balances in the Endowment Fund as of March 31, 2020 are \$96,618,156.66 in the Bond Index Fund, \$36,577,865.95 in the Equity Index Fund, and \$318,104.67 in the Short-Term Index Fund for a total of \$133,514,127.28. Expendable interest is \$30,895,382.27. Non-expendable interest is \$13,800,071.82 and expendable interest transferred to operations fiscal year to date is \$3,132,942. **Exhibit B** is incorporated into the official record of this meeting.

COMMITTEE OF THE WHOLE REPORT

On behalf of Chairman David Hoyle, Executive Director Gordon Myers reported that the Committee of the Whole met on May 6, 2020. The Committee reviewed several rules proposals presented by Brad Howard, including 2020-2021 seasons for webless migratory birds, resident Canada geese, extended falconry and waterfowl, and reviewed the proposal for the 2020 take of migrant Peregrine falcons for use in falconry. Brad Howard provided an update on the wild turkey season.

Motion from Committee of the Whole: On a motion by David Hoyle and second by Steve Windham, the Commission approved notifying the U.S. Fish and Wildlife Service (USFWS) by July 1, 2020 of its intention to establish two state duck hunting zones beginning in the 2021-2022 hunting season. Interstate 95 will form the boundary between the Coastal and Inland duck zones. Up to three season segments are allowed within each zone. The number of season segments, up to the allowable, and season dates within zones can change annually. Federal frameworks require these duck hunting zones to remain in place through the 2025-2026 season. The motion to notify USFWS of the intention to establish two state duck hunting zones beginning in the 2021-2022 hunting season and in place through the 2025-2026 season is incorporated into the official record of this meeting.

Michael Smallwood reviewed staff request for a temporary rule amendment to correct the open season for bear in Camden, Chowan, and Pasquotank counties and reviewed public comments on temporary rulemaking for licensing and regulation of controlled rabbit hunting preserves. The committee will not endorse action on temporary rulemaking for controlled rabbit hunting preserves at today's meeting. Smallwood also reviewed public comments and consideration of adoption of a rule to establish license fees in rule and adjust those fees by the Consumer Price Index for all Urban Consumers (CPI-U).

Betsy Haywood reviewed for final adoption the extension of temporary water safety rules in Stanly and Montgomery counties. Haywood also reviewed consideration to publish text on the Office of Administrative Hearings (OAH) website for a temporary rule amendment to correct coordinates for a no-wake zone on Hiwassee Lake in Cherokee County.

WILDLIFE MANAGEMENT

2020-2021 Waterfowl Season Frameworks and Public Comments

Brad Howard, Wildlife Management Division Chief, reviewed proposed USFWS regulations frameworks for 2020-2021 hunting seasons for certain migratory birds in **Exhibit C-1**. Howard presented a summary of public comments received for 2020 migratory bird seasons in **Exhibit C-2**.

Adoption of 2020-2021 Migratory Birds, Extended Falconry and Waterfowl Seasons

On a motion by David Hoyle and second by Tom Berry, the Commission approved **Exhibits C-3 and C-4**, 2020-2021 season dates and bag limits for webless migratory birds, resident Canada geese, extended falconry and waterfowl. **Exhibits C-1, C-2, C-3, and C-4** are incorporated into the official record of this meeting.

2020 Migrant Peregrine Falconry

On a motion by David Hoyle and second by Tom Berry, the Commission approved **Exhibit D**, staff recommendation to establish a season for taking up to six juvenile migrant falcons for use in falconry east of U.S. Highway 17, for a season from September 20 until October 20, 2020. **Exhibit D** is incorporated into the official record of this meeting.

RULEMAKING

Temporary Rulemaking Notice of Text – 15A NCAC 10B .0202 Bear – Michael Smallwood, Policy Analyst for Rules, presented in **Exhibit E** a request to publish Notice of Text on the OAH web site for a temporary rule amendment correcting the open season for bear in Camden, Chowan, and Pasquotank counties. On a motion by Steve Windham and second by Nat Harris, **Exhibit E** passed and is incorporated into the official record of this meeting.

Temporary Rulemaking – Controlled Rabbit Hunting Preserves – 15A NCAC 10H .1501 – Michael Smallwood presented **Exhibit F-1**, a summary of public comments received during the open comment period and from a public hearing on April 8, 2020. The COVID-19 pandemic necessitated the public hearing be held virtually, and technical difficulties with the virtual public hearing prevented adequate public input or discussion before consideration of the temporary rulemaking. The Commission announced that no vote would be taken on final adoption of the temporary rule for licensing and regulation of controlled rabbit hunting preserves as provided for in SL 2019-204.

Permanent Rulemaking Public Comments and Final Adoption – 15A NCAC 10A .1601 License Fee Rule – the Commission reviewed **Exhibit G-1**, a summary of public comments received during the open comment period and public hearing for 15A NCAC 10A .1601 to establish license fees in rule and adjust those fees by the Consumer Price Index for all Urban Consumers (CPI-U). On a motion by Monty Crump and second by Steve Windham, the Commission adopted 15A NCAC 10A .1601 presented in **Exhibit G-2**. **Exhibit G-2** is incorporated into the official record of this meeting.

Temporary Rulemaking Public Comments and Final Adoption – 15A NCAC 10F .0317 Stanly County and 15A NCAC 10F .0327 Montgomery County – Betsy Haywood, No Wake Zone Coordinator, presented **Exhibit H-2**, final adoption of temporary rulemaking for 15A NCAC 10F .0317 for a no-wake zone on Lake Tillery in Stanly County, within 50 yards of the fuel docks at the Boathouse and Marina in Norwood and a temporary rule for 15A NCAC 10F .0317 for a no-wake zone 85 yards north and 85 yards south of the N.C. Hwy 24/27/73 bridge in Stanly County during a NCDOT bridge construction project. No comments were received during the open comment period or at public hearing (**Exhibit H-1**). Haywood then presented in **Exhibit I-2** final adoption of temporary rulemaking for 15A NCAC 10F .0327 on Lake Tillery in Montgomery County at the same bridge, during NCDOT bridge construction. No public comments were received during the open comment period or at the public hearing (**Exhibit I-1**). With Commissioner Landon Zimmer recused, on a motion by David Hoyle and second by Monty Crump, the Commission adopted **Exhibits H-2** and **I-2**. **Exhibits H-2** and **I-2** are incorporated into the official record of this meeting.

Temporary Rulemaking Notice of Text – 15A NCAC 20F .0359 Cherokee County – Betsy Haywood presented **Exhibit J**, a request to publish Notice of Text on the OAH website for a temporary rule amendment to correct coordinates for a no-wake zone within 50 yards of the harbor Cove Marina shore to shore, on Hiwassee Lake. On a motion by Steve Windham and second by David Hoyle, **Exhibit J** was adopted and is incorporated into the official record of this meeting.

COMMENTS BY THE CHAIRMAN

Chairman Hoyle thanked staff for preparing for preparing for and presenting at the virtual meeting. He thanked the Law Enforcement Division for their efforts on the waters and at the Boating Access Areas during the pandemic.

COMMENTS BY THE EXECUTIVE DIRECTOR

Executive Director Gordon Myers thanked the staff for their efforts in keeping the business of the agency open during the pandemic. He thanked the chair and vice chair for their advice.

Commissioner Nat Harris thanked Gordon Myers for his communications skills during the extraordinary closures since March.

ADJOURNMENT

There being no further business, Chairman Hoyle adjourned the meeting at 10:46 a.m.

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

David Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date

EXHIBIT B

July 23, 2020



MINUTES
June 3, 2020
N. C. Wildlife Resources Commission Special Meeting
Raleigh, North Carolina

Commission Chairman David W. Hoyle, Jr. called the Special Meeting of the N.C. Wildlife Resources Commission (NCWRC) to order on June 3, 2020 at 10:00 a.m. in the NCWRC Headquarters Auditorium. He announced that in response to the COVID – 19 pandemic, NCWRC Headquarters is closed to the public. He stated that audio of the open proceedings of the meeting is being broadcast by webinar. The open portion of this meeting is being recorded as a public record and will be available at ncwildlife.org. He requested as a courtesy to others to please silence cell phones and other electronic devices during the meeting.

MANDATORY ETHICS INQUIRY

Chairman Hoyle advised the Commission of the mandatory ethics inquiry as mandated in North Carolina General Statute §163A-159(e).

ROLL CALL

Betsy Haywood, Commission Liaison, called the roll. Commissioners Nat Harris, Richard Edwards, Kelly Davis, and Hayden Rogers were absent.

COMMISSIONER ATTENDANCE

David Hoyle, Jr.
Monty Crump
Tom Berry
Brad Stanback
Ray Clifton
Steve Windham
Landon Zimmer
Tommy Fonville

John Coley
Mark Craig
Mike Johnson
Jim Ruffin
Jim Cogdell
Wes Seegars
John Stone

MOTION TO MOVE INTO CLOSED SESSION

Pursuant to N.C.G.S. 143-318.11(a)(6), on a motion by Ray Clifton and second by Mike Johnson the Commission voted by roll call to move into closed session for consideration of qualifications and appointment of an Executive Director.

A short recess was called so that the auditorium could be cleared of all except Commissioners.

MOTION TO RETURN TO OPEN SESSION

At 1:21 p.m., on a motion by Landon Zimmer and second by Brad Stanback the Commission voted to return to open session.

MOTION TO RECOMMEND CANDIDATE FOR EXECUTIVE DIRECTOR POSITION

On a motion by Monty Crump and second by Mike Johnson, the Commission approved authorizing the Executive Committee to enter negotiations on terms of employment of the Executive Director of the North Carolina Wildlife Resources Commission. Upon successful negotiation of employment terms, the candidate will be named for an appointment date effective on or before August 1, 2020.

ADJOURNMENT

There being no further business, Chairman Hoyle adjourned the meeting at 1:25 p.m.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
CAFR 52G - STATEMENT OF REVENUES, EXPENDITURES and CHANGES in FUND BALANCES
GOVERNMENTAL FUNDS
AS OF MAY 31, 2020

	FY 2020 General	FY 2020 Capital Improvement	FY 2020 Permanent
REVENUES			
Federal funds	27,611,256.86	8,586,907.00	0.00
Local funds	4,068.59	0.00	0.00
Investment earnings	158,293.68	0.00	2,294,603.01
Sales and services	7,478,794.16	0.00	0.00
Rental and lease of property	46,826.95	0.00	0.00
Fees, licenses and fines	31,133,566.20	0.00	4,125,719.50
Contributions, gifts and grants	1,565,823.10	5,218,151.56	37,357.00
Miscellaneous	512,412.73	0.00	0.00
TOTAL REVENUES	68,511,042.27	13,805,058.56	6,457,679.51
EXPENDITURES			
Personal services	32,261,903.24	0.00	0.00
Employee benefits	13,973,389.52	0.00	0.00
Contracted personal services	8,686,538.99	431,251.95	0.00
Supplies and materials	7,143,500.72	126,199.23	0.00
Travel	432,175.80	0.00	0.00
Communication	723,681.29	23,469.00	0.00
Utilities	614,375.74	681.58	0.00
Data processing services	558,254.18	0.00	0.00
Other services	3,428,582.54	14,754.00	0.00
Claims and benefits	1,317,638.41	0.00	0.00
Other fixed charges	275,373.98	44,207.31	0.00
Capital outlay	5,369,916.71	14,948,124.55	0.00
Grants, state aid and subsidies	1,819,868.19	0.00	0.00
Insurance and bonding	176,349.20	0.00	0.00
Other expenditures	1,183,060.33	15,023.11	0.00
Unclassified/invalid accounts	60,763.47	0.00	0.00
Reimbursements	-835,297.96	0.00	0.00
TOTAL EXPENDITURES	77,190,074.35	15,603,710.73	0.00
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-8,679,032.08	-1,798,652.17	6,457,679.51
OTHER FINANCING SOURCES (USES)			
Sale of capital assets	133,614.05	0.00	0.00
Insurance recoveries	15,640.45	0.00	0.00
Transfers in	40,488,210.38	1,382,009.85	0.00
Transfers out	-44,789,149.70	-50,000.00	-3,363,792.00
Appropriations	10,984,452.45	0.00	0.00
TOTAL OTHER FINANCING SOURCES (USES)	6,832,767.63	1,332,009.85	-3,363,792.00
EXCESS OF REVENUES AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	-1,846,264.45	-466,642.32	3,093,887.51
FUND BALANCE - JULY 1, As previously stated	15,317,893.28	3,983,533.15	133,812,403.02
FUND BALANCE - May 31	13,471,628.83	3,516,890.83	136,906,290.53

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION
WILDLIFE ENDOWMENT FUND
FUND BALANCES AS OF MAY 31, 2020

BOND INDEX FUND (BIF)	\$94,810,928.24
EQUITY INDEX FUND (EIF)	\$45,342,870.89
SHORT TERM INVESTMENT FUND (STIF)	\$1,613,310.19
TOTAL WILDLIFE ENDOWMENT FUND BALANCE AS OF May 31, 2020	<u>\$141,767,109.32</u>

INTEREST INCOME WITHIN FUNDS	EXPENDABLE	NON-EXPENDABLE
ADULT LICENSE SALES	\$27,789,127.93	
INFANT LICENSE SALES		\$12,738,845.68
YOUTH LICENSE SALES		\$1,163,453.65
CONTRIBUTIONS	\$1,862,958.98	
WILDLIFE DIVERSITY	\$1,031.89	
MAGAZINE SALES	\$1,471,814.83	
TOTAL	<u>\$31,124,933.63</u>	<u>\$13,902,299.33</u>

EXPENDABLE INTEREST TRANSFERRED TO OPERATIONS FISCAL YTD
\$3,363,792.00
<u>\$3,363,792.00</u>



▣ North Carolina Wildlife Resources Commission ▣

Gordon Myers, Executive Director

2020-2021 Allocation of Endowment Fund Investment Returns

Amount of Expendable Interest
Earned Calendar Year 2019

Adult Licenses	2,201,658.43
Magazine Subscriptions	101,242.46
Contributions - General	53,077.20
Contributions – Diversity	<u>463.04</u>
Total	<u><u>\$2,356,441.13</u></u>

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

2020 – 2021 Magazine Allocation - **\$101,242.46**

Exhibit E-1

December 5, 2019

Revised June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Hannah's Ferry Pump Station BAA Tract

WRC Action/Approval to Pursue (Date): N/A - Donation

Acquisition Plan (specify total project costs AND sources of funding):

Donation from Three Rivers Land Trust

Acquisition Plan Includes Bargain Sale? ☐ Yes ☐ No ☒ N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? ☐ Yes ☐ No ☒ N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

Appraisal Handled by State Property Office? ☐ Yes ☐ No ☒ N/A

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

Federal Assistance Grant – 75% federal: 25% state

Five-Year Stewardship Costs & Revenue Projections (worksheet attached):

Total Stewardship Expenditures	\$16,500.00
Total Projected Revenue	\$0.00

Exhibit E-1

December 5, 2019
Revised June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: Hannah's Ferry Pump Station BAA Tract

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Gravel			One-time	\$2,500	\$2,500.00
Boat launch improvements	1	Each	One-time	\$7,500	\$7,500.00
ADA parking area and sidewalk	1	Each	One-time	\$5,000	\$5,000.00
Kiosk	1	Each	One-time	\$1,500	\$1,500.00
TOTAL					\$16,500.00

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				\$0.00

North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Chris Dawes
Date First Presented to Commission:	12/1/2019; revised 6/10/2020
Tract Name:	Hannah's Ferry Pump Station BAA
County:	Rowan
Acreage:	10 acres
Tax Value:	
Property Owner/Representative:	Three Rivers Land Trust

Primary Purpose:

<input checked="" type="checkbox"/>	Resource Protection
<input type="checkbox"/>	Resource Management
<input checked="" type="checkbox"/>	User Access
<input type="checkbox"/>	WRC Facility

Program Potential:

<input type="checkbox"/>	Game Land
<input type="checkbox"/>	Wildlife Conservation Area
<input checked="" type="checkbox"/>	Access Area
<input type="checkbox"/>	None

Type of Acquisition:

<input type="checkbox"/>	Purchase
<input type="checkbox"/>	Lease
<input type="checkbox"/>	Easement

Type of Parcel:

<input checked="" type="checkbox"/>	Tract
<input type="checkbox"/>	Riparian Corridor

Grant Potential:

<input type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	

Owner Interest:

<input checked="" type="checkbox"/>	High
<input type="checkbox"/>	Moderate
<input type="checkbox"/>	Low
<input type="checkbox"/>	No

Tax Value:

<input type="checkbox"/>	Year Assessed
<input type="checkbox"/>	PUV?

Stewardship Considerations:

<input type="checkbox"/>	75% Source: Federal Aid Grant
<input type="checkbox"/>	25% Match: WRC Agency Funds

Funding Considerations:

<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	Bargain Sale
<input type="checkbox"/>	Partner Contribution

Recommendation:

<input checked="" type="checkbox"/>	Pursue
<input type="checkbox"/>	Do Not Pursue
<input type="checkbox"/>	Defer

Additional Comments:

Three Rivers Land Trust will transfer the 10 acre parcel (0.63 acre current BAA footprint and 9.37 acres of riparian floodplain under a CWMTF Conservation Easement) to the NC Wildlife Resources Commission with the intent to create a WRC Boating Access Area and associated parking area by improving the existing boat landing and dirt parking area, and adding ADA parking, walkway and floating dock. There will not be a conservation easement on the 0.63 BAA parcel, but the CWMTF conservation easement will be retained on the 9.37 acre parcel with annual monitoring requirements waived.

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Hannah's Ferry Pump Station BAA
County:	Rowan

Resources Assessment and Biological Benefits (brief):

The proposed project is intended to improve river access to the South Yadkin/Yadkin basin. WRC will plan/construct/improve the existing boat launch and associated parking at the site to include ADA parking, walkway, and floating dock. Access to the newly acquired High Rock/Alcoa tracts will be greatly improved through this land transfer. 0.63 acres of this tract is an existing BAA and the remaining 9.37 acres is riparian floodplain forest that buffers the South Yadkin River.

Tract Name	Pump Station/Hannah Ferry BAA
Date	11/12/2019, Revised 6/10/2020
Staff Completing Form	Brady Beck/Chris Dawes

Species	0.000
	Terrestrial
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Comments
This is strictly an access project and surrounding floodplain forest. Due to the small size, no direct benefit to species conservation is anticipated.

Habitat	0.056
Size	0
Quality	0
Diversity	0
Rare/Important	0
Connectivity	1
Buffer	0

Comments
This is strictly an access project and surrounding floodplain forest. Due to the small size of the tract, minimal benefit to habitat is anticipated. Some connectivity to recently acquired High Rock/Alcoa tracts can be reached by the river and using this BAA.

Public Access	1.000
Hunting/Viewing	3
Fishing	3
Boating	3

Comments
Public hunting, fishing and boating access to the South Yadkin/Yadkin will be improved through this project. Improvements to the existing landing will make accessing the newly acquired High Rock/Alcoa tracts by water much easier.

Wildlife Uses	0.933
Hunting	3
Viewing	3
Fishing	3
Boating	3
Education	2

Comments
While no public hunting will be allowed on the BAA, river access to local hunting, viewing, fishing and boating opportunities will improve with this new public access point. Access to the recently acquired High Rock/Alcoa will be greatly improved both upstream and downstream.

Other Values	0.667
Timber Harvest	0
Local Economy	3
Quality of Life	3

Comments
Improving boating access can benefit local businesses from gas and convenience stores to boating suppliers.

Feasibility & Logistics	0.667
Existing Infrastructure	2
Compatibility of Multiple Uses on Tract	3
Compatibility with Adjoining Land	3
Inholding/Corridor	0
Proximity to Users	2

Comments
Road access to the project is good. The adjoining land is managed by the Three Rivers Land Trust. The existing boat landing will be improved by replacing the existing concrete slab, improving/enlarging the current parking area, and adding ADA parking, accessible walkway, and floating dock.

Restoration/Mitigation Potential	0.250
Species Restoration	0
Habitat Restoration	0
Access Improvement	3
Threat Mitigation	0

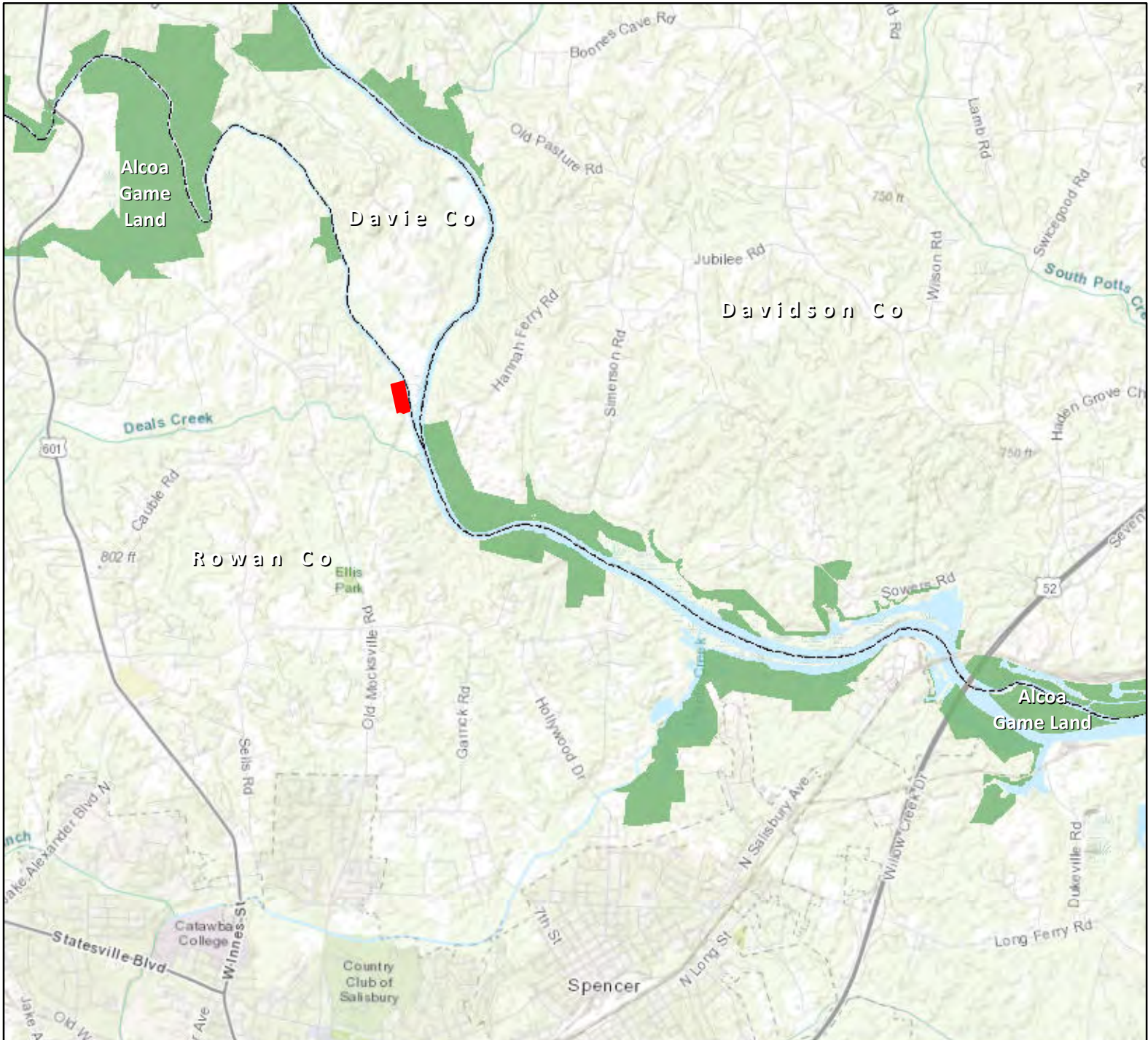
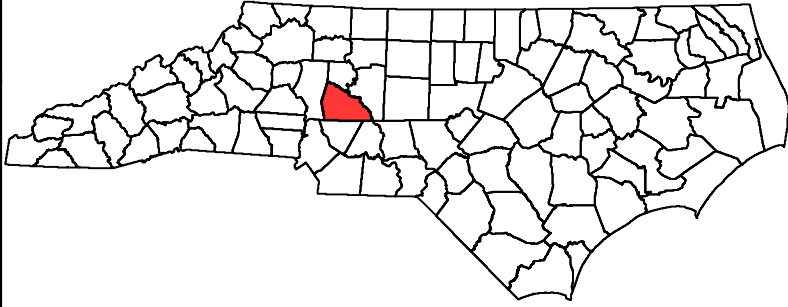
Comments
This is strictly an access project. No direct benefit to species restoration is anticipated.

Threats	0.000
Number	0
Severity	0
Imminence	0
Manageability	0
Management Cost	0

Comments
No threats have been identified that this project addresses.

Overall Score	3.572
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Hannah's Ferry Pump Station BAA Tract Rowan County 10 Acres



June 24, 2020



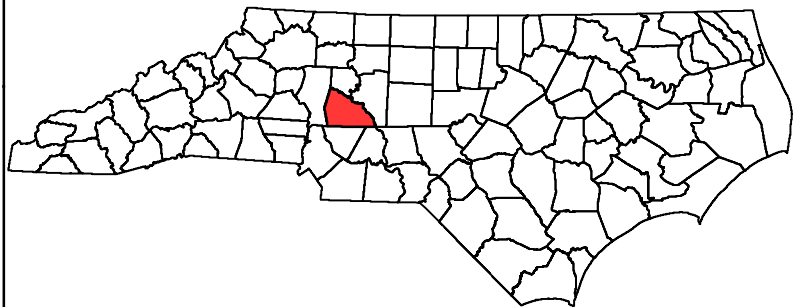
WRC-maintained BAA



Hannah's Ferry Pump Station BAA Tract



Hannah's Ferry Pump Station BAA Tract Rowan County 10 Acres



June 24, 2020



WRC-maintained BAA



Hannah's Ferry Pump Station BAA Tract

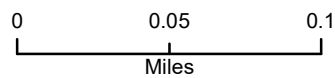


Exhibit E-2

June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Malvagno Tract

WRC Action/Approval to Pursue (Date): N/A - Donation

Acquisition Plan (specify total project costs AND sources of funding):

Donation from private landowner.

Acquisition Plan Includes Bargain Sale? ☐ Yes ☐ No ☒ N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? ☐ Yes ☐ No ☒ N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

Appraisal Handled by State Property Office? ☐ Yes ☐ No ☒ N/A

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

Federal Aid Grant – 75% federal: 25% state

Five-Year Stewardship Costs & Revenue Projections (worksheet attached):

Total Stewardship Expenditures	\$ 300.00
Total Projected Revenue	\$ 0.00

Exhibit E-2

June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: Malvagno Tract

Estimated Stewardship Costs					
Activity	Quantity	Unit	Type of Cost	Unit Cost	Total Cost
Boundary Establishment	200	Feet	One-time	\$1.50	\$300
Gate Installation					
TOTAL					\$300

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	David Stewart/Kip Hollifield
Date First Presented to Commission:	30-Jun-20
Tract Name:	Malvagno Tract PIN: 7677-45-5859
County:	Haywood
Acreage:	1.00
Tax Value:	\$45,300
Property Owner/Representative:	Susan Malvagno

Primary Purpose:

<input checked="" type="checkbox"/>	Resource Protection
<input type="checkbox"/>	Resource Management
<input type="checkbox"/>	User Access (PFA)
<input type="checkbox"/>	WRC Facility (Shooting Range)

Type of Acquisition:

<input type="checkbox"/>	Purchase
<input type="checkbox"/>	Lease
<input type="checkbox"/>	Easement

Grant Potential:

<input type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input type="checkbox"/>	Other
<input type="checkbox"/>	Other

Tax Value:

<input type="checkbox"/>	Year Assessed
<input type="checkbox"/>	PUV?

Funding Considerations:

<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	Bargin Sale
<input type="checkbox"/>	Partner Contribution

Recommendation:

<input checked="" type="checkbox"/>	Pursue
<input type="checkbox"/>	Do Not Pursue
<input type="checkbox"/>	Defer

Program Potential:

<input checked="" type="checkbox"/>	Game Land
<input type="checkbox"/>	Wildlife Conservation Area
<input type="checkbox"/>	Access Area (Shooting Range/PFA)
<input type="checkbox"/>	None

Type of Parcel:

<input checked="" type="checkbox"/>	Tract
<input type="checkbox"/>	Riparian Corridor

Owner Interest:

<input checked="" type="checkbox"/>	High
<input type="checkbox"/>	Moderate
<input type="checkbox"/>	Low
<input type="checkbox"/>	No

Stewardship Considerations:

<input checked="" type="checkbox"/>	75% Source: Federal Aid Grant
<input checked="" type="checkbox"/>	25% Match: State

Reviewed Appraisal & Purchase Requirements?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	N/A

Additional Comments:

Susan Malvagno desires to donate an approximately 1.0 acre tract (lot) adjacent the Sheepback Tract of Silver GL to WRC. The tract will serve to solidify WRC ownership in the locale and remove a "gore" from WRC holdings.

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Malvagno Tract
County:	Haywood

Resources Assessment and Biological Benefits (brief):

Due to its small size (1.0 acre) and location the Malvagno Tract only serves to solidify WRC ownership at Silver Game Land. It does remove a "gore" from WRC holdings. Biological benefits are negligible.

Tract Name	Malvagno Tract
Date	November 27, 2019
Staff Completing Form	Stewart/Hollifield

Species	0.111
	Terrestrial
Overall Biodiversity	1
SGCN Species	1
Game Species	1
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Comments
Biological diversity is low due to small size of the tract

Habitat	0.333
Size	0
Quality	2
Diversity	1
Rare/Important	1
Connectivity	2
Buffer	0

Comments
The property provides little habitat due to it's small size

Public Access	0.000
Hunting/Viewing	0
Fishing	0
Boating	0

Comments
The property provides no hunting opportunity due to its proximity to an adjacent residence. It does provide buffer for current holdings, however. No fishing or boating opportunity exists on the tract.

Wildlife Uses	0.000
Hunting	0
Viewing	0
Fishing	0
Boating	0
Education	0

Comments
The property provides no hunting opportunity due to its proximity to an adjacent residence. It does provide buffer for current holdings, however. No fishing or boating opportunity exists on the tract.

Other Values	0.333
Timber Harvest	1
Local Economy	1
Quality of Life	1

Comments
The property has limited value due to its small size. It does provide buffer to current holdings, however.

Feasibility & Logistics	0.667
Existing Infrastructure	1
Compatibility of Multiple Uses on Tract	1
Compatibility with Adjoining Land	3
Inholding/Corridor	3
Proximity to Users	2

Comments
The property solidifies WRC ownership at Silver GL

Restoration/Mitigation Potential	0.417
Species Restoration	1
Habitat Restoration	1
Access Improvement	1
Threat Mitigation	2

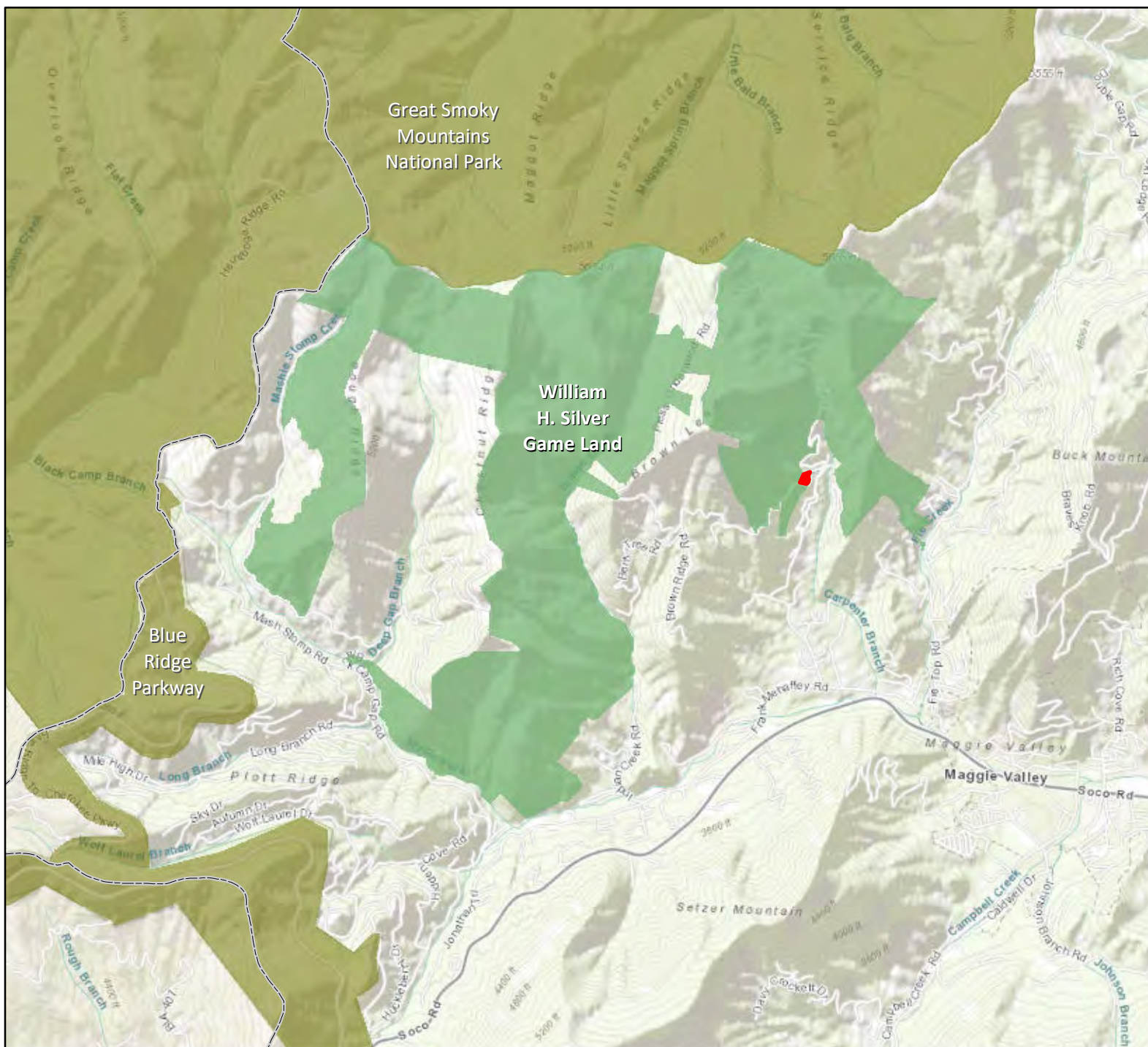
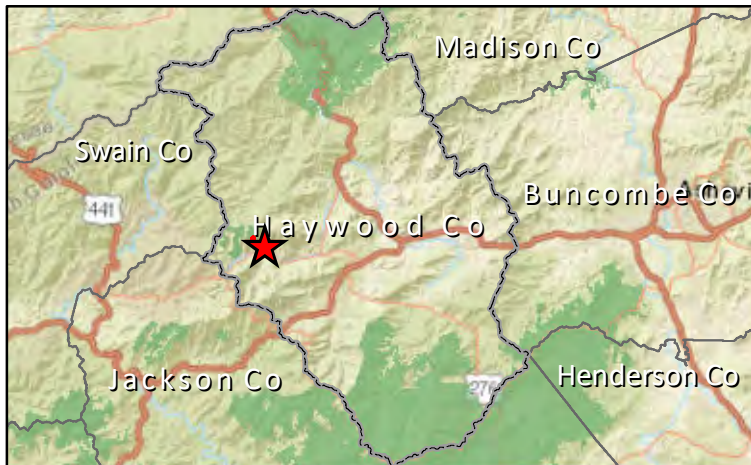
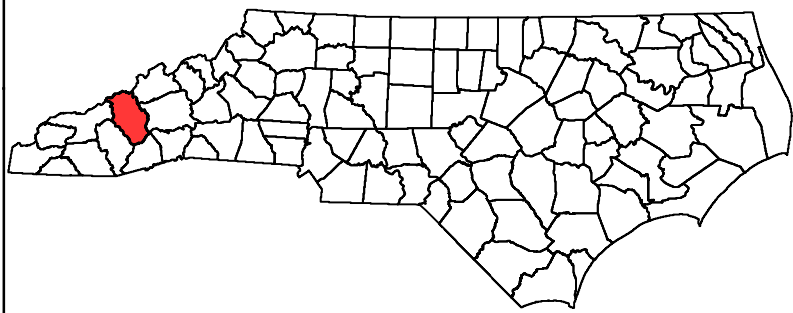
Comments
Restoration/Mitigation potential is low due to the small size of the tract.

Threats	0.600
Number	2
Severity	1
Imminence	2
Manageability	3
Management Cost	1

Comments

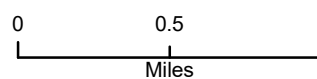
Overall Score	1.261
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Malvagno Tract Haywood County 1 Acre

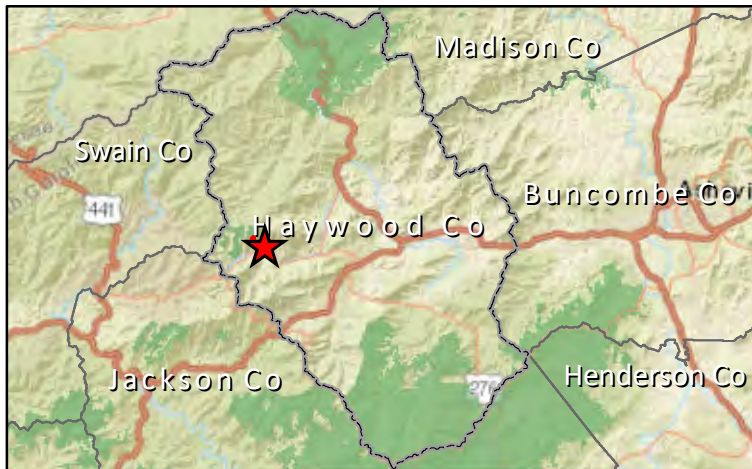
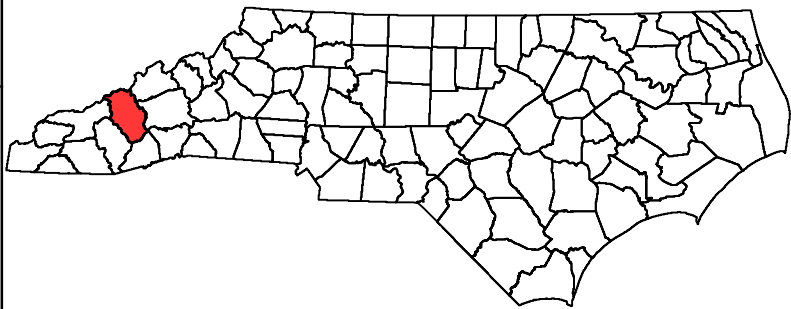


June 24, 2020

■ Malvagno Tract



**Malvagno Tract
Haywood County
1 Acre**



June 24, 2020

 Malvagno Tract

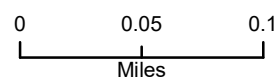


Exhibit E-3

June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: Pascarella Tract

WRC Action/Approval to Pursue (Date): N/A – Donation

Acquisition Plan (specify total project costs AND sources of funding):

Donation from a private landowner.

Acquisition Plan Includes Bargain Sale? ☐ Yes ☐ No ☒ N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? ☐ Yes ☐ No ☒ N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

Appraisal Handled by State Property Office? ☐ Yes ☐ No ☒ N/A

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

Federal Assistance Grant – 75% federal: 25% state

Five-Year Stewardship Costs & Revenue Projections (worksheet attached):

Total Stewardship Expenditures	\$1,102.00
Total Projected Revenue	\$0.00

Exhibit E-3

June 30, 2020

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

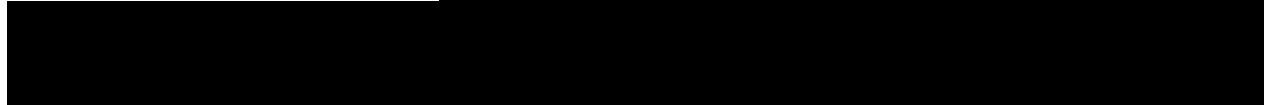
**Estimated Five Year Stewardship Costs and Revenue Projections:
Pascarella Tract**

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment	735	Feet	One-time	\$1.50	\$1,102.00
TOTAL					\$1,102.00

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				\$0.00

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Paul Thompson
Date First Presented to Commission:	30-Jun-20
Tract Name:	Pascarella Tract (PIN 2700053099)
County:	Burke
Acreage:	(+/-) 10
Tax Value:	N/A
Property Owner/Representative:	130 Chatham LLC



Primary Purpose:

<input checked="" type="checkbox"/>	Resource Protection
<input checked="" type="checkbox"/>	Resource Management
<input checked="" type="checkbox"/>	User Access
<input type="checkbox"/>	WRC Facility

Type of Acquisition:

<input checked="" type="checkbox"/>	Purchase
<input type="checkbox"/>	Lease
<input type="checkbox"/>	Easement

Grant Potential:

<input type="checkbox"/>	CWMTF
<input type="checkbox"/>	Federal Aid (PR, WB, etc.)
<input type="checkbox"/>	Other
<input type="checkbox"/>	Other

Tax Value:

<input type="checkbox"/>	Year Assessed
<input type="checkbox"/>	PUV?

Funding Considerations:

<input checked="" type="checkbox"/>	Donation
<input type="checkbox"/>	Bargin Sale
<input type="checkbox"/>	Partner Contribution

Recommendation:

<input checked="" type="checkbox"/>	Pursue
<input type="checkbox"/>	Do Not Pursue
<input type="checkbox"/>	Defer

Program Potential:

<input checked="" type="checkbox"/>	Game Land
<input type="checkbox"/>	Wildlife Conservation Area
<input type="checkbox"/>	Access Area
<input type="checkbox"/>	None

Type of Parcel:

<input checked="" type="checkbox"/>	Tract
<input type="checkbox"/>	Riparian Corridor

Owner Interest:

<input checked="" type="checkbox"/>	High
<input type="checkbox"/>	Moderate
<input type="checkbox"/>	Low
<input type="checkbox"/>	No

Stewardship Considerations:

<input type="checkbox"/>	PR Source:
<input type="checkbox"/>	State Match:

Reviewed Appraisal & Purchase Requirements?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	N/A

Additional Comments:

The +/- 10 acre Pascarella Tract is a donation from 130 Chatham LLC. The tract lies between current South Mountains Game Land and Burkemont Rd (SR 1957). The tract will help solidify game land ownership and provide additional direct public access via SR 1957.

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	Pascarella Tract
County:	Burke

Resources Assessment and Biological Benefits (brief):

Acquisition of the Pascarella Tract would solidify WRC ownership in that portion of the South Mountains Game Land just south of Morganton. The tract will provide an additional 1,185 feet of direct public access via Burkemont Rd (SR 1957).

The tract is situated at the head of an unnamed tributary and will provide protection for the Henry Fork River drainage. The tract is predominately composed of Appalachian Oak Forest. Management objectives will include restoring or maintaining the oak forest priority wildlife habitats that are located on the tract. Common wildlife species found on the tract include wild turkey, white-tailed deer, raccoon, and gray squirrel. Priority species likely found on the tract as either permanent residents or transients include: Whip-poor-will (*Caprimulgus vociferous*), Eastern box turtle (*Terapene carolina*), Eastern wood-peewee (*Contopus virens*), and hooded warbler (*Setophaga citrina*).

Public recreational opportunities will include hunting, hiking, bird watching, photography, and general nature study.

Tract Name	Pascarella Tract
Date	February 11, 2020
Staff Completing Form	Paul Thompson

Species	0.148
	Terrestrial
Overall Biodiversity	1
SGCN Species	1
Game Species	2
	Wetland
Overall Biodiversity	0
SGCN Species	0
Game Species	0
	Aquatic
Overall Biodiversity	0
SGCN Species	0
Game Species	0

Comments
Given the small size of the tract and it's location, overall biodiversity is low for terrestrial species and lacks any wetland or aquatic habitat.

Habitat	0.611
Size	0
Quality	2
Diversity	2
Rare/Important	1
Connectivity	3
Buffer	3

Comments
The tract will connect with the recently acquired NFWF tracts and current South Mtns GL. It will create a good buffer to adjoining lands.

Public Access	0.222
Hunting/Viewing	2
Fishing	0
Boating	0

Comments
Access for hunting/viewing are good but there are no fishing or boating opportunities.

Wildlife Uses	0.467
Hunting	3
Viewing	3
Fishing	0
Boating	0
Education	1

Comments
Hunting/viewing opportunities are great but there are no fishing or boating opportunities.

Other Values	0.444
Timber Harvest	2
Local Economy	1
Quality of Life	1

Comments
Given the size and terrain, potential timber harvest is low. There is some opportunity to provide benefit to local economy or quality of life.

Feasibility & Logistics	0.733
Existing Infrastructure	0
Compatibility of Multiple Uses on Tract	3
Compatibility with Adjoining Land	3
Inholding/Corridor	2
Proximity to Users	3

Comments
There is no infrastructure on this tract. There are no issues with multiple use and adjoining landowners. The tract is in close proximity to Morganton.

Restoration/Mitigation Potential	0.500
Species Restoration	2
Habitat Restoration	2
Access Improvement	2
Threat Mitigation	0

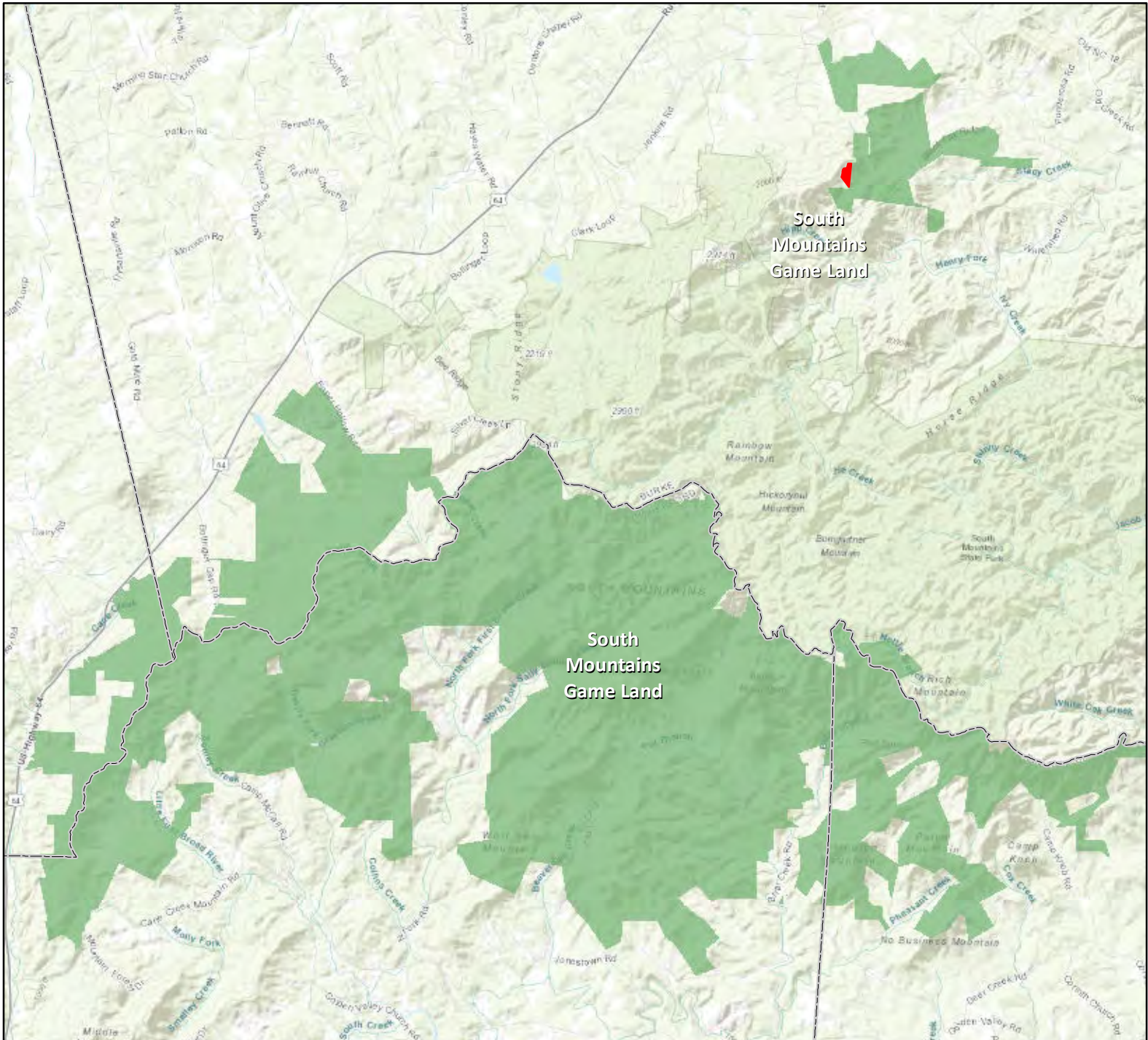
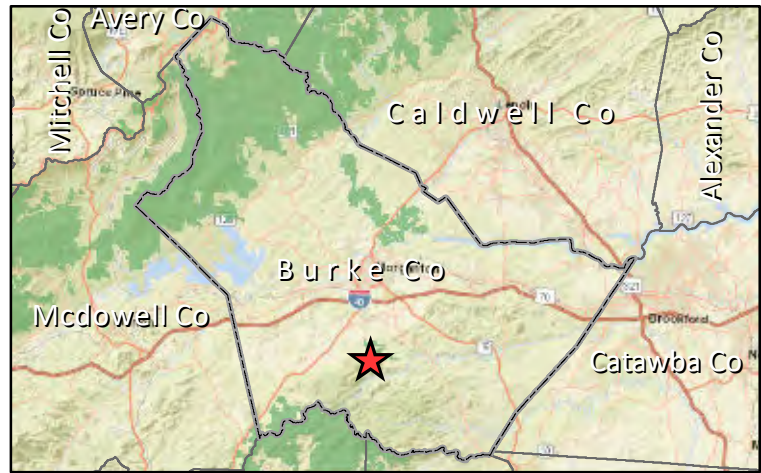
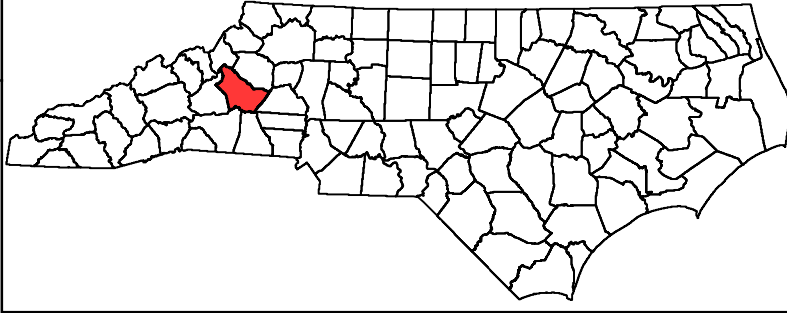
Comments
The tract may have some habitat restoration potential and will offer additional public access.

Threats	0.000
Number	0
Severity	0
Imminence	0
Manageability	0
Management Cost	0

Comments
No known threats.

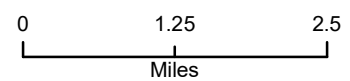
Overall Score	3.126
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**Pascarella Tract
Burke County
+/- 10 Acres**

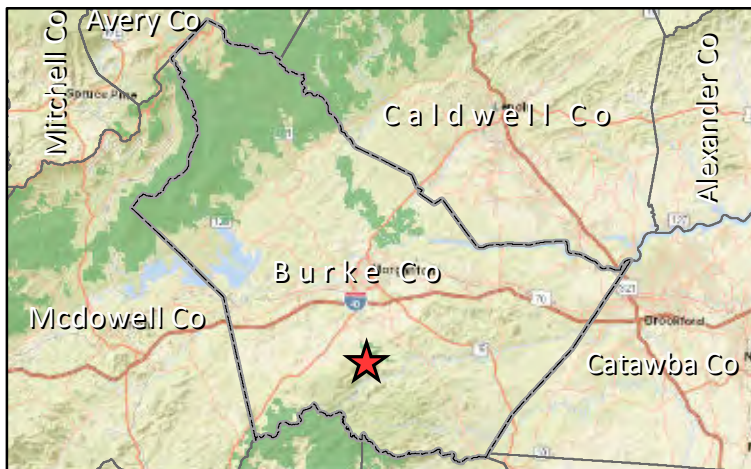
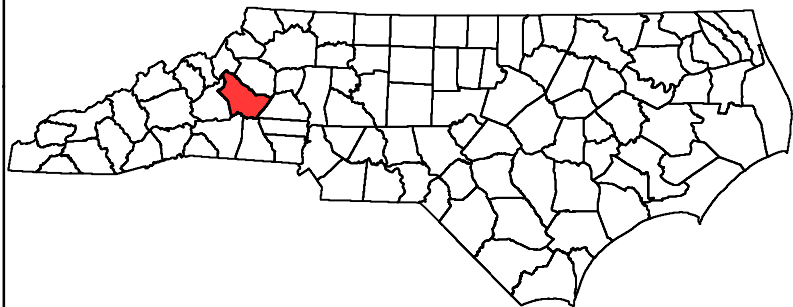


June 24, 2020


- Pascarella Tract
- Game Land



**Pascarella Tract
Burke County
+/- 10 Acres**



June 24, 2020

 Pascarella Tract

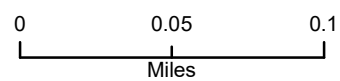


Exhibit E-4

June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: FINAL ACQUISITION DETAILS

Tract Name: BASF Tract

WRC Action/Approval to Pursue (Date): N/A - Donation

Acquisition Plan (specify total project costs AND sources of funding):

Donation from the North Carolina Coastal Land Trust

Acquisition Plan Includes Bargain Sale? ☐ Yes ☐ No ☒ N/A

If Yes, Explain Details:

Total Cost Based on Appraisal? ☐ Yes ☐ No ☒ N/A

If Yes, Describe in Table:

Requested By	Appraiser	Effective Date	Appraised Value

Appraisal Handled by State Property Office? ☐ Yes ☐ No ☒ N/A

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

Federal Assistance Grant – 75% federal: 25% state

Five-Year Stewardship Costs & Revenue Projections (worksheet attached):

Total Stewardship Expenditures	\$7,175.00
Total Projected Revenue	\$0.00

Exhibit E-4

June 30, 2020

North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Phase II: COSTS AND REVENUE WORKSHEET

Estimated Five Year Stewardship Costs and Revenue Projections: BASF Tract

Estimated Stewardship Costs					
Activity	Quantity	Unit	Expense Type	Unit Cost	Total Cost
Boundary Establishment	5.0	Mile	One-time	\$500	\$2,500
Gate Installation	1	Each	One-time	\$1,000	\$1,000
Prescribed Burning	100	Acres	One-time	\$30	\$3,000
Boundary Maintenance	5.0	Mile	Recurring	\$135	\$675
TOTAL					\$7,175

Estimated Revenue Projections				
Source	Quantity	Unit	Unit Revenue	Total Revenue
TOTAL				\$0

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

WRC Staff Contact:	Chesley Ward
Date First Presented to Commission:	30-Jun-20
Tract Name:	BASF Tract
County:	New Hanover
Acreage:	586.00
Tax Value:	\$2,023,000
Property Owner/Representative:	NC Coastal Land Trust - Janice Allen

Primary Purpose: <input checked="" type="checkbox"/> Resource Protection <input checked="" type="checkbox"/> Resource Management <input type="checkbox"/> User Access <input type="checkbox"/> WRC Facility	Program Potential: <input checked="" type="checkbox"/> Game Land <input type="checkbox"/> Wildlife Conservation Area <input type="checkbox"/> Access Area <input type="checkbox"/> None
Type of Acquisition: <input checked="" type="checkbox"/> Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Easement	Type of Parcel: <input checked="" type="checkbox"/> Tract <input type="checkbox"/> Riparian Corridor
Grant Potential: <input type="checkbox"/> CWMTF <input type="checkbox"/> Federal Aid (PR, WB, etc.) <input type="checkbox"/> NFWF <input type="checkbox"/> Other	Owner Interest: <input checked="" type="checkbox"/> High <input type="checkbox"/> Moderate <input type="checkbox"/> Low <input type="checkbox"/> No
Tax Value: <input type="text" value="2020"/> Year Assessed <input type="text" value="No"/> PUV?	Stewardship Considerations: <input type="text" value="75%"/> Source: Federal Aid Grant <input type="text" value="25%"/> Match: State
Funding Considerations: <input checked="" type="checkbox"/> Donation <input type="checkbox"/> Bargain Sale <input type="checkbox"/> Partner Contribution	Reviewed Appraisal & Purchase Requirements? <input type="text" value="Y"/> Yes <input type="text" value="No"/> No <input type="text" value="N/A"/> N/A
Recommendation: <input checked="" type="checkbox"/> Pursue <input type="checkbox"/> Do Not Pursue <input type="checkbox"/> Defer	

Additional Comments:

North Carolina Wildlife Resources Commission
Land Acquisition Investigation Form
– PHASE I: INITIAL INVESTIGATION –

Tract Name:	BASF Tract
County:	New Hanover

Resources Assessment and Biological Benefits (brief):

The BASF Tract has almost two miles of frontage along the Cape Fear River and approximately 1,100 feet of Fishing Creek flows through it. It lies one mile downstream from the Roan Island Tract of Cape Fear River Wetlands Game Land and just over a mile upstream from Sutton Lake Game Land. The NC Natural Heritage Program includes this property within the 421 Sand Ridge Significant Natural Heritage Area. It has an estimated 484 acres of wetlands and 102 acres of uplands. Including the river habitat it helps protect, the tract has four habitats which are predicted to support 84 Species of Greatest Conservation Need, giving high conservation value to its acquisition.

Tract Name	BASF Tract
Date	June 23, 2020
Staff Completing Form	Chesley Ward

Species	0.667
	Terrestrial
Overall Biodiversity	2
SGCN Species	3
Game Species	1
	Wetland
Overall Biodiversity	2
SGCN Species	3
Game Species	1
	Aquatic
Overall Biodiversity	2
SGCN Species	3
Game Species	1

Comments
Because the tract is predicted to support 84 SGCN across seven taxonomic groups, it scored a three for that metric. The numbers of species within those groups include: + Amphibians - 10 + Birds - 27 + Mammals - 7 + Reptiles - 22 + Crayfish - 1 + Freshwater Fish - 11 + Mussels - 6

Habitat	0.611
Size	1
Quality	2
Diversity	1
Rare/Important	3
Connectivity	2
Buffer	2

Comments
This tract is within a Significant Natural Heritage Area (SNHA) and is considered rare and important because much of the other land within the SNHA is heavily fragmented by industrial development. It has two miles of river frontage and 1,100 feet of frontage on both sides of Fishing Creek. It serves as a buffer along these waterbodies for activities within the industrial areas.

Public Access	0.111
Hunting/Viewing	1
Fishing	0
Boating	0

Comments
Public access is available by boat on 2 miles of river frontage.

Wildlife Uses	0.133
Hunting	1
Viewing	1
Fishing	0
Boating	0
Education	0

Comments
Only +/- 100 acres of the property can be easily traversed. The remaining portion of the tract consist of cypress-gum swamp and is difficult to access.

Other Values	0.667
Timber Harvest	3
Local Economy	1
Quality of Life	2

Comments
Well drained soils allow for excellent timber management and harvest.

Feasibility & Logistics	0.467
Existing Infrastructure	1
Compatibility of Multiple Uses on Tract	1
Compatibility with Adjoining Land	1
Inholding/Corridor	1
Proximity to Users	3

Comments
This property is located in very close proximity to the heavily populated city of Wilmington.

Restoration/Mitigation Potential	0.750
Species Restoration	3
Habitat Restoration	3
Access Improvement	0
Threat Mitigation	3

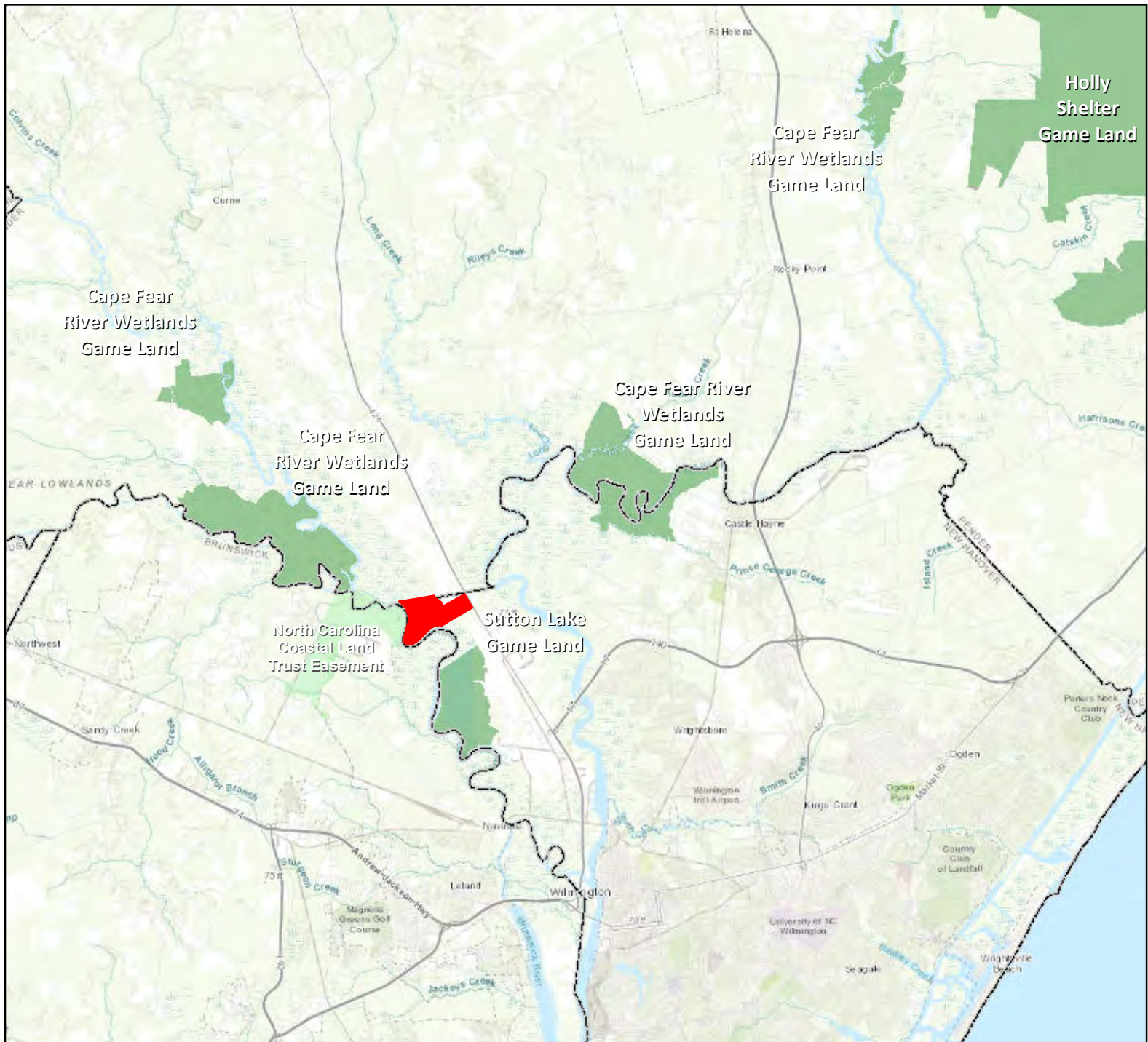
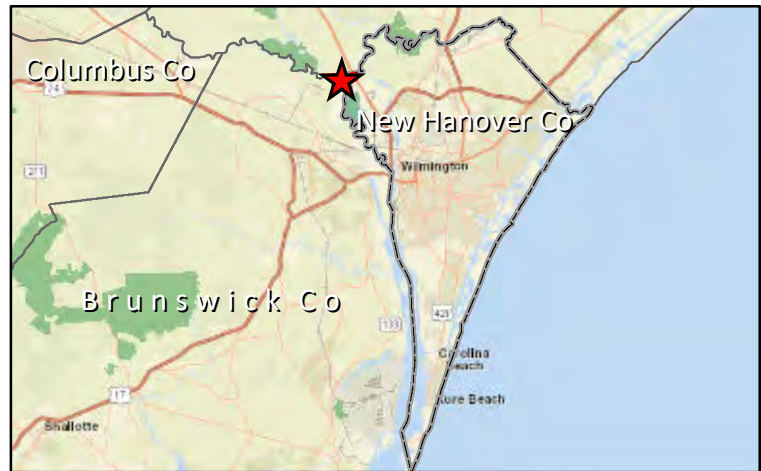
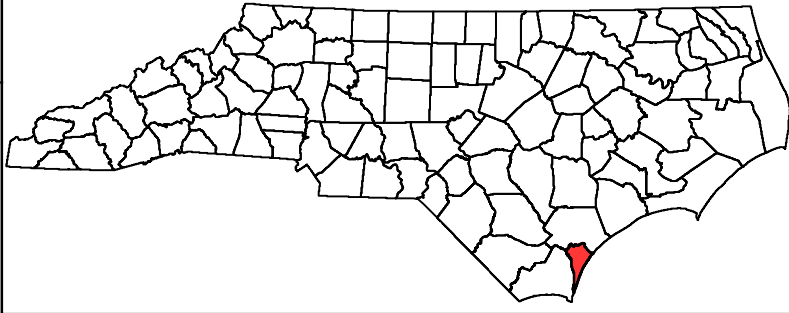
Comments
Much of the upland habitat on the tract have great potential to be improved and provide rare and important xeric longleaf pine habitat for many SGCN.

Threats	0.333
Number	2
Severity	2
Imminence	1
Manageability	0
Management Cost	0

Comments
Outside of WRC ownership, it is highly unlikely to be restored. It is threatened by the likelihood that it would be industrialized like much of the land around it. The wetland portions of the tract will likely be shovel logged at some point in the future.

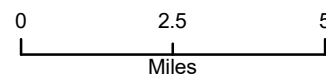
Overall Score	3.072
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BASF Tract
New Hanover County
586 Acres

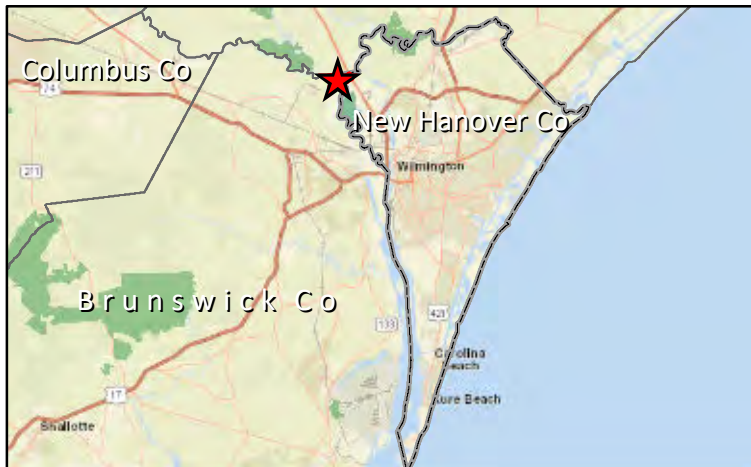
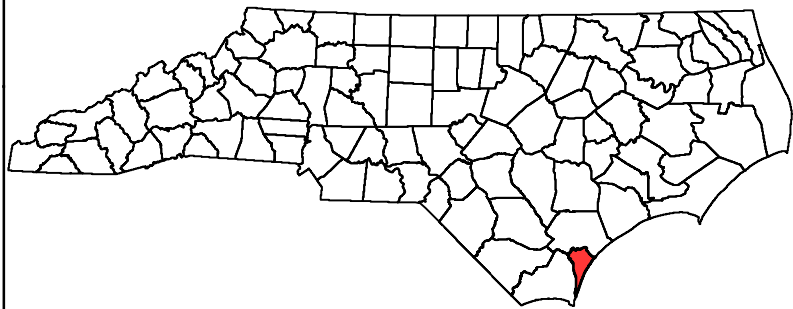


June 25, 2020

 BASF Tract



**BASF Tract
New Hanover County
586 Acres**



June 25, 2020

 BASF Tract

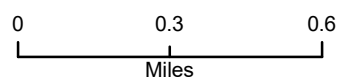


EXHIBIT F

June 30, 2020



North Carolina Wildlife Resources Commission

June 30, 2020

MEMORANDUM

TO: Brian McRae, Section Chief
Land and Water Access

FROM: Jessie Birckhead, Land Acquisition and Grants Manager
Land and Water Access

SUBJECT: Gasca Right-of-Way Easement Request at Whitehall Plantation Game Land

The North Carolina Wildlife Resources Commission (NCWRC) received a request from Isaias Gasca to grant a powerline right-of-way (ROW) to connect power from an existing powerline on our Long Ridge Tract of Whitehall Plantation Game Land to his property. Since no ROW corridor exists, one would need to be cut across +/- 165 feet of game land and maintained as open space. If overhead lines were used the ROW would be 30 feet wide, and if underground lines were used the ROW would be 10 feet wide. The requesting landowner has road frontage on Beattys Bridge Road but is requesting this ROW because the existing powerline on NCWRC property is closer than the powerline along the road. If granted, this ROW would be issued to Four County Electric Membership Corporation.

The Long Ridge Tract was purchased with both Wildlife Restoration and National Fish and Wildlife Foundation Funds that require that the NCWRC use the property for wildlife management and public recreation, specifically for the conservation of red-cockaded woodpecker habitat. This ROW could compromise the NCWRC's ability to fulfill that requirement and the requesting landowner has other options to meet their needs. As such, staff recommend declining this ROW request.

Land and Water Access

Mailing Address: 1720 Mail Service Center, Raleigh, N.C. 27699-1720




Physical Address: 1751 Varsity Drive, Raleigh, N.C. 27606

Phone: 919-707-0150

Fax: 919-707-0162

2020 Whitehall Plantation Game Land - Long Ridge Tract
Powerline Right-of-way Request from Isaías Gasca
North Carolina Wildlife Resources Commission
165 Feet



-  Long_Ridge_Boundary
-  Long Ridge_Powerline_Existing
-  Requested Powerline ROW

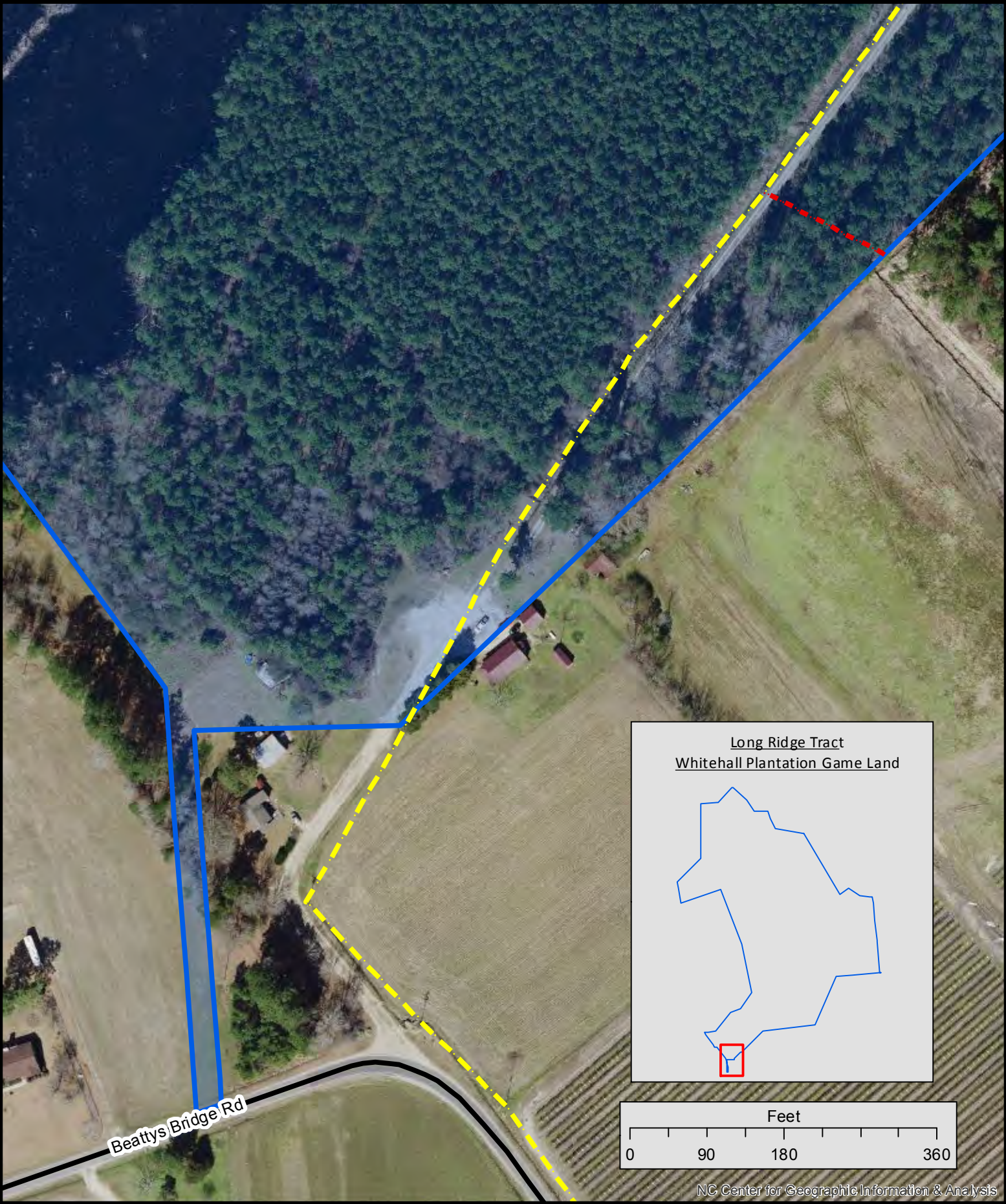


EXHIBIT G

July 23, 2020



Temporary Rulemaking Request to Propose Text for 15A NCAC 10D .0103 - Hunting on Game Lands Recommended by Agency Staff for Public Notice, Hearing and Comment

15A NCAC 10D .0103 – Hunting on Game Lands

This Rule is proposed for temporary amendment to correct the primitive weapons season dates for deer on Nicholson Creek Game Land. The primitive weapons season for Nicholson Creek Game Land is incorrect in the North Carolina Administrative Code. This temporary amendment will correct the season dates for the upcoming primitive weapons deer season, with permanent rulemaking to follow.

15A NCAC 10D .0103 HUNTING ON GAME LANDS (EFFECTIVE AUGUST 1, 2020)

(a) Safety Requirements. No person while hunting on any designated game land shall be under the influence of alcohol or any narcotic drug, or fail to comply with restrictions enacted by the National Park Service regarding the use of the Blue Ridge Parkway where it adjoins game lands listed in this Rule.

(b) Traffic Requirements. No person shall park a vehicle on game lands in such a manner as to block traffic or gates, or otherwise prevent vehicles from using any roadway.

(c) Tree Stands. It is unlawful to erect or to occupy, for the purpose of hunting, any tree stand or platform attached by nails, screws, bolts, or wire to a tree on any game land designated herein. This prohibition does not apply to lag-screw steps or portable stands that are removed after use with no metal remaining in or attached to the tree.

(d) Time and Manner of Taking. Hunting is allowed on game lands only during the open season for game animals and game birds, unless hunting is allowed by permit. Individual game lands or parts thereof may be closed to hunting or limited to specific dates by this Chapter. Persons shall hunt only with weapons lawful for the open game animal or game bird seasons. On managed waterfowl impoundments, persons shall:

- (1) not enter the posted impoundment areas earlier than 4:00 a.m. on the permitted hunting dates;
- (2) not hunt after 1:00 p.m. on such hunting dates;
- (3) not set decoys out prior to 4:00 a.m.;
- (4) remove decoys by 3:00 p.m. each day; and
- (5) not operate any vessel or vehicle powered by an internal combustion engine.

On designated youth waterfowl days, youths may hunt on managed waterfowl impoundments from ½ hour before sunrise to sunset. On designated veterans and military waterfowl days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas from ½ hour before sunrise to sunset. Restrictions (1), (3), and (5) in this Paragraph shall apply. On waterfowl impoundments that have a posted "Scouting-only Zone," trapping during the trapping season and waterfowl hunting on designated waterfowl hunting days are the only activities allowed on the portion of the impoundment outside of the posted "Scouting-only Zone." No person shall attempt to obscure the sex or age of any bird or animal taken by severing the head or any other part thereof, or possess any bird or animal that has been so mutilated. No person shall place, or cause to be placed on any game land, salt, grain, fruit, or other foods without prior written authorization of the Commission or its agent. A decision to grant or deny authorization shall be made based on the best management practices for the wildlife species in question. No person shall take or attempt to take any game birds or game animals attracted to such foods.

(e) Definitions:

- (1) For purposes of this Section, "Dove Only Area" refers to a Game Land on which doves may be taken and dove hunting is limited to Mondays, Wednesdays, Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days within the federally-announced season.
- (2) For purposes of this Section, "Three Days per Week Area" refers to a Game Land on which any game may be taken during the open seasons and hunting is limited to Mondays, Wednesdays,

Saturdays, Thanksgiving Day, Christmas Day, and New Year's Days, except for game lands in this Rule that specifically allow hunting on Tuesdays, Thursday, and Fridays. Falconry may also be practiced on Sundays. These "open days" also apply to either-sex deer hunting seasons listed under each game land. Raccoon and opossum hunting may continue until 7:00 a.m. on Tuesdays, until 7:00 a.m. on Thursdays, and until midnight on Saturdays.

- (3) For purposes of this Section, "Six Days per Week Area" refers to a Game Land on which any game may be taken on the open days of Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday during the open seasons.

(f) Hunting with Dogs on Game Lands. Deer shall not be taken with the use of dogs on game lands in counties or parts of counties where taking deer with dogs is prohibited as described in 15A NCAC 10B .0109.

(g) The listed seasons and restrictions apply in the following game lands:

.....

- (56) Nicholson Creek Game Land in Hoke County

(A) Three Days per Week Area

(B) Deer of either sex may be taken with archery equipment on open hunting days from the Saturday on or nearest September 10 through the fourth Friday before Thanksgiving Day.

(C) Deer of either sex may be taken with blackpowder firearms on open hunting days beginning the fourth Saturday before Thanksgiving Day through the Wednesday of the second week thereafter.

(D) The Deer With Visible Antlers season consists of the open hunting days from the second Saturday before Thanksgiving Day through the third Saturday after Thanksgiving Day.

(E) Deer of either sex may be taken the first open day of the applicable Deer With Visible Antlers Season.

(F) The use of dogs for hunting deer is prohibited.

(G) Wild turkey hunting is by permit only.

(H) On Lake Upchurch, the following activities are prohibited:

(i) Operating any vessel or vehicle powered by an internal combustion engine; and

(ii) Swimming.

(I) Target shooting is prohibited.

.....

(h) On permitted type hunts, deer of either sex may be taken on the hunt dates indicated on the permit. Completed applications shall be received by the Commission not later than the first day of September next preceding the dates of hunt. Permits shall be issued by random computer selection, shall be mailed to the permittees prior to the hunt, and are nontransferable. A hunter making a kill shall validate the kill and report the kill to a wildlife cooperator agent or by phone.

(i) The following game lands and refuges are closed to all hunting except to those individuals who have obtained a valid and current permit from the Wildlife Resources Commission:

- (1) Bertie, Halifax and Martin counties—Roanoke River Wetlands;
- (2) Bertie County—Roanoke River National Wildlife Refuge;
- (3) Bladen County—Suggs Mill Pond Game Lands;
- (4) Burke County—John's River Waterfowl Refuge;
- (5) Dare County—Dare Game Lands (Those parts of bombing range posted against hunting);
- (6) Dare County—Roanoke Sound Marshes Game Lands; and
- (7) Henderson and Transylvania counties—DuPont State Forest Game Lands.

(j) Access to Hunting Creek Swamp Waterfowl Refuge in Davie County requires written permission from the Commission. Written permission may be granted only when entry onto the Waterfowl Refuge will not compromise the primary purpose for establishing the Waterfowl Refuge and the person requesting entry can demonstrate a valid need or the person is a contractor or agent of the Commission conducting official business. "Valid need" includes issues of access to private property, scientific investigations, surveys, or other access to conduct activities in the public interest.

(k) Feral swine may be taken by licensed hunters during the open season for any game animal or game bird using any legal manner of take allowed during those seasons. Dogs may not be used to hunt feral swine except on game lands that allow the use of dogs for hunting deer or bear, and during the applicable deer or bear season.

(l) Youth Waterfowl Day. On the day declared by the Commission to be Youth Waterfowl Day, youths may hunt on any game land and on any impoundment without a special hunt permit, including permit-only areas, except where prohibited in Paragraph (h) of this Rule.

(m) Veterans and Military Waterfowl Days. On the day declared by the Commission to be Veterans and Military Waterfowl Days, veterans, as defined in 38 USC 101, and members of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training, with valid credentials may hunt on game lands and impoundments not designated as permit-only areas.

(n) Permit Hunt Opportunities for Disabled Sportsmen. The Commission may designate special hunts for participants of the disabled sportsman program by permit. The Commission may schedule these permit hunts during the closed season. Hunt dates and species to be taken shall be identified on each permit. If the hunt has a limited weapon choice, the allowed weapons shall be stated on each permit.

(o) As used in this Rule, horseback riding includes all equine species.

(p) When waterfowl hunting is authorized in this Rule on Christmas and New Years' Day and those days fall on Sundays, the open waterfowl hunting day shall be the following day.

EXHIBIT H-1

July 23, 2020



Public Comments for 15A NCAC 10B .0202 - Bear

Public Comments Received

No comments were received.

One public hearing was held on June 3, 2020.

EXHIBIT H-2

July 23, 2020



Proposed Temporary Rulemaking for 15A NCAC 10B .0202 – Bear Recommended by Agency Staff for Final Adoption

Title 15A NCAC 10B .0202 – Bear

15A NCAC 10B .0202 - Bear is proposed for temporary amendment to correct the open season for bear in Camden, Chowan, and Pasquotank counties. Due to calendar anomalies, the upcoming Bear season in the specified counties is incorrect in the North Carolina Administrative Code. This temporary amendment corrects the season dates, with permanent rulemaking to follow. One hearing was held on June 3, 2020 to receive public comment on the proposed changes. No public comments were received.

1 **15A NCAC 10B .0202 BEAR**

2 (a) Open Seasons for hunting bear shall be from the:

- 3 (1) Monday on or nearest October 15 through the Saturday before Thanksgiving and the third Monday
4 after Thanksgiving through January 1 in and west of Surry, Wilkes, Caldwell, Burke, and Cleveland
5 counties;
- 6 (2) Second Monday in November through January 1 in Bladen, Brunswick, Carteret, Columbus,
7 Cumberland, Duplin, New Hanover, Onslow, Pamlico, Pender, Robeson, and Sampson counties;
- 8 (3) Second Saturday in November through the second Sunday thereafter and the third Saturday after
9 Thanksgiving through the fifth Sunday after Thanksgiving in Beaufort, Bertie, Craven, Hertford,
10 Jones, Martin, and Washington counties;
- 11 (4) Second Saturday in November through the third Sunday thereafter and the third Saturday after
12 Thanksgiving through the fifth Sunday after Thanksgiving in Dare, Hyde, and Tyrrell counties;
- 13 (5) Second Saturday in November through the second Sunday thereafter and the third Saturday after
14 Thanksgiving through the fifth Sunday after Thanksgiving in Currituck, Gates, and Perquimans
15 counties;
- 16 (6) Second Sunday in November through the following ~~Sunday-Sunday, when November 1 falls on a~~
17 Sunday the season shall be from the third Sunday in November through the following Sunday,
18 and the third Saturday after Thanksgiving through the fifth Sunday after Thanksgiving in Camden,
19 Chowan, and Pasquotank counties;
- 20 (7) Third Saturday in November though the fifth Sunday thereafter in Edgecombe, Greene, Halifax,
21 Lenoir, Nash, Northampton, Pitt, Wayne, and Wilson counties; and
- 22 (8) Concurrent with the open season for all lawful weapons for hunting deer as specified in 15A NCAC
23 10B .0203(a)(1) in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie,
24 Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston,
25 Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond,
26 Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Wake, Warren, and Yadkin counties.

27 (b) Restrictions

- 28 (1) For purposes of this Paragraph, "bait" means any natural, unprocessed food product that is a grain,
29 fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw
30 components.

- 1 (2) Bears shall not be taken with the use or aid of:
- 2 (A) any processed food product as defined in G.S. 113-294(r), any animal, animal part or
- 3 product, salt, salt lick, honey, sugar, sugar-based material, syrups, candy, pastry, gum,
- 4 candy block, oils, spices, peanut butter, or grease;
- 5 (B) any extracts of substances identified in Part (A) of this Subparagraph;
- 6 (C) any substances modified by substances identified in Part (A) of this Subparagraph,
- 7 including any extracts of those substances; or
- 8 (D) any bear bait attractant, including sprays, aerosols, scent balls, and scent powders.
- 9 (3) Bears may be taken with the aid of bait from the Monday on or nearest October 15 to the Saturday
- 10 before Thanksgiving in the counties in Subparagraph (a)(1) of this Rule.
- 11 (4) Bears may be taken with the aid of bait during the entire open season in the counties identified in
- 12 Subparagraphs (a)(2) through (a)(6) of this Rule.
- 13 (5) Bears shall not be taken while in the act of consuming bait.
- 14 (6) Hunters shall not take bears using dogs in the following counties: Alamance south of Interstate 85,
- 15 Anson west of N.C. Hwy 742, Cabarrus, Chatham, Davie, Davidson, Franklin, Forsyth, Gaston,
- 16 Guilford, Lee, Lincoln, Mecklenburg, Montgomery, Orange south of Interstate 85, Randolph,
- 17 Rockingham, Rowan, Stanly, Union, and Wake south of N.C. Hwy 98. In all other counties and
- 18 parts of counties, hunters may take bears using dogs and may release dogs in the vicinity of bait.
- 19 (c) No Open Season. It shall be unlawful to take bear on posted bear sanctuaries except when authorized by permit
- 20 issued by the Commission. See 15A NCAC 10D .0106 for posted bear sanctuaries.
- 21 (d) The daily bag limit for bear is one, the possession limit is one, and the season limit is one.
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EXHIBIT I-1

July 23, 2020



Public Comments for 15A NCAC 10L – Wildlife Conservation Land Program

Public Comments Received

I am in support of reduced taxes for private lands regularly used for Conservation purposes. Thank you.

One public hearing was held on June 3, 2020.

EXHIBIT I-2

July 23, 2020



Proposed Adoption of Subchapter 15A NCAC 10L – Wildlife Conservation Land Program Rules Recommended by Agency Staff for Final Adoption

Title 15A NCAC 10L .0100 – Wildlife Conservation Land Program

Session Law 2018-95 extended the reduced property tax assessment for wildlife conservation land that creates and is actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation or wildlife activities. These proposed permanent rules address the activities and inspection requirements for this statutory expansion. They will replace temporary Rule 10L .0101 – Wildlife Reserve, adopted by the Commission at its October 2019 meeting. One hearing was held on June 3, 2020 to receive public comment on the proposed changes. One public comment was received.

10L .0101

Incorporates into rule the basic framework by which land can qualify for reduced tax assessment, pursuant to G.S. 105-277.15. Sets out the three different land management activities that qualify for the Wildlife Conservation Land Program.

10L .0102

Provides clarification to G.S. 105-277.15(c)(3)(a)(1), setting forth what animals qualify as a “protected animal” for the purposes of qualifying land as wildlife conservation land.

10L .0103

Provides clarification to G.S. 105-277.15(c)(3)(a)(2) on how management strategies to conserve priority wildlife habitat can qualify land as wildlife conservation land.

10L .0104

Establishes in rule the land management activities set out in G.S. 105-277.15(c)(3)(a)(3) for land that is actively and regularly used as a “reserve” to qualify as wildlife conservation land. Defines the land management activities that must be present and maintained on qualifying land. This Rule is the primary focus of this fiscal note and represents an expansion of the categories of land that qualify as wildlife conservation land.

1 **15A NCAC 10L .0101** **WILDLIFE CONSERVATION LAND**

2
3 (a) Wildlife Conservation Land is a classification of land that meets the size and ownership requirements specified in
4 G.S. 105-277.15 and on which one or more of the use requirements in subparagraphs (b)(1) through (b)(3) of this Rule
5 are met and maintained by the owner under a written Wildlife Habitat Conservation Agreement with the NC Wildlife
6 Resources Commission that is submitted by the landowner to the county where an application for reduced property
7 tax assessment is requested.

8 (b) Use Requirements:

9 (1) Protection of species on the protected animal list;

10 (2) Conservation of priority wildlife habitats; or

11 (3) Land managed and actively used as a wildlife reserve.

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13 *History Note:* Authority G.S. 105-277.15;
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1 **15A NCAC 10L .0102** **PROTECTION OF SPECIES ON THE PROTECTED ANIMAL LIST**

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3 (a) As specified in 15A NCAC 10L .0101, the protection of species on the protected animal list shall be a qualifying
4 land use for Wildlife Conservation Land. Eligible species shall be those designated by the Commission in Section
5 15A NCAC 10I .0100 as endangered, threatened, or special concern.

6 (b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the protection
7 of species on the protected animal list use requirement:

8 (1) at least one protected wildlife species shall have been identified on the land;

9 (2) the landowner shall be required to manage the land to protect the species through established
10 strategies identified in the Wildlife Habitat Conservation Agreement; and

11 (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

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13 *History Note:* Authority G.S. 105-277.15;
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1 **15A NCAC 10L .0103** **CONSERVATION OF PRIORITY WILDLIFE HABITATS**

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3 (a) As specified in 15A NCAC 10L .0101, the conservation of priority wildlife habitats shall be a qualifying land use
4 for Wildlife Conservation Land. Priority wildlife habitats shall mean those habitats specified in G.S.105-
5 277.15(c)(3)(a)(2).

6 (b) The following conditions shall apply to the qualification of land as Wildlife Conservation Land under the
7 conservation of priority wildlife habitat land use requirement:

8 (1) at least one of the priority wildlife habitats specified in G.S. 105-277.15(c)(3)(a)(2) shall have been
9 identified on the land or planned for establishment;

10 (2) the management strategies identified for the continued existence of the priority wildlife habitat shall
11 be in place or planned for as specified in the Wildlife Habitat Conservation Agreement; and

12 (3) the land shall meet the prior use requirements specified in G.S. 105-277.15(c)(3)(b).

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14 History Note: Authority G.S. 105-277.15;
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1 **15A NCAC 10L .0104 WILDLIFE RESERVE**

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3 (a) As specified in 15A NCAC 10L .0101, land that is managed and actively used as a wildlife reserve shall be a
4 qualifying land use for Wildlife Conservation Land. Wildlife reserve shall mean a type of wildlife conservation land
5 that is created to be actively and regularly used as a reserve for hunting, fishing, shooting, wildlife observation, or
6 wildlife activities, and upon which wildlife management activities are conducted to ensure the propagation of a
7 sustaining breeding, migrating or wintering population of indigenous wild animals. Land managed and maintained
8 primarily for human uses such as large lawns, golf courses, horse pastures, production agricultural fields, monoculture
9 hayfields, solar energy, and commercial timber stands shall not qualify as wildlife reserve land.

10 (b) As specified in G.S. 105-277.15(c)(3)(a)(3), to qualify as Wildlife Conservation Land under the wildlife reserve
11 land use requirement, at least three of the following activities shall be maintained on the land as agreed upon in the
12 written Wildlife Habitat Conservation Agreement:

- 13 (1) "supplemental food" shall mean annual or perennial noninvasive plantings that provide a direct or
14 indirect source of food or nutrition for wildlife resources.
- 15 (2) "supplemental water" shall mean artificial water features or sources that are created or installed for
16 the benefit of wildlife resources.
- 17 (3) "supplemental shelter" shall mean natural or artificial structures that are created or installed to
18 provide shelter from the weather, nesting sites, or escape cover from predators. Supplemental shelter
19 may include the addition of natural or artificial structures into aquatic habitats.
- 20 (4) "habitat control" shall mean the implementation of practices to establish, restore, enhance, or
21 maintain upland, wetland, riparian, or aquatic vegetation or physical aquatic habitat.
- 22 (5) "erosion control" shall mean the implementation of practices to prevent, reduce, or minimize soil
23 erosion. Practices may include streambank and in-stream channel stabilization. Practices established
24 for erosion control shall not be known to harm wildlife or include invasive plant species.
- 25 (6) "predator control" shall mean a practice implemented to reduce the abundance of a species or suite
26 of species that preys on any life stage of wildlife species for which the land is managed. Predator
27 control includes removal of invasive animal species to manage or protect wildlife or wildlife
28 habitats.
- 29 (7) "census of animal population on the land" shall mean conducting or participating in periodic surveys
30 and inventories to determine the presence, number, composition, biological condition, or human use
31 of wildlife.

32 (c) Qualifying land shall be inspected at least once every five years following the date that the conservation agreement
33 is signed to ensure that at least three of the seven activities specified in Subparagraphs (b)(1) through (b)(7) of this
34 Rule are maintained. The following conditions shall apply to the required inspection:

- 35 (1) a wildlife biologist employed by a state or federal agency, a Certified Wildlife Biologist®
36 credentialed by the Wildlife Society, or a Certified Fisheries Professional credentialed by the
37 American Fisheries Society shall perform the inspection of qualifying land; and

1 (2) inspections shall be recorded by the wildlife biologist on a form provided by the Commission. The
2 landowner shall submit the completed form to the county tax assessor's office during the open
3 enrollment period for the year that the inspection is due.

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5 *History Note:* Authority G.S. 105-277.15;
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EXHIBIT J-1

July 23, 2020



Public Comments for 15A NCAC 10G .0601 – Totally Disabled License Eligibility for Lifetime Licenses

Public Comments Received

Hi, I just wanted to email and state that I am in support of this rule change to allow for other permanent disabilities to be qualifiers for Disabled Licenses. Thank You.

One public hearing was held on June 3, 2020.

EXHIBIT J-2

July 23, 2020



Proposed changes to 10G .0601 – Totally Disabled License Eligibility for Lifetime Licenses Recommended by Agency Staff for Final Adoption

Title 15A NCAC 10G .0601 – Totally Disabled License Eligibility

Current Rule language limits qualification for this license to individual residents that receive certification as totally and permanently disabled from specified government institutions. Proposed amendments provide an alternative method for certification of a qualifying disability by means of certification by certain healthcare professionals. Organizational and clarifying changes are also proposed. One hearing was held on June 3, 2020 to receive public comment on the proposed changes. One public comment was received.

1 **15A NCAC 10G .0601 TOTALLY DISABLED LICENSE ELIGIBILITY**

2 ~~The Wildlife Resources Commission shall accept documentation from individual residents who are certified as totally~~
3 ~~and permanently disabled by the Social Security Administration, Civil Service Retirement System, Railroad~~
4 ~~Retirement Board, or the North Carolina State Retirement System for the purpose of obtaining a lifetime totally~~
5 ~~disabled hunting and fishing license as described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.~~

6 (a) North Carolina residents that are totally and permanently disabled shall be eligible for the totally disabled lifetime
7 licenses described in G.S. 113-270.1C, 113-270.1D, 113-271, and 113-351.

8 (b) Written certification of a resident's total and permanent disability as specified in Paragraphs (c) and (d) of this
9 Rule shall be required and submitted to the Wildlife Resources Commission prior to the issuance of a totally disabled
10 lifetime license.

11 (c) Written certification of a resident's total and permanent disability from the following institutions shall be accepted
12 for the purposes of qualifying for the totally disabled lifetime licenses specified in Paragraph (a):

13 (1) The Social Security Administration;

14 (2) The Civil Service Retirement System;

15 (3) The Railroad Retirement Board; and

16 (4) The North Carolina State Retirement System.

17 (d) Residents not receiving or qualifying for benefits from the institutions specified in Paragraph (c) may submit
18 written certification from a licensed physician, licensed physician assistant, or certified nurse practitioner that the
19 resident's impairment qualifies under the categories set forth by the Social Security Administration in 20 C.F.R.
20 416.934 for presumptive disability or presumptive blindness, excluding the impairment categories specifically
21 applying to infants. 20 C.F.R. 416.934 is hereby incorporated by reference, including subsequent amendments and
22 editions. This regulation may be accessed free of charge at www.ecfr.gov.

EXHIBIT K-1

July 23, 2020



Public Comments for 15A NCAC 10B .0114 – Dog Training and Field Trials

Public Comments Received

No comments were received.

One public hearing was held on June 3, 2020.

EXHIBIT K-2

July 23, 2020



Proposed changes to 10B .0114 – Dog Training and Field Trials Recommended by Agency Staff for Final Adoption

Title 15A NCAC 10B .0114 – Dog Training And Field Trials

This rule is part of the 2017 periodic review, with a re-adoption deadline of December 30, 2022. It is proposed for amendment to provide for the issuance of Field Trial Permits via the online portal at ncwildlife.org. Previously, applications for a field trial had to be submitted in writing to a Wildlife Enforcement Officer 30 days prior to the scheduled event. Organizational and technical changes are also proposed. One hearing was held on June 3, 2020 to receive public comment on the proposed changes. No public comments were received.

1 **15A NCAC 10B .0114 DOG TRAINING AND FIELD TRIALS**

2 (a) For purposes of 15A NCAC 10B and 10D, the following definitions apply:

3 (1) "Commission-sanctioned field trial" means a field trial ~~that, pursuant to a written request from the~~
4 ~~sponsoring organization, that~~ has been authorized ~~in writing and scheduled for occurrence by an~~
5 ~~authorized representative of by~~ the Wildlife Resources Commission. Commission and for which a
6 Field Trial Permit has been issued.

7 (2) "Active participant" means ~~a person~~ an individual participating in a field trial who handles dogs or
8 uses a firearm.

9 (3) "Field Trial Permit" means the permit issued by the Wildlife Resources Commission that authorizes
10 an individual to hold a commission-sanctioned field trial for dogs in accordance with governing
11 laws and the Rules of the Commission.

12 (b) Individuals desiring to conduct a commission-sanctioned field trial shall obtain a Field Trial Permit from the
13 Wildlife Resources Commission at www.ncwildlife.org or at the Commission headquarters located at 1751 Varsity
14 Drive, Raleigh, NC 27606.

15 ~~(b) (c) Each person~~ Individuals using wildlife to train or run dogs shall possess a North Carolina hunting license.

16 ~~(c) A person serving as judge of a commission-sanctioned field trial is exempted~~

17 ~~(d) An individual who is serving as a judge of a commission-sanctioned field trial shall be exempt~~ from any license
18 requirements. ~~Judges of non-sanctioned~~ An individual who is serving as a judge of a non-sanctioned field trials trial
19 using wildlife shall possess a North Carolina hunting license.

20 ~~(d) (e)~~ Except as exempted provided in Paragraph (e) (f) of this Rule, the following applies license requirements shall
21 apply to active participants in field trials:

22 (1) North Carolina residents participating in any field trial that uses wildlife shall have a N.C. hunting
23 license;

24 (2) non-residents participating in a commission-sanctioned field trial that uses wildlife shall possess a
25 N.C. hunting license or a hunting license from his or her state of residence; and

26 (3) non-residents participating in other types of field trials that use wildlife shall possess a N.C. hunting
27 license

28 ~~(e) (f) Persons~~ Notwithstanding Paragraph (e) of this Rule, an individual without a license may participate in
29 commission-sanctioned field trials for beagles conducted without firearms on private field trial areas that ~~are fenced~~
30 ~~in accordance with~~ meet the fencing requirements specified in G.S. 113-276(k).

31 ~~(f) (g) Except as allowed by rules pertaining to authorized field trials, it is~~ It shall be unlawful to carry axes, saws
32 saws, or climbing irons while training or running dogs during closed season on game animals- any closed season for
33 game animals.

34 ~~(g) (h) On a commission-sanctioned field trial for retrievers or bird dogs,~~ The following conditions shall apply to
35 commission-sanctioned field trials for retrievers or bird dogs:

- (1) shotguns containing live ammunition or firearms using only blank ammunition ~~may be used only when the application for and the authorization of the field trial so provide.~~ shall be prohibited unless specifically authorized by a Field Trial Permit;
- (2) ~~No~~ no wild waterfowl, ~~quail~~ wild quail, or ~~wild~~ pheasant shall be used in field trials when shotguns with live ammunition are ~~permitted.~~ permitted;
- (3) ~~All waterfowl, quail and pheasants so used shall be obtained from a licensed game bird propagator.~~ only waterfowl, quail, or pheasants lawfully obtained from a licensed game bird propagator shall be authorized for use in field trials.
- (4) ~~Each specimen of waterfowl so obtained~~ waterfowl obtained from licensed game bird propagators for use in field trials when shotguns with live ammunition are authorized shall be marked by one of the methods ~~provided by 50 C.F.R. 21.13.~~ specified in 50 C.F.R. 21.13; and
- (5) ~~Each pheasant or quail so obtained~~ pheasants or quail obtained from licensed game bird propagators for use in field trials where shotguns with live ammunition are authorized shall be banded by the propagator prior to delivery with a leg band that is imprinted with the number of his or her propagation license. The purchaser of the birds shall obtain a copy of the receipt from the propagator showing the ~~date and~~ date, the number number of birds purchased, propagator license number, and species of birds purchased. ~~The~~ A copy of the receipt shall be available for inspection by ~~any authorized agent~~ representatives of the Wildlife Resources Commission during the time and at the place where the trial is being held.
- ~~(h) Applications for authorization of a field trial shall be submitted in writing to a Wildlife Enforcement Officer at least 30 days prior to the scheduled event.~~
- ~~(i) Pursuant to G.S. 113-291.1(d), hunters may train dogs using shotguns with shot of number 4 size or smaller during the closed season using domestically raised waterfowl and domestically raised game birds.~~
- (i) The following conditions shall apply when training dogs during the closed season for domestically raised waterfowl and domestically raised game birds:
- (1) only shotguns with number 4 size shot or smaller shall be authorized;
- (2) ~~Only~~ nontoxic shot shall be used when training dogs using domestically raised ~~waterfowl.~~ waterfowl;
- (3) ~~All~~ all domestically raised waterfowl shall be individually tagged on one leg with a seamless band stamped with the ~~number of the~~ propagation license number of ~~for~~ the facility from which the domestically raised waterfowl ~~originated.~~ originated; and
- (4) ~~All~~ all other domestically raised game birds shall be individually tagged on one leg with a band indicating the propagation license number ~~for~~ of the facility from which the birds originated.

EXHIBIT L-1

July 23, 2020



Public Comments for 15A NCAC 10H .1003 – Taxidermist Records and Reporting Requirements

Public Comments Received

No comments were received.

One public hearing was held on June 3, 2020.

EXHIBIT L-2

July 23, 2020



Proposed changes to 15A NCAC 10H .1003 – Taxidermist Records and Reporting Requirements Recommended by Agency Staff for Final Adoption

Title 15A NCAC 10H .1003 – Records

This Rule is proposed for amendment to institute reporting requirements pursuant to the establishment of the taxidermy cervid certification and to update the title to *Records and Reporting Requirements*. One hearing was held on June 3, 2020 to receive public comment on the proposed changes. No public comments were received.

1 **15A NCAC 10H .1003 RECORDS AND REPORTING REQUIREMENTS**

2 (a) Licensed taxidermists shall keep records of each wildlife specimen delivered and contained within his or her place
3 of business. Records shall include:

- 4 (1) the species and sex of the specimen;
5 (2) the date the specimen was delivered;
6 (3) the name and address of the person delivering the specimen;
7 (4) the name and address of the person responsible for take of the specimen, if different;
8 (5) the date and location of the take;
9 (6) the big game harvest authorization number, if applicable; and
10 (7) the date and disposition of the mounted specimen.

11 Records shall be maintained chronologically by the date the specimen was delivered. Records shall be retained by the
12 taxidermist for one year following expiration of the taxidermy license and shall be made available for inspection by
13 any agent of the Wildlife Resources Commission.

14 (b) The records required by the United States Fish and Wildlife Service under its taxidermy permit regulations for
15 migratory game birds, as set forth in 50 CFR 21.24, which is hereby incorporated by reference including subsequent
16 amendments and editions, shall satisfy this Rule, and can be accessed at no cost at www.ecfr.gov.

17 (c) Licensed taxidermists required by G.S. 113-273(k) to obtain the taxidermy cervid certification shall report the
18 following information of each wildlife specimen of the family Cervidae delivered and contained within his or her
19 place of business to the Wildlife Resources Commission on a form available at www.newwildlife.org:

- 20 (1) the county or parish, state, Canadian province, or foreign country where the take occurred;
21 (2) the big game harvest authorization number or equivalent out-of-state number; and
22 (3) the species of each cervid.

23 (d) The information required to be reported in Paragraph (c) of this Rule shall be received by the Commission prior to
24 the renewal of a taxidermy cervid certification.

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EXHIBIT M-1

July 23, 2020



PUBLIC COMMENTS RECEIVED DURING THE OPEN COMMENT PERIOD 15A NCAC 10F .0359 CHEROKEE COUNTY – HIWASSEE LAKE TEMPORARY RULEMAKING

A public hearing was held on June 3, 2020 to receive comments on the proposed temporary rule for Hiwassee Lake in Cherokee County, to move the coordinates to correct the line where the no-wake zone begins within 50 yards of the Harbor Cove Marina

During the open comment period there were no comments received.

EXHIBIT M-2

July 23, 2020



CONSIDERATION OF FINAL ADOPTION - TEMPORARY RULEMAKING 15A NCAC 10F .0359 HIWASSEE LAKE, CHEROKEE COUNTY

Notice of proposed text for temporary rulemaking to move the location of the no-wake zone at Harbor Cove Marina on Hiwassee Lake, to extend within 50 yards of the planned expanded facility, was published in the NC Register with an open comment period and one public hearing.

The Dam Boat Dock LLC, DBA Harbor Cove Marina in Cherokee County on Hiwassee Lake plans to expand its marina facilities under a special use permit with the US Forest Service for use of the National Forest as part of the marina's operational area, and a permit with the Tennessee Valley Authority (TVA) which sets the harbor limits. Since the Notice of Proposed Text for temporary rulemaking was published, staff has learned that the permitting process with TVA and US Forest Service is not complete and the proposed date that the existing no-wake zone will be moved has been pushed out to early in 2021.

Therefore, Staff recommends not proceeding with temporary rulemaking to move the location of the no-wake zone. Staff will instead bring for Commission consideration permanent rulemaking to be effective next year when the marina additions are complete.

15A NCAC 10F .0359 CHEROKEE COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters of Hiwassee Lake:

- (1) Dukes Hideaway Marina cove shore to shore, east of a line from a point on the north shore at 35.11989 N, 84.10420 W to a point on the south shore at 35.11902 N, 84.10386 W;
- (2) Shooks Marina cove shore to shore, south of a line from a point on the northwest shore at 35.15458 N, 84.14425 W to a point on the southeast shore at 35.15462 N, 84.14291 W;
- (3) Mountain View Marina cove, shore to shore, west of a line from a point on the north shore at 35.15270 N, 84.16471 W to a point on the south shore at 35.15120 N, 84.16313 W;
- (4) within 50 yards of the Tennessee Valley Authority boat launch at Micken Branch Ramp at 35.11890 N, 84.16806 W;
- (5) Harbor Cove Marina cove, shore to shore, west of a line from a point on the north shore at ~~35.13899 N, 84.17592 W~~ 35.13947 N, 84.17475 W to a point on the south shore at ~~35.13771 N, 84.17593 W;~~ 35.13754 N, 84.17465 W.

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

(c) Placement of Markers. The Cherokee County Board of Commissioners shall be the designated agency for the placement of markers implementing this Rule, subject to the authority of the Tennessee Valley Authority and the United States Army Corps of Engineers.



EXHIBIT N

July 23, 2020



PERMANENT RULEMAKING REQUEST TO PUBLISH NOTICE OF TEXT 15A NCAC 10F .0317 – STANLY COUNTY, LAKE TILLERY

The Town of Norwood in Stanly County submitted an application and Resolution for a rule to establish a no-wake zone within 50 yards of the fuel docks at the Boathouse and Marina on Lake Tillery. Permanent rulemaking will replace a temporary rule for the no-wake zone.

Staff recommends approval to propose Notice of Text in the *NC Register*, with an open comment period and one public hearing, for permanent rulemaking for a no-wake zone on Lake Tillery in Stanly County.

No Fiscal Note is required.

15A NCAC 10F .0317 STANLY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters described as follows:

- (1) Badin Lake.
- (2) Lake Tillery.
 - (A) Turner Beach Cove shore to shore, south of a point at 35.22529 N, 80.09318 W.
 - (B) The waters within 50 yards of the fuel docks at the Boathouse and Marina at 712 Berry Hill Drive in Norwood.

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated area described in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the waters of a regulated area described in Paragraph (a) of this Rule.

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

(e) Placement of Markers. The Board of Commissioners of Stanly County shall be the designated agency for placement of markers implementing this Rule.

(f) Notwithstanding Paragraphs (a) through (e) of this Rule, no person shall operate a vessel at greater than no-wake speed in the waters of Lake Tillery shore to shore, within 85 yards north and 85 yards south of the NC Hwy 24/27/73 bridge eastbound and westbound spans, otherwise known as the James B. Garrison Bridge. The North Carolina Wildlife Resources Commission shall be the designated agency for placement and maintenance of markers for this regulated area.



North Carolina Wildlife Resources Commission

Application for Water Safety Rulemaking on Navigable Waters of the State of North Carolina

1. Governmental Unit: Town of Norwood Date: March 12, 2019
Contact Name: Ray Allen
Mailing Address: PO Box 697 Phone # (704) 474-3416
Norwood, NC 28128

2. In accordance with G.S. 75A-15, the above-named subdivision of the State applies to the North Carolina Wildlife Resources Commission for water safety rulemaking in the following waters:

Name of Body of Water, County, Location: Lake Tillery, Stanly County, 712 Berry Hill Drive

Popular Name (if any): The Boathouse and Marina

Describe Proposed Regulated Area – No-Wake Zone, Swim Area, Other:

The owner of The Boathouse & Marina at 712 Berry Hill Drive would like to have two No Wake buoys approximately 50 feet out from the pier since he has fueling stations on the pier.

3. Safety hazard prompting rulemaking request (No Wake Zones, marked swim areas, and mooring areas shall be approved to mitigate hazards to boater and recreational water safety):

The owner of The Boathouse & Marina sells gas from the pier and would like the No Wake buoys in order to increase safety around the area.

4. Include the following information with your application:

- Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
- A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
- Affirmation that the local unit of government *or* a designee agrees to purchase and place markers that conform to U.S. Aids to Navigation (USATONS) standards to implement a Rule. The North Carolina Wildlife Resources Commission is required to submit a Fiscal Note to the Office of State Budget and Management to report the fiscal impact of a Rule on a state or local unit of government.

Regulatory markers that do not conform to USATONS standards and that are placed without authorization by the NC Wildlife Resources Commission shall be unlawful.

Mail completed application and supporting documents to:
No Wake Zone Coordinator
NC Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

or email to:
nowakezonecoordinator@ncwildlife.org

**RESOLUTION
OF
THE TOWN COUNCIL OF THE TOWN OF NORWOOD**

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

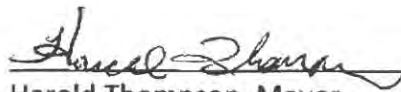
WHEREAS, the owner of The Boathouse and Marina located at 712 Berry Hill Drive has made request that a No Wake Zone be created on Lake Tillery on the northeast side of the piers at The Boathouse and Marina to protect the safety of the residents residing in and utilizing this area of the lake; and,

WHEREAS, the owner of The Boathouse and Marina has indicated his willingness to purchase, install and maintain such buoys as may necessary to establish said No Wake Zone; and

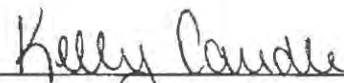
WHEREAS, the Town of Norwood has given public notice of its intention to make formal application to the North Carolina Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on Lake Tillery within the territorial limits of the Town of Norwood.

BE IT RESOLVED that in accordance with North Carolina General Statutes Section 75A-15, the Town Council of the Town of Norwood requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Lake Tillery located in said Town, the pertinent substance of which proposed regulations is as follows: that a no wake zone be declared on a section of Lake Tillery on the northeast side of the piers at the Boathouse and Marina located at 712 Berry Hill Drive, Norwood, NC, in the interest of mitigating water safety hazards.

This the 18th day of March, 2019.


Harold Thompson, Mayor
Town of Norwood

Attest:


Kelly Caudle, Town Clerk

15A NCAC 10F .0317 (a) (2) (B) Proposed No Wake Zone
Boathouse & Marina on Berry Hill Drive, Norwood, Stanly County



EXHIBIT O

July 23, 2020



APPLICATION FOR PERMANENT RULEMAKING AMENDMENT TO 15A NCAC 10F .0323 – LAKE JAMES, BURKE COUNTY

The Wildlife Resources Commission received a formal application and Resolution from Burke County, requesting consideration of rulemaking to extend two no-wake zones - one near the Highway 126 Bridge and one currently within 50 yards of the Canal Bridge Boating Access Area on Lake James.

The Wildlife Enforcement Division conducted assessments of increasing safety hazards that have arisen in the area in recent years. The Lake James Marina south of the bridge is expanding its facilities and docks. New structures along the shore accommodate heavy vessel traffic, and boat wakes and crowded conditions in the congested area are creating additional dangers. The Enforcement Division assessed the need to regulate vessel speed northeast of the Highway 126 bridge too, shore to shore, to accommodate kayaks, canoes, and paddle boards that are rented at the Lake James State Park.

The no-wake zone within 50 yards of the Canal Bridge Boating Access Area no longer is adequate to protect boats that enter and exit that BAA. NC Parks has been overwhelmed with increasing traffic at its very busy boating access area. They have added their endorsement (see the Assessment Matrix) to extend the Canal Bridge BAA shore to shore and northward, contiguous with the no-wake zone at the marina and northeast of the bridge.

Burke County has designated private individuals to purchase the necessary buoys to mark the extended no-wake zones. No Fiscal Note is required.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of an amendment to 15A NCAC 10F .0323, with an open comment period of at least 60 days and one local public hearing per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the no wake zone.

15A NCAC 10F .0323 BURKE COUNTY

(a) Regulated Areas. This Rule applies only to the following waters or portions of waters in Burke County:

- (1) Lake Hickory;
- (2) Lake James, delineated by markers consistent with Paragraph (e) of this Rule, at the following locations:
 - (A) Holiday Shores Subdivision;
 - (B) Lake James Campground;
 - (C) Laurel Pointe Subdivision;
 - (D) The waters of Boyd Moore Cove shore to shore, north of a line from a point on the northwest shore at 35.76667 N, 81.82337 W to a point on the southeast shore at 35.76558 N, 81.82245 W;
 - (E) East Shores development;
 - (F) Eastern shore of Lake James at Mallard Cove;
 - (G) That portion of Lake James shore to shore, beginning ~~50 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74398 N, 81.88426 W, to a point on the south shore at 35.74334 N, 81.88383 W, and ending at a line 215 yards southwest of the NC Highway 126 bridge, from a point on the northwest shore at 35.74257 N, 81.88679 W to a point on the southeast shore at 35.74160 N, 81.88516 W; 385 yards northeast of the NC Highway 126 bridge at a line from a point on the north shore at 35.74652 N, 81.88231 W to a point on the south shore at 35.74440 N, 81.88017 W, and ending at a line 550 yards southwest of the NC Highway 126 bridge and 50 yards south of the Canal Bridge Boating Access Area dock from a point on the northwest shore at 35.74163 N, 81.88943 W to a point on the southeast shore at 35.73869 N, 81.88652 W;~~
 - ~~(H) Within 50 yards of the Canal Bridge Boating Access area dock;~~
 - ~~(H)~~ (H) The waters within 50 yards of the end of the South Pointe Subdivision peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula from a point east of the peninsula at 35.76399 N, 81.83768 W, and surrounding the peninsula to a point west of the peninsula at 35.76307 N, 81.83648 W; and
 - ~~(I)~~ (I) The waters of Sherman's Hollow Cove shore to shore, and contiguous with those waters beginning at a point on the west shore of the mouth of Sherman's Hollow Cove at 35.76423 N, 81.82748 W, extending northeast within 50 yards of Linville Point to a point on the northeast shore of Linville Point at 35.76596 N, 81.82432 W.

- (3) Lake Rhodhiss.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within 50 yards of any designated public boat launching ramp, bridge, marina, boat storage structure, boat service area, dock, or pier; or while on designated waters of the areas described in Paragraph (a) of this Rule.

- (c) Speed Limit in Mooring Areas. No person shall operate a vessel at greater than no-wake speed while within a marked mooring area on the regulated areas described in Paragraph (a) of this Rule.
- (d) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area on the regulated areas described in Paragraph (a) of this Rule.
- (e) Placement of Markers. The Board of Commissioners of Burke County is the designated agency for placement of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

History Note: Authority G.S. 75A-3; 75A-15; 102-1.1;
Eff. July 1, 1976;
Amended Eff. December 1, 1995; December 1, 1994; December 1, 1992; March 1, 1992;
Temporary Amendment Eff. April 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. August 15, 2001;
Amended Eff. July 1, 2009; May 1, 2009; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
6, 2016;
Amended Eff. November 1, 2017.



North Carolina Wildlife Resources Commission

Application for Water Safety Rulemaking on Navigable Waters of the State of North Carolina

1. Governmental Unit: _____ Date: _____
Contact Name: _____
Mailing Address: _____ Phone # _____

2. In accordance with G.S. 75A-15, the above-named subdivision of the State applies to the North Carolina Wildlife Resources Commission for water safety rulemaking in the following waters:

Name of Body of Water, County, Location: _____

Popular Name (if any): _____

Describe Proposed Regulated Area – No-Wake Zone, Swim Area, Other:

3. Safety hazard prompting rulemaking request (No Wake Zones, marked swim areas, and mooring areas shall be approved to mitigate hazards to boater and recreational water safety):

4. Include the following information with your application:
 - a. Statement that public notice was given of the intention to make application to the Wildlife Resources Commission for the Rule that is being proposed
 - b. A resolution from the above-named governmental unit requesting rulemaking for the waters named in Item 2
 - c. Affirmation that the local unit of government *or* a designee agrees to purchase and place markers that conform to U.S. Aids to Navigation (USATONS) standards to implement a Rule. The North Carolina Wildlife Resources Commission is required to submit a Fiscal Note to the Office of State Budget and Management to report the fiscal impact of a Rule on a state or local unit of government.

Regulatory markers that do not conform to USATONS standards and that are placed without authorization by the NC Wildlife Resources Commission shall be unlawful.

Mail completed application and supporting documents to:
No Wake Zone Coordinator
NC Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

or email to:
nowakezonecoordinator@ncwildlife.org



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 1:

Name of organization/entity: *Burke County*

Primary contact information: *Scott Carpenter, Deputy County Administrator, 828-764-9030, 110 N. Green St Morganton, NC 28680 and Peter Minter, Senior Planner, Office: 828-764-9033*

Exact location of requested no-wake zone:

Body of water and County: *Lake James, Burke County*

Location: *Area from the existing no-wake zone 215 yards southwest of the NC 126 bridge shore to shore, to a point shore to shore southwest of the no-wake zone at the Canal Bridge Boating Access Area*

Popular name of area, if any: *Canal Bridge*

Width of No-Wake Zone: Narrowest Point: *75 yards* Widest Point: *400 yards*

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc)

1. The Lake James Marina located on the north shore of the Lake near the bridge has new marina owners who have built and are continuing to build new docks which were not in place during the time of the original application. The existing no-wake zone does not cover the expanded area, and as a result, the docks and boats are experiencing wave action that could cause damage over time. Other structures have been built as well and there are hazards to recreation in the area from the heavy traffic that enters and leaves the marina facilities.

2. Additionally, at the Canal Bridge BAA there is significantly more vessel traffic than there was in 2009 when the rule was adopted within 50 yards. The Lake James State Park Superintendent submitted this email in support of an extension of the NWZ so that it would meet the longer no-wake zone from the lake channel and go shore to shore.:

To: Betsy Haywood, Scott Carpenter, Peter Minter May 4, 2020

I am supportive of the expansion of the no-wake zone expansion that is being requested. Please let me know if this email will suffice, or if you will need more official notification on letterhead.

Thank you,

Nora Coffey

Park Superintendent

Lake James State Park

NC Division of Parks and Recreation

828-584-7728

www.ncparks.gov

NORTH CAROLINA STATE PARKS
Naturally Wonderful

And in an email to Scott Carpenter, County Manager, from Ms. Coffey on May 4, 2020:

Scott,

Thank you for bringing this up. I would agree that records were broken yesterday. In the 13 years I've been at the state park I have never seen the lake or boat ramps as full and overflowing as they were yesterday. My staff is in agreement. We were astounded. We will do what we can to control traffic at the boat ramps (Hidden Cove and Canal Bridge), but I'm not sure how much assistance we'll be able to provide on the water. We do not have jurisdiction on the water, but also, once we start to open up on Saturday I will need my staff in the park maintaining the chaos on land. We can certainly assist in an emergency situation, but this past weekend we would not have been able to break away from the issues we were already dealing with.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact – the attached map with requested extended no-wake zone was submitted by Burke County

Attach detailed reason given from point of contact for the request

Burke County officials, State Park officials, and Tim Newton, one of the owners of Lake James Marina are quite concerned about additional safety hazards caused by the construction of new marina facilities, heavy vessel traffic that leaves the BAA and heads at full throttle between that no-wake zone and the existing one 215 yards SW of the bridge, and danger to other recreationists and kayakers who try to use the lake in that area.

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ☐

NO ☒

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? Please see attached justification for approval memorandum

Is this a public swimming or recreational area?

NO ☐

YES ☒ would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate? ROPED SWIM AREA ☐

NO-WAKE BUOYS ☒

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS ☒ (Identify) ___ Large boat docks extending 196 feet from the marina shoreline, highway 126 Bridge abutments.

NARROW CHANNEL ☒ (give approximate width) _ Approximately 75 yard at NE entrance of the canal and approximately 85 yards between the furthest portion of the NWZ at Canal Bridge Access area and 50 yards out from the new boat dock adjacent to the Canal Bridge Access area

SHALLOW WATER ☐ (give average depth) _____

OBSTRUCTED VISION ☒ (for approximately how great a distance) _ Large boat docks that extend 196 feet into the channel from the marina property.

STRUCTURES (Check all applicable)

- | | |
|---|---|
| <input type="checkbox"/> DAM | <input type="checkbox"/> LOCK |
| <input type="checkbox"/> SPILLWAY | <input type="checkbox"/> JETTY |
| <input type="checkbox"/> FLOOD CONTROL STRUCTURE | <input type="checkbox"/> SUBMERGED STRUCTURE |
| <input type="checkbox"/> TRESTLE | <input type="checkbox"/> SANDBAR |
| <input type="checkbox"/> POWER LINE | <input type="checkbox"/> SHOAL |
| <input checked="" type="checkbox"/> FUELING DOCK | <input checked="" type="checkbox"/> PRIVATE DOCKS |
| <input type="checkbox"/> RESTAURANT DOCKS | <input checked="" type="checkbox"/> BRIDGE |
| <input checked="" type="checkbox"/> ACCESS AREA/BOAT LAUNCH | <input type="checkbox"/> PIER |

OTHER (list and describe) _____

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO ☐

YES ☒ (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed?

The proposed total distance would be 615 yards. With a needed extension of the no-wake zone to begin at the islands NE of the bridge, the total distance to travel through that entire no-wake zone would be 950 yards.

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed 7 minutes for the proposed extension or 10 minutes if the total area from the islands NE of the bridge to the proposed line SW of the bridge is extended.

SECTION 5:

List any other known incidents, safety concerns or problems that have occurred? _

Narrow channel creating a hazardous congested area. Increased motorboat traffic in the area. Increased use of canoes and kayaks in the area due to proximity of the boat access and canoes and kayaks being rented from Lake James State park.

Rate traffic density in this area from light to heavy **LIGHT** 1 2 3 4 5 6 7 8 9 10 **HEAVY**

Is traffic density specific to weekend/and or holidays? _____ Yes

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES ☒
NO ☐

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water **VERY UNLIKELY** 1 2 3 4 5 6 7 8 9 10 **MORE LIKELY**

SECTION 6:

OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

YES: ☒

NO: ☐

Reasons: Please see the attached justification for approval memorandum

Officer: Captain R.L. Tucker

Date: 05/14/2020

15A NCAC 10F .0323 - Recommended No Wake Zone Extension
Lake James, Burke County



EXHIBIT P-1

July 23, 2020



Fiscal Note Review of Proposed Wildlife Resources Commission No-Wake Zone Rule 15A NCAC 10F .0308 – Clay County

Contact: Betsy Haywood, No-Wake Zone Coordinator
1701 Mail Service Center
Raleigh, N.C 27699-1701
(919) 707-0013
betsy.haywood@ncwildlife.org

Impact: State Government: Yes
Local Government: Yes
Private Impact: Minimal
Substantial Impact: No

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

The proposed permanent amendments to 15A NCAC 10F .0308 – Clay County (APPENDIX 1) will expand or create no-wake zones (NWZs) on Chatuge Lake as specified below:

1. Gibson Cove, the established NWZ in Gibson Cove will be expanded from the area around the boating access area to the entire cove beginning at its mouth (15A NCAC 10F .0308(a)(3)) (See Appendix 2 for map of area);
2. Clay County Recreational Park, a new NWZ will be created within 50 yards of the peninsula shoreline at Clay County Recreational Park (15A NCAC 10F .0308(a)(8) (See Appendix 3 for map of area); and
3. Dayton Cove, a new NWZ will be created in Dayton Cove (15A NCAC 10F .0308(a)(9) (See Appendix 4 for map of area).

The Tennessee Valley Authority concurs with the placement of markers in these portions of Chatuge Lake.

Clay County applied for rulemaking to mitigate hazards to boater safety. An existing NWZ in Gibson Cove is located within 50 yards of the boating access area. The extended NWZ will encompass the entire cove to mitigate hazards to boater and water recreation safety. The NWZ within 50 yards of the shoreline of the peninsula where Clay County Recreational Park is located will protect non-motorized vessels and swimmers from wakes caused

by heavy boat traffic at the Park. The NWZ at Dayton Cove will protect swimmers and sunbathers from heavy boat wakes in the narrow cove with diminished sight lines. Clay County is responsible for marking the NWZ in Gibson Cove and around the peninsula at Clay County Recreational Park. Private citizens are responsible for purchase and placement of markers in Dayton Cove.

Clay County will mark the NWZs at Gibson Cove and the Clay County Recreational Park at an estimated cost of \$5900.00. Ten 19-inch no-wake buoys and anchors and blocks will be purchased at a cost of \$550.00 each, for a total cost of \$5500.00. Two technicians will spend eight hours each installing the buoys (16 hours x \$25.00/hr * = \$400.00. Total: \$5900.00).

State Impact Analysis: The WRC is responsible for maintenance of the buoys for the NWZs on Chatuge Lake at Gibson Cove, Clay County Recreational Park, and Dayton Cove. It is anticipated that the total annual cost to maintain the buoys will be no more than \$550.00. These costs will only be realized if a marker is destroyed and must be replaced.

Local Impact Analysis: Clay County will incur the expense of no more than \$5900.00 for purchase and placement of the markers for the NWZs at Gibson Cove and Clay County Recreational Park.

Private Impact: The rule has minimal private fiscal impact. The regulated community will not incur any direct financial cost as a result of this rule change, but their behavior will be restricted at the recreational park, Gibson Cove where the boating access area is located, and Dayton Cove. The restricted behavior is offset by the mitigation of hazards to boater and water recreation safety.

Substantial Economic Impact: There will be no substantial economic impact to the public.

APPENDIX 1

15A NCAC 10F .0308 is proposed for amendment as follows:

15A NCAC 10F .0308 CLAY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

- (1) within 50 yards of the boat ramp at Ho Hum Campground;
- (2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
- (3) ~~within 50 yards of the waters of Gibson Cove access area;~~ Cove, west of a line at the mouth from a point on the north shore at 35.01424 N, 83.79614 W to a point on the south shore at 35.01022 N, 83.79533 W;
- (4) within 50 yards of the Chatuge Cove Marina;
- (5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore at 35.02609 N, 83.73945 W;
- (6) within 50 yards of the Chatuge Dam Spillway access ~~area; and~~ area;
- (7) the waters of McCracken ~~Cove;~~ Cove;
- (8) within 50 yards of the peninsula at Clay County Recreational Park, from a point on the north shore at 35.00859 N, 83.79303 W, east to a point in the water at 35.00894 N, 83.79168 W, south to a point in the water at 35.00778 N, 83.79096 W, southwest to a point in the water at 35.00655 N, 83.79192 W, west to a point on the shore at 35.00678 N, 83.79261 W; and
- (9) the waters of Dayton Cove, north of a line at the mouth from a point on the west shore at 34.99033 N, 83.80840 W to a point on the east shore at 34.99072 N, 83.80555 W.

(b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked public swimming area.

(d) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United States Army Corps of Engineers.

*History Note: Authority G.S. 75A-3; 75A-15;
Eff. February 1, 1976;
Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;
Amended Eff. October 1, 2018; June 1, 2017.*

APPENDIX 2



APPENDIX 3



APPENDIX 4



EXHIBIT P-2

July 23, 2020



APPLICATIONS FOR RULEMAKING AMENDMENTS TO 15A NCAC 10F .0308 – CLAY COUNTY

The Wildlife Resources Commission received formal applications and Resolutions from the Clay County Board of Commissioners on October 3, 2019, requesting consideration of rulemaking for extension of a no-wake zone in Gibson Cove and a no-wake zone within 50 yards of the peninsula at Clay County Recreation Park on Lake Chatuge; and on June 4, 2020, for a no-wake zone in Dayton Cove on Lake Chatuge.

Clay County agreed to purchase and place ten no-wake buoys necessary to mark the no-wake zones at Gibson Cove and the peninsula at Clay County Recreation Park. A Fiscal Note (**Exhibit P-1**) detailing the expected expense incurred by a subdivision of the State (Clay County) as the result of rulemaking was submitted to the Office of State Budget and Management.

Agency Enforcement has assessed the areas and returned the Assessment Matrices for Gibson Cove and Clay County Recreation Park; and separately for Dayton Cove (attached.) Hazards to boater safety and water recreation activities were noted, as well as the presence of narrow waters in places and diminished sight lines, swimming and sunbathing, and hunting activities and golf in the area around Dayton Cove.

Staff recommends that the Commission approve publishing Notice of Text in the *NC Register* for adoption of amendments to 15A NCAC 10F .0308(a)(3), (a)(8), and (a)(9), with an open comment period of at least 60 days and one local public hearing per the Administrative Procedure Act. Upon the close of the open comment period, the WRC will then consider adoption of the no wake zones.

15A NCAC 10F .0308 is proposed for amendment as follows:

15A NCAC 10F .0308 CLAY COUNTY

(a) Regulated Areas. This Rule shall apply to the following waters in Chatuge Lake:

- (1) within 50 yards of the boat ramp at Ho Hum Campground;
- (2) the waters of Shooting Creek, from a line shore to shore 50 yards west of the High Bridge on NC Highway 175, to a line at the southeast end of Shooting Creek shore to shore, from a point at 35.01960 N, 83.72752 W; to a point at 35.01979 N, 83.72638 W;
- (3) ~~within 50 yards of the waters of Gibson Cove access area; Cove, west of a line at the mouth from a point on the north shore at 35.01424 N, 83.79614 W to a point on the south shore at 35.01022 N, 83.79533 W;~~
- (4) within 50 yards of the Chatuge Cove Marina;
- (5) the portion of the cove shore to shore, west of Cottage Court off of NC Highway 175, northeast of a line from a point on the east shore at 35.02576 N, 83.73784 W; to a point on the northwest shore at 35.02609 N, 83.73945 W;
- (6) within 50 yards of the Chatuge Dam Spillway access ~~area; and area;~~
- (7) the waters of McCracken ~~Cove. Cove;~~
- (8) ~~within 50 yards of the peninsula at Clay County Recreational Park, from a point on the north shore at 35.00859 N, 83.79303 W, east to a point in the water at 35.00894 N, 83.79168 W, south to a point in the water at 35.00778 N, 83.79096 W, southwest to a point in the water at 35.00655 N, 83.79192 W, west to a point on the shore at 35.00678 N, 83.79261 W; and~~
- (9) ~~the waters of Dayton Cove, north of a line at the mouth from a point on the west shore at 34.99033 N, 83.80840 W to a point on the east shore at 34.99072 N, 83.80555 W.~~

(b) Speed Limit. It shall be unlawful to operate a vessel at greater than no-wake speed within any of the regulated areas identified in Paragraph (a) of this Rule.

(c) Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter a marked public swimming area.

(d) Placement of Markers. The Board of Commissioners of Clay County shall be the designated agency for placement of the markers implementing this Rule, subject to the approval of the Tennessee Valley Authority and the United States Army Corps of Engineers.

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

Eff. February 1, 1976;

Amended Eff. June 1, 2005; July 1, 1998; February 1, 1990; July 1, 1986; March 25, 1978;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016;

Amended Eff. October 1, 2018; June 1, 2017.

North Carolina
County of Clay

Resolution of The Board of Commissioners of Clay County
To Request Certain No Wake Zone and Designated Swim
Areas On Lake Chatuge

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

And Whereas Clay County has given public notice of its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to the safe and reasonable operation of vessels on the waters of lake Chatuge with the territorial limits of Clay County, and for the implementation of the Uniform Waterway Marker System in all the waters of the County.

NOW THEREFORE, upon motion of Commissioner Clay Logan, seconded by Commissioner Scott Penland, and unanimously approved, be it hereby resolved that:

In accordance with NCGS 75 A-15, the Board of Commissioners of Clay County requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Lake Chatuge in the area known as Gibson Cove and the Clay County Recreation Park located in said County, the pertinent substance of which proposed regulations is as follows:

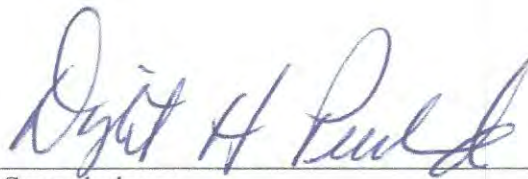
The need to put "No Wake Zone" buoys for the safety of people swimming at Gibson Cove and Clay County Recreation Park as shown on the attached Exhibit A and to designate a Swimming Area at the Clay County Recreation Park as shown on the attached Exhibit B.

BE IT FURTHER RESOLVED that the said Board of Commissioners requests the said Commission to promulgate regulations fully implementing the Uniform Waterway Marker System in all of the waters of the said County.

Read and approved by unanimous vote, and adopted, in this Regular Meeting of the Clay County Board of County Commissioners this the _____ day of October 3, 2019.



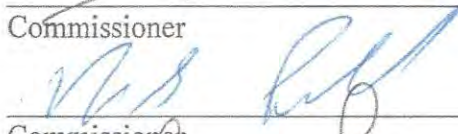
Chairman, Clay County Board of Commissioners



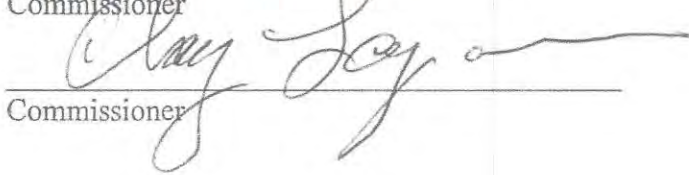
Commissioner



Commissioner

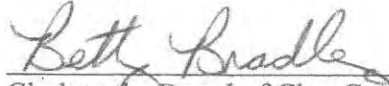


Commissioner



Commissioner

ATTEST:



Clerk to the Board of Clay County Commissioners

(County Seal)

Certification

This is to certify that the above is a true and exact copy of a resolution adopted by the Clay county Board of Commissioners at the regular meeting held in the Clay County Courthouse on October 3, 2019. The same appears in Minute Book No. _____ at page _____.



Clerk to the Clay County Board of Commissioners



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 1:

Name of organization/entity: Clay County

Primary contact information: Mark Pullium, County Manager 828-389-0089

Exact location of requested no-wake zone:

Gibson Cove: N35.01366, W-83.79651 and N35.01022, W-83.79501

Rec Park: N35.00859, W-83.079303 and N35.00894, W-83.79168 and N35.00778, W-83.79096 and N35.00655, W-83.79192 and 35.00678, W-83.79261

Body of water and County: Lake Chatuge, Clay County

Location: Clay County Recreation Park and Gibson Cove Campgrounds

Popular name of area, if any: _____

Width of No-Wake Zone: Narrowest Point: **Gibson Cove** 567' and

Rec Park 217'

Widest Point: **Gibson Cove** 1340' and **Rec Park** 937' _____

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc):

There are two public Campgrounds, two public swimming areas, and a public boating access area located within two small coves just off the main channel of Lake Chatuge.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Attach detailed reason given from point of contact for the request

The County is trying to provide safety to all users of the reservoir, including swimmers who need designated swim areas. They state that the high concentration of swimmers, boaters, and personal watercraft increase the likelihood of a deadly accident, especially since these are popular recreation and camping areas.

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ☒ TVA

NO ☐

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? There are already two campgrounds, one boating access area, and two unmarked swimming areas at this location. This location has high boat traffic.

Is this a public swimming or recreational area?

NO ☐

YES ☒

Would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate?

ROPED SWIM AREA ☒

NO-WAKE BUOYS ☒

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS ☐ (Identify) _____

NARROW CHANNEL ☒ (give approximate width) 1538'-0' and 937'-0' _____

SHALLOW WATER ☐ (give average depth) _____

OBSTRUCTED VISION ☐ (for approximately how great a distance) _____

STRUCTURES (Check all applicable)

☐ DAM

☐ LOCK

☐ SPILLWAY

☐ JETTY

☐ FLOOD CONTROL STRUCTURE

☐ SUBMERGED STRUCTURE

☐ TRESTLE

☐ SANDBAR

☐ POWER LINE

☒ SHOAL

☐ FUELING DOCK

☒ PRIVATE DOCKS

☐ RESTAURANT DOCKS

☐ BRIDGE

☒ ACCESS AREA/BOAT LAUNCH

☐ PIER

OTHER (list and describe): In regards to the private dock; TVA owns a covered dock in which a boat is keep for search and rescue purposes. This dock is located near the already existing boating access area of the proposed Gibson Cove no wake zone.

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO ☐

YES ☒ (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed:

Gibson Cove 1930' _and_ **Rec Park** 1376' _____

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed:

Gibson Cove 4 Minutes ____ **Rec Park** 2 Minutes _

SECTION 5:

List any other known incidents, safety concerns or problems that have occurred?

I have received numerous complaints from campers and swimmers using this area for recreation about large wakes created by boaters entering and exiting this area at high rates of speed. I also have detected boaters operating their vessels with no lights at night in this area. There has been a number of stranded boaters assisted in this area. _____

Rate traffic density in this area from light to heavy

LIGHT 1 2 3 4 5 6 7 8 9 10 **HEAVY**

Is traffic density specific to weekend/and or holidays? No _____

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES ☒
NO ☐

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water

VERY UNLIKELY 1 2 3 4 5 6 7 8 9 10 **MORE LIKELY**

SECTION 6:

OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

YES: ☒

NO: ☐

Reasons: The area in question has a high level of boating traffic intermixed with two public campgrounds and swimming areas. The area in question also has a very popular public boating access area owned by the TVA. By having the area designated as no wake and swimming areas, the chances of boating incidents would be greatly reduced.

Officer: Dan Cable

Date: 1/8/2020





North Carolina
County of Clay

Resolution of The Board of Commissioners of Clay County
To Request A Certain No Wake Zone be established in
Dayton Cove located on Lake Chatuge

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

And Whereas the property owners whose property abuts the Dayton Cove area of Lake Chatuge have requested that Clay County make an application to the North Carolina Wildlife Resources Commission to designate the area within Dayton Cove as a no-wake zone and to permit buoys to be placed within Dayton Cove;

And Whereas the property owners whose property abuts the Dayton Cove area of Lake Chatuge have agreed to pay the costs of placing buoys within Dayton Cove and have agreed to repair, maintain and replace these buoys as the need arises;

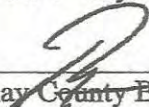
NOW THEREFORE, upon motion of Commissioner Scott Penland, seconded by Commissioner Dwight Penland, and unanimously approved, be it hereby resolved that:

In accordance with NCGS 75 A-15, the Board of Commissioners of Clay County requests the North Carolina Wildlife Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Lake Chatuge in the area known as Dayton Cove located in Clay County, the pertinent substance of which proposed regulations is as follows:

The need to designate a "No Wake Zone" in Dayton Cove in order to protect the safety of people using the waters within Dayton Cove and to place "No Wake Zone" buoys for the safety of people using the waters at Dayton Cove.

BE IT FURTHER RESOLVED that the property owners who abut Dayton Cove shall pay all expense incurred in placing the buoys in Dayton Cove as well as repairing, maintaining and replacing said buoys.

Read and approved by unanimous vote, and adopted, in this Regular Meeting of the Clay County Board of County Commissioners this the 4th day of June, 2020.


Chairman, Clay County Board of Commissioners



NO-WAKE ZONE WATER SAFETY HAZARDS MATRIX

SECTION 1:

Name of organization/entity: Clay County

Primary contact information: Paul Harwood, resident at 276 Lakeshore Drive on Lake Chatuge; 704-905-8512; harwoodpaul88@gmail.com (Hoke McClure Neighborhood Association)

Exact location of requested no-wake zone:

Body of water and County: Lake Chatuge, Clay County

Location: Dayton Cove

GPS: N34.99017 W-83.80845 and N34.99113 W-83.80577

Popular name of area, if any: Dayton Cove

Width of No-Wake Zone: Narrowest Point: 324' Widest Point: 1000'

Brief Description of area (example: bridge overpass, obstructed views, Intracoastal Waterway; etc) It is a heavily populated cove with many docks as well as boats, jet skis, kayaks and swimmers during the summer months.

Attach map of designated no-wake zone

Ensure proposed no-wake zone map/and or location is agreed upon by point of contact

Attach detailed reason given from point of contact for the request

Point of contact states that many boats go in and out of cove around the peninsula at high speeds. It is a favorite spot for jet skis, boats, kayaks and swimmers to congregate. There is a bottle neck and blind spot past the peninsula where people tend to swim.

Is the proposed no-wake zone located within an area that is regulated by the U.S Army Corps of Engineers or the Division of Coastal Management (CAMA) i.e.; Intracoastal Waterway?

YES ☒ Tennessee Valley Authority (TVA)

NO ☐

(When dealing with the point of contact, please advise that placement of markers in these waters is subject to prior approval of above agency in waters where applicable. NCWRC has no authority to supersede these rules.)

SECTION 2:

PUBLIC SAFETY HAZARD

What public safety hazard exists? **There are 20 private boat docks protruding into the coves channel along with high boat traffic in a narrow cove where swimmers and sunbathers often congregate. There is also low visibility while making a left turn into the cove.**

Is this a public swimming or recreational area?

NO ☒

YES ☐ would the establishment of a roped swimming area or placement of no-wake regulatory buoys be more appropriate? ROPED SWIM AREA ☐

NO-WAKE BUOYS ☐

SECTION 3:

NAVIGATIONAL HAZARDS

Identify any and all potential hazards associated with the proposed no-wake zone (check all that apply)

OBSTRUCTIONS ☒ (Identify) **20 private boat docks on left side of cove**

NARROW CHANNEL ☒ (give approximate width) **324 feet**

SHALLOW WATER ☐ (give average depth) _____

OBSTRUCTED VISION ☒ (for approximately how great a distance) **200 feet of obstructed vision when entering from the left side of the cove**

STRUCTURES (Check all applicable)

☐ DAM

☐ SPILLWAY

☐ FLOOD CONTROL STRUCTURE

☐ TRESTLE

☐ POWER LINE

☐ FUELING DOCK

☐ LOCK

☐ JETTY

☐ SUBMERGED STRUCTURE

☐ SANDBAR

☐ SHOAL

☒ PRIVATE DOCKS

☐ RESTAURANT DOCKS

☐ BRIDGE

☐ ACCESS AREA/BOAT LAUNCH

☐ PIER

OTHER (list and describe) **There is a golf course located on the right side of the channel starting midway of the channel and extending to the far back of the channel. There is also two small bays on the right side of the channel as you enter that boaters anchor to swim and sunbath. This is also an area hunters tend to frequent from September through February by way of boats.** _____

SECTION 4:

If approved, will the no-wake zone extend into a designated channel?

NO ☒

YES ☐ (if yes, identify on map)

What is the total distance boaters will travel at a no-wake speed? **Approximately 2500'** _____

Estimated time to travel for boaters through the proposed no-wake zone at no-wake speed?
3-4 Minutes _____

SECTION 5:

List any other known incidents, safety concerns or problems that have occurred? **I have received numerous reports from the public regarding skiers and jet skis coming extremely close to the private docks located in this proposed no wake zone. I have also received reports from boaters and swimmers in the area of jet skis coming extremely close to them as well.** _____

Rate traffic density in this area from light to heavy

LIGHT 1 2 3 4 5 6 7 8 9 10 HEAVY

Is traffic density specific to weekend/and or holidays?

No

Does traffic density or ability to maneuver a vessel due to traffic cause safety issues? YES ☒

NO ☐

Rate the likelihood of an incident occurring in this area compared to other similar areas on this same body of water

VERY UNLIKELY 1 2 3 4 5 6 7 8 9 10 MORE LIKELY

SECTION 6:

OFFICER ASSESSMENT OF WATER SAFETY HAZARDS

YES: ☒

NO: ☐

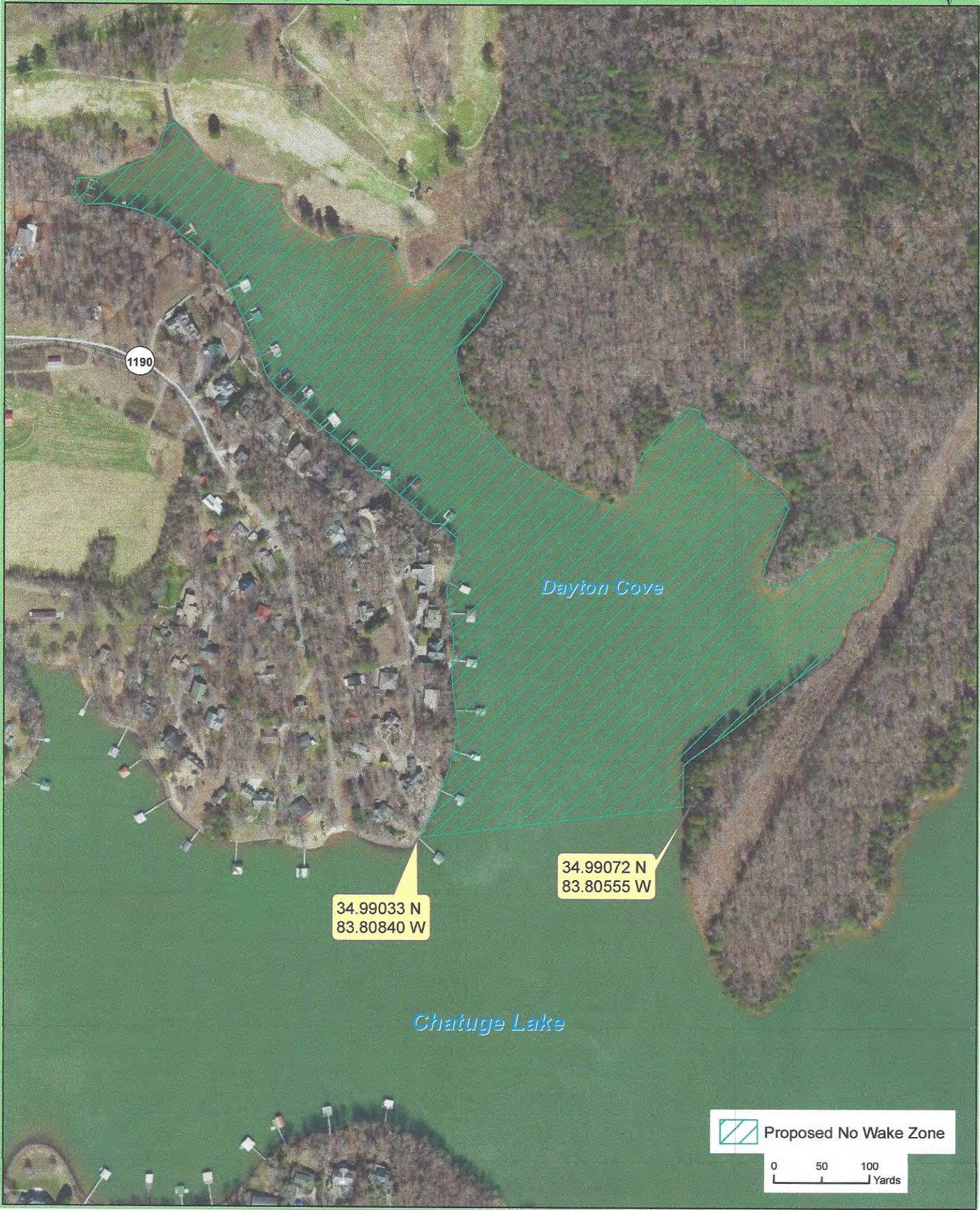
Reasons: There are 20 private boat docks along the left shoreline which extend out into the coves channel. There is a golf course on the right side of the cove which extends from mid-way to the far rear of the cove. There are two small bays to the right as boats enter the cove where boaters often anchor to swim and sunbath. From September through February, hunters access this area by boat for recreational activities. This cove is a long but narrow cove with high boat traffic and many boat docks along the shoreline. I would recommend this for a no wake area.


Officer:

D. A. Cole

Date:

4-23-2020



 Proposed No Wake Zone

0

50

100

Yards