



## **AGENDA**

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

**January 13, 2011, 9:00 a.m.**

**1751 Varsity Drive**

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

**Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman Steve Windham*

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - *Commissioner Chuck Bennett*

**RECOGNITION OF VISITORS**

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

**APPROVAL OF MINUTES** - Take action on the November 4, 2010 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members (**EXHIBIT A**)

**ADMINISTRATION**

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

## **ENFORCEMENT**

**Officer of the Year Award** – Wildlife Enforcement Officer of the Year Award presentation to Officer William Gary Caulk, Jr. - *Colonel Dale Caveny, Enforcement Division Chief*

**Special Presentation** – Special recognition of Captain Jay Rivenbark – *Senator Edward Jones with introduction by Col. Caveny*

## **ENGINEERING SERVICES**

**Boating Access Area Renovation Request** – Consider staff recommendation to partner with the City of Washington to renovate a boating access area at the Havens Garden Park on Runyon Creek in Beaufort County –*Erik Christofferson, Engineering Services Division Chief (EXHIBIT C)*

**Engineering Spotlight** - Presentation of the LEED gold award received by the Wildlife Resources Commission for the headquarters building, along with an update on agency sustainable efforts - *Michael Shelton, Engineering Services Facilities Mechanical Engineer*

**Short recess for photographs**

## **WILDLIFE MANAGEMENT**

**Wildlife Management Update** – Receive an update on the activities of the Division of Wildlife Management – *Isaac Harrold, Section Manager, State and Private Lands*

**Land Acquisitions Update** - Receive regular staff update on the status of land acquisitions – *Isaac Harrold (EXHIBIT D)*

**Property Related Issues** – Consider approval for staff coordination with the State Property Office to seek appropriate funding for the following proposed Game Land and Wildlife Conservation Area property acquisitions – *Isaac Harrold (EXHIBIT E)*

- Sam Casey Tract – Pender County
- Tar River Company Tracts – Warren County

**Rule Proposal – Emergency Powers**

Receive public comments from public hearings regarding a rule to establish emergency powers in the event of a wildlife disease threat – *Isaac Harrold (EXHIBIT F)*

Consider adoption of 15A NCAC 10A .1201 to establish emergency powers in the event of a wildlife disease threat – *Isaac Harrold (EXHIBIT G)*

## **INLAND FISHERIES**

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

**Consider a Proposal to Establish Size and Creel Limits by Reference for Saltwater Fishes** – Consider a staff recommendation to present at local public hearings proposed changes in 2011-2012 fishing rules that establish size and creel limits for saltwater species caught in inland fishing waters by reference to Marine Fisheries Commission regulations - *Bob Curry (EXHIBIT H)*

## **RULES**

**Rule Change Proposal -Wildlife Service Agents** – Consider staff recommendation to present at public hearings the adoption of rule changes to implement equipment and support changes for Wildlife Service Agents – *Cecilia Edgar, Deputy Director of Administration (EXHIBIT I)*

## **COMMITTEE REPORTS**

**Big Game Committee Report** - *David Hoyle, Jr., Chairman*

**Warm Water Fisheries Committee Report** – *Ray White, Chairman*

**Joint Coastal Recreational Fishing License Committee Report from December 2, 2010 Meeting** – *Ray White, WRC/CRFL Chairman*

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

**Habitat, Non-Game, and Endangered Species Committee Report** - *Chuck Bennett, Chairman*

**COMMENTS BY CHAIRMAN** – *Steve Windham*

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

**ADJOURN**

# EXHIBIT A

## January 13, 2011



### MINUTES

#### November 4, 2010

#### N. C. Wildlife Resources Commission Meeting

#### Raleigh, North Carolina

In the absence of *Commission Chairman* Steve Windham, the November 4, 2010 meeting of the North Carolina Wildlife Resources Commission was called to order by *Vice Chairman* Chuck Bennett at 9:00 a.m. in the Commission Room at Wildlife Resources Commission headquarters in Raleigh. Commissioners absent were Steve Windham, Bobby Purcell, Nat Harris, and Dell Murphy.

Vice Chairman Bennett welcomed Commissioners and guests.

Commissioner Wes Seegars led the Pledge of Allegiance. Commissioner Berkley Skinner gave the invocation.

#### COMMISSIONER ATTENDANCE

Ray White	Wes Seegars	Mitch St. Clair
Chuck Bennett	Eugene Price	Martin Lewis
David Hoyle, Jr.	Dalton Ruffin	Randy Allen
Joe Barker	John Litton Clark	Berkley Skinner
Doug Parsons	Maughan Hull	Durwood Laughinghouse

#### VISITORS

Hal Atkinson – Camp-Younts Foundation	Harold Dorsett
Tom Fanslow – Carolina Mountain Land Conservancy	Fran Wescott – NC APT/OPEN/net
Tommy Kimball – NC Bowhunters Association	Dick Luddington-Conservation Fund
Gordon Myers – GSM & Associates	Curtis Schmidt - NCBA
Kieran Roe – Carolina Mountain Land Conservancy	Ned Jones – NC Trout Unlimited

## MANDATORY ETHICS INQUIRY

Vice Chairman Bennett advised the Commission of the mandatory ethics inquiry as presented in the agenda.

## MINUTES

Commissioner Dalton Ruffin made a motion to approve the October 13, 2010 Wildlife Resources Commission Meeting minutes. The motion was seconded by Commissioner David Hoyle, Jr. and carried. **The Minutes**, titled Exhibit A, are hereby incorporated into the official record of this meeting.

## CONSERVATION EDUCATION

### Con Ed Update

Will Sutton, *Conservation Education Division Chief*, gave an update on the activities of the Conservation Education Division. Sutton reported that this year's State Fair attendance exceeded one million people. An average of 2600 people per day visited the Wildlife exhibit, which focused on Youth Day. Sutton said that the *Wildlife in North Carolina* magazine will be 75 years old in November. An article on North Carolina heritage in *Our State* magazine contained an interview with Sharon Meade, Community Services Coordinator at the Outer Banks Center for Wildlife Education at Corolla.

### Spotlight

Will Sutton called upon Susannah Thompson, *Distance Learning Coordinator*, who gave an update about the Distance Learning Program at the Centennial Campus for Wildlife Education. Thompson highlighted some of the partnerships between the WRC and conservation partners to produce DVDs and instructional videos on habitats, the Huntmaster Lift, and hunting heritage. She reported that the Distance Learning Program reaches schools in every district state-wide and offers web-based learning. Vice Chairman Bennett commended the Distance Learning Program for its outreach to the public during tight budgetary times.

## ADMINISTRATION

Tommy Clark, *Budget Officer*, gave the financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund as of September 30, 2010. Balance for the Wildlife Operating Fund was \$24,290,016.51. Balance for the Endowment Fund was \$77,504,165.79. **The Financial Status Report**, titled Exhibit B, is hereby incorporated into the official record of this meeting.

## WILDLIFE MANAGEMENT

### Wildlife Management Update

Vice Chairman Bennett called on Dr. David Cobb, *Wildlife Management Division Chief*. Dr. Cobb provided Commissioners with packets of information including copies of the issue of *Wildlife Professional Magazine* that focuses on the North American Model of Wildlife Conservation. Cobb reported that 3100 mentors signed up for the Hats-On Campaign to get people involved in hunting.

### Presentation of the Wildlife Society's 2010 Wildlife Management Excellence Award

Dr. Cobb recognized Jacquelyn Wallace and Kacey Cooke for winning the Southeastern Section of the Wildlife Society's 2010 Wildlife Management Excellence Award. Wallace and Cooke were nominated for their work to develop the state-wide program "Green Growth Toolbox," which helps communities integrate wildlife conservation into development projects.

### Land Acquisitions Update

Dr. Cobb presented a regular staff update on the status of land acquisition projects in **Exhibit C**. It is hereby incorporated into the official record of this meeting.

### Public Hearing Schedule for Rule Proposal to Establish Emergency Powers in Event of Wildlife Disease Threat

Dr. Cobb presented in **Exhibit D** a schedule of dates and locations of public hearings on the proposed establishment of 15A NCAC 10A.1020, to establish emergency powers in the event of a wildlife disease threat. **The Schedule, Exhibit D**, is hereby incorporated into the official record of this meeting.

## 2011-2012 Hunting and Trapping Regulation Proposals

Dr. Cobb presented **Exhibit E**, eight hunting and trapping rule proposals for the 2011-2012 season. Upon a motion by David Hoyle, Jr. and second by Wes Seegars the Commission adopted the rule proposals, subject to approval by the Rules Review Commission and codification into the North Carolina Administrative Code. The full text of the rule proposals is incorporated by reference into the official record of this meeting. Summaries and NCAC citations are as follows:

- H1) Add Currituck National Wildlife Refuge to the same deer season framework currently applied to nearby Mackay Island National Wildlife Refuge – the Saturday on or nearest to September 10 to January 1.  
*Amend the following rule:*  
*15A NCAC 10B .0203 Deer (White-tailed)*
- H2) Create a new rule to define the following trap terms: breakaway device, Collarum™-type trap, leghold, foothold, loop stop, power-activated, relaxing lock, snare and steel-jaw. These terms would only apply to rules within subchapter 10B.  
*Adopt the following rule:*  
*15A NCAC 10B .0301 Definitions*
- H3) Define the physical characteristics and placement of a Collarum™-type trap.  
*Amend the following rule:*  
*15A NCAC 10B .0304 Traps*
- H4) Create a class of roads on game lands that are open only from 5 am to 10 pm during the months of June, July and August. These roads shall be posted with the opening and closing times.  
*Amend the following rule:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*
- H5) Remove hunting and trapping restrictions at Cowan's Ford Waterfowl Refuge. The property within the refuge will be regulated the same as any other public waters and private property in those counties.  
*Amend the following rules:*  
*15A NCAC 10D .0102 General Regulations Regarding Use*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- H6) Reduce the number of days when permits are required to dove hunt the posted dove areas at Croatan Game Land from the first seven open days of the dove season to the first two days only.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*
- H7) Remove the permit requirement to hunt turkey on the Camden County portion of the North River Game Land.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*

- H8) Require a permit in order to hunt deer and bear at Pond Mountain Game Land.  
*Amend the following rule:*  
*15A NCAC 10D .0103 Hunting on Game Lands*

At 9:30 a.m. Vice Chairman Bennett called a short recess so that photographs could be taken. The meeting reconvened at 9:40 a.m.

## **INLAND FISHERIES**

### **Inland Fisheries Update**

Bob Curry, *Inland Fisheries Division Chief*, presented an update of the activities of the Inland Fisheries Division. Curry gave an update on the location of Atlantic sturgeon that were tagged with radio transmitters in September in the Roanoke River at Weldon. Curry announced that catfish have been restocked now after months of poor conditions caused widespread fish kills. Staff is working on adjusting the cost of restocking with the cooperators.

### **2011-2012 Fishing Regulation Proposals**

Bob Curry presented in **Exhibit F** fourteen fishing rule proposals for the 2011-2012 season. Upon a motion by David Hoyle, Jr. and second by Dalton Ruffin, the Commission adopted the rule proposals, subject to approval by the Rules Review Commission and codification into the North Carolina Administrative Code. The full text of the rule proposals is incorporated by reference into the official record of this meeting. Summaries and NCAC citations are as follows:

- 1) Tuckasegee River (Jackson County) – Identify the downstream boundary of Delayed Harvest Trout Waters as the falls located 275 yards upstream of US 23-441 bridge conspicuously marked by a sign on each bank and upstream boundary as the downstream NC 107 bridge.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 2) Ellijay Creek (Macon County) – Remove the Public Mountain Trout Waters designation.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 3) Spring Creek (Madison County) – Classify 1.7 miles as Delayed Harvest Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 4) Ararat River (Surry County) – Classify 2.0 miles as Delayed Harvest Trout Waters.  
*Amend the following rule:*  
*15A NCAC 10C .0205 Public Mountain Trout Waters*

- 5) Buckeye Creek (Watauga County) – Classify 0.5 miles as Hatchery Supported Trout Waters.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 6) Coffee Lake (Watauga County) – Reclassify this 2.0-acre lake from Hatchery Supported to Delayed Harvest Trout Waters.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 7) Elk Creek (Wilkes County) – Classify 1.0 miles as Delayed Harvest Trout Waters.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 8) Elk Hollow Branch (Avery County) – Remove the Public Mountain Trout Waters designation.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 9) Pond Creek (Watauga County) – Classify 1.5 miles as Catch and Release/Artificial Lures Only Trout Waters.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 10) Dugger Creek (Watauga and Wilkes counties) and Laurel Creek (Watauga County) – (Administrative change) Identify Reynolds Blue Ridge development as the property owner allowing public fishing access.  
*Amend the following rule:*  
15A NCAC 10C .0205    *Public Mountain Trout Waters*
- 11) Sea trout (spotted or speckled) – Establish a 14-inch minimum size limit with a 10 fish daily creel limit in inland fishing waters.  
*Amend the following rule:*  
15A NCAC 10C .0305    *Open Seasons: Creel and Size Limits*
- 12) Black bass (Alleghany County) – Establish a 14-20 inch protective slot limit for black bass in the New River and allow only one fish in the five fish per day creel limit to exceed 20 inches.  
*Amend the following rule:*  
15A NCAC 10C .0305    *Open Seasons: Creel and Size Limits*
- 13) Gray trout (weakfish) – Establish a 12-inch minimum size limit with a one fish daily creel limit in inland fishing waters.  
*Amend the following rules:*  
15A NCAC 10C .0305    *Open Seasons: Creel and Size Limits*  
15A NCAC 10C .0401    *Manner of Taking Nongame Fishes: Purchase and Sale*
- 14) Prohibit the possession of quagga mussels and red claw crayfish.  
*Amend the following rule:*  
15A NCAC 10C .0211    *Possession of Certain Fishes*

## **ENGINEERING SERVICES**

### **Engineering Services Update**

Erik Christofferson, *Engineering Services Division Chief*, gave an update about the activities and projects of the Engineering Services Division. Christofferson announced that the Division is prioritizing making boating access areas across the state ADA (Americans with Disabilities Act) compliant. Of the more than 200 boating access areas state-wide, 58 are totally compliant and 77 are not compliant. Christofferson estimated that it would take approximately 277 thousand dollars per year for five years to make all BAAs compliant. He added that using inmate labor to build the structures is a great savings to the WRC.

### **Boating Access Area Renovation – Yadkin River, Surry County**

Erik Christofferson presented in **Exhibit G** a request by the Town of Elkin to partner with the Wildlife Resources Commission to renovate a boating access area at Crater Park, on the Yadkin River in Surry County. The motion to approve the partnership for renovation of the boating access area was made by Doug Parsons, seconded by Berkley Skinner, and carried. **Exhibit G** is hereby incorporated into the official record of this meeting.

## **2011 WILDLIFE RESOURCES COMMISSION MEETING SCHEDULE**

Upon a motion by Eugene Price and second by Durwood Laughinghouse, the Commission adopted the meeting schedule for 2011, presented in **Exhibit H** (as previously approved by the WRC, Commission meetings will be held on Thursdays). Exhibit H is hereby incorporated into the official record of this meeting:

January 13, 2011  
March 10, 2011  
May 12, 2011  
July 7, 2011  
August 25, 2011  
October 13, 2011  
November 10, 2011

## **COMMITTEE REPORTS**

### **Big Game Committee Meeting Report**

**Action Item**: Chairman David Hoyle, Jr. presented a motion from the Big Game Committee in its meeting on November 3, 2010, for the Commission to implement the deer hunting regulations change proposal evaluation process approved by the Big Game Committee, and for staff to address data gaps and delineation of deer management units and appropriate regulations that are outlined in the report presented to the Committee as soon as is feasible. That motion was seconded by Wes Seegars and carried.

Chairman Hoyle reported that the Big Game Committee discussed issues with feral hogs, noting that the Department of Agriculture is concerned as well about disease spread and impact on the commercial hog industry. In 94 counties it is legal to shoot feral hogs at night with the aid of artificial light. The committee recommended that best practices for shooting feral hogs be posted on the agency website. The committee discussed hunting coyotes at night, which Hoyle stated would require a statutory change. He reiterated the importance of correct information being reported by stakeholders who attend the Big Game Committee meetings.

### **Habitat, Non-Game and Endangered Species Committee Meeting Report**

Committee Chairman Chuck Bennett reported that the committee in its meeting on November 3, 2010 established procedures for nominations of recipients of the Thomas L. Quay Wildlife Diversity Award, which are similar to procedures used in nominating recipients of the Diedrick Small Game Award.

### **Land Use and Access Committee Meeting Report**

**Action Item:** Committee Chairman Doug Parsons presented a motion from the Land Use and Access Committee, seconded by Joe Barker, for staff to pursue a Memorandum of Understanding and lease agreement with Caldwell County for a Day Use Facility on game land property adjoining Wilson Creek. The motion from the Land Use and Access Committee was adopted by the Commission.

Chairman Doug Parsons reported that the committee also discussed the possible funding, partnership and stewardship of the East Fork Headwaters Tract, an 8000-acre parcel in Transylvania County. The Conservation Fund is seeking assistance from the WRC in obtaining some of the funding for the \$33 million purchase. The Land Use and Access Committee tasked Executive Director Gordon Myers with writing a resolution in support of the Conservation Fund's efforts to purchase the East Fork Headwaters Tract. Myers presented a resolution that captured proposed language discussed in committee, while omitting certain elements which could be construed to financially obligate the WRC beyond its abilities to meet those obligations. Myers announced that upon discussion and reflection on state-wide budgetary uncertainties which could limit the WRC's ability to obligate funds, and the limited information available as to which tracts within the parcel, if sold separately, would best fit with stewardship by the WRC, he felt it better to present the resolution as originally discussed.

**Action Item:** On a motion by Doug Parsons and second by David Hoyle, Jr. the Commission adopted the resolution in support of the Conservation Fund's efforts to purchase the East Fork Headwaters Tract. Myers assured the assembly that agency staff will work closely with funding partners over the next four to six weeks to identify and try to expedite funding sources that may be available through a state agency to the Conservation Fund. The Resolution is incorporated by reference into the official record of this meeting.

### **COMMENTS BY THE EXECUTIVE DIRECTOR**

Gordon Myers, *Executive Director*, remarked that the recent election results and legislative changes underscore the importance of the agency seeking sustainable funding. He announced that the agency has complied with the Office of State Budget's request to submit 15 percent budget cut options to the Office of the Governor on November 5, 2010.

**COMMENTS BY THE VICE CHAIRMAN**

Vice Chairman Chuck Bennett stated that Commissioner Mitch St. Clair will report to the assembly about possible solutions that would allow some committee meetings to be held off-site via teleconference in the interest of saving time and money. Commissioner Ray White announced that the Outer Banks Center for Wildlife Education subcommittee met at Corolla about developing a Memorandum of Understanding with Currituck Heritage Trust and Outer Banks Center for Wildlife Education. The committee will bring final edits of the MOU to the full Commission.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Vice Chairman Bennett at 10:25 a.m.

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

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Chuck Bennett, Vice Chairman

Date

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Gordon Myers, Executive Director

Date

# EXHIBIT B

January 13, 2011

## NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

### YEAR-TO-DATE REVENUES AND EXPENSES

	November 2009	November 2010
<b>Balance July 1</b>	\$ 19,866,967.31	\$ 23,459,611.18
Plus: Receipts to Date	<u>29,730,028.10</u>	<u>30,521,430.27</u>
<b>Balance and Receipts to Date</b>	49,596,995.41	53,981,041.45
Less: Disbursements To Date	<u>26,919,480.26</u>	<u>31,762,109.38</u>
<b>Balance November 30</b>	<u>\$ 22,677,515.15</u>	<u>\$ 22,218,932.07</u>

### Summary and Analysis of Expenditure By Purpose - Code 24350, 24351, 24352 and 24353

	November 2009		November 2010		% of Budget Expended
	Authorized Budget 2009-10	Expenditures	Authorized Budget 2010-11	Expenditures	
2100 Administration	\$ 10,649,855.00	3,704,457.22	\$ 10,849,081.00	\$ 3,929,089.24	36.22%
2120 Enforcement	21,703,890.00	8,439,419.52	22,449,530.00	9,855,377.51	43.90%
2130 Education	5,183,192.00	1,963,653.93	5,131,774.00	1,972,808.33	38.44%
2140 Inland Fisheries	8,221,438.00	3,339,073.19	8,378,286.00	3,603,554.67	43.01%
2150 Management	18,488,449.00	5,429,229.27	18,173,727.00	5,651,932.92	31.10%
2160 Engineering Services	6,478,774.00	3,177,857.02	8,044,505.00	4,403,729.77	54.74%
2170 W/Life Fund Receipts	2,332,388.00	865,790.11	5,332,338.00	2,345,616.94	43.99%
<b>TOTAL</b>	<b>\$ 73,057,986.00</b>	<b>\$ 26,919,480.26</b>	<b>\$ 78,359,241.00</b>	<b>\$ 31,762,109.38</b>	<b>40.53%</b>

**NORTH CAROLINA WILDLIFE RESOURCES COMMISSION**

ENDOWMENT FUND YEAR-TO-DATE

	<u>November 2009</u>	<u>November 2010</u>
<b>Balance November 1</b>	\$ 71,422,690.89	\$ 78,146,357.11
Plus: Revenues from Sales	196,998.00	210,314.80
Return on Investment	358,451.43	419,637.77
	<u>71,978,140.32</u>	<u>78,776,309.68</u>
Less: Transfers Out	-	-
<b>Balance November 30</b>	<b>\$ 71,978,140.32</b>	<b>\$ 78,776,309.68</b>
<b>Market Value</b>	<b>\$ 76,200,749.88</b>	<b>\$ 85,084,307.60</b>

**Endowment Fund Interest**

Sources of Interest Available	Expendable	Non Expendable	Budgeted Obligation	Transferred to Operations	Transferred to Capital Projects	Expendable Balance
ADULT Licenses	\$ 4,673,248.91		\$ 3,315,811.00	-	-	\$ 1,357,437.91
INFANT Licenses	-	\$ 9,172,705.93				-
YOUTH Licenses	-	678,423.32				-
Magazine Subscriptions	171,627.69		179,485.00	-		(7,857.31)
Contributions	257,277.55					257,277.55
<b>TOTAL</b>	<b>\$ 5,102,154.15</b>	<b>\$ 9,851,129.25</b>	<b>\$ 3,495,296.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,606,858.15</b>

**2010-11 Budgeted Obligated**

Allocation of Endowment Interest - Sportsman Fund	3,315,811.00	<b>2010-11 Transferred To Date</b>
Allocation of Endowment Interest - Magazine Fund	179,485.00	To Sportsman Fund
		To Magazine Fund
		To Capital Projects
	<u>\$ 3,495,296.00</u>	-
		-
		-
		-

# EXHIBIT C

January 13, 2011



## City of Washington

Department of Parks & Recreation



December 21, 2010

Erik D. Christofferson  
Division Chief of Engineering Services  
NC Wildlife Resources Commission  
VIA EMAIL: [erik.christofferson@ncwildlife.org](mailto:erik.christofferson@ncwildlife.org)

Dear Mr. Christofferson,

This letter is to request the assistance of the North Carolina Wildlife Resources Commission with an upgrade to preserve the Havens Gardens Boat Access Area, which has been in place over 80 years on the Pamlico river.

The scenic Pamlico River is becoming even more popular destination for boaters and fisherman. The City of Washington is located within the Pamlico/Tar River Estuary, which is the second largest in the United States. The Pamlico and Tar Rivers are navigable waters with deep water access to the Intracoastal Waterway. The rivers provide a recreational and ecological resource to Washington, Beaufort County and the surrounding region. The North Carolina Estuarium is located in Washington on the Pamlico River and provides environment education about the Pamlico/Tar River estuary's ecology and natural resources.

The City of Washington has, over several years, been experiencing economic challenges while desiring to improve and expand public water access. At the time of the 2000 U.S. Census, the City of Washington's median household income (in 1999) was \$22,057 compared to \$39,184 statewide. Beaufort County is ranked by the NC Department of Commerce as an economically distressed Tier 1 county.

The City of Washington's Department of Parks and Recreation has been actively pursuing improvement to existing city-owned water access facilities in order to retain a safe and functional public access to this region and it's coastal public trust waters and with the influx of people relocating to the coastal areas of North Carolina, private real estate development has restricted public access to area boating and waters. The City of Washington seeks funding to protect and ensure diverse waterfront-dependent uses of it shoreline, especially for the recreational boating community.

Thank you for your consideration of this request and please do not hesitate to call me with any questions or concerns. I look forward to working with you and the North Carolina Wildlife Resources Commission on this project.

Sincerely,

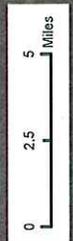
Philip Mobley, Director  
Parks and Recreation Department  
City of Washington

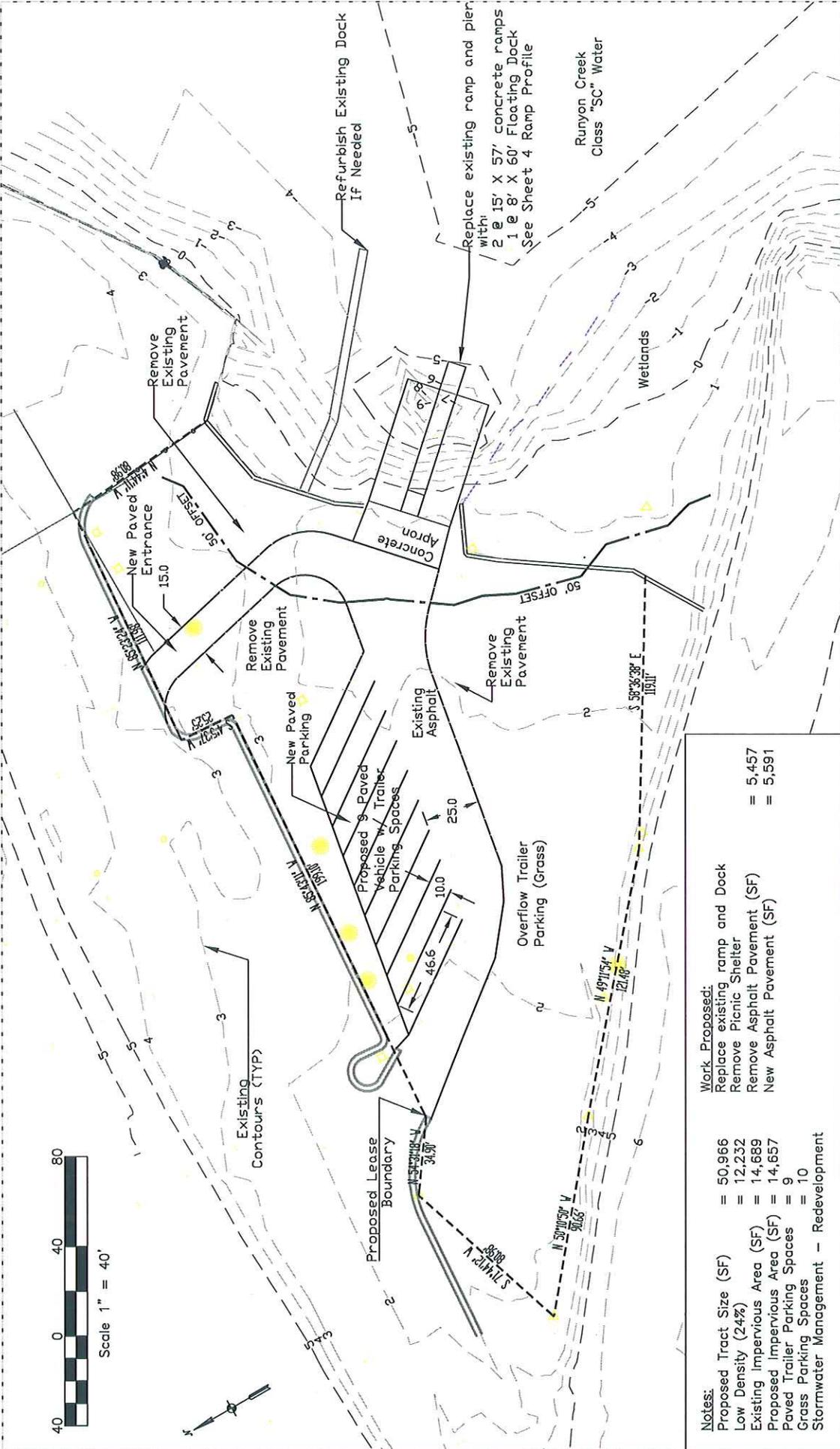


Haven Garden Boating Access Area - Conceptual Improvements  
Washington, Beaufort County



*Pamlico River*





DESIGN ENGINEER: dec  
 DATE: May 2009  
 APPROVED:  
 DATE:  
 REVISION:  
 DATE:  
 CAD FILE ID: haven.garden.dwg

Washington, NC  
**Haven Garden**  
 Tar River  
**Conceptual Layout - Redevelopment**

Work Proposed:  
 Replace existing ramp and Dock  
 Remove Picnic Shelter  
 Remove Asphalt Pavement (SF) = 5,457  
 New Asphalt Pavement (SF) = 5,591

Notes:

Proposed Tract Size (SF)	= 50,966
Low Density (24%)	= 12,232
Existing Impervious Area (SF)	= 14,689
Proposed Impervious Area (SF)	= 14,657
Paved Trailer Parking Spaces	= 9
Grass Parking Spaces	= 10
Stormwater Management - Redevelopment	



# EXHIBIT D

January 13, 2011

LAND ACQUISITIONS/ EASEMENTS/ DISPOSITIONS  
(Division of Wildlife Management 12/17/10)

Color Key	
	Active & Funded
	Completed
	Inactive
	Active & Not Funded

Reference No. and Project Name	Acres	County	Game Land	Date Approved	Current Status	Funding
277 - Coastal Lumber tracts	8,000	Beaufort	Various	7/18/2001	State Property - Pending	CWMTF/NHTF
277 - Coastal Lumber tracts		Pitt		7/18/2001	State Property - Pending	CWMTF/NHTF
277 - Coastal Lumber tracts		Camden		7/18/2001	State Property - Pending	CWMTF/NHTF
278 - Posey Henderson tract	146	Polk	Green River	7/18/2001	Completed, 2003	CWMTF/NHTF-\$236,000
279 - Saltworks tract	444	Carteret	Carteret	7/18/2001	Completed, 2005	Gift from DU
280 - Johnston tract	1,074	Harnett	New	7/18/2001	Inactive	CWMTF/NHTF
281 - IP tract Moore	1,100	Moore	Sandhills	8/29/2001	Sold - Inactive	CWMTF/NHTF/Sec. 6
282 - Pipkin- Robbins tract	118	Dare	Roanoke Island Marsh	8/29/2001	Completed	CWMTF \$ 200,000
283 - Johnson tract	71.5	Caswell	Caswell	8/29/2001	Completed	CWMTF 57,000/Endowment
284 - Ocia Hill tract	12	Tyrrell	Futch	8/29/2001	Inactive	Wildlife Fund
285 - Deviney tract	231	Rutherford	South Mountains	10/5/2001	State Property - Pending	CWMTF/NHTF
286 - Wolf's Lair tract	1360	Henderson	Dupont	12/5/2001	Inactive	CWMTF/NHTF
287 - Caldwell tract	55	Haywood	Nantahala	12/5/2001	State Property - Pending	CWMTF/NHTF
288 - Adkins tract	5	Caswell	Caswell	12/5/2001	Not Available	Wildlife Fund
289 - Forbes tract	1391	Beaufort	Goose Creek	12/5/2001	Sold	CWMTF/NHTF
290 - Snodes Creek/Tetterton tract	289	Beaufort	Goose Creek	12/5/2001	Sold	CWMTF/NHTF
291 - Angola Bay tract	18,000	Pender	Angola Bay	12/5/2001	Completed 2006	NHTF \$10,249,418
292 - Whitehurst /Gaskins tract	230	Craven	Neuse River	12/5/01; 8/27/03	Completed	Wildlife\$750,00
293 - Beck	2500	Onslow	Stones	12/5/2001	Completed, 2004	CWMTF \$2,146,00/NHTF\$1,250,000/DOD 600,00
294 - Rose bay tract	1541	Hyde	Gull Rock	12/5/2001		CWMTF/NHTF
295 - Needmore tract	4600	Macon/Swain	Needmore	12/5/2001	Completed, 2004	CWMTF6.6 million/NHTF1.5 million/EEP 7.5 million/
296 - Gersing tract	836	Avery	New	12/5/2001	Not Available	CWMTF/NHTF
297 - Harrell tract	46.94	Currituck	North River	1/9/2002	Completed, Dec - 2002	Wildlife Fund 63,000
298 - Ledbetter Estate tract	989	Richmond	Sandhills	1/9/2002	Inactive	NHTF, CWMTF, Sec. 6 funds
299 - Whitley tract	90	Martin	Roanoke River	3/6/2002	Inactive	Roanoke River escrow
300 - Pridgen tract	867	Pender	Holly Shelter	3/6/2002	Completed, 2004	CWMTF \$413,689, NHTF-\$251,000
301 - Pender 4 tract	1151	Pender	Holly Shelter	3/6/2002	Completed, 2004	CWMTF, NHTF-\$168,342
302 - Texas Plantation LLC tract	1600	Tyrrell	New	3/6/2002	Inactive	CWMTF, DU Marsh
303 - Mayo tract	121	Beaufort	Goose Creek	5/15/2002	Inactive	CWMTF
304 - Bollinger Gap tract	90	Burke	South Mountains	7/17/2002	Completed	NHTF - \$180,000
305 - Rhodes Pond tract	445	Cumberland	Rhodes Pond	7/17/2002	closed	DOT mitigation
306 - RPM tract	917	Carteret	Croatan	8/28/2002	Completed, 2004	NHTF - \$50,000, transfer from Coastal land trust
Pettiford Creek tract	114	Carteret	Croatan		Completed 2006	
307 - East Gum Swamp tract	261	Beaufort	Goose Creek	8/28/2002	Inactive problems w/ mineral	NHTF, \$313M CWMTF

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308 - Norman tract	71	Rutherford	South Mountains	8/28/2002	Completed, Dec - 2003	NHTF - \$140,000
309 - Stamper tract	20	Wilkes	Thurmond	8/28/2002	Sold	WEF
310 - Atkinson tracts	226	Pender	Holly Shelter	8/28/2002	Completed, May 2003	NHTF - \$242,000
311 - Rodman Road tract	1391	Beaufort	Van Swamp	10/4/2002	Sold	WEF-Wildlife Fund \$975M
312 - Holzbach tract	74.8	Richmond	Sandhills	12/4/2002	Inactive	CWMTF, NHTF
313 - Law tract	22.2	Richmond	Sandhills	12/4/2002	Inactive	CWMTF, NHTF
314 - Carter tract	30.8	Richmond	Sandhills	12/4/2002	Inactive	CWMTF, NHTF
315 - Kier tract	500	Camden	North River	12/4/2002	Inactive pending Coastal	CWMTF, NHTF
316 - GMS tract	8476.2	Tyrrell	Alligator River	1/8/2003	Closed June 2008	CWMTF(\$1,700,000 , (NHTF \$1,000,000)
317 - Tryon Peak-Jenkins tract	12.02	Polk	Green River	1/8/2003	Inactive no access	Donation
318 - Wakefield Associates tract	120	Burke	South Mountains	3/3/2003	lactive	NHTF, CWMTF, EEP and Wildlife Fund
319 - Lone Mountain tract	1,087	Rutherford	South Mountains	3/3/2003	Completed 2005	NHTF \$1,478,750, CWMTF\$561,000, EEP \$192,000
320 - Gillespie tract	10	Caswell	Caswell	3/3/2003	Completed	Wildlife Fund
321 - Chowan Swamp tracts	6,466	Gates/Hertford	Chowan Swamp	3/3/2003	Completed	\$CWMTF 3,000,000 EEP
A. Plum Creek			Chowan Swamp		Completed, 2004	
B. Coastal Lumber Harrold			Chowan Swamp		Completed, 2004	
C. Blue Sky Timber		Gates	Bertie		Completed, 2004	
322 - Johns River tracts	3,000	Caldwell/Burke	New	3/3/2003	Completed, 2007	NHTF, CWMTF, DU Marsh, EEP, NAWCA
Johns River Loop Road	1,001	Burke	New	3/3/2003	Completed 2006	CWMTF \$2,238,000 NHTF \$1,200,00
Johns River II South	519	Burke	New	3/3/2003	Completed, 2007	CWMTF
Johns River I North	2,247	Burke	new	3/3/2003	Completed, 2007	CWMTF
323 - Ingram tract	818	Transylvania	Toxaway	3/3/2003	Inactive	NHTF, CWMTF, EEP
324 - Wallace-Gray tract	820	Burke/McDowell	Pisgah	5/16/2003	Completed 2006	NHTF\$ 976,000
325 - Durant Island	2000	Dare	New	5/16/2003	Not available	CWMTF, NHTF
326 - Taylor tract	2918	Pender	Angola Bay	5/16/2003	Inactive	CWMTF, NHTF
327 - Kraus tract	1584	Jackson	New	5/16/2003	NA Acquired by TNC	CWMTF, NHTF
328 - Bolin Knob tract	468	Burke/McDowell	South Mountains	5/16/2003	Completed, 2004	CWMTF\$920,000 , NHTF- \$712,000
329 - Folkstone tract	400	Onslow	Stones Creek	5/16/2003	Completed, 2007	CWMTF grant \$1,092,000
330 - H & M tract	200	Onslow	Stones Creek	5/16/2003	Completed, 2005	CWMTF 637M, NHTF
331 - Lanier tract	300	Onslow	Stones Creek	5/16/2003	Completed, 2005	CWMTF \$1,140M, NHTF
332- Pugh tract	120	Hyde	Gull Rock	7/16/2003	Inactive pending DOT	NHTF, CWMTF, EEP
333- Barker I tract	33.5	Caswell	Caswell	7/16/2003	Completed, 2004	CWMTF 193,000
334- Barker II tract	83	Caswell	Caswell	7/16/2003	Completed, 2004	NHTF, CWMTF, EEP
335- Hodges tract	125	Caswell	Caswell	7/16/2003	Completed, 2003	NHTF, CWMTF, EEP
336- Brumley tract	300	Caswell	Caswell	7/16/2003	Completed, 2007	NHTF, CWMTF, EEP
337- CZR tract	100	Pender	Angola Bay	7/16/2003	State Property - Pending	donation from mitigation
338- Waccamaw IP tract	1945	Columbus	Columbus County	7/16/2003	State Property - Pending	NHTF, CWMTF, EEP
339- Pee Dee tract/Diggs	1600	Richmond	Pee Dee	8/27/2003	Closed 10/30/2009	NHTF, CWMTF, EEP
340- Collier tract	2	Currituck	Currituck Banks	8/27/2003	Completed	Donation/ Wildlife Fund
341- Lost Bridge tract	160	Macon	Needmore	8/27/2003	State Property - Pending	EEP

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342-Mingo tract		Caldwell/Wilkes	Buffalo Cove	8/27/2003	Completed, Dec - 2003	NHTF\$1,000,000, CWMTF \$13,500,000, EEP\$7,000,000
343-Drowning Creek tract	700	Richmond	Sandhills	10/3/2003	Completed, 2003	EEP
344-Linville River tract	1300	Burke	Pisgah	10/3/2003	Completed, 2005	NHTF-\$2,019,000, EEP \$1,150,000
345-McDonald tract	39	Scotland	Sandhills	12/3/2003	Inactive	Wildlife Fund
346-Odum/McPherson tract	260	Scotland	Sandhills	12/3/2003	Closed 9/23/08	USFWS section 6 grant 249,075 CWMTF 57,000
347-Carrington tract	565	Scotland	Sandhills	12/3/2003	completed 2005	NHTF\$707, 137 and USFWS \$1,487,500
348-Duncan tract	115	Caswell	Caswell	12/3/2003	Switched to Baldwin	Wildlife Fund, CWMTF, EEP
349-Etheridge tract	200	Currituck	North River	12/3/2003	Inactive	NHTF, CWMTF, EEP
350-IP-Register King tract	340	Columbus	Columbus County	12/3/2003	Inactive	NHTF, CWMTF, EEP
351-Landino Farms tract	800	Tyrrell		12/3/2003	Sold	DU MARSH, NAWCA, Justice EEP
352-IP-Juniper Creek	19,000	Brunswick Columbus		12/3/2003	closed December 2007	TNC/IP package
353-Winnie Moore Bay Flatwoods	53	Columbus	Columbus County	12/3/2003	Completed, 2006	Wildlife fund \$43,700
354-Bear Garden	14, 256	Pender	Holly Shelter	12/3/2003	Completed, 2004	CWMTF \$2,365,00
355- Ahearn tract	40	Carteret	Croatan	3/3/2004	Completed, 2006	USFWS\$ 270,000, NHTF \$128,842
356- Bernhardt tract	245	Caldwell	Buffalo Cove	3/3/2004	Inactive	NHTF/CWMTF/EEP
357- Corbett	970	New Hanover	Cape Fear	3/3/2004	Completed, 2007	Donation
358- Marion Carter estate	1878	Burke	S. Mountains	3/3/2004	Completed, 2007	NHTF\$ 2,035,000/CWMTF \$1,171,355
359- Swartout tracts	11.3	Scotland	Sandhills	3/3/2004	Inactive	NHTF/CWMTF/EEP
360- Lewis tract	66.7	Carteret	New	3/3/2004	Sold	USFWS Coastal Wetlands
361 - Little Mountain tract		Surry	Mitchell River	3/3/2004	Completed, 2004	Gift
362- Gupton tract	172	Franklin	Shocco	5/14/2004	Completed	EEP, NHTF, Wildlife Fund
363- Buffalo Cove Ferguson	16.42	Wilkes	Buffalo Cove	5/14/2004	Completed	NHTF/CWMTF/EEP
364- Buffalo Cove Erby	80	Caldwell	Buffalo Cove	5/14/2004	Inactive	NHTF/CWMTF/EEP
365- Cashie River tracts (Barber-Coppersmith)	125 1350	Bertie	Chowan Swamp	5/14/2004	Completed, 2006	CWMTF \$3,000,000
366- Mackovich (Boy Scout) tract	100	Caswell	Caswell	5/14/2004	Completed	NHTF/CWMTF/EEP fund 32 acres
367- Table Rock Mountain tract	545	Mitchell	New	5/14/2004	completed, 2004	Gift
368- Griffin tract	532	Hertford	New	5/14/2004	Inactive	NHTF/CWMTF/EEP/PR
369-Edenton Depot tract	5	Chowan	N/A	10/3/2003	completed, 2004	Wildlife Fund
370 - Hamby	10	Caldwell	Buffalo Cove	7/14/2004	Currently not available	Wildlife Fund
371-Carter Heirs	48	Wake	Butner/Falls	7/14/2004	Inactive	Timber sale receipts, Wildlife fund, WEF
372-Wells	146	Pender	Holly Shelter	7/14/2004	bought by Coastal Land trust	EEP transfer from CLT
373-Hope valley Forest	342	Chatham	Jordan	7/14/2004	closed December 2010	NHTF/CWMTF/EEP
374-Ellis	67	Surry	Mitchell River	7/14/2004	State Property - Pending	Gift from Piedmont Land Cons.
375-Mason Mountain Wetland	25	Macon	Needmore	7/14/2004	NA	CWMTF transfer from LTLT, Sec. 6 \$251,500
376-Chalk	674	Richmond	Pee Dee	7/14/2004		NHTF/CWMTF/EEP
377-McFayden	53	Bladen	Suggs Mill Pond	7/14/2004	Completed, 2005	CWMTF, Wildlife fund, WEF
378-Owen	293	Bladen	Suggs Mill Pond	7/14/2004	Completed 2006	CWMTF, Wildlife fund, WEF

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379-Brown	40.38	Carteret	New	7/14/2004	Sold	USFWS Coastal Wetland grant
380-University Garden	2700	Pamlico	New	7/14/2004	Inactive pending landowner	NHTF/CWMTF/EEP
381 - Light Ground Pocosin	1094	Pamlico	New	Legislature 7/04	Completed, July - 2004	Re allocation, wildlife fund
382 - Dickerson tract	5.9	Durham	Butner/Falls	8/25/2004	Completed January 2006	B/F TS Fund
383 - Leonard tract	40	Richmond	Sandhills	8/25/2004	Completed, 2005	Wildlife Fund, TS Fund, Sec. 6
384 - (FIA)Willamette tract	496	Moore	Sandhills	8/25/2004	Completed 2006	EEP \$290,098.50 and NHTF \$633,650
385 - Quaternary tract	1443	Onslow	Croatan	8/25/2004	closed April 2009	Wildlife Fund
386 - Wooten tract	22	Caldwell	Buffalo Cove	8/25/2004	closed December 2007	WEF
387 - Saddle Mountain tracts	462	Alleghany	Mitchell River	8/25/2004	Completed 2006	NHTF, CWMTF, EEP
388 - Howell Estate tract	610	Richmond	Pee Dee	10/6/2004	Completed, 2007	NHTF, CWMTF, EEP
389 - Bear Creek tracts	64	Burke	Pisgah	10/6/2004	Completed, 2006	NHTF, CWMTF, EEP
390-Kannapolis/Second Creek tract	2800	Rowan	New	10/6/2004	State Property - Pending	NHTF, CWMTF, EEP Canon Foundation \$100,000
391 - Price tract	40	Cumberland	New	10/6/2004	inactive	NHTF, CWMTF, EEP
392 - CCC Road (McNeilly) tract	57	Rutherford	S. Mountains	12/1/2004	State Property - Pending	wildlife fund
393 - Pension Fund tract	1,800	Montgomery	Uwharrie	12/1/2004	State Property - Pending	NHTF, CWMTF, EEP
394 - Upchurch/Williams tract	1,027	Hoke	Sandhills	12/1/2004	Complete 2006	NHTF\$1,217,000 CWMTF\$ 2,019,, EEP
395 - Thorofare Island tract	73	Pender	Cape Fear	12/1/2004	Closed 2007	NHTF, CWMTF, EEP
396 - Wells tract	146	Pender	Holly Shelter	12/1/2004	bought by Coastal Land trust	duplicate of 372
397 - Adirondack tract	2,736	Pender/Onslow	Holly Shelter	3/2/2005	NA	NHTF, CWMTF
398 - Corbett tract	3,677	Pender/Onslow	Holly Shelter	3/2/2005	inactive	NHTF, CWMTF
399 - Sherron tract	300	Hertford	Chowan Swamp	3/2/2005	Inactive	NHTF, CWMTF
400 - Colon Grandy tract	727	Currituck	North River	3/2/2005	Inactive	NHTF, CWMTF
401 Dysartville	3,300	McDowell	Hickorynut Mtn	3/2/2005	Inactive	NHTF, CWMTF, EEP
402 - Jack Story tract	75	Polk	Green River	3/2/2005	Complete 2005	Wildlife \$ 118,844
403 - Henson tract	3	Caldwell	Buffalo Cove	3/2/2005	State Property - Pending	Wildlife Fund
404 - Moeller tract	8	Caldwell	Buffalo Cove	3/2/2005	State Property - Pending	Wildlife Fund
405 - Linwood 2 tract	189	Davidson	Linwood	3/2/2005	inactive	NHTF, CWMTF, EEP, DU Marsh
406 - Milliken tract	2,800	Columbus	Columbus County	3/2/2005	Inactive	NHTF, CWMTF
407 - Roquist Pocosin tract	3,926	Bertie	Roanoke River	3/2/2005	State Property - Pending	transfer from EEP
408 - Dover Bay tract	3,100	Craven	Neuse River	3/2/2005	State Property - Pending	transfer from NCGTP
409 - Norwood tract	2,700	Johnston/Wake	New	3/2/2005	inactive	NHTF, CWMTF, EEP
410 - Baldwin tract	18	Caswell	Caswell	3/2/2005	Completed	Wildlife fund
411 - Cayton tract	1,000	Pamlico	New	3/2/2005	Inactive	NHTF, CWMTF, Wildlife fund
412 - Branch tracts	16.75	Robeson	Bullard& Branch	5/20/2005	Complete	Donation, misc from Wildlife fund
413 - Coweeta Creek tracts	48	Macon	Needmore	5/20/2005	Completed, August 2008	USFWS Recovery acq grant
414 - Jessup Millpond tract	1,173	Bladen	Suggs Mill Pond	5/20/2005	Closed	NHTF, CWMTF, EEP
415 - Boyd tract	1,312	Beaufort	New	5/20/2005	Inactive	NHTF, CWMTF, EEP
416 - J.D. Briley tract	547	Pitt	New	5/20/2005	Inactive, Sold	NHTF, CWMTF, EEP
417 - Marks Creek tract	1,460	Richmond	Pee Dee	7/13/2005	Inactive	NHTF, CWMTF, EEP

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418 - Mountain Creek tracts	373	Richmond	Pee Dee	7/13/2005	inactive-sold	NHTF, CWMTF, EEP
419 - Sutton tract	205	Bertie	Roanoke River	7/13/2005	State Property - Pending	CWMTF, Wildlife fund
420 - Woodville(weyerhauser	383	Bertie	Roanoke River	7/13/2005	Closed December 2008	NHTF, CWMTF, EEP
421 - Queen's Branch tract	89	Macon	Needmore	7/13/2005	Completed 2006	USFWS sec 6 251,500 CWMTF 727,000
422 - Eller tract	238	Caldwell	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
423 - Garrou tract	89	Caldwell	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
424 - Chelsie Grose tract	89	Caldwell/Wilkes	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
425 - Mildred Grose tract	50	Caldwell/Wilkes	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
426 - James Hill tract	46	Wilkes	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
427 - Robert Hill tract	71.25	Wilkes	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
428 - Nemeth tract	196	Wilkes	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
429 - Hawkins tract	203	Caldwell	Buffalo Cove	8/26/2005	Inactive	NHTF, CWMTF, EEP
430 - Wilson tract	23.9	Richmond	Sandhills	8/26/2005	Completed, 2007	Wildlife Fund, NC Hab. Foundation
431 - James tract	377	Richmond	Sandhills	8/26/2005	State Property - Pending	NHTF, CWMTF, EEP, Sec 6 funds
432 - Mizell tract	600	Washington	New	8/26/2005	Inactive	NHTF, CWMTF, EEP
433 - Northbend tracts	578	Burke	New	8/26/2005	Inactive	NHTF, CWMTF, EEP
434 - Tolson Island tract	14	Hyde	New	8/26/2005	Inactive	CWMTF, Coastal Wetlands grant
435 - Jenkins tract	654	Granville	New	8/26/2005	inactive	NHTF, CWMTF, EEP
436 - Pederson tract	100	Swain	Needmore	8/26/2005	State Property - Pending	NHTF, CWMTF, EEP
437 - Turkey Quarter Island tract	1,465	Craven		10/5/2005	Closed	donation
438 - Charles Cooper Tract	22	Onslow		10/5/2005	State Property - Pending	NHTF, CWMTF, EEP
439 - Raby Bend tract	57	Swain	Needmore	10/5/2005	State Property - Pending	trade with LTLT
440 - Margaret Boyd tract	14.8	Scotland	Sandhills	12/5/2005	Inactive	Wildlife Fund
441 - McDuffie tract	1505	Tyrrell	New	12/5/2005	Inactive	CWMTF, NHTF, DU, Coastal Wetlands, NAWCA
443 - Diaz Lot	1	Ashe	Three Top	3/1/2006	Closed	Wildlife Fund
444 - Paschal tract	344	Bladen	Suggs Mill Pond	3/1/2006	State Property - Pending	NHTF, CWMTF, EEP
445 - Kassab tract	55	Onslow	Stones Creek	3/1/2006	Closed March 2008	NHTF, CWMTF, DOD
446 - Sandy Mush tract	2600	Buncombe, Madison	Sandy Mush	3/1/2006	Completed	EEP
447 - Atkins	160.31	Bertie	Bertie	6/16/2006	State Property - Pending	Wildlife Fund
448 - Price	32	Ashe	Three Top	6/16/2006	State Property - Pending	Donation, misc from Wildlife fund
449 - Gilmore Teague	21.2	Buncombe	Sandy Mush	6/16/2006	State Property - Pending	CWMTF, EEP
450 - Craig Tweed	120	Buncombe	Sandy Mush	6/16/2006	State Property - Pending	CWMTF, EEP, NHTF
451 - Snelson	72	Madison	Sandy Mush	6/16/2006	NA	CWMTF, EEP, NHTF
452 - Graves	204.49	Caswell	Caswell	6/16/2006	Completed, 2006	CWMTF, EEP, PR
453 - River Bend	190	Caswell	Caswell	6/16/2006	State Property - Pending	Transfer from EEP
454 - McMillian	60	Caswell	Caswell	6/16/2006	Completed, 2007	PR funds and Wildlife Fund
455 - Huggins	790	Carteret	White Oak River	6/16/2006	Completed	Transfer from Coastal Federation
456 - Camp Knob	280	Cleveland	South Mtns.	6/16/2006	State Property - Pending	CWMTF, EEP, NHTF
457 - Mack Little	5	Columbus	Columbus County	6/16/2006	Completed, 2007	Donation
458 - WL Tate	90	Currituck	North River	6/16/2006	State Property - Pending	Donation, NHTF, CWMTF
459 - Rex Tillett	54.44	Dare	Roanoke Island	6/16/2006	State Property - Pending	Donation

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460 - Bishop Road	690	Hyde	New Lake	6/16/2006	State Property - Pending	Transfer from EEP
461 - Fillipo	569	Onslow	Stones Creek	6/16/2006	State Property - Pending	NHTF, CWMTF, DOD
462 - RMK - Camp Davis	1228	Onslow	Holly Shelter	6/16/2006	State Property - Pending	NHTF, CWMTF, DOD
463 - Zeist	660	Orange	New	6/16/2006	Inactive	CWMTF, EEP, NHTF
464 - Quattlebaum	104.9	Polk	Green River	6/16/2006	Closed February 2008	trade for Green River land
465 - William Tillman	27.79	Richmond	Sandhills	6/16/2006	Inactive	CWMTF, EEP, NHTF
466 - Mullberry Mill Bog	40	Wilkes	WCA	6/16/2006	Closed September 2008	NHTF, CWMTF, EEP, Land trusts
467 - Hodgson Family	15	Davie	Hunting Creek	8/30/3006	Inactive	Wildlife Fund
468- Fisher	36	Scotland	Sandhills	8/30/3006	Inactive	CWMTF, EEP, NHTF
469 - Stallings (Turnagin bay)	1300	Carteret	New	3/1/2006	Completed - 2007	CWMTF USFWS COASTAL- 900,000
470 Norco	85	Buncombe	Sandy Mush	10/6/2006	State Property - Pending	Donation, misc from Wildlife fund
471 Aiken	46	Burke	South Mountains	10/6/2006	State Property - Pending	Wildlife Fund
472 Daniel Smith	12	Burke	South Mountains	10/6/2006	State Property - Pending	Wildlife Fund
473 Chapman	5	Burke	South Mountains	10/6/2006	State Property - Pending	Wildlife Fund
474 Michaels	1	Burke	South Mountains	10/6/2006	State Property - Pending	Wildlife Fund
475 Vitas	30	Rutherford	South Mountains	10/6/2006	State Property - Pending	Wildlife Fund
476 ALCOA	2000	Davidson, Rowan	Alcoa	10/6/2006	State Property - Pending	NHTF, CWMTF,EEP
477 Jones	51	Caswell	Caswell	10/6/2006	State Property - Pending	CWMTF
478 Englehart Airport	1140	Hyde	Gull Rock	10/6/2006	Not Available	NAWCA Funding
4879 Sewell	21	Onslow	Stones Creek	10/6/2006	Not Available	Military COPS
480 Pheasant Creek	123	Cleveland	South Mountains	10/6/2006	Sold	CWMTF, NHTF, EEP
481 Gull Island	73	Dare		10/6/2006	Closed July 2008	CWMTF, NHTF
482 Henry Tract	454	Carteret		10/6/2006	NA	Coastal Wetland Grant
483 Upper Tar River IP tracts	10,588	Warren, Franklin	Shocco Creek	12/2007	Closed December 2007	NHTF, CWMTF Wildlife Bond
484 Johnson's Landing IP tract	1,763	Bertie	Roanoke River	12/2007	Closed June 2007	NHTF, CWMTF Wildlife Bond
485 Lower Roanoke IP tracts	8,432	Halifax, Northampton	Roanoke River	12/2007	Closed December 2007	NHTF, CWMTF Wildlife Bond
486 Chowan River IP tracts	8,682	Hertford	Chowan Swamp	9/2008	Closed August 2008	NHTF, CWMTF Wildlife Bond
487 - John Winslow tract	467	Martin	Batchelor bay	12/6/2006	Inactive	NHTF, CWMTF,EEP
488 - Troy Greene tract	90	Gates	Chowan Swamp	12/6/2006	State Property - Pending	NHTF, CWMTF,EEP
489 - Killingsworth Farm tract	139	Jones	Chowan Swamp	12/6/2006	bought by military	NHTF, CWMTF,EEP
490 - Odum Prison Land	1,063	Northampton	Roanoke River	2/14/2007	Closed May 2009	Property Transfer
491 - Rachel Morton	204	Onslow	White Oak River	5/18/2007	Closed	CWMTF, DU Marsh, NAWCA
492 - Riverstone	18,600	Columbus	Waccamaw	5/18/2007	State Property - Pending	NHTF, CWMTF
493- Whitehurst-Devil's Garden	430	Craven	Neuse River	5/18/2007	Closed 12/11/08	NHTF, CWMTF
494 - Fulp Tract	227	Richmond	Misc	5/18/2007	State Property - Pending	CWMTF
495 - Lennon's Mill Pond	1,200	Robeson	Misc	5/18/2007	State Property - Pending	NHTF, CWMTF, DU Marsh
496 - Miller-Hufnagel	100	Ashe	Three Top	7/11/2007	closed July 2010	CWMTF, NAWCA
497 - Old Fayetteville Road South	54	Bladen	Suggs Mill Pond	7/11/2007	State Property - Pending	CWMTF
498 - Barnes & Goode tract	350	Granville	Misc	7/11/2007	State Property - Pending	CWMTF, FWS Section 6, Military Support act
499 - McCotter	440	Onslow	Misc	7/11/2007	Closed September 2008	NHTF, CWMTF, Section 6

LAND ACQUISITIONS/ EASEMENTS/ DISPOSITIONS  
(Division of Wildlife Management 12/17/10)

Color Key	
	Active & Funded
	Completed
	Inactive
	Active & Not Funded

Reference No. and Project Name	Acres	County	Game Land	Date Approved	Current Status	Funding
500 - Weyerhaeuser - Onslow 22	1,200	Onslow	Misc	7/11/2007	Not Available	NHTF, CWMTF, Section 6
501 - Corbett Blossom	971	New Hanover	NE Cape Fear		acquired	Gift from TNC
502 - Leggett tract	75	Caswell	Caswell	8/29/2007	unavailable	CWMTF
503 - Dean Island	40	Macon	Needmore	8/29/2007	State Property - Pending	NHTF, CWMTF, FWS Sect 6
504 - Hamer tract	569	Richmond	Pee Dee	10/19/2007	State Property - Pending	NHTF, CWMTF, FWS Sect 6
505 - Snoddy tract	1	Henderson	Misc	10/19/2007	State Property - Pending	NHTF, CWMTF, FWS Sect 6
506 - Carpenter tracts	688	Scotland	Sandhills	12/5/2007	Closed August 2009	NHTF, CWMTF, FWS Sect 6, DOD
507 - Little Rose tract	500	Mitchell	Pisgah	12/5/2007	Closed July 2009	Donation/Transfer from CTNC/DCR
508 - Maple Prison Camp tract	289	Currituck	North River	12/5/2007	State Property - Pending	Re allocation from DOC
509- Thoroughfare Island tract	47	Currituck	North River	12/5/2007	State Property - Pending	Donation from TNC
510 - Pond Mountain	1850	Ashe		2/13/2008	State Property - Pending	NHTF, CWMTF
511- Whitehall Plantation	1430	Bladen		2/13/2008	Closed 2009	NHTF, CWMTF
512 - Wilkes Tract	115	Scotland	Sandhills	2/13/2008	Closed July 2009	NHTF
514 - New Hope Timber Tract	189	Caswell	Caswell	5/9/2008	State Property - Pending	NHTF, CWMTF
515 - President Tract	880	Hyde	Gull Rock	5/9/2008	Inactive	NHTF
516 - Leak-Wall Tract	1473	Richmond	Pee Dee	5/9/2008	State Property - Pending	NHTF, CWMTF
517 - Gullege-Sustainable Forestry	321	Richmond	Pee Dee	5/9/2008	State Property - Pending	NHTF, CWMTF
518 - Harmon Tract	238	Richmond, Scotland	Sandhills	7/9/2008	Closed December 2010	NHTF, CWMTF
519 - Johnson Tract	218	Ashe	New	7/9/2008	Closed July 2010	NHTF, CWMTF
520 - Elam Tract	72	Caldwell	New	7/9/2008	Closed December 2008	NHTF, CWMTF
521 - Lutz tract	650	Caldwell	New	10/19/2007	Closed May 2009	NHTF, CWMTF
522 - Myers Lot 676 Tract	0.5	Ashe	Three Top	8/27/2008	Closed october 2009	WRC
523 - Ducote Tract	7.5	Henderson	New	8/27/2008	Closed October 2010	NHTF, CWMTF
524 - Terry Tract	245	Rutherford	South Mountains	8/27/2008	closed May 2010	NHTF, CWMTF
525 - Carscadden Tract	4	Caswell	Caswell	10/3/2008	State Property - Pending	NHTF, CWMTF
526 - Wittig Tract	246	Edgecombe	Fishing Creek	10/3/2008	State Property - Pending	NHTF, CWMTF
527 - Island Creek Tract	1,846	Jones	Croatan	10/3/2008	Inactive	NHTF, CWMTF
528 - Blair Tract	2,100	Jones	Croatan	10/3/2008	Inactive	NHTF, CWMTF
529 - Rankin-Diggs Tract	785	Richmond	Pee Dee	10/3/2008	State Property - Pending	NHTF, CWMTF
530 - Hickorynut Mtn tract	8,000	McDowell	New	3/2/2005	State Property - Pending	NHTF, CWMTF, EEP
531 - Ingram Tract	1,200	Anson	Pee Dee	2/11/2009	State Property - Pending	NHTF, CWMTF
532 - Braun Tract	600	Ashe	Misc	2/11/2009	State Property - Pending	NHTF, CWMTF
533 - Sherill	205	Ashe	Three Top	2/11/2009	State Property - Pending	NHTF, CWMTF
534 - Bryant Lumber	567	Avery/McDowell	Pisgah	2/11/2009	State Property - Pending	NHTF, CWMTF
535 - Ryan Tract	709	Bladen	Misc	2/11/2009	State Property - Pending	NHTF, CWMTF
536 - Bear Pen Tract	1,340	Brunswick	Juniper Creek	2/11/2009	State Property - Pending	NHTF, CWMTF
537 - IP-Amici Group Tracts	8,300	Brunswick	Juniper Creek	2/11/2009	State Property - Pending	NHTF, CWMTF
538 - Jenrette Tract	1,827	Brunswick	Columbus County	2/11/2009	State Property - Pending	NHTF, CWMTF
539 - Lowland Tract 5098	208	Pamlico	Goose Creek	2/11/2009	State Property - Pending	NHTF, CWMTF
540 - Lowland Tracts 5100 and 5101	689	Pamlico	Goose Creek	2/11/2009	State Property - Pending	NHTF, CWMTF
541 - Atkinson Tract	1,616	Pender	Holly Shelter	2/11/2009	State Property - Pending	NHTF, CWMTF

LAND ACQUISITIONS/ EASEMENTS/ DISPOSITIONS  
(Division of Wildlife Management 12/17/10)

Color Key	
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	Completed
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	Active & Not Funded

<u>Reference No. and Project Name</u>	<u>Acres</u>	<u>County</u>	<u>Game Land</u>	<u>Date Approved</u>	<u>Current Status</u>	<u>Funding</u>
542 - Green Pig Tract	21	Polk	Green River	2/11/2009	State Property - Pending	NHTF, CWMTF
543 - King Mountain Tract	190	Randolph	Uwharrie	2/11/2009	Closed December 2010	NHTF, CWMTF
544 - Martin Marietta tract	525	Scotland	Sandhills	2/11/2009	State Property - Pending	NHTF, CWMTF
555 - Fitch Tract	207	Caswell	Caswell	3/4/2009	State Property - Pending	NHTF, CWMTF
556 - Hogan tract	203	Richmond	Sandhills	3/4/2009	State Property - Pending	NHTF, USFWS section 6
548 - Bigelow Tract	5	Caswell	Caswell	5/13/2009	closed 12/2009	NWTF, NCWHF
549 - Cooper Tract	22	Onslow	Stones Creek	5/13/2009	State Property - Pending	NHTF, CWMTF,NAVY
550 - Peterson Tract	1	Ashe	Three Top	7/8/2009	closed	Donation
551 - Havic & Noblitt Tracts	1,000	Camden	North River	7/8/2009	Inactive	Donation
552 - Glenn Futrell Tract	381	Dare	New	8/26/2009	closed December 2009	Donation
553 - Bob's Pocket Wilderness	2,426	McDowell/Rutherford	New	10/7/2009	State Property - Pending	Donation
554 - Crosshairs Investment tract	1,197	Bladen	New	12/2/2009	State Property - Pending	NHTF, CWMTF, NAWCA, EEG, EEP
555 - Fontaine & Goad tracts	230	Granville	Butner/Falls	2/10/2010	State Property - Pending	NHTF, CWMTF
556 - Selma Ray tract	17	Wilkes	Thurmond Chatham	2/10/2010	State Property - Pending	PR funds
557 - City of Hamlet tract	19	Richmond	Sandhills	2/10/2010	closed 10/2010	Mitigation funds
558 - DOA Dredge Islands	135	Brunswick	New	2/10/2010	State Property - Pending	NA reallocation
559 - Smith Creek Tract	923	Granville	Butner/Falls	3/3/2010	State Property - Pending	NHTF, CWMTF Bargain sale, Private funding
560 - Brown's Island	165	Carteret	New	3/3/2010	State Property - Pending	USFWS Coastal Wetlands, NAWCA Grant
561 - Ludford Tract	160	Tyrrell	Aligator River	5/12/2010	State Property - Pending	NHTF, CWMTF
562 - Barge Landing Tract	3	Pamlico	Goose Creek	7/7/2010	State Property - Pending	Reallocation
563 - Godwin Tract	62	Pender	Holly Shelter	7/7/2010	State Property - Pending	NHTF
564 - Maple Prison (northern tract)	325	Currituck	North River	7/7/2010	State Property - Pending	Reallocation
565 - Silbert tract	133	Polk	Green River	8/25/2010	State Property - Pending	NHTF, CWMTF
566 - Joe Carpenter Tract	16	Scotland	Sandhills	8/25/2010	State Property - Pending	NHTF, CWMTF, ACUB, USFWS
567 - Richlands Mountain Tract	29	Rutherford	South Mountains	8/25/2010	State Property - Pending	NHTF, CWMTF
568 - Mosteller Tract	1	Ashe	Three Top	8/25/2010	State Property - Pending	Donation



**North Carolina Wildlife Resources Commission  
Land Acquisition Investigation Form**

Date: 10-15-2010

Tract Name: Sam Casey  
(SPO File# 71-BJ)

Acreage 6.47

County: Pender

Advertised Purchase Amount: NA - Donation

Based on Appraisal:  Yes  No  N/A

Contact: John Barbour-State Property Office

Phone: (W) 910-807-4682

Address: 1321 MSC  
Raleigh, NC 27699-1321

Status:  High Interest  Moderate Interest  Low Interest  No Interest

Grant Potential:  NHTF  CWMTF  DU MARSH  
 Other :  N/A - Donation

Resources Assessment (Brief ): Tract lies on west side and borders N.E. Cape Fear River adjacent to Cape Fear Wetlands Game Land. It consists of tidal swamp with overstory and midstory consisting of red maple, sweetgum, and blackgum. Soil was mostly covered by water with visible understory vegetation consisting of switchcane, two fern species, and lizard tail.

Access Assessment: Accessible by water as is most of Cape Fear Wetlands Game Land.

Game Lands Program Potential:  Yes (Cape Fear Wetlands Game Land)  No

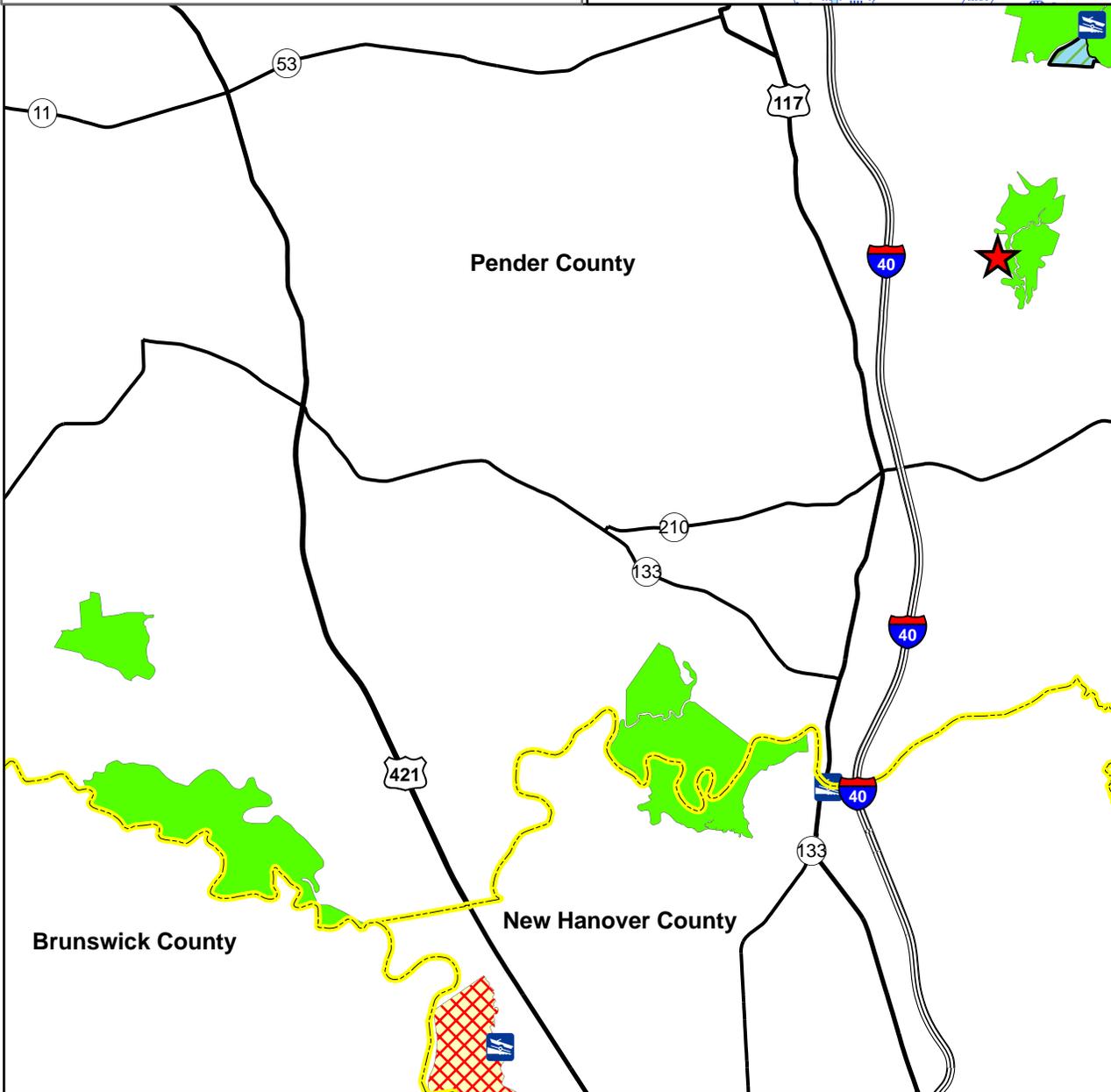
Recommendation:  Pursue Acquisition  Defer  Do not Pursue Acquisition

Map Attached:  Yes  No

**Sam Casey Donation  
Cape Fear Wetlands GL  
Pender County  
6.47 Acres**

Pender County

Shaw  
Swamp  
Tract



December 13, 2010

0 1.25 2.5 5 Miles



# North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

Date: 16 November 2010

Tract Name: Tar River Timber Company, Inc. Tracts D104A and E1015  
PIN #s 2931-81-4901 and 2931-92-5145, respectively

Acreage: D104A – 124 acres +/-; E1015 - 88 acres +/-; Total 212 acres +/-

County: Warren

Advertised Purchase Amount: \$212,000

Based on Appraisal:  Yes  No

Contact: Tar River Timber Company, Inc.: Tim Sellers (252) 883-8002

Address: P.O. Box 369, Red Oak, NC 27868

Email: [timbertim45@gmail.com](mailto:timbertim45@gmail.com)

Status:  High Interest  Moderate Interest  Low Interest  No Interest

Grant Potential:  NHTF  CWMTF  DU MARSH  
 Other (explain): USFWS Section 6 due to Significant Aquatic Habitat (SAH)

Resources Assessment (Brief): These two tracts comprising 212 acres sit on Little Shocco Creek, a tributary of Fishing Creek and the Tar River. The Tar River and its tributaries are home to many federally and state listed aquatic species, including the yellow lance, Atlantic pigtoe, Carolina madtom, dwarf wedgemussel and the Tar River spinymussel. The D104A tract is comprised of: 120 acres that were clearcut in the fall/winter of 2008 (this stand currently has 2 year old naturally regenerated loblolly pines with scattered pockets of oak, sweetgum, and poplar regeneration; a herbicide release spray for this stand is scheduled in the summer of 2011); 3 acres in hardwood drains and creek bottoms; 1 acre in timber access roads. The E1015 tract is comprised of: 82 acres that were clearcut in the summer of 2007 (this stand currently has 3 year old naturally regenerated oaks, hickories, beech, poplar, sweetgum, maples and pine; Tar River Timber Co. has a site preparation spray for this stand scheduled in the summer of 2011 and subsequent planting of loblolly pine planned in the winter of 2012); 3 acres in hardwood drains and creek bottoms; 3 acres in 10 year old scattered clumps of loblolly pine. These two tracts would be an excellent game land addition, providing not only increased protection of significant aquatic habitats, but also public access to a previously inaccessible tract that is already part of the Shocco Creek Game Lands. This inaccessible tract and other closely located properties were acquired in 2006 as part of IP Phase I and were partially funded by the CWMTF and NHTF.

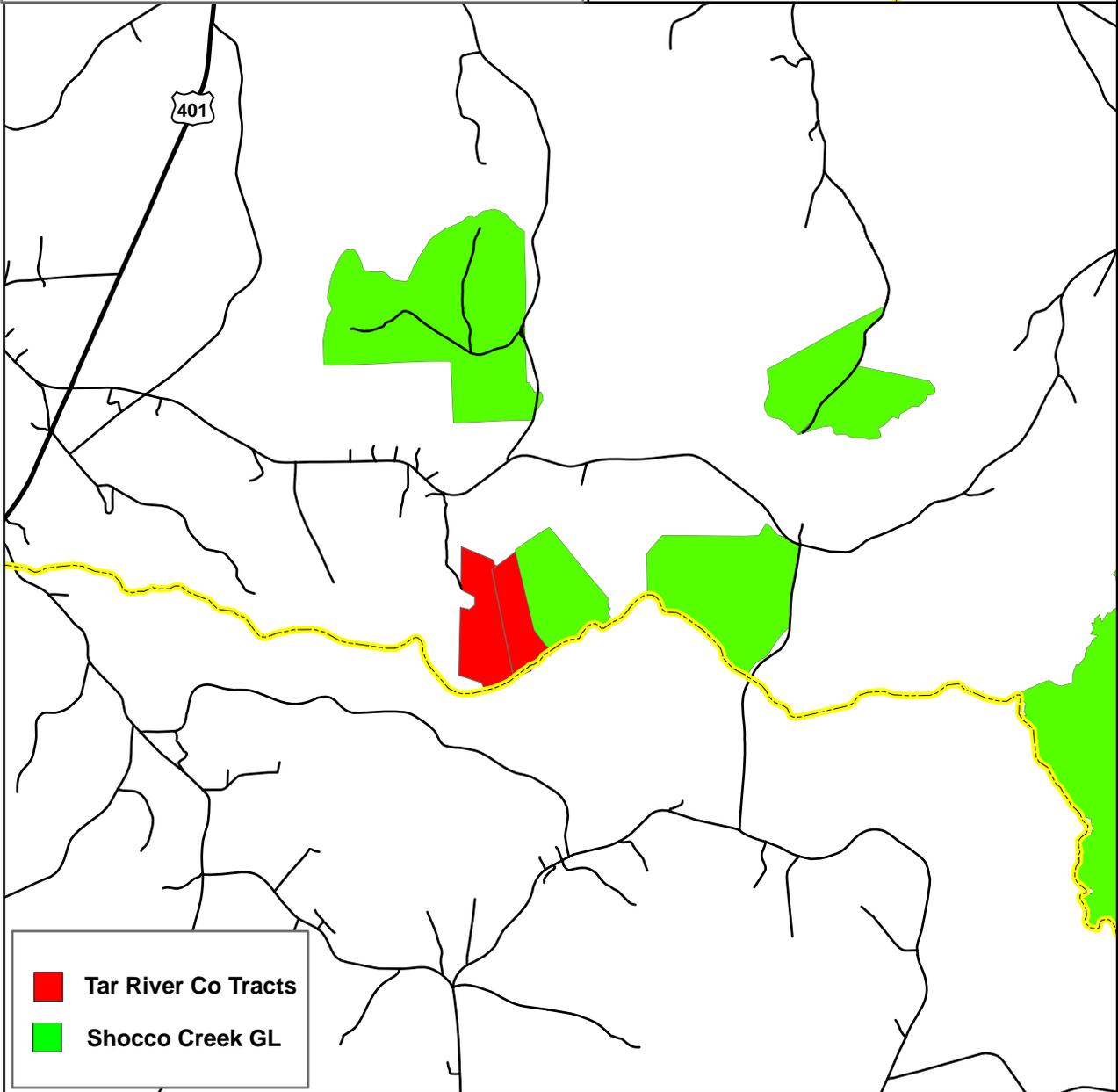
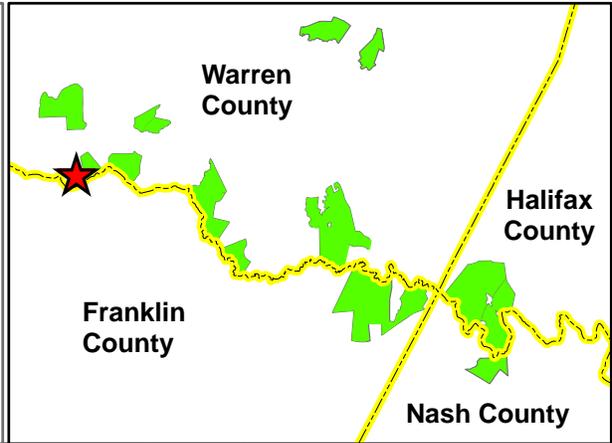
Access Assessment: The 124 acre tract has a deeded graveled road access from SR 1620 (Lick Skillet Road). Addition of these tracts would provide permanent road access to Little Shocco Creek 1, a 161 acre tract that was purchased in 2006 as part of the IP acquisition. Currently, access to Little Shocco Creek I is administrative only, through a historic prescriptive easement with no public access.

Game Lands Program Potential:  Yes (Shocco Creek Game Land)  No

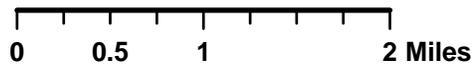
Recommendation:  Pursue Acquisition  Defer  Do not Pursue Acquisition

Map Attached:  Yes  No

**Tar River  
Timber Co.Tracts  
Shocco Creek GL  
Warren County  
+/- 212 Acres**



December 13, 2010



# EXHIBIT F

January 13, 2011

## Summary of Individual Comments Received on Proposed Emergency Powers Rule

Number of Comments Received via E-mail	Number of Comments Received at Public Hearings	Total	Agree	Disagree
25	0	25	21	4

### Public Comments:

- 1) *“As a citizen of North Carolina, A hunter, fisherman, and land owner, I support the proposed rule with the exception of items 8 and 9. I don't see how restricting public access to gamelands (8), while access to private lands is unrestricted is fair to the public or effective in restricting a problem; and I don't see how charging a fee to the public for processing voluntary samples(9) is reasonable, fair, or justified. If the NCWRC needs results of sample testing they should pay for them, if they don't need the results they should nor accept the samples.”*
- 2) *“One of the most offensive things that jumps out is the possibility of #5 "revoke licenses or permits". If a "outbreak" was to occur the commission has no reason to revoke a law abiding citizens license or permit. While I think it is smart to have a plan in case something was to happen as usual this state government over reaches. In fact I would call many of these points suspicious. This governor has not displayed any knowledge of wildlife and tends to lean toward a dangerous crowd that would like to remove our rights and privileges to help conserve and control our resources. I believe you need to go back to the drawing board with recommendations from the HUNTING public. After all it is our tax dollars that support research and a proper response to any such out breaks.”*
- 3) *“I only support the proposed rule in the immediate area where the disease is found and only there. If a disease is found only in Buncombe County the emergency response plan should only apply to Buncombe County and absolutely no other counties.  
I also oppose confiscating wildlife resources as proposed in the plan. Lawfully possessed wildlife resources should not be seized by the state from law abiding citizens. That is wrong.  
I certainly support wiping out a deer herd in the vicinity of any area where CWD is found in NC. CWD has recently been found in VA deer. A deer free buffer zone of at least 40 miles should be established around any CWD outbreak. Illinois and Wisconsin are already doing something similar in their CWD infected areas.  
I also support the banning of baiting proposed in the rule. That might be controversial but the NCWRC should consider banning baiting for all wildlife species.”*
- 4) *“Read the proposals and I agree with them however there is nothing in them that says what could be done inside the city limits where now the highest concentration of deer is existing. It bothers me that our WRC is basing all there quotas and deer per acre which includes these city limit deer where they cannot be hunted. Under these emergency procedures can they not implement guidelines for cities also?”*
- 5) *“I am a citizen concerned about the welfare of our wildlife resources in NC. I do support the emergency powers Rule as proposed by the North Carolina Wildlife Resources Commission to prepare for a reaction to the possible introduction of any wildlife disease into our state with a noted exception below.  
I understand that in order to try and control the incidence and spread of disease organisms, certain emergency powers are necessary in order to act swiftly and determinately. The "typical" political process conducted within this representative democracy may take too long to develop consensus and then the immediate action necessary to reduce costs to all stakeholders. Such a "due process" upon what we are*

*accustomed may be less effective in reducing the overall cost to the wildlife and human populations due to the length of time typically necessary to reach such consensus among our political representatives. I would suggest that the emergency response plan shall not extend for more than 45 days rather than 90 days proposed after the Commission's determination that a catastrophic disease outbreak has occurred. In my opinion, 45 days should be sufficient time to assess the immediate threat, take action and assess the response to the action or actions taken."*

- 6) *"I am a little bit concerned with action number (5) revoke licenses or permits. I suggest that this rule be rewritten to the following (5) temporally revoke licenses or permits for the period of (90) ninety days, or until the threaten disease has been determined to be under control. I am completely in favor of this rule, and therefore support it with the above amendment."*
- 7) *"(1) shorten or lengthen harvest seasons You really need to look at this closely and consider how other surrounding states do it. I dont think you should shorten just give Bow hunters and muzzleloader hunter more opportunities to hunt.. Here in SE NC the dog hunter just screw up all the deer due to all the dogs running around all night long chasing deer. and no they dont always pick up their dogs at the end of the day. Just look at extending the season for the Unfortunate because as of the first day of Rifle my season came to an end with no deer in sight. (10) prohibit supplemental feeding/baiting of wildlife: Back to what i was just talking about If you take away baiting its just one more strick against the Bow- Muzzleloader hunter and +1 for the dog hunter. If i dint bait in the thick vegetation here in SE NC i would never kill anything. and it helps to get the deer herd through the winter. You need to quit looking at the disease part and look at the pros. Look at VA a Couple of years ago had a fasive fall out with Hemorrhagic Disease. It had nothing to do with feeding due to its illegal in VA to bait."*
- 8) *"...my opinions on these proposals, by number with a -5 to + 5 rating with -5 being strongly oppose and +5 being strongly support.*
  - {a}*
    - 1/ -5, this has not worked anywhere else to combat CWD.*
    - 2/ +1, with exceptions--with a total ban on transport this one goes to a -5*
    - 3/ same as above*
    - 4/ same as above*
    - 5/ -5, I paid for a lifetime license and I plan on keeping it*
    - 6/ +5*
    - 7/ +5*
    - 8/ +3, but this should include ALL game lands users--if you kick the hunters off, then the dog walkers,hikers,horsemen and fishermen should have to leave too*
    - 9/ +2, doing this could keep some hunters from turning in samples, thus impacting the suppression of CWD*
    - 10/ +5, this should have already been done--on several points this will help fight CWD, main point would be having a balanced herd with better year-round health instead of the late winter starvation's we have now after the cornpiles dry up in January*
    - 11/ see # 2 above*
    - 12/ +5*
    - 13/ +5*
  - {b} +5, but the notices should be sent to a randomly selected percentage of all licensed hunters in each county as well*
  - {c} +5, with the exceptions of having public input and acting on this input in a timely manner*

*Further, I think that we as NC hunters / wildlife professionals should move to establish a CWD "war trust fund" immediately. This fund should be solely for CWD [separate from ANY other fund] and funded from a one-time fee from all deer hunters and any funds available from other stakeholders with interests in protecting deer hunting in NC. We need do move proactively against this disease as soon as possible in any case. CWD is here and a confirmed case is less than 2 years away in my opinion. The loss of tax revenue and jobs will impact our NC economy greatly if we don't stop CWD from gaining a foothold in NC. we can do this but we have to start NOW."*
- 9) *"This Rule is unnecessary! It will lead to more abuses of power by the State and possibly Federal Government!We do not need Emergency Powers left in the hands of unelected officials.We do not need emergency Powers acts that are repetitive. The Governor allready has the power necessary to request and*

*enforce these powers and restrictions. This will be seen as another abuse of power causing more hatred of Government!"*

- 10) *"It is my opinion that the Emergency Powers rule change is both excessive in scope and offers an frighteningly wide opportunity to the anti-hunting group to ban hunting all together. I would consider support of such a rule if there were a hunting amendment to the NC constitution much like several other states have implemented, which specifically states that the right of the people to hunt and fish in NC shall not be infringed.*

*The scope is far too broad for the powers given by this rule. The shortening or lengthening of wildlife seasons as well as the expansion or restriction of bag and creel limits are already powers that the WRC has, so if some red tape needs to be cut so that the WRC may more efficiently exercise those powers, I am all for it. Prohibition of transport and possession or confiscation of wildlife resources is excessive and merely gives a game warden or police officer who has had a bad day the right to take a lawfully harvested animal away from a hunter. The idea that prohibiting transport or possession of wildlife will somehow prevent the spread of or the severity of a disease is a real stretch. Any hunter worth his or her salt has the right and the responsibility to determine whether or not a harvested animal is healthy or not and to report such findings to the WRC. Removing rights and responsibilities from the hunter and placing it with the governing body will undoubtedly result in an increase of adversarial relationships between hunters and agents of the WRC. Revocation of licenses and permits is repulsive and I must say that I am taken aback that the WRC would request such a power. It is appalling to think that my lifetime license could be revoked through no fault of my own. Licenses and permits should ONLY be revoked if the hunter violates the rules set forth in the Hunting and Fishing Digest. There one and only result of this type of power being granted is unwarranted revocation of licenses and permits. The simple and effective principle of hunting with ethics, honor, and following the rules should be the one and only line between having the right to hunt and fish and having that right taken away. While it may currently be viewed as a "privilege" to hunt on public owned land in this State, make no mistake that on my own property, hunting and fishing is a right and that right should in no way be infringed by some sort of disease emergency. The establishment of mandatory check stations -- provided a disease emergency has been established with certainty and the check stations are not unduly difficult to locate and make use of -- is a decent idea, but only to the extent that it would help determine the severity and scope of a disease outbreak. It still removes the responsibility of the hunter to determine the health of animals harvested. Voluntary check stations are a far better idea because it maintains the responsibility of the hunter while realizing the same data acquisition goals. In reality, only those hunters and fishermen who are concerned about the maintenance of the population will use the check stations and those who do not want the inconvenience will simply stop tagging their animals. In light of that reality, a voluntary basis for check stations would be a far less intrusive and equally effective means to attain data about the disease and its spread. Restriction of public access to game lands is rational, again only if the disease has been established with the utmost certainty and only if such restriction could be shown with utmost certainty to prevent or stem the spread of the disease. Charging the public a laboratory fee is ridiculous and would result in very few people tagging their animals. There are many people who rely, at least in a supplemental fashion, on food harvested from the wild. I, for one, do not purchase any red meat from the grocery store, relying instead on lawfully harvested and tagged venison. People in that situation would not tolerate any type of mandatory fees in addition to the license we already purchase to hunt on our own land, for animals that are fed by our own crops, protected by our own control of the predator population and whose health is one of our biggest concerns. Again, provide the check stations on a volunteer basis. After all, if there really is a disease emergency, it ought to be covered in full by my taxes, no different than the obscene amount of salt and sand that would be spread on a road in the event of snow in Wilmington. Prohibition of supplemental feeding should fall under the same potential restrictions as limiting access to the game lands and should be limited to public lands. What I do on my own property is my business. If the WRC can prove that my practices are damaging the population or health thereof, it is my responsibility to take action for the sake of my herd and hunting in general. The last three powers listed can be described no other way than excessive to the ultimate extreme and utterly despicable. I am genuinely disgusted that anyone at the WRC would ever request the power to implement "any other requirements" or "activities" in any situation for any cause. That type of unchecked power should never be held by anyone or any organization. I have been very impressed by the efforts of the WRC in the past to manage the populations of our animals and fish, but every last one of those efforts could be thrown out the window by a single person or agency who has the power to do "any"thing necessary. The idea that these*

*rules would be temporary is as laughable as a "temporary" tax increase. Any time the word "unless" is included in any restriction of the longevity of any alteration of rules, the restriction on longevity may as well not even be included. Remove the "unless" clauses and I could consider support of the powers not already discredited above.*

*The biggest lurking problem with this entire scheme of emergency powers is the proving of the circumstances that would warrant the granting said powers. The document prepared for public comment is clearly designed to steer public comments toward the powers themselves and away from the circumstances which would validate such powers. In order for this rule to be considered by any hunter there would have to be clear, objective, easily proven, and very limited circumstances for the powers not discredited above to be granted.*

*It is the goal of every hunter and fisherman to hunt/fish today and for as long into the future as they are physically able and the health of our wildlife resources is directly related to that goal. However, it is vitally important to make sure that the implementation of a set of emergency powers does not present an opening for the anti-hunting group to ban hunting altogether. It is my opinion that the scope of these powers and the ambiguous nature of their acquisition presents a frighteningly wide opportunity to ban or severely limit hunting in NC."*

## Letters Received Pertaining to Proposed Emergency Powers Rule

In addition to the individual comments tallied, the Commission received the following letter representing an organization:

- 1) Supports adoption of the rule.  
N.C. Wildlife Federation, signed by Tim Gestwicki, Executive Director

# EXHIBIT G

January 13, 2011

## Proposed Text for Emergency Powers Rule, 15A NCAC 10A .1201 As Presented for Public Comment

Staff recommends the Wildlife Resources Commission adopt the following rule with changes:

### 15A NCAC 10A .1201 EMERGENCY POWERS

(a) Upon a finding by the Wildlife Resources Commission that a wildlife disease threatens irreparable injury to wildlife or to the public, the Executive Director shall develop an emergency response plan in consultation with the Governor's office and the State Veterinarian. The plan may prescribe one or more of the following actions:

- (1) shorten or lengthen harvest seasons;
- (2) prohibit transport of wildlife resources or parts thereof;
- (3) prohibit possession of wildlife resources;
- (4) confiscate wildlife resources;
- (5) revoke licenses or permits;
- (6) expand or restrict daily bag limits, daily creel limits, and possession limits;
- (7) establish mandatory wildlife check stations;
- (8) restrict public access to game lands;
- (9) charge a laboratory processing fee to ~~the public for volunteer samples;~~ persons who request disease testing of their harvested wildlife resources;
- (10) prohibit supplemental feeding/baiting of wildlife;
- (11) prohibit any other activities that aid in the transmission or movement of the disease as determined by the best available science regarding the disease threat;
- (12) implement any other activities necessary to reduce infection opportunities; and
- (13) implement any other requirements necessary to assist in the detection and isolation of the disease.

(b) The Commission shall inform the public of the actions in the response plan through press releases, postings on the Wildlife Commission web site, letters sent to representatives of sportsmen's groups or others constituents likely to be directly affected, and by employee outreach.

(c) The emergency response plan shall not extend for more than 90 days after the Commission's determination that a disease outbreak has occurred, unless a temporary rule is adopted by the Commission in accordance with G.S.

150B-21.1 to replace the emergency powers contained therein. If a temporary rule is adopted prior to the expiration of the 90 days, the emergency powers invoked in the emergency response plan shall continue in effect until either a permanent rule to replace the temporary rule becomes effective or the temporary rule expires as provided by G.S.

150B-21.1(d).

# **EXHIBIT H**

**January 13, 2011**

## **PROPOSED CHANGES IN FISHING REGULATIONS TO ESTABLISH SIZE AND CREEL LIMITS BY REFERENCE FOR MARINE FISHES RECOMMENDED BY AGENCY STAFF FOR PUBLIC NOTICE AND PRESENTATION AT PUBLIC HEARINGS**

### **Sea Trout (spotted or speckled), Flounder, and Red Drum**

- 1) Establish seasons, size limits and creel limits in inland fishing waters by referencing those regulations established by the Marine Fisheries Commission rule or proclamation in adjacent joint or costal fishing waters.

*Amend the following rule:*

*15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS (pages 2 and 6)*

### **Gray Trout (weakfish)**

- 2) Establish seasons, size limits and creel limits in inland fishing waters by referencing those regulations established by the Marine Fisheries Commission rule or proclamation in adjacent joint or costal fishing waters.

*Amend the following rules:*

*15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS (pages 3 and 6)*

*15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE (page 8)*

1 **15A NCAC 10C .0305 OPEN SEASONS: CREEL AND SIZE LIMITS**

2 (a) Generally. Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size  
 3 limits are as indicated in the following table:

4		DAILY CREEL	MINIMUM	
5	GAME FISHES	LIMITS	SIZE LIMITS	OPEN SEASON
6	Mountain Trout:			
7	Wild Trout	4	7 in.	ALL YEAR
8	Waters			(exc. (3))
9	Hatchery Sup-	7	None	All year, except
10	ported Trout	(exc. (3))	(exc. (3))	March 1 to 7:00 a.m.
11	Waters and			on first Saturday
12	undesignated			in April
13	waters			(exc. (3))
14	Muskellunge	1	42 in.	ALL YEAR
15	Pickeral: Chain	None	None	ALL YEAR
16	and Redfin			
17	Walleye	8	None	ALL YEAR
18		(exc. (9))	(exc. (9))	
19	Sauger	8	15 in.	ALL YEAR
20	Black Bass:			
21	Largemouth	5	14 in.	ALL YEAR
22		(exc. (21))	(excs. (8,10&21))	(exc. (17))
23	Smallmouth	5	12 in.	ALL YEAR
24	and Spotted	(exc.(21))	(excs. (8,10&21))	
25	Roanoke and Rock Bass	None	None	ALL YEAR
26		(exc. (24))	(exc. (24))	
27	White Bass	25	None	ALL YEAR
28	Sea Trout (Spotted	<del>10</del> (exc. (19))	<del>14 in.</del> (exc. (19))	<del>ALL YEAR</del> (exc. (19))
29	or Speckled)			
30	Flounder	<del>8</del> (exc. (19))	<del>14 in.</del> (exc. (19))	<del>ALL YEAR</del> (exc. (19))
31	Red drum (channel	<del>4</del> (exc. (19))	<del>18 in.</del> (exc. (19))	<del>ALL YEAR</del> (exc. (19))
32	bass, red fish,			
33	puppy drum)			
34	Striped Bass	8 aggregate	16 in.	ALL YEAR
35	and their			

1	hybrids	(excs. 1,2,5,6,11,&13)	(excs.1,2,5,6,11&13)	(excs. 6,13&15)
2	(Morone Hybrids)			
3	Shad: (American	10 aggregate	None	ALL YEAR
4	and hickory)	(exc. (22))		(exc. (18))
5	Kokanee Salmon	7	None	ALL YEAR
6	Crappie and	None	None	ALL YEAR
7	sunfish	(excs. 4,12&16)	(exc. (12))	(exc. (4))
8				
9				
10	NONGAME FISHES	None	None	ALL YEAR
11		(excs. 14,20,23&25)	(excs. 14,20,23&25)	(exc. <del>(7)</del> 7&25)

12 (b) Exceptions

- 13 (1) In the Dan River upstream from its confluence with Bannister River to the Brantly Steam Plant  
14 Dam and in John H. Kerr Reservoir the creel limit on striped bass and Morone hybrids is two in  
15 the aggregate and the minimum size limit is 26 inches from October 1 through May 31. From  
16 June 1 through September 30 the daily creel limit on striped bass and Morone hybrids is four in  
17 aggregate with no minimum size limit.
- 18 (2) In the Cape Fear River upstream of Buckhorn Dam and the Deep and Haw rivers to the first  
19 impoundment and in B. Everett Jordan Reservoir the creel limit on striped bass and Morone  
20 hybrids is four in the aggregate and the minimum size limit is 20 inches. In Lake Gaston and  
21 Roanoke Rapids Reservoir the creel limit on striped bass and Morone hybrids is four in aggregate  
22 with a minimum size limit of 20 inches from October 1 through May 31 and no minimum size  
23 limit from June 1 through September 30. In Lake Norman the creel limit on striped bass and  
24 Morone hybrids is four in aggregate with a minimum size limit of 16 inches from October 1  
25 through May 31 and no minimum size limit from June 1 through September 30.
- 26 (3) In designated public mountain trout waters the season for taking all species of fish is the same as  
27 the trout fishing season. There is no closed season on taking trout from Linville River within  
28 Linville Gorge Wilderness Area (including tributaries), Catawba River from Muddy Creek to the  
29 City of Morganton water intake dam, and the impounded waters of power reservoirs and  
30 municipally-owned water supply reservoirs open to the public for fishing.
- 31 (4) On Mattamuskeet Lake, special federal regulations apply.
- 32 (5) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending  
33 upstream to the first impoundment of the main course on the river or its tributaries, and in all other  
34 inland fishing waters east of Interstate 95, subject to the exceptions listed in this Paragraph, the  
35 daily creel limit for striped bass and their hybrids is two fish in aggregate. The minimum length  
36 limit is 18 inches and no striped bass or striped bass hybrids between the lengths of 22 inches and  
37 27 inches may be possessed. In these waters, the season for taking and possessing striped bass is

1 closed from May 1 through September 30. In the inland fishing waters of the Cape Fear River and  
2 its tributaries, the season for taking and possessing striped bass is closed year-round. In the Pee  
3 Dee River and its tributaries from the South Carolina line upstream to Blewett Falls Dam, the  
4 season for taking and possessing striped bass and their hybrids is open year-round, the daily creel  
5 limit is three fish in aggregate and the minimum length limit is 18 inches.

6 (6) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(e)] of the  
7 Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and  
8 Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and  
9 their hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at  
10 Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel  
11 limit for striped bass and their hybrids is two fish in aggregate, the minimum size limit is 18  
12 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit.  
13 Only one fish larger than 27 inches may be retained in the daily creel limit.

14 (7) See 15A NCAC 10C .0407 for open seasons for taking nongame fishes by special devices.

15 (8) The maximum combined number of black bass of all species that may be retained per day is five  
16 fish, no more than two of which may be smaller than the applicable minimum size limit. The  
17 minimum size limit for all species of black bass is 14 inches, with no exception in Lake Luke  
18 Marion in Moore County, Reedy Creek Park lakes in Mecklenburg County, Lake Rim in  
19 Cumberland County, Lake Raleigh in Wake County, Randleman Reservoir in Randolph and  
20 Guilford counties, Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of  
21 Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream  
22 of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw  
23 River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek,  
24 in all their tributaries, and in all other public fishing waters east of Interstate 95 (except Tar River  
25 Reservoir in Nash County), South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee Dee  
26 River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown  
27 Lake, Badin Lake, Falls Lake, Lake Tillery and Blewett Falls Lake. In and west of Madison,  
28 Buncombe, Henderson and Polk Counties and in designated public mountain trout waters the  
29 minimum size limit is 12 inches. In Cane Creek Lake in Union County, and Buckhorn Reservoir  
30 in Wilson and Nash counties the minimum size limit for largemouth bass is 16 inches, with no  
31 exception. In Lake Phelps and Shearon Harris Reservoir no black bass between 16 and 20 inches  
32 shall be possessed. In Lake Norman the minimum size limit for black bass is 14 inches.

33 (9) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries,  
34 and the daily creel limit for walleye is four fish in Linville River upstream from the NC 126 bridge  
35 above Lake James.

36 (10) The minimum size limit for all black bass, with no exception, is 18 inches in Lake Thom-A-Lex in  
37 Davidson County.

- 1 (11) In all impounded inland waters and their tributaries, except those waters described in Exceptions  
2 (1) and (4), the daily creel limit of striped bass and their hybrids may include not more than two  
3 fish of smaller size than the minimum size limit.
- 4 (12) A daily creel limit of 20 fish and a minimum size limit of 10 inches apply to crappie in B. Everett  
5 Jordan Reservoir and in the Roanoke River and its tributaries downstream of Roanoke Rapids dam  
6 and in the Cashie, Middle, and Eastmost rivers and their tributaries. A daily creel limit of 20 fish  
7 and a minimum size limit of eight inches apply to crappie in the following waters: all public  
8 waters west of Interstate 77, South Yadkin River downstream of Cooleemee Dam, Yadkin-Pee  
9 Dee River from Idols Dam to the South Carolina State line including High Rock Lake,  
10 Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery, and Blewett Falls Lake, Lake Norman,  
11 Lake Hyco, Lake Ramseur, Cane Creek Lake, Tar River downstream of Tar River Reservoir Dam,  
12 Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep  
13 River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake  
14 Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and  
15 in all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County,  
16 Sutton Lake in New Hanover County, and Roanoke River and tributaries below Roanoke Rapids  
17 dam, as listed above. In Buckhorn Reservoir in Wilson and Nash counties a daily creel limit of 20  
18 fish applies to crappie.
- 19 (13) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan  
20 River, Currituck Sound, Alligator River, Scuppernong River, and their tributaries (excluding the  
21 Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and  
22 creel limits are the same as those established by rules or proclamations of the Marine Fisheries  
23 Commission in adjacent joint or coastal fishing waters.
- 24 (14) Size and creel limits on regulated areas, including Community Fishing Areas, Public Fishing  
25 Areas, and other cooperatively managed public waters shall be posted at each area, as specified in  
26 15A NCAC 10E .0103.
- 27 (15) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for  
28 striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to  
29 violate the provisions of any proclamation issued under this authority.
- 30 (16) In Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Tar River  
31 Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan  
32 Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River  
33 downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all  
34 their tributaries, and in all other public fishing waters east of Interstate 95, except Tar River  
35 Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of  
36 which shall be redbreast sunfish.
- 37 (17) In Sutton Lake, no largemouth bass shall be possessed from December 1 through March 31.

- 1 (18) The season for taking American and hickory shad with bow nets is March 1 through April 30.
- 2 (19) ~~No red drum greater than 27 inches in length may be possessed. In inland fishing waters, sea trout~~  
3 ~~(spotted or speckled), flounder, and red drum seasons, size limits and creel limits are the same as~~  
4 ~~those established by Marine Fisheries Commission rule or proclamation in adjacent joint or coastal~~  
5 ~~fishing waters.~~
- 6 (20) No person shall take or possess herring (alewife and blueback) that are greater than six inches in  
7 length from the inland fishing waters of coastal rivers and their tributaries including Roanoke  
8 River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam,  
9 Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee  
10 Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek,  
11 in all their tributaries, and in all other inland fishing waters east of Interstate 95.
- 12 (21) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County,  
13 Virginia) no black bass between 14 and 20 inches in length shall be possessed and only one black  
14 bass greater than 20 inches may be possessed in the daily creel limit. No minimum size limit  
15 applies to black bass less than 14 inches in length in this section of New River.
- 16 (22) In the inland waters of Roanoke River and its tributaries, the daily creel limit for American and  
17 hickory shad is 10 in aggregate, only one of which may be an American shad. In Roanoke Rapids  
18 Reservoir, Lake Gaston and John H. Kerr Reservoir, no American shad may be possessed.
- 19 (23) In Lake Norman and Badin Lake the daily creel limit for blue catfish greater than 32 inches in  
20 length is one fish.
- 21 (24) In all public fishing waters east of Interstate 77, the minimum length for Roanoke and rock bass is  
22 8 inches and the daily creel limit is two fish in aggregate.
- 23 (25) ~~In inland fishing waters the minimum length for gray trout (weakfish) is 12 inches and the daily~~  
24 ~~creel limit is one fish. In inland fishing waters, gray trout (weakfish) seasons, size limits and creel~~  
25 ~~limits are the same as those established by Marine Fisheries Commission rule or proclamation in~~  
26 ~~adjacent joint or coastal fishing waters.~~

27

28 *History Note: Authority G.S. 113-134; 113-292; 113-304; 113-305;*  
29 *Eff. February 1, 1976;*  
30 *Temporary Amendment Eff. May 10, 1990, for a period of 180 days to expire on November 1,*  
31 *1990;*  
32 *Temporary Amendment Eff. May 22, 1990, for a period of 168 days to expire on November 1,*  
33 *1990;*  
34 *Temporary Amendment Eff. May 1, 1991, for a period of 180 days to expire on November 1, 1991;*  
35 *Amended Eff. July 1, 1994; July 1, 1993; October 1, 1992;*  
36 *Temporary Amendment Eff. December 1, 1994 for a period of 180 days or until the permanent*  
37 *rule becomes effective, whichever is sooner;*

1                    *Amended Eff. July 1, 1998; July 1, 1997; July 1, 1996; July 1, 1995;*  
2                    *Temporary Amendment Eff. November 1, 1998;*  
3                    *Amended Eff. April 1, 1999;*  
4                    *Temporary Amendment Eff. July 1, 1999;*  
5                    *Amended Eff. July 1, 2000;*  
6                    *Temporary Amendment Eff. July 1, 2001;*  
7                    *Temporary Amendment Eff. March 8, 2002 [This rule replaces the rule proposed for permanent*  
8                    *amendment effective July 1, 2002 and approved by RRC in May 2001];*  
9                    *Amended Eff. August 1, 2002 (approved by RRC in April 2002);*  
10                   *Temporary Amendment Eff. June 1, 2003;*  
11                   *Amended Eff. June 1, 2004 (this amendment replaces the amendment approved by RRC on July*  
12                   *17, 2003);*  
13                   *Amended Eff. May 1, 2009; July 1, 2008; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*  
14                   *Amended Eff. August 1, 2010*  
15                   *Amended Eff. August 1, 2011*

1 **15A NCAC 10C .0401 MANNER OF TAKING NONGAME FISHES: PURCHASE AND SALE**

2 (a) Except as permitted by the rules in this Section, it is unlawful to take nongame fishes from the inland fishing  
3 waters of North Carolina in any manner other than with hook and line or grabbling. Nongame fishes may be taken  
4 by hook and line or grabbling at any time without restriction as to size limits or creel limits, with the following  
5 exceptions:

- 6 (1) Blue crabs shall have a minimum carapace width of five inches (point to point) and it is unlawful  
7 to possess more than 50 crabs per person per day or to exceed 100 crabs per vessel per day.
- 8 (2) No person shall take or possess herring (alewife and blueback) that are greater than six inches in  
9 length from the inland fishing waters of coastal rivers and their tributaries including Roanoke  
10 River downstream of Roanoke Rapids Dam, Tar River downstream of Rocky Mount Mill Dam,  
11 Neuse River downstream of Milburnie Dam, Cape Fear River downstream of Buckhorn Dam, Pee  
12 Dee River downstream of Blewett Falls Dam, the entire Lumber River including Drowning Creek,  
13 and in all other inland fishing waters east of Interstate 95.
- 14 (3) Grass carp shall not be taken or possessed on Lake James, Lookout Shoals Lake, Lake Norman,  
15 Mountain Island Reservoir and Lake Wylie, except that one fish per day may be taken by bow and  
16 arrow.
- 17 (4) No trotlines or set-hooks shall be used in the impounded waters located on the Sandhills Game  
18 Land or in designated public mountain trout waters.
- 19 (5) In Lake Waccamaw, trotlines or set-hooks may be used only from October 1 through April 30.
- 20 (6) The minimum size limit for gray trout (weakfish) is 12 inches and the daily creel limit is one fish.  
21 In inland fishing waters, gray trout (weakfish) seasons, size limits and creel limits are the same as  
22 those established by Marine Fisheries Commission rule or proclamation in adjacent joint or coastal  
23 fishing waters.

24 (b) The season for taking nongame fishes by other hook and line methods in designated public mountain trout  
25 waters is the same as the trout fishing season.

26 (c) Nongame fishes, except alewife and blueback herring, excluding those less than six inches in length collected  
27 from Kerr Reservoir (Granville, Vance, and Warren counties), blue crab, and bowfin, taken by hook and line,  
28 grabbling or by licensed special devices may be sold. Eels less than six inches in length may not be taken from  
29 inland waters for any purpose.

30 (d) Freshwater mussels, including the Asiatic clam (*Corbicula fluminea*), may only be taken from impounded  
31 waters, except mussels shall not be taken in Lake Waccamaw and in University Lake in Orange County. It is  
32 unlawful to possess more than 200 freshwater mussels.

33 (e) Size and creel limits as set in this Rule on regulated areas, including Community Fishing Areas, Public Fishing  
34 Areas, and other cooperatively managed public waters shall be posted at each area, as specified in 15A NCAC 10E  
35 .0103.

36 (f) In Lake Norman and Badin Lake, the daily creel limit for blue catfish greater than 32 inches is one fish.

37

1 *History Note: Authority G.S. 113-134; 113-272; 113-292;*  
2 *Eff. February 1, 1976;*  
3 *Amended Eff. July 1, 1994; July 1, 1993; May 1, 1992;*  
4 *Temporary Amendment Eff. December 1, 1994;*  
5 *Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995;*  
6 *Temporary Amendment Eff. July 1, 1999;*  
7 *Amended Eff. July 1, 2000;*  
8 *Temporary Amendment Eff. July 1, 2002; July 1, 2001;*  
9 *Amended Eff. August 1, 2002 (approved by RRC on 06/21/01 and 04/18/02);*  
10 *Temporary Amendment Eff. June 1, 2003;*  
11 *Amended Eff. May 1, 2004 (this amendment replaces the amendment approved by RRC on July 17,*  
12 *2003);*  
13 *Amended Eff. May 1, 2009; May 1, 2008; May 1, 2007; May 1, 2006; June 1, 2005.*  
14 *Amended Eff. August 1, 2010*  
15 *Amended Eff. August 1, 2011*

**EXHIBIT I**  
**January 13, 2011**

**PROPOSED CHANGES TO WILDLIFE SERVICE AGENT  
AGREEMENT RULES RECOMMENDED BY AGENCY STAFF FOR  
PUBLIC NOTICE AND PRESENTATION AT PUBLIC HEARINGS**

1    **15A NCAC 10G .0402    APPOINTMENT OF WILDLIFE SERVICE AGENTS**

2    (a) Any business operating from a fixed location in North Carolina may apply to the Commission for appointment as a  
3    Wildlife Service Agent by completing an application provided by the Commission.

4    (b) Application. Applications for Wildlife Service Agent appointment shall contain the business name, address, county  
5    where the business is located, agent contact information, bank account information, business hours, and any other  
6    information requested by the Commission that is reasonably necessary to determine the fitness of the applicant to serve as  
7    a Wildlife Service Agent.

8    (c) Qualifications and Requirements. Applicants shall meet the following qualifications in order to be appointed as a  
9    Wildlife Service Agent.

10           (1)    Businesses shall operate from a fixed location in North Carolina and shall sell a minimum of one  
11                   thousand dollars (\$1,000) in transaction sales annually. This minimum requirement may be waived by  
12                   the Executive Director if he finds the applicant's services necessary to maintain adequate agent  
13                   services to the public in that geographic area.

14           (2)    An applicant shall have a minimum of one year's experience in operating the business for which the  
15                   application is made or other equivalent business experience or training. In those cases where other  
16                   equivalent business experience or training is accepted in lieu of the minimum one year's experience,  
17                   the applicant shall submit financial statements of the business so that the solvency of the business can  
18                   be judged.

19           (3)    Applicants shall provide a bank account for the purpose of transferring net proceeds from all Wildlife  
20                   Service Agent transactions to the Commission's account in the State Treasury every week via an  
21                   electronic transfer of funds.

22           ~~(4)    Applicants shall provide a telephone line or other form of Internet connection for the purpose of~~  
23                   ~~processing transactions related to services provided by Wildlife Service Agents.~~

24    (d) The qualifications as provided by Paragraphs (b) and (c) of this Rule shall be met prior to appointment. Failure to  
25    comply with the qualifications and requirements as provided by Paragraph (c) of this Rule, throughout the term of the  
26    appointment, may result in termination of the agent appointment. All agents are subject to monitoring of their  
27    performance by the Customer Support Section of the Commission.

28  
29    *History Note:    Authority G.S. 113-134; 113-270.1;*  
30                    *Eff. April 1, 1997;*

1 15A NCAC 10G.0403 is proposed for amendment as follows:

2  
3 15A NCAC 10G .0403 WILDLIFE SERVICE AGENT AGREEMENT

4 ~~Each Wildlife Service Agent shall execute an Agreement with the Commission acknowledging that the business shall~~  
5 ~~comply with all rules and laws related to the sale of licenses and the registration of vessels. Each Wildlife Service Agent~~  
6 shall execute an Agreement with the Commission and shall comply with all rules, statutes and administrative  
7 requirements reasonably related to the sale of licenses and the registration of vessels. All terms and conditions shall be  
8 fully set forth in the Agreement at the time of execution. The business shall operate as a public convenience and shall  
9 serve the public in an efficient and helpful manner with all reasonable requests for assistance related to the duties of a  
10 Wildlife Service Agent whenever open for business. The agent shall be informed and knowledgeable of the laws and  
11 rules governing requirements for licenses and vessel transactions and stay abreast of changes in these requirements so that  
12 the agent can provide accurate and reliable information and instruction to persons who seek assistance in these matters.  
13 The appointment as a Wildlife Service Agent and the Agreement under which the appointment is made are singularly  
14 valid for the person named thereon who is authorized to act on behalf of the business and applies only to the business and  
15 location named and is non-transferable.

16  
17 *History Note: Authority G.S. 113-134; 113-270.1;*  
18 *Eff. April 1, 1997;*  
19 *Amended Eff. June 1, 2007; July 1, 1998.*  
20

1 15A NCAC 10G .0405 is proposed for Amendment as follows:  
2

3 **15A NCAC 10G .0405 WILDLIFE SERVICE AGENT TERMS AND CONDITIONS**

4 Failure to comply with the following terms and conditions of this Section may result in temporary suspension or  
5 termination of a Wildlife Service Agent's appointment:

- 6 (1) Public Service. Wildlife Service Agents shall provide a public service to all persons seeking  
7 assistance with matters related to the duties of a Wildlife Service Agent.
- 8 (2) Training. New Wildlife Service Agents shall attend a training session at a location specified by the  
9 Commission prior to activation of agent status and prior to receiving any equipment or supplies from  
10 the Commission.
- 11 (3) Activation of Agent Status. Upon completion of training and receipt of equipment and supplies,  
12 Wildlife Service Agents shall have their equipment set up and ready for operation 10 days after the  
13 date they receive the equipment and supplies.
- 14 ~~(4) If equipment and Internet service provided by the Commission. Upon completion of training, each  
15 Wildlife Service Agent shall be equipped with the computer equipment and peripherals necessary to  
16 perform transactions required by the Commission. This computer application is web-based and is  
17 linked to the Commission's central database via the Internet. Agents shall provide a telephone line for  
18 this purpose. Equipment and service is provided subject to the following:~~
- 19 ~~(a) Using the equipment and Internet service provided, the agent shall issue all transactions  
20 required by the Commission. The record of sale and issuance of each item shall be  
21 transmitted immediately to the Commission's database via the Internet. The Commission  
22 shall communicate information and instructions about individual agent accounts and  
23 messages of general interest to all agents via the computer application and the agent web site.~~
- 24 ~~(b) All training, trouble-shooting, maintenance, equipment replacements, materials and supplies  
25 shall be furnished by the Commission. Toll free telephone service to link transaction  
26 equipment to the system's central database shall be supplied by the Commission.~~
- 27 ~~(c) Upon termination of an agent appointment, all computer equipment and peripherals shall be  
28 returned to the Commission as instructed by the Commission.~~
- 29 ~~(d) Wildlife Service Agents shall be financially responsible for any damage to computer  
30 equipment and peripherals resulting from negligence, malicious activity, equipment  
31 abandonment, failure to return equipment upon request of the Commission or improper  
32 electrical service to the equipment. In the event of fire, theft, or natural disaster, if insured,  
33 agents shall relinquish to the Commission any insurance payment(s) for damaged computer  
34 equipment or peripherals provided by the Commission within 10 days of receipt. Agents  
35 shall report, by telephone to the Commission, any lost, stolen, damaged, or destroyed  
36 equipment within 48 hours of the occurrence and shall submit a written report within 10 days  
37 thereafter.~~

1           ~~(5) If equipment and internet service is provided by the Agent. Upon completion of training, each~~  
2           ~~Wildlife Service Agent shall be given access to the Commission's agent web site in order to perform~~  
3           ~~transactions required by the Commission. This web site is linked to the Commission's central database~~  
4           ~~via the internet. Agents using their own equipment shall provide their own Internet service provider~~  
5           ~~and shall provide a telephone line for this purpose. Agents providing their own Internet service~~  
6           ~~provider shall receive a monthly credit to their bank account from the Commission. The amount of~~  
7           ~~monthly credit is determined by the Commission's savings on internet service provider costs as a result~~  
8           ~~of the agent providing his or her own service. Use and service provided by the Agent is subject to the~~  
9           ~~following:~~

10           ~~(a) Using the web site provided, the agent shall issue all transactions required by the~~  
11           ~~Commission. There record of sale and insurance of each item shall be transmitted~~  
12           ~~immediately to the Commission's database via the internet. The Commission shall~~  
13           ~~communicate information and instructions about individual agent accounts and message of~~  
14           ~~general interest to all agents via the computer application and the agent web site.~~

15           ~~(b) All training, materials, and supplies shall be furnished by the Commission. The Commission~~  
16           ~~shall not provide technical support, trouble shooting, or maintenance to agents using their~~  
17           ~~own equipment and Internet service provider.~~

18           ~~(c) Upon termination of an agent appointment, access to the Commission's agent web site shall~~  
19           ~~be terminated.~~

20           ~~(6) Supplies. The Commission shall provide each wildlife service agent the forms and supplies necessary~~  
21           ~~to perform transactions or to provide information required by the Commission. In the event that any~~  
22           ~~records or supplies related to the operations of a Wildlife Service Agent are stolen, lost, damaged or~~  
23           ~~destroyed, the agent shall notify the Commission by telephone within 48 hours of the occurrence and~~  
24           ~~shall submit a written report within 10 days thereafter.~~

25           ~~(7) Documentation. Wildlife Service Agents shall mail all transaction documentation to the Commission~~  
26           ~~daily.~~

27           ~~(8) (4) Application. Each Wildlife Service Agent shall notify the Commission of any changes to the original~~  
28           ~~application for appointment such as business name, address, agent contact information, bank account~~  
29           ~~information, business hours and other information related to agent appointment, immediately upon its~~  
30           ~~change.~~

31           ~~(9) (5) Business Change of Ownership, Location, or Management. If the ownership of the business, location~~  
32           ~~or management changes, then the Agreement becomes null and void. Written notice of any change in~~  
33           ~~ownership, location, or management shall be sent to the Commission at least 10 days prior to the~~  
34           ~~change along with an application for a new Wildlife Service Agreement, if desired, pursuant to the~~  
35           ~~rules in this Section.~~

36           ~~(10) Renewal. All Wildlife Service Agent Agreements are issued for a term of three years, but may be~~  
37           ~~renewed upon agreement of the Commission and the Wildlife Service Agent.~~

1           (11) (6) Cancellation. A Wildlife Service Agent may cancel the Agreement at any time by sending written  
2           notice to the Commission. The Commission shall immediately instruct resigning agents on the  
3           procedures for returning all equipment and supplies and to settle their account. Upon resignation of  
4           appointment as a Wildlife Service Agent, the former agent must return all consigned equipment and  
5           supplies to the Commission and settle the agent financial account within 10 days of the resignation  
6           letter's date.

7           (12) (7) Suspension. The Commission shall temporarily suspend any Wildlife Service Agent appointment for  
8           failure to comply with this Rule.

9           (a)       Deficiencies that shall result in temporary suspension include:

10           (i)       Failure to comply with the terms and conditions as outlined in the Wildlife Service  
11           agent Agreement.

12           (ii)      Failure to deposit sufficient funds one or more times to cover the electronic transfer  
13           of funds each week.

14           (iii)     Failure to operate as a public convenience as specified in the Agreement one or  
15           more times.

16           (iv)     Failure to provide proper and correct information one or more times about wildlife  
17           transactions and related issues to customers as documented by customer complaints  
18           or agency inspections.

19           (v)       Failure to submit or return all required documentation for transactions as outlined in  
20           the Agreement one or more times.

21           (vi)     Failure to safeguard or care for the equipment and supplies, and any other act or  
22           omission by the agent that results in financial loss or that reflects poorly on the  
23           Commission.

24           (b)       Temporary suspension is effective immediately upon communication of that fact to the  
25           Wildlife Service Agent. Such communication shall state the grounds for temporary  
26           suspension and that the agent may request a hearing within 5 working days if he contests the  
27           grounds for temporary suspension. If the initial notification is not in writing, it shall be  
28           followed by written notice of temporary suspension containing the same information. An  
29           employee of the Commission may enter the premises and impound all property and supplies  
30           issued or entitled to by the Commission such as equipment, moneys, record books, reports,  
31           license forms, other documents and materials pertinent to the agent being suspended. The  
32           Commission must make the impounded property, or copies of it, available to the agent during  
33           the period of temporary suspension. If a hearing is requested, it shall be before the Executive  
34           Director or his designee and shall be held at a location specified by the Executive Director.

35           (c)       Temporary suspension remains in effect until the hearing. A temporary suspension may not  
36           last longer than 30 days, but additional suspensions may be imposed if, at the end of the  
37           suspension period, the agent has not corrected the deficiency or deficiencies that resulted in

1 the suspension. A Wildlife Service Agent may at any time after a hearing appeal his  
2 suspension to the Commission. A new suspension shall comply with the provisions of this  
3 Item.

4 ~~(13)~~ (8) Termination. The Commission may terminate any Wildlife Service Agent appointment for failure to  
5 comply with this Rule.

6 (a) Deficiencies that may result in termination include:

- 7 (i) Failure to comply with the terms and conditions as outlined in the wildlife service  
8 agreement.
- 9 (ii) Failure to deposit sufficient funds two or more times to cover the electronic transfer  
10 of funds each week.
- 11 (iii) Failure to meet the minimum transaction sales requirement of one thousand dollars  
12 (\$1,000) annually.
- 13 (iv) Failure to operate as a public convenience as specified in the Agreement two or  
14 more times.
- 15 (v) Failure to provide proper and correct information two or more times about wildlife  
16 transactions and related issues to customers as documented by customer complaints  
17 or agency inspections.
- 18 (vi) Failure to return all required documentation for transactions as outlined in the  
19 Agreement two or more times.
- 20 (vii) Failure to safeguard or care for the equipment and any other act or omission by the  
21 agent that results in financial loss or that reflects poorly on the Commission.

22 (b) Notice of termination of the appointment may be sent to the Wildlife Service Agent in lieu of  
23 or in addition to temporary suspension. The notice must state the grounds for termination of  
24 the appointment and the agent's right to a hearing if he has not previously been afforded one.  
25 If the appointment is to be terminated, the notice must state the effective date and hour of  
26 termination. If the agent has not been previously afforded a hearing, the agent is entitled to a  
27 hearing within 14 days before the Executive Director or his designee to be held at a location  
28 specified by the Executive Director. If the Executive Director upholds the decision to  
29 terminate the appointment, an agent may appeal his termination to the Commission. Pending  
30 the hearing and any appeal from it, the termination is held in abeyance, but no transaction  
31 may be made once the agent's termination effective date and time have passed.

32 (c) Upon termination of appointment as a Wildlife Service Agent, the former agent must return  
33 all consigned equipment and supplies to the Commission and settle the agent financial  
34 account within 10 days of the date of receiving written notice from the Commission.  
35 Employees of the Commission may conduct inspections and audits when terminating an  
36 agent.

1 (d) The Executive Director or his designee holding any hearing under this Item must keep a  
2 written record of evidence considered and findings made. Upon appeal to the Commission,  
3 the Commission Chairman or another presiding officer must cause such a written record of  
4 evidence and findings to be made and kept.

5 (e) No person denied appointment or whose appointment was terminated under this section may  
6 apply again for an appointment as a Wildlife Service Agent for a minimum of two years.  
7 Upon application, the Commission may not grant the appointment as a Wildlife Service  
8 Agent unless the applicant produces evidence, convincing to the Commission, that he meets  
9 all standards and qualifications and will comply with all requirements of statutes and rules  
10 pertaining to Wildlife Service Agents.

11 ~~(14)~~ (9) Use of customer identifying information. Customer identifying information for customers of the  
12 Commission is protected by G.S. 143-254.5. Wildlife Service Agents shall not disclose any customer  
13 identifying information to any third party without the express authorization of the Commission.  
14 Wildlife Service Agents shall not use such customer identifying information for any purpose  
15 whatsoever other than the processing of Commission transactions requested by the customer. Failure to  
16 abide by provisions in this Item shall be grounds for immediate termination of the agency.

17  
18 *History Note: Authority G.S. 113-134; 113-270.1;*  
19 *Eff. June 1, 2007.*  
20