



## **AGENDA**

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

**January 29, 2015, 9:00 a.m.**

**1751 Varsity Drive**

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

**Raleigh, North Carolina**

**CALL TO ORDER** - *Chairman Jim Cogdell*

**This meeting is being recorded as a public record and is audio streaming live at [www.ncwildlife.org](http://www.ncwildlife.org). As a courtesy to others please turn off all cell phones during the meeting.**

**PLEDGE OF ALLEGIANCE** – *Commissioner Tommy Fonville*

**INVOCATION** - *Commissioner Neal Hanks*

### **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 Cogdell*

**APPROVAL OF MEETING MINUTES** - Take action on the October 30, 2014 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members **(EXHIBIT A)**

**APPROVAL OF TELEPHONIC MEETING MINUTES** – Take action on the minutes of the telephonic meeting of the Wildlife Resources Commission on December 9, 2014 as written in the exhibit and distributed to members **(EXHIBIT B)**

## **ADMINISTRATION**

**Financial Status Report** - Receive a financial status report on the Wildlife Operating Fund and Wildlife Endowment Fund – *Cecilia Edgar, Budget Director (EXHIBIT C)*

## **COMMITTEE REPORTS**

**Land Use and Access Committee Report** – *Tom Berry, Chair*

**Habitat, Nongame and Endangered Species Report (January 7, 2015)** – *Mark Craig, Chair*

**Joint Big Game/HNGES Committee Report** – *David Hoyle, Jr. and Mark Craig, Chairmen*

**Committee of the Whole Report** – *Jim Cogdell, Chair*

**SPECIAL PRESENTATION** – *Gordon Myers, Executive Director*

## **BREAK FOR PHOTOGRAPHS**

**AGENCY SPOTLIGHT – The Nongame Propagation Program at the Conservation Aquaculture Center** - Receive a presentation about activities at the Conservation Aquaculture Center – *Rachael Hoch, Conservation Aquaculture Biologist, Marion Fish Hatchery*

## **DIVISION OF INLAND FISHERIES**

**Fisheries, Wildlife Education and Outreach Update** - Receive an update on activities of the Division of Inland Fisheries - *Bob Curry, Inland Fisheries Division Chief*

## **DIVISION OF WILDLIFE MANAGEMENT**

**Wildlife Management Update** – Receive an update on the activities of the Division of Wildlife Management – *David Cobb*

**CURE Program and Wildlife Conservation Lands Program Updates** – Receive 2012-2014 biennial report on the Cooperative Upland habitat Restoration and Enhancement Program (CURE), including the Wildlife Conservation Lands Program (WCLP) – *David Cobb* (**EXHIBIT D**)

**Summary of Public Comments and Temporary Rule Adoption for Management of Captive Cervids** – Receive summary of public comments and consider adoption of temporary rules for the management of captive cervids to implement the directives to the Commission in Section 14.26 of S.L. 2014-100 – *Kate Pipkin, Rules Biologist* (**EXHIBITS E-1, E-2**)

**Summary of Public Comments and Temporary Rule Adoption for Coyote Hunting and Taking Depredating Coyotes in Five Counties, and for Designating Red Wolf as State-Listed Threatened Species** – Receive summary of public comments and consider for adoption proposed temporary rules for coyote hunting and taking depredating coyotes in Dare, Tyrrell, Hyde, Beaufort, and Washington counties; and for designating the red wolf as a state-listed threatened species – *Kate Pipkin* (**EXHIBITS F-1, F-2**)

## **DIVISION OF ENGINEERING AND LANDS MANAGEMENT**

### **Land Acquisitions and Property Matters**

**Phase I Land Acquisitions** – Consider approval for staff to work with State Property Office and funding partners to develop acquisition plans for the following properties – *Isaac Harrold, Lands Program Manager* (**EXHIBITS G-1, G-2, G-3, G-4, G-5**)

- Gibson Tract – Scotland County (**G-1**)
- Poplin Tract – Richmond County (**G-2**)
- Max Lake Tract – Richmond County (**G-3**)
- North Toe River Penland Fishing Access Area Tract – Mitchell County (**G-4**)
- North Toe River Wolf Song Ridge Fishing Access Area Tract – Yancey County (**G-5**)

**Phase II Land Acquisitions** – Consider final approval to proceed with acquisition of the following properties – *Isaac Harrold* (**EXHIBITS H-1, H-2, H-3, H-4, H-5, H-6, H-7**)

- Allen Tract – Swain County (**H-1**)
- Blackburn Tract – Wilkes County (**H-2**)
- Tracy Tract – Ashe County (**H-3**)
- Davis Tract – Buncombe County (**H-4**)
- Godwin II Tract – Pender County (**H-5**)

- Goodwin Tract – Scotland County (**H-6**)
- Watson-Old Man’s Bog Tract – Alleghany County (**H-7**)

**WATER SAFETY TEMPORARY RULEMAKING**

**Temporary Rulemaking – Lake Wylie** – Consider adoption of a request by the Lake Wylie Marine Commission for temporary rulemaking to establish two no wake zones, near Sadler Island east and Sadler Island west on Lake Wylie in Mecklenburg and Gaston counties – *Kate Pipkin (EXHIBIT I)*

**COMMENTS BY CHAIRMAN** – *Jim Cogdell*

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

**ADJOURN**



**MINUTES**  
**October 30, 2014**  
**N. C. Wildlife Resources Commission Meeting**  
**Raleigh, North Carolina**

The October 30, 2014 N. C. Wildlife Resources Commission meeting was called to order by *Commission Chairman* Jim Cogdell at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters in Raleigh. Cogdell reminded everyone that the meeting audio is being streamed live and will be available on the Wildlife Resources Commission website. He requested that everyone silence electronic devices. Commissioners Michell Hicks and Dell Murphy were absent.

Commissioner Neal Hanks led the Pledge of Allegiance.

Commissioner Wes Seegars gave the invocation.

**WELCOME AND MANDATORY ETHICS INQUIRY**

Chairman Cogdell advised the Commission of the mandatory ethics inquiry as presented in the agenda. Cogdell announced that he would recuse himself from discussion and action on **Exhibit G-6**, proposed acquisition of the Texas Plantation tract in Tyrrell County. Chairman Cogdell welcomed the Commissioners and guests.

**COMMISSIONER ATTENDANCE**

Jim Cogdell  
Wes Seegars  
Mark Craig  
Ray Clifton  
Neal Hanks  
Tommy Fonville

Richard Edwards  
Tom Berry  
Tim Spear  
Garry Spence  
Brian White  
John Coley

Nat Harris  
Joe Barker  
John Litton Clark  
David Hoyle, Jr.  
Joe Budd

## VISITORS

Craig Holt – Freelance Writer  
Dick Hamilton – NC Wildlife Federation  
Fred Harris – NCWF

Megan Ware – Duke University  
Will Morgan – The Nature Conservancy  
Joe McClees – NC Sporting Dog Association

## MINUTES

**August 28, 2014 WRC Meeting Minutes** - On a motion by David Hoyle, Jr. and second by John Litton Clark, the Commission approved the August 28, 2014 Wildlife Resources Commission Minutes, presented in **Exhibit A**. The Minutes are hereby incorporated into the official record of this meeting.

**October 1, 2014 Special Telephonic Meeting Minutes** – On a motion by Joe Barker and second by Joe Budd, the Commission approved the minutes of the special telephonic meeting of the WRC on October 1, 2014, presented in **Exhibit B**. The October 1, 2014 Minutes are hereby incorporated into the official record of this meeting.

**October 10, 2014 Special Telephonic Meeting Minutes** – On a motion by John Litton Clark and second by David Hoyle, Jr., the Commission approved the Minutes of the special telephonic meeting of the WRC on October 10, 2014, presented in **Exhibit C**. The October 10, 2014 Minutes are hereby incorporated into the official record of this meeting.

## ADMINISTRATION

Cecilia Edgar, Budget *Officer*, presented the financial status report on the Wildlife Operating Fund and the Wildlife Endowment Fund as of August 31, 2014 in **Exhibit D**. The Operating Fund balance was \$18,068,462.62 The Endowment Fund balance was \$108,262,619.95. Expendable interest was \$18,212,827.87. **Exhibit D** is hereby incorporated into the official record of this meeting.

## COMMITTEE REPORTS

**Fisheries Committee Meeting Report** – *Committee Chairman* Wes Seegars reported that the Fisheries Committee met on October 29, 2014. Chad Thomas provided an overview of the Albemarle Sound/Roanoke River Striped Bass Stock Assessment and new management benchmarks. The current fishing mortality estimate is at the target, and spawning stock biomass is estimated to be close to the threshold. Total allowable landings are being reduced from 550,000 pounds to 275,000 pounds in 2015 of which 68,500 pounds are allocated to the Roanoke River recreational fishery. Director Gordon Myers informed the Committee that he met with U.S. Fish and Wildlife Service regional staff October 1-3, 2014. Management at Lake Mattamuskeet will be addressed similarly to the approach used in the Canid Management agreement. An executive committee, steering committee, and four working groups have been established. Staff is developing a Memorandum of Agreement to formalize the approach, and it will be signed at Lake Mattamuskeet Refuge's annual Swan Days on December 6. Christian Waters provided an update on several human dimension surveys that will be initiated in early 2015. Waters provided an update on current rulemaking by the Marine Fisheries Commission. Proposed rules of interest address river herring, American eel, and a correction to the inland/coastal fishing waters boundary on Queen Creek in Onslow County.

**Small Game Committee Meeting Report** – *Committee Chairman* Garry Spence reported that the Small Game Committee met on October 29, 2014. David Cobb and Brad Howard provided an overview of the CURE Program that was developed to enhance small game early successional habitats and species, especially bobwhite quail. The program benefits early successional habitat, long leaf pine forests and implements the farm bill program. Other benefits and successes include conversion to native warm season grasses which are beneficial during droughts, use of prescribed fires to improve habitats, introduction of best wildlife practices, and enhancement of habitats for quail, red cockaded woodpeckers and songbirds in parts of the state. Isaac Harrold gave a report on the agency's evaluation of what has been done and what more can be done to enhance early successional habitats on game lands. The WRC continues to work on longleaf pine restoration, prescribed burns of 30,000 acres, thinning of 5000 acre parcels, and has established partnerships with State Parks, the Nature Conservancy, and the Forest Service. Discussions are underway with the Marine Corps Camp Lejeune about longleaf restoration at Holly Shelter Game Land for the benefit of red-cockaded woodpeckers. The Committee received a report from Chris Kreh about the use of surrogators in quail management. Surrogators are outdoor brooder boxes used to raise quail chicks to provide more game birds for hunting. David Cobb reported that deer hunter observations about small game are being obtained in a survey. The fox squirrel season has been extended to the entire state. Research is being conducted about the distribution of Appalachian cottontail. Dr. Cobb will provide information to the committee about the importation of quail at a later meeting.

**Habitat, Nongame and Endangered Species Committee Meeting Report** – *Committee Chairman* Mark Craig reported that the HNGES Committee met on October 29, 2014. Ken Bridle, *Nongame Wildlife Advisory Committee Chair*, reported that comments from the NWAC will be incorporated into the Procedures and Schedule for operation of the Nongame Wildlife Advisory Committee. Shannon Deaton provided an overview of the revised NWAC resolution and stated that if adopted, the resolution will change the membership from 18 to 15 members. The HNGES Committee will recommend adoption of the resolution by the Commission. Todd Ewing summarized an augmentation project proposal to partner with N.C. State University to use hatchery produced yellow lance (mollusks, Neuse and Tar River basins) and place them in the same location where brood stock was originally collected. HNGES Committee members received an update from Todd Ewing and Allen Boynton on a species state listing process and timeline to continue efforts started by the Scientific Council. Staff has developed an objective tool that is consistent with state law (NC Species Assessment Tool) for assessing the 67 species recommended for status changes in 2011. This tool will be tested and used to provide a staff recommendation to the Commission in late 2015.

**Land Use and Access Committee Meeting Report** – *Committee Chairman* Tom Berry reported that the Land Use and Access Committee met on October 29, 2014. Isaac Harrold presented three Phase I potential property acquisitions in Exhibits F-1, F-2, and F-3. The Committee will recommend approval of the Godwin Tract, Scotland County; Gulledge Tract, Richmond County; and McEachern Tract, Bladen County for further investigation and possible funding. Harrold then presented six Phase II properties for final approval. The Committee will recommend approval of Cow Pen Landing Tract, Craven County; Spring Garden Tract, Craven County; Sassafras Tract, Scotland County; Loflin-Cut Laurel Gap Tract, Ashe County; and Page Tract, Cleveland County, in Exhibits G-1, G-2, G-3, G-4, and G-5.. Chairman Jim Cogdell announced that he will recuse himself from consideration of the Texas Plantation Tract, Tyrrell County, in **Exhibit G-6**. The Committee also will recommend that parcel for adoption as a Phase II acquisition. The Committee reviewed an easement request from the NC Department of Transportation for an easement on a portion of Embro Game Land in Warren County to facilitate a bridge replacement project in Exhibit H. Harrold reviewed a staff recommendation to sever by demolition a 70 year old building at the Marion Fish Hatchery in McDowell County in preparation for renovations to increase fish production capacity and provide office space.

**Boating Safety Committee Meeting Report** – *Committee Chairman* Joe Barker reported that the Boating Safety Committee met on October 29, 2014 at 3:00 pm. Colonel Jon Evans updated the Committee on the On the Road On the Water Don't Drink and Drive campaign on Labor Day. Contacts were made with 1,320 boaters with 264 warnings and 184 citations issued. There were eleven citations for Operating While Impaired. Evans reported on Operation Dry Water that was conducted over the June 27-29, 2014 weekend. One hundred forty nine officers participated. Contacts were made with 3,108 boaters on 1,190 boats. There were fourteen OWI's issued. Col. Evans reported that of the boating fatalities in the state, none were wearing personal flotation devices. Kate Pipkin reviewed public comments and provided a summary of four no wake zones requested on Mountain Island Lake. She reviewed public comments and provided a summary of a request by Perquimans County for a no wake zone on Bethel Creek. Pipkin gave an overview of the request by Currituck County for a no wake zone in the canals at Waterview Shores. She reviewed the fiscal note required before Notice of Text can be published for the proposed no wake zone.

**Committee of the Whole Meeting Report** – *Assistant Attorney General* Tamara Zmuda provided an update to the Committee of the Whole about continuing education and responsibilities of Wildlife Commissioners. David Cobb, Bob Curry, and Isaac Harrold reviewed proposed rules for wildlife management, fisheries, and game lands management to be voted upon at today's meeting. Kate Pipkin reviewed the no wake zones proposals. David Cobb reviewed public comments received about temporary rulemaking for the regulation of captive cervids. Cobb also reviewed the Chronic Wasting Disease (CWD) Response Plan. Chairman Cogdell provided information about laws for captive cervids and required rulemaking to comply with the August 7, 2014 budget bill. He explained that farmed cervids are under the authority of the Department of Agriculture but there are potential conflicts with authority over white-tail deer.



**AGENCY SPOTLIGHT – LAW ENFORCEMENT SPECIAL INVESTIGATIONS UNIT**

The Commission received an update on the Wildlife Enforcement Special Investigations Unit from Lieutenant Philip Lucas. The Special Investigations Unit was formed to provide oversight of investigations of ongoing violations of laws and safety rules. Special investigators provide assistance to uniformed officers with boating safety, illegal commercialization of wildlife and protected species, poaching and illegal importation of wildlife, boating while impaired, trout fishing violations, and internet crimes among others.

**RESOLUTION REGARDING NONGAME WILDLIFE ADVISORY COMMITTEE**

On a motion by Mark Craig and second by Tim Spear, the Commission adopted a Resolution regarding the Nongame Wildlife Advisory Committee, presented in **Exhibit E**. The Resolution is hereby incorporated by reference into the official record of this meeting.

**PROPERTY MATTERS**

**Phase I Potential Land Acquisitions** – On a motion by Tom Berry and second by Garry Spence, the Commission approved the presentation by Isaac Harrold, *Lands Program Manager* in **Exhibits F-1, F-2, and F-3**, authorizing staff to work with the State Property Office and funding partners to develop acquisition plans for the following properties:

- Godwin Tract – Scotland County (F-1)
- Gulledge Tract – Richmond County (F-2)
- McEachern Tract – Bladen County (F-3)

**Exhibits F-1, F-2, and F-3** are hereby incorporated into the official record of this meeting.

**Phase II Land Acquisitions** – On a motion by Tom Berry and second by Joe Barker, the Commission gave final approval to proceed with acquisitions of the following properties:

- Cow Pen Landing Tract – Craven County (G-1)
- Spring Garden Tract – Craven County (G-2)
- Sassafras Tract – Scotland County (G-3)
- Loflin-Cut Laurel Gap Tract – Ashe County (G-4)
- Page Tract – Cleveland County (G-5)

With Chairman Jim Cogdell recusing himself the Commission gave final approval to proceed with the acquisition of the Texas Plantation Tract – Tyrrell County, presented in **Exhibit G-6**. The motion was made by Tom Berry, seconded by John Coley, and carried. **Exhibits G-1, G-2, G-3, G-4, G-5, and G-6** are hereby incorporated into the official record of this meeting.

**Easement Request, Warren County** – Upon a motion by Tom Berry and second by Nat Harris, the Commission approved a request, presented in **Exhibit H**, from the NC Department of Transportation for an easement on a portion of Embro Game Land in Warren County to facilitate a bridge improvement project. **Exhibit H** is hereby incorporated into the official record of this meeting.

**Surplus Property** – On a motion by Tom Berry and second by Garry Spence, the Commission approved a staff recommendation in **Exhibit I** to sever by demolition a 70-year old building at the Marion Fish Hatchery in McDowell County in preparation for renovations to increase fish production capacity and provide office space. **Exhibit I** is hereby incorporated into the official record of this meeting.

### **LAND MANAGEMENT RULE PROPOSALS APPROVED FOR PUBLIC NOTICE AND PRESENTATION AT PUBLIC HEARINGS**

Isaac Harrold, *Lands Program Manager*, presented **Exhibit J-1**, proposed changes in game land management rules. On a motion by Tom Berry and second by Joe Barker, the Commission adopted the following game land management rules for presentation at statewide public hearings:

#### **Applying to Game Lands Generally**

- 1) Define target shooting as “the discharge of a firearm for purposes other than hunting, trapping or self-defense”.  
*15A NCAC 10D .0102 General regulations regarding use*
- 2) Prohibit the use of dogs for taking deer on those portions of game lands posted as “Restricted Deer Hunting Zones”, except as may be otherwise authorized by permit.  
*15A NCAC 10D .0102 General regulations regarding use*

#### **Applying to Specific Game Lands**

- 1) Prohibit target shooting on the following game lands, with the exception of designated shooting ranges:
  - Angola Bay Game Land (Duplin and Pender counties)
  - Buckridge Game Land (Tyrrell County)
  - Buxton Woods Game Land (Dare County)
  - Cape Fear River Game Land (New Hanover and Pender counties)
  - R. Wayne Bailey-Caswell (Caswell County)
  - Holly Shelter Game Land (Pender County)
  - Nicholson Creek Game Land (Hoke County)
  - Rockfish Creek Game Land (Hoke County)
  - Sampson County Game Land (Sampson County)
  - Sandhills Game Land (Hoke, Moore, Richmond and Scotland counties)
  - Stones Creek Game Land (Onslow County)
- 2) Prohibit horseback riding on Harris Game Land (Chatham, Harnett and Wake counties).

*15A NCAC 10D .0103 Hunting on game lands*

*15A NCAC 10D .0103 Hunting on game lands*

- 3) Modify the current rule pertaining to horseback riding on Jordan Game Land (Chatham, Durham, Orange and Wake counties) such that riders, other than youth under 16 years of age, are required to possess a Game Land License or other license which includes the game lands privilege to ride horses on posted equestrian trails that lie entirely within the game land boundary.

*15A NCAC 10D .0103 Hunting on game lands*

- 4) Regulate the use of horses on Pee Dee River Game Land (Anson, Montgomery, Richmond, and Stanly counties) by allowing equestrian use the months of June, July, August and Sundays the remainder of the year, except during the open turkey and deer seasons, on roads which are open and maintained for vehicular traffic.

*15A NCAC 10D .0103 Hunting on game lands*

- 5) Expand the opportunity for horseback riding on Pond Mountain Game Land in Ashe County, which is currently May 16 through August 31, to also include Sundays throughout the months of September and October.

*15A NCAC 10D .0103 Hunting on game lands*

- 6) Amend rules regarding the use of horses on R. Wayne Bailey-Caswell Game Land (Caswell County) and Thurmond Chatham Game Land (Alleghany and Wilkes counties) to exempt youth under 16 years of age from the requirement to obtain a Game Land License or other license containing the game land privilege.

*15A NCAC 10D .0103 Hunting on game lands*

- 7) Designate Lewis Millpond on Uwharrie Game Land in Montgomery County as a managed waterfowl impoundment and limit waterfowl hunting to three days per week, holidays and opening and closing days.

*15A NCAC 10D .0103 Hunting on game lands*

- 8) Change the opening day of the Deer Archery Season from the Monday on or nearest September 10 to the Saturday on or nearest September 10 on Buffalo Cove Game Land (Caldwell and Wilkes counties) and South Mountains Game Land (Burke, Cleveland, McDowell and Rutherford counties).

*15A NCAC 10D .0103 Hunting on game lands*

**Fiscal Note Approval for Proposed Game Lands Rules** – On a motion by Tom Berry and second by David Hoyle, Jr., the Commission approved the fiscal note analysis for proposed amendments to and adoption of game lands management rules, presented in **Exhibit J-2**. **Exhibits J-1 and J-2** are hereby incorporated into the official record of this meeting.

## INLAND FISHERIES

**Inland Fisheries Update** - Bob Curry, *Inland Fisheries Division Chief*, presented an update on the activities of the Inland Fisheries Division. Curry announced that 3,200 people visited various activities on National Hunting and Fishing Day on September 27. Youth hunts and special disabled hunts have had good turnouts. The Mountain State Fair had 8,000 visitors to the WRC exhibit. There were 45,339 visitors at the State Fair in Raleigh. The Armstrong Fish Hatchery is being renovated. At McKinney Lake Fish Hatchery renovations are nearly complete. The Fisheries Division has produced robust redhorses, a species of special concern. Curry stated that 6,300 will go to the Pee Dee River through the Diggs Tract. Director Myers stated that the biologists' work on these species of special concern may preclude their designation on the Endangered Species list.

## PROPOSED CHANGES IN FISHING REGULATION FOR 2015-2016 RECOMMENDED BY AGENCY STAFF FOR PUBLIC NOTICE AND PRESENTATION AT NINE PUBLIC HEARINGS

Bob Curry presented in **Exhibit K-1** the following proposed changes in inland fishing rules for 2015-2016 to take to state-wide public hearings in January 2015. Wes Seegars made a motion to approve the proposals. David Hoyle, Jr. seconded. The motion carried.

### Trout

- 1) Reformat the structure of 15A NCAC 10C .0205 Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 2) Designate approximately 3.6 miles of Lovills Creek in Surry County as Public Mountain Trout Waters and classify as Hatchery Supported Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 3) Designate approximately 2.2 miles of the Tuckasegee River in Swain County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 4) Designate approximately 0.6 mile of the Cane River in Yancey County as Public Mountain Trout Waters and classify as Delayed Harvest Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 5) Designate 6.0 miles of streams on Pond Mountain Game Land as Public Mountain Trout Waters and allow them to default to the Wild Trout Waters.  
*15A NCAC 10D .0104 Fishing on Game Lands*
- 6) Clarify the boundaries of Delayed Harvest Trout Waters on South Fork New River at Todd Island Park in Ashe County.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 7) Modify the boundaries of Hatchery Supported Trout Waters on Stecoah Creek in Graham County, allowing 1.8 miles on Nantahala Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*

- 8) Modify the upper boundary of Delayed Harvest Trout Waters on Little River in Alleghany County, removing approximately 1.0 mile of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 9) Modify the boundaries of Hatchery Supported Trout Waters on Big Laurel Creek in Ashe County, removing approximately 7.0 mile of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 10) Modify the boundaries of Hatchery Supported Trout Waters on Beaver Creek in Ashe County, removing approximately 2.0 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 11) Modify the boundaries of Hatchery Supported Trout Waters on Old Fields Creek in Ashe County, removing approximately 2.0 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 12) Modify the upper boundary of Hatchery Supported Trout Waters on Valley River in Cherokee County, removing 3.1 miles of Public Mountain Trout Waters and allowing 0.5 mile on Nantahala Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 13) Modify the upper boundary of Hatchery Supported Trout Waters on Tusquitee Creek in Clay County, removing 3.2 miles of Public Mountain Trout Waters and allowing 0.7 mile on Nantahala Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 14) Modify the upper boundary of Hatchery Supported Trout Waters on Tulula Creek in Graham County, removing 3.1 miles of Public Mountain Trout Waters and allowing 1.0 mile on Nantahala Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 15) Modify the upper boundary of Hatchery Supported Trout Waters on Tuckasegee River in Jackson County, removing 1.0 mile of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 16) Modify the boundaries of Hatchery Supported Trout Waters on Scott Creek in Jackson County, removing 3.5 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 17) Modify the boundaries of Hatchery Supported Trout Waters on Savannah Creek in Jackson County, removing 1.0 mile of Public Mountain Trout Waters and allowing 0.4 mile on Nantahala Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 18) Modify the upper boundary of Hatchery Supported Trout Waters on Nantahala River in Macon County, removing 2.4 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*

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- 19) Modify the boundaries of Hatchery Supported Trout Waters on Meadow Fork in Madison County, removing 3.0 miles of Public Mountain Trout Waters and allowing 0.2 mile on Pisgah Game Land to default to Wild Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 20) Modify the boundaries of Hatchery Supported Trout Waters on Middle Fork French Broad River in Transylvania County, removing 1.0 mile of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 21) Modify the boundaries of Hatchery Supported Trout Waters on Meat Camp Creek in Watauga County, removing 1.9 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 22) Modify the boundaries of Hatchery Supported Trout Waters on Stony Fork in Watauga County, removing 2.4 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 23) Modify the upper boundary of Hatchery Supported Trout Waters on Broad River in Henderson County, removing 0.1 mile from Public Mountain Trout Water.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 24) Modify the boundaries of Hatchery Supported Trout Waters on Laurel Creek in Watauga County, removing 3.5 miles of Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 25) Remove a 0.8 mile section of the unnamed tributary of Three Top Creek on Three Top Mountain Game Land in Ashe County from Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 26) Remove 2.5 miles of Jones Creek in Avery County from Public Mountain Trout Waters.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*
- 27) Allow night fishing in Wild Trout Waters (including Catch and Release/Artificial Flies Only Trout Waters, Catch and Release/Artificial Lures Only Trout Waters, and Wild Trout/ Natural Bait Waters) and Public Mountain Trout Waters on game lands.  
*15A NCAC 10C .0205 Public Mountain Trout Waters*  
*15A NCAC 10D .0104 Fishing on Game Lands*
- 28) Allow the harvest of trout in undesignated waters from March 1 until 7 a.m. on the first Saturday in April.  
*15A NCAC 10C .0316 Trout*
- 29) Reformat the structure of 15A NCAC 10C .0316(e) Trout.  
*15A NCAC 10C .0316 Trout*

### Crappie

- 1) Remove the 8-inch minimum size limit and the 20-fish daily creel limit for crappie on the South Yadkin River downstream of Cooleemee Dam, Yadkin River downstream from Idols Dam, High Rock Lake, and Tuckertown Lake.  
*15A NCAC 10C .0306 Crappie*

### Striped Bass and Hybrid Striped Bass

- 1) Modify the general statewide regulation for Striped Bass and its hybrids by increasing the minimum size limit from 16 inches to 20 inches and reducing the daily creel limit from 8 fish in aggregate allowing two fish to be retained less than 16 inches to 4 fish with no exception. Reservoirs affected include High Rock Lake, Tuckertown Lake, Badin Lake, Lake Tillery, and Blewett Falls Reservoir.  
*15A NCAC 10C .0314 Striped Bass*
- 2) Establish an exception to the general statewide regulation for Striped Bass and its hybrids in Arrowhead Lake (Anson Co.), High Rock Pond (Caswell Co.), Moss Lake, Mountain Island Reservoir, Oak Hollow Lake, Lake Thom-A-Lex, Lake Townsend, and Salem Lake by decreasing the daily creel limit from 8 fish in aggregate allowing two fish to be retained less than 16 inches to 4 fish with no exception. The minimum size limit will remain 16 inches.  
*15A NCAC 10C .0314 Striped Bass*

### American Eel

- 1) Clarify that American Eel less than 9 inches cannot be taken or possessed, regardless of origin, while boating on or fishing in any inland fishing waters.  
*15A NCAC 10C .0401 Manner of Taking Nongame Fishes: Purchase and Sale*  
*15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption*

### Equipment

- 1) Clarify the definitions of set-hooks, jug-hooks, and trotlines. A set-hook is a fishing device consisting of a single line having no more than 3 hooks that is attached at one end only to a stationary object. A jug-hook is a fishing device consisting of a single line having no more than 3 hooks that is attached at one end only to a float. A trotline is a fishing device consisting of a horizontal common line having multiple hooks attached. The proposed change will also clarify that set-hooks, jug-hooks, and trotlines without bait or not labeled properly may be removed from the water by wildlife enforcement officers.  
*15A NCAC 10C .0206 Trotlines, Jug Hooks, and Set Hooks*
- 2) Add bow nets to the list of equipment that can be used to take nongame fish for bait or personal consumption in inland fishing waters with an inland fishing license.  
*15A NCAC 10C .0402 Taking Nongame Fishes for Bait or Personal Consumption*

### Administrative

- 1) Clarify in 15A NCAC 10C .0407 that the Neuse River is not located in Granville County.  
*15A NCAC 10C .0407 Permitted Special Devices and Open Seasons*

Exhibit K-1 is hereby incorporated into the official record of this meeting.

**Fiscal Note Approval for Proposed Fisheries Rules** – On a motion by Joe Barker and second by Tom Berry, the Commission approved the fiscal note for proposed fisheries rules presented in **Exhibit K-2**. **Exhibit K-2** is hereby incorporated into the official record of this meeting.

## WILDLIFE MANAGEMENT

### Wildlife Management Update

Dr. David Cobb, *Wildlife Management Division Chief*, presented an update about the activities of the Division of Wildlife Management. Cobb distributed copies of the *Upland Gazette*. He introduced new employees Allen Boynton, *Wildlife Diversity*; Christopher Serenari, *Human Dimensions* and Alison Nolker, *Captive Cervids*. Cobb announced a statewide deer hunter observation survey that is ongoing. Cobb stated that 60,000 hunters have signed up for a bear stamp. The E-bear stamp has been mailed, along with a tooth envelope to return to the Wildlife Resources Commission.

## TEMPORARY RULEMAKING FOR CAPTIVE CERVIDS

The Commission reviewed in **Exhibit L-1** a summary of public comments from two public hearings and comments submitted in writing, pertaining to temporary rulemaking to allow the WRC to issue captivity licenses and permits for the purpose of holding cervids in captivity, to allow certified herd owners to sell or transfer cervids to any other licensed facility, and to increase the age of mandatory Chronic Wasting Disease testing from 6 months to 12 months. Of comments received, eight were in favor of temporary rulemaking. Two petitions were received in opposition, along with 1,968 comments and five letters from organizations opposing temporary rulemaking.

Based on questions raised in the meeting of the Committee of the Whole about statutory authority of the WRC over native species (white-tailed deer and elk) as public trust resources, the Commission approved temporary rulemaking presented in **Exhibit L-3**, a revision of **Exhibit L-2** pertaining to “farmed” cervids only as defined by NCGS 106-549.97. Garry Spence made a motion to adopt **Exhibit L-3**. Seconded by David Hoyle, Jr. the motion carried.

**Exhibits L-1, L-2 and L-3** are hereby incorporated into the official record of this meeting.

## 2015-2016 RULE PROPOSALS FOR HUNTING, TRAPPING AND OTHER REGULATED ACTIVITIES FOR CONSIDERATION AT STATE-WIDE PUBLIC HEARINGS

On a motion by David Hoyle, Jr. and second by Joe Barker, the Commission voted to take to statewide public hearings proposed changes in hunting, trapping, and other regulated activities for 2015-2016, presented in **Exhibit M-1**:



### Deer

- 1) Create a Youth Deer Hunting Day to coincide with National Hunting and Fishing Day. On this day, youths under the age of 16 years would be able to use all legal weapons to hunt deer on both private lands and game lands. Youth do not need an accompanying adult. Adults can hunt with or without a youth, but are restricted to the legal weapon for the open season in that area. All hunters need to wear blaze orange on this day.  
*15A NCAC 10B .0203 Deer (White-tailed)*
- 2) Extend the gun deer season in Cleveland, Polk and Rutherford Counties until January 1. Currently this season closes on the 5<sup>th</sup> Saturday after Thanksgiving.  
*15A NCAC 10B .0203 Deer (White-tailed)*

### Bear

- 1) Clarify in the Administrative Code that legal bait to take bears is a grain, fruit, nut, vegetable, or other material harvested from a plant crop that is not modified from its raw components. Also clarify that bears shall not be taken with the use or aid of any processed food product, extracts of processed food products or any legal bait that has been modified by extracts or other substances.  
*15A NCAC 10B .0202 Bear*

### Waterfowl

- 1) Eliminate the Gaddy Goose Refuge goose zone and designate this area as part of the Southern James Bay Hunt Zone.  
*15A NCAC 10B .0105 Migratory game birds*
- 2) Allow the shooting of crippled waterfowl from a motorboat under power in those areas described, delineated, and designated as a special sea duck area the Administrative Code.  
*15A NCAC 10B .0105 Migratory game birds*

### Trapping

- 1) Increase the number of days that the public has to tag bobcat, otters and foxes from the current 10 days to 30 days. Establish a time frame of 23 days after the close of the season for the Commission to mail tags to sportsmen.  
*15A NCAC 10B .0404 Trappers and hunters*

### Feral Swine

- 1) Allow hunters to use electronic calls to take feral swine.  
*15A NCAC 10B .0223 Feral swine*

Exhibit M-1 is hereby incorporated into the official record of this meeting.

**FISCAL NOTE – 2015-2016 RULE PROPOSALS FOR WILDLIFE MANAGEMENT**

Upon a motion by Mark Craig and second by Joe Barker, the Commission approved the fiscal note for proposed rules pertaining to wildlife management presented in **Exhibit M-2**. **Exhibit M-2** is hereby incorporated into the official record of this meeting.

**BOATING SAFETY RULES AND FISCAL NOTES**

**No Wake Zone Adoptions - Mountain Island Lake** - The Commission reviewed public comments and adopted four no wake zones on Mountain Island Lake, presented in **Exhibit N**. Joe Barker made the motion to adopt. Seconded by Wes Seegars, the motion carried. **Exhibit N** is hereby incorporated into the official record of this meeting.

**No Wake Zone Adoption – Perquimans County** – Kate Pipkin, *No Wake Zone Coordinator*, presented in **Exhibit O** a summary of public comments and a request from Perquimans County for a no wake zone on Bethel Creek. David Hoyle, Jr. made a comment to adopt the no wake zone. Seconded by Joe Barker, the motion carried. **Exhibit O** is hereby incorporated into the official record of this meeting.

**Notice of Text Approval and Fiscal Note Approval for No Wake Zone – Currituck County** – Kate Pipkin presented **Exhibit P-1**, a request for approval to post Notice of Text in the *NC Register* for a proposed no wake zone in the canals of Waterview Shores subdivision in Currituck County. Currituck County made formal application to the WRC for the no wake zone. Joe Barker made a motion to adopt. The motion was seconded by Nat Harris and carried. **Exhibit P-1** is hereby incorporated into the official record of this meeting.

Kate Pipkin presented **Exhibit P-2**, the fiscal note review for the proposed no wake zone rule for Currituck County. Currituck County will mark and maintain the no wake zone and buoys. Joe Barker made a motion to approve the fiscal note. John Coley seconded and the motion carried. **Exhibit P-2** is hereby incorporated into the official record of this meeting.

**ADOPTION OF THE 2015 MEETING SCHEDULE OF THE WILDLIFE RESOURCES COMMISSION**

On a motion by David Hoyle, Jr. and second by Wes Seegars, the Commission approved the proposed 2015 meeting schedule, presented in **Exhibit Q**:

January 29, 2015  
March 5, 2015  
May 21, 2015  
July 9, 2015  
August 27, 2015  
October 22, 2015

**COMMENTS FROM COMMISSIONERS**

*Commissioner* Joe Barker congratulated Jim Wilson, Editor of *Wildlife in North Carolina* magazine, for the magazine's award as best wildlife magazine in the United States. He acknowledged magazine staff for the outstanding publication. *Vice Chairman* John Litton Clark thanked staff for their work in assisting Commissioners in tackling recent tough issues associated with management and conservation of wildlife resources.

**COMMENTS BY THE EXECUTIVE DIRECTOR**

*Executive Director* Gordon Myers thanked Commissioners for their active committee work. He announced that January 2015 will be a very busy month with state-wide public hearings and a WRC meeting at the end of the month. Myers noted the strong agency focus on education, outreach and marketing. He mentioned strategic recruitment and retention efforts, mentoring programs, agency branding, and organization alignment underway to reflect the educational and outreach focus. Myers called on Jenny Harris, *Marketing Director*, who announced a special native brook trout license plate that is available for sale. One hundred per cent of the proceeds from license sales will be used for habitat restoration and access.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:20 am.

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

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Jim Cogdell, Chairman

Date

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Gordon Myers, Executive Director

Date

January 29, 2015



**MINUTES  
TELEPHONIC MEETING  
N.C. WILDLIFE RESOURCES COMMISSION  
December 9, 2014 at 10:00 am  
Commission Room 5<sup>th</sup> Floor  
1751 Varsity Drive  
Raleigh, NC 27606**

**CALL TO ORDER** – *Vice Chairman* John Litton Clark called the telephonic meeting of the Wildlife Resources Commission to order at 10:05 am. A speaker phone was available for visitors to hear the proceedings.

**ROLL CALL** – Betsy Haywood, *Executive Officer*, called the roll and announced staff and visitors present. Commissioners Nat Harris, Garry Spence, John Coley, and Michell Hicks were not present.

**COMMISSION ATTENDANCE**

Jim Cogdell	Brian White
Joe Barker	Wes Seegars
John Litton Clark	Joe Budd
David Hoyle, Jr.	Neal Hanks
Ray Clifton	Mark Craig
Richard Edwards	Tommy Fonville
Tim Spear	Tom Berry

**STAFF ATTENDANCE**

Gordon Myers	Mallory Martin
Betsy Haywood	Kate Pipkin
Mark Hamlett	Geoff Cantrell
Isaac Harrold	David Cobb
Carolina Medina	

**VISITOR ATTENDANCE**

Craig Jarvis – *News and Observer*

**ELECTRONIC MEETINGS** – Betsy Haywood read the statute pertaining to an electronic meeting of a public body:

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

**MANDATORY ETHICS INQUIRY**

*Vice Chairman* Clark read the 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.

**AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN NCWRC AND CLEVELAND COUNTY**

*Vice Chairman* John Litton Clark requested that **Exhibit E** be presented first to accommodate a Commissioner's need to leave the meeting early.

Mark Hamlett, *Design Services Section Chief*, presented in **EXHIBIT E** an amendment to the MOA between NCWRC and Cleveland County for construction, maintenance and operation of a public shooting range in Cleveland County. The bid on Phase I construction costs exceeded the estimate of \$1,000,000.00 previously approved. On a motion by David Hoyle, Jr. and second by Brian White, the Commission agreed to provide additional funding of \$668,063.00 in Pittman-Robertson funds to use toward construction costs. The funds will be paid upon completion of the project. Cleveland County agrees to provide any additional funding necessary to complete construction costs. **EXHIBIT E** is hereby incorporated into the official record of this meeting.

**TEMPORARY RULEMAKING**

**Temporary Rulemaking Notice of Text and Public Hearing for Management of Captive Cervids** – Kate Pipkin, *Rules Analyst*, presented **EXHIBIT A**, proposal for Notice of Text to be published in the *NC Register* and at least one public hearing, for temporary rulemaking to implement changes in the management of captive cervids. Temporary rulemaking is necessary to implement directives to the Commission in Section 14.26 of S.L. 2014-100, including aligning management with federal standards. Tim Spear made a motion to approve. Seconded by Tommy Fonville, the motion carried. **EXHIBIT A** is hereby incorporated into the official record of this meeting.

**Temporary Rulemaking Notice of Text and Public Hearings for Taking Coyotes by Hunting and Depredation Permit in Five Counties, and for Designating the Red Wolf as a State-Listed Threatened Species** – Kate Pipkin presented EXHIBIT B, a proposal to publish Notice of Text in the *NC Register* and hold one public hearing for temporary rulemaking to comply with a settlement agreement. Temporary rulemaking would prohibit all nighttime hunting of coyotes in the counties of Dare, Tyrrell, Hyde, Beaufort and Washington. Daytime hunting would be allowed only by permit. Issuance of depredation permits for coyotes would be limited to Commission employees only. Also under temporary rulemaking the red wolf would be designated as state-listed threatened. Temporary rules will fulfill the requirements of a federal court order. Joe Barker made a motion to approve. The motion was seconded by Wes Seegars and carried. EXHIBIT B is hereby incorporated into the official record of this meeting.

### **PERMANENT RULEMAKING**

**Permanent Rulemaking Notice of Text and Public Hearings for Taking Coyotes by Hunting and Depredation Permit in Five Counties, and for Designating the Red Wolf as a State-Listed Threatened Species** – Kate Pipkin presented EXHIBIT C, a recommendation for permanent rulemaking Notice of Text and two public hearings for take of coyotes by hunting and depredation permit in the five counties, and permanent rulemaking for designation of the red wolf as a state-listed threatened species. Joe Barker made a motion to approve. The motion was seconded by Brian White and carried. EXHIBIT C is hereby incorporated into the official record of this meeting.

**Adoption of Fiscal Note** – Kate Pipkin presented EXHIBIT D, the fiscal note analysis of proposed permanent rulemaking for coyotes in the five counties and for designation of the red wolf as a state-listed threatened species, which was certified by the Office of State Budget and Management. On a motion by David Hoyle, Jr. and second by Joe Barker, the fiscal note was approved. EXHIBIT D is hereby incorporated into the official record of this meeting.

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

*Executive Director* Gordon Myers thanked Commissioners for attending the meeting of the House Select Committee in Robbinville on December 8, and especially thanked Commissioner Tim Spear for making the eight hour trip to attend. Myers suggested submitting a letter in writing to the Legislative Chair and to committee members, to seek an opportunity to assist them with the evaluation they have indicated will be made concerning processes of the Wildlife Resources Commission. Myers will prepare the letter under his signature, for review by the Commission.

### **ADJOURNMENT**

There being no further business, Vice Chairman John Litton Clark adjourned the meeting at 10:35 am.

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

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John Litton Clark, Vice Chairman

Date

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Gordon Myers, Executive Director

Date

# EXHIBIT C

January 29, 2015

## NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

### Summary and Analysis of Agency Operating Cash Balance - Code 14350, 24350, 24351 and 24352

	December 2013			December 2014		
<b>Cash Balance July 1</b>		<b>\$ 21,922,571.86</b>			<b>\$ 17,507,785.09</b>	
<b>Appropriations</b>	<b>2013-2014 Authorized Budget</b>	<b>Actual</b>	<b>% of Budget</b>	<b>2014-2015 Authorized Budget</b>	<b>Actual</b>	<b>% of Budget</b>
Appropriations	\$ 12,588,531.00	\$ 6,350,233.00	50.44%	\$ 11,332,557.00	\$ 5,752,442.00	50.76%
<b>Total</b>	<b>\$ 12,588,531.00</b>	<b>\$ 6,350,233.00</b>	<b>50.44%</b>	<b>\$ 11,332,557.00</b>	<b>\$ 5,752,442.00</b>	<b>50.76%</b>
<b>Receipts</b>						
License Receipts	\$ 18,696,335.00	\$ 11,145,045.20		\$ 19,018,349.00	\$ 13,085,177.45	
Vessel Receipts	10,010,315.00	2,932,800.00		11,310,037.00	3,880,965.00	
Federal Funds	17,831,634.00	12,326,606.92		26,115,651.00	13,765,540.19	
Publications	345,552.00	283,489.86		345,432.00	486,808.90	
Professional Services	4,472,054.00	3,227,515.86		8,567,065.00	5,212,140.07	
Agency Reimbursements	4,375,891.00	442,972.77		3,934,902.00	2,845,042.91	
Other Receipts	713,714.00	829,292.13		681,664.00	496,869.52	
<b>Total</b>	<b>\$ 56,445,495.00</b>	<b>\$ 31,187,722.74</b>	<b>55.25%</b>	<b>\$ 69,973,100.00</b>	<b>\$ 39,772,544.04</b>	<b>56.84%</b>
<b>Expenditures</b>						
1100 Administration	\$ 12,062,422.00	\$ 4,694,461.29		\$ 7,965,285.00	\$ 4,097,936.61	
1120 Enforcement	20,233,048.00	10,358,968.77		22,408,435.00	10,311,205.57	
1130 Education	3,980,997.00	1,668,003.60		3,864,594.00	1,697,574.99	
1140 Inland Fisheries	9,637,991.00	4,166,799.92		10,197,663.00	4,538,972.07	
1150 Management	9,012,014.00	4,944,260.29		10,581,455.00	3,821,669.97	
1160 Engineering Services	14,789,864.00	10,587,128.79		22,808,305.00	14,906,821.17	
2170 W/Life Fund Receipts	3,188,083.00	2,776,039.17		9,752,135.00	4,388,872.50	
<b>Total</b>	<b>\$ 72,904,419.00</b>	<b>\$ 39,195,661.83</b>	<b>53.76%</b>	<b>\$ 87,577,872.00</b>	<b>\$ 43,763,052.88</b>	<b>49.97%</b>
<b>Cash Balance December 31</b>		<b>\$ 20,264,865.77</b>			<b>\$ 19,269,718.25</b>	

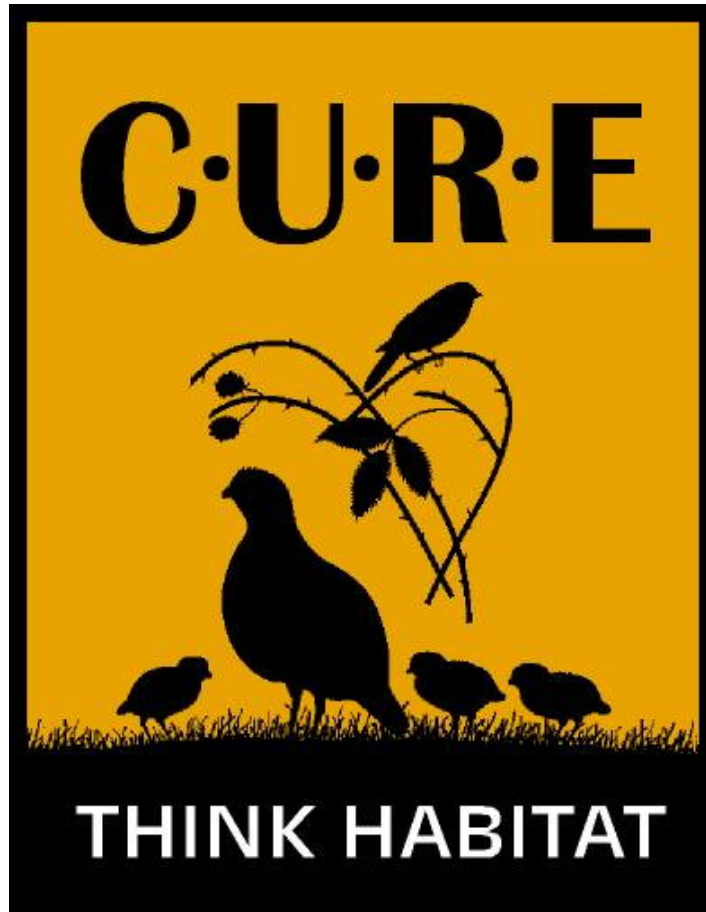




# EXHIBIT D

January 29, 2015

Cooperative Upland habitat Restoration and Enhancement (CURE) Program



2012-2014 Biennial Progress Report

DIVISION OF WILDLIFE MANAGEMENT  
Private Lands Program

Compiled by Mark D. Jones

Contributions by  
Benjy Strobe  
John Henry Harrelson  
John Isenhour  
Patrick Farrell  
Brad Howard  
Chris Kreh  
Jason Smith  
Greg Batts  
Thomas Padgett



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## EXECUTIVE SUMMARY

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

Timber harvest and prescribed burning were focuses for habitat enhancement on the four Game Land CURE areas. Special regulations were enacted to restrict quail and woodcock harvest and dog training on these areas during the early years. Suggs Mill Pond Game Land was the first CURE Game Land to have a permit quail hunt in 2012-2013. The remainder of this report focuses on private lands CURE.

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

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

In 2005, the Commission initiated a cooperative effort with the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS) to create three new Technical Assistance Biologist (TABs) positions, one in each geographical region of the state, to work directly with the NRCS staff. These positions have had significant influence on the implementation of Farm Bill programs throughout the state and have affected wildlife habitat management in all 100 counties. The NRCS TABs are Commission employees and provide guidance through site visits, plan development, and training of NRCS personnel. The NRCS TABs have developed Farm Bill contracts, assisted in actual on-site installation of habitat, and met with and provided guidance to numerous new landowners across the state. The TABs have motivated landowners to address habitat concerns and utilized available federal dollars to improve habitat. The NRCS TABs (only 2 of 3 positions are filled) wrote over 100 wildlife habitat plans directly impacting almost 8,500 acres from July 1, 2012 – June 30, 2014. Additionally, these positions impacted USDA policy affecting untold numbers of landowners and acreages.

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

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

Under Corporate CURE, NCWRC has obtained 3 grants from the North Carolina Department of Justice to address water quality issues and implement early succession habitat improvements on corporate farms operated by Murphy-Brown, LLC and other private agricultural operations. We are currently working on 16,657 acres in Bladen and adjacent counties. Our current grant allows us to continue habitat enhancements on these farms through December 31, 2016. Permit quail and rabbit hunts have been implemented on Corporate CURE lands through NCWRC's Permit Hunting Opportunities Program, and these are a rare opportunity for a high quality small game hunt on intensively managed areas.

Work under Corporate CURE has been combined with work done with former LIP landowners as part of the SEFA focal area. Two biologists are assigned to the SEFA focal area and also work to integrate Farm Bill activities into operations when necessary. The ultimately goal in the SEFA is to put early successional habitat on the ground using whatever funding source is most appropriate (Corporate CURE, USDA Farm Bill, landowner financed, etc.). The National Bobwhite Conservation Initiative (NBCI) has recognized the quail management and population responses on these areas as a national success story for bobwhite restoration.

The successful expansion of wildlife habitat is not solely dependent on dollars from Federal Programs or State Grants. Current habitat establishment accomplishments in the western piedmont focal area are a direct result of Commission funding. Staff have worked to convert fescue to native grasses which are proven to provide significantly better wildlife habitat than fescue while also diversifying cattle operations in an economically smart way by providing drought-proof forages. Establishing and promoting these grasses has allowed the NCWRC to become more effective in influencing the agriculture landscape of pasturelands in the Piedmont. We have received invitations to participate in NCSU Extension workshops concerning native "summer" grasses. The availability of a knowledgeable CURE Technical Assistance Biologist has had a very positive effect on the

acceptance and interest in these grasses. Continued effort and focus at making farmers aware of these alternatives to fescue may benefit early-successional wildlife for many years into the future.

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

The Wildlife Conservation Land Program (WCLP) became active for the 2010 tax year and involved significant staff interaction with landowners, county tax offices, and the NC Department of Revenue. Fifty-two agreements were signed in 18 different counties certifying 1,616 acres of habitat during the 2012 and 2013 tax years.

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

From the original NCWRC-funded focal areas, CURE on private lands has evolved into wider-reaching initiatives including the SEFA, Farm Bill work using USDA Farm Bill funds, and general technical guidance to landowners across North Carolina.



## **PRIVATE LANDS CURE MANAGEMENT**

### **North Carolina Department of Justice Environmental Enhancement Grant and Southeastern Focal Area**

We continue to improve wildlife habitat and increase water quality using the North Carolina Department of Justice's (NCDOJ) Environmental Enhancement Grant. Grant funds are now being used to serve as the foundation of what is known as the Southeastern Focal Area (SEFA). Two biologists work on projects in SEFA covering five counties; Bladen, Columbus, Cumberland, Duplin and Sampson spanning roughly 4,265 square miles. With the use of a NCDOJ Environmental Enhancement Grant, we have a solid foundation and continue to make excellent progress for wildlife and water quality in the region. Grant funds are used to continue support and operations of Corporate CURE while Farm Bill Conservation Practices and general technical guidance are used to assist other private landowners interested in increasing wildlife management. Our staff in SEFA promotes early successional habitats, water quality improvements, and timber stand improvements through any means available.

Under Corporate CURE, the grant supports wildlife and water quality improvements on over 16,000 acres of commercial farmland in Bladen, Sampson, and Duplin Counties on 24 different farms (Table 1). There are 266.6 acres of field borders, 184.5 acres of habitat areas, and 92.5 acres of native grasses under CURE management on these farms. Three farms have had 170 acres of longleaf pines planted in 2010, and they are doing well. Prescribed burns have taken place on 163 acres over the past two years.

Table 1. List of Corporate CURE farms and habitat manipulation performed (acres) in SEFA.

<b>Farm Name</b>	<b>Farm Acres</b>	<b>Field Borders</b>	<b>Habitat Areas</b>	<b>Native Grass</b>	<b>Trees Planted</b>	<b>Burned Acres</b>	<b>CURE Woodland</b>
Ammon	4,011	136	46	44.5	120 LL	469	888
Cypress Creek	59			10	37 LL	8	37
Owens Branch	220	5		5			
Stafford	371	2	7				
Southern Pines	488	9	9	3	13LL 23HW	6	3
Simmons	228	3	9				
3514	246	6	1			8	
3501 3102	420	7					
3713	84	5					
Merrit	159	1	1				
Waycross	88	1.5	2				
Kilpatrick	115		1	8			
Rivenbark Waters	355	5	5				
Peg Leg	139	2					
2104 2106	394	7					
DM	4,900	26	33	4			
BerOTH	126	7	7.5				
Turnbull Creek	795	18	8	9		8	
Prestage P12/19	1,591	18	21	7			
Baz	437	2	33				30
2601-2*	150	3.1					
3731*	113	3	1	2			
Cain *	483						
WBW Farms*	685						
<b>TOTAL</b>	<b>16,657</b>	<b>266.6</b>	<b>184.5</b>	<b>92.5</b>	<b>193</b>	<b>493</b>	<b>955</b>

\* new

Education and outreach continues to be a priority in the region. Booths showcasing Corporate CURE as well as available technical guidance were on display at the Ammon Blueberry Festival and the Murphy-Brown Vendor Expo. Additional presentations on early successional habit, cost-share availability, and wildlife friendly herbicide applications were given to the Duplin County Cooperative Extension, at the Longleaf Academy 101 course, and at the North Carolina Forest Service's Region 2

meeting. Tours of the Ammon Farm have been given to Shawn Maier with the NCDOJ and John Ann Shearer with the United States Fish and Wildlife Service.

Information on Farm Bill and general technical guidance has been provided to landowners across SEFA through 92 site visits on 33 individual farms. Management plans have been written for 19 tracts totaling 1,594 acres. In addition, plan assistance for 1,816 acres was also provided on four tracts to a consultant and the North Carolina Partner’s Program. Many of these plans were written with the objective of restoring longleaf pine and improving woodland groundcover through the use of fire.

In addition to workshops and technical assistance offered, and as a part of outreach, quail and rabbit hunts have been implemented on Corporate CURE lands through NCWRC’s Permit Hunting Opportunities Program. All the draw winners have greatly enjoyed their hunts and have experienced great success. Hunters have averaged almost one covey per hour of hunting on farm employee hunts and special permitted hunts since 2006 (Table 2). For the past couple of years, we have hosted four quail hunts and two rabbit hunts.

Table 2. Harvest records for Corporate CURE hunts in SEFA from 2006 -2013.

	Hours Hunted	Coveys Flushed	Quail Harvested	Rabbits Seen	Rabbits Harvested
Quail	185	131	192	80	2
Rabbit	12	2	0	20	8

In January 2014, a master’s project was initiated through North Carolina State University to investigate quail population dynamics on high quality habitat landscapes and those landscapes with poorer quality quail habitat. This two year project will utilize radio telemetry to examine quail movements, home range size across seasons, preferred nesting areas and success, and brood rearing habitat usage and success.

Additional research in SEFA is being conducted on Sleepy Creek Farms in Bladen County as part of a Commission research permit. The effects of baiting and year round predator trapping on the harvest and crop contents of northern bobwhite quail are being examined. First year data indicates quail are readily using the bait trail and habitats found in the vicinity. Initial data indicates predator trapping has no effect on the location of coveys found by hunters during the hunting season.

SEFA and Corporate CURE continue to showcase the habitat benefits that can be realized when various entities work together. As this project moves forward, we are looking to work with as many landowners as possible to create much needed early successional habitat. The focus will continue to be to create and expand the network of existing private lands habitat with Suggs Mill Pond Game Land (a CURE Game Land) and Corporate CURE lands serving as the foundation.

Table 3. Farm Bill habitat work performed by NCWRC staff in SEFA from 2012-2014.

REGION	Habitat Plans Written (number)	Habitat Planned (acres)	Site Visits	Program Development Meetings (number)	Presentation at Outreach or Tech. Training Event (number)
Coast	19	3,410	92	15	6
Piedmont	0	0	0	0	0
Mountain	0	0	0	0	0
Total	0	0	0	0	0

### Corporate CURE Data

Most of the surveys developed to evaluate the CURE program are designed to look at the trend in bird numbers from the year of or prior to habitat establishment through several years of habitat improvement. The 2006-2007 seasons represented the first year of habitat management for the Corporate CURE Program. In the following sections, we present data that hint at the start of trends. However, many of these trend results should be interpreted with caution. There is much year-to-year variability within bird surveys caused by factors unrelated to CURE. Because of the variability of observations and the short duration of the study, small yet biologically significant trends may not yet be evident. Only strong changes may be detected within the time frame of the study.

It should be noted that timber stands have been improved by clearcuts, thinning, and burning since 2009. This has allowed for more favorable habitat that may allow the birds to spread out more and not be counted because the point counts were not set up to cover all the areas. It is also possible that the birds are at carrying capacity on this farm and may be emigrating as many of the neighbors in Ammon have said they have been seeing and hearing more quail.

### *Fall Quail Covey Surveys*

An index of fall quail covey abundance was generated with an early morning, whistling covey point count survey conducted in mid-October. The Murphy-Brown Cooperative had 12 listening stations which were each surveyed once over the course of two mornings. Listening stations were placed on the landscape in a manner to maximize coverage of useable habitat. Surveys were initiated in 2003.

Estimated detection radii surrounding points ranged from 375 - 500 m. During fall sampling, the effective audible range of calling coveys is approximately 500 m in open farmland habitats (Wellendorf 2000).

A call rate (proportion of coveys calling on a given morning) was calculated for each survey point based on weather conditions and number of calling coveys (Wellendorf 2000). Call rates ranged from 0.31 – 0.99. The greatest amount of variation in the call rate is due to covey density, with greater call rates occurring when more coveys are present to stimulate their neighbors to call. There must be an

average of at least one covey heard per survey point in order for the call rate to be used reliably (Wellendorf 2000), and the Ammon complex has always met this requirement. Actual counts were divided by the call rate for each survey point to produce an adjusted count.

Murphy Brown has consistently had the highest fall covey counts of all the CURE areas. The 2013 count was similar to the long-term average. Adjusted and unadjusted covey counts have shown a slight upward trend and are shown in Figure 1. Given the steady decline of bobwhite quail throughout their range in the southeastern United States, even a steady trend or modest increase on our areas could be evidence of positive effects of habitat improvements.

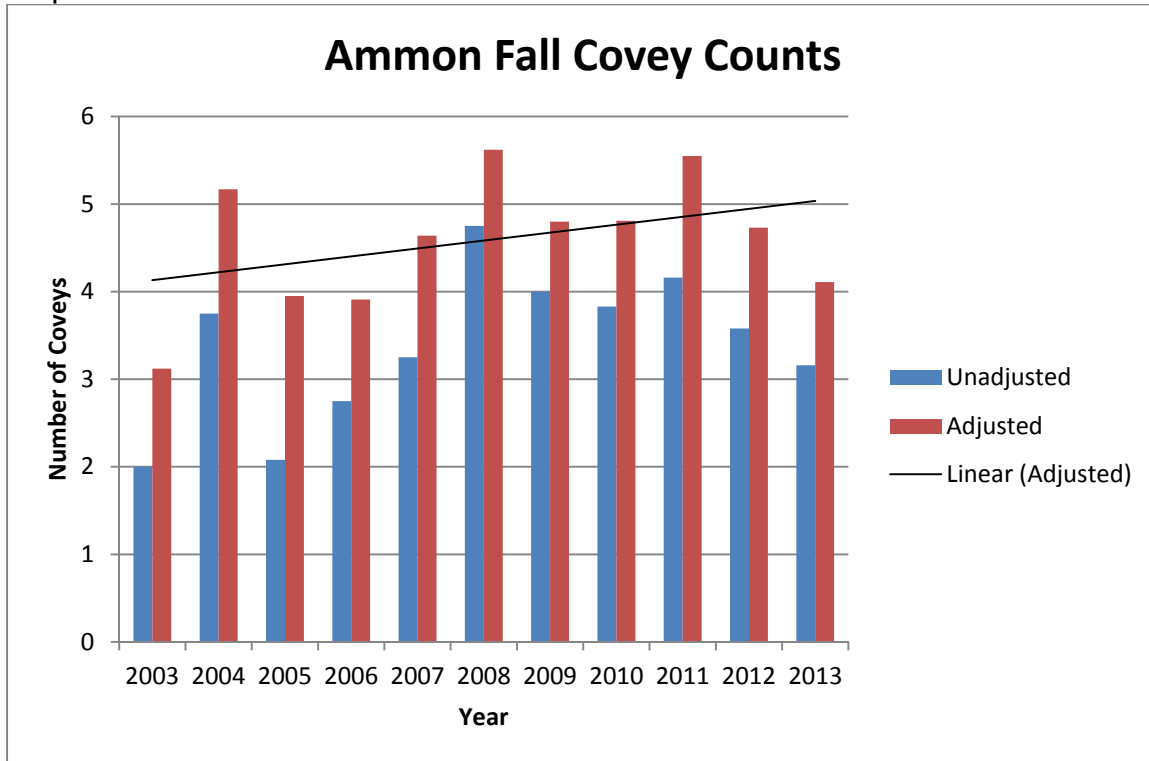
### *Breeding Quail*

CURE area breeding quail call surveys were conducted on the Ammon Complex during the last two weeks of June. The CURE survey route consisted of 21 listening stations and was monitored on three mornings. Points were located approximately 0.83 km (0.5 miles) apart using a modified grid system utilizing farm roads.

Surveys are run on the same mornings as the nearby reference route located on Bladen Lakes State Forest in Bladen County. The Bladen Lakes State Forest quail route was a pre-existing reference route located 11.6 km (7 miles) away on adjacent lands not under CURE management.

In 2013, an average of 4.11 quail was detected per point on the Murphy Brown CURE area, similar to the long-term average for this site (Figure 2) In the 4 years prior to habitat establishment (2003-2006), we detected an average of 4.3 quail per point (standard error between years 0.42). Considering the fact that quail have been in a decline range wide, it is worth pointing out that the quail population at Ammon is stable, and may be evidence of the benefits of the habitat work. It is also worth noting that in June of 2013 the local area received frequent and heavy rainfall which may have impeded nesting success.

**Figure 1.** Adjusted and actual number of coveys heard during 2003-2013 quail covey counts at the Ammon Complex.



**Figure 2.** Average number of quail heard on Murphy Brown CURE area. Values are average number of quail heard per survey point during three minute, unlimited distance counts.



*Breeding Songbirds.*

An index of songbird abundance at the scale of the CURE area was tracked using point count surveys (Hamel et al. 1996, Freemark and Rogers 1995). Point count surveys were initiated either in the year of habitat establishment or 1-2 years prior to habitat establishment. Baseline surveys for the Murphy Brown CURE area were initiated in 2003 with 21 points. Five minute point count surveys were conducted once on each area between May 18 and June 14.

To facilitate analyses, we grouped species together into guilds based on life history characteristics (Table 4). Grassland nesters are those birds that nest primarily in grassy or herbaceous cover. Shrubland nesters are birds that require low woody growth for nesting. Early succession foragers are birds that nest in other habitats but utilize grass/shrub habitats for foraging or other activities. Habitat generalists that utilize early succession habitats (such as grackles, mockingbirds, cardinals, and doves) were not included in these groupings.

Groups were necessary to develop data sets which would be precise enough to detect significant trends. Many of the individual focal species count trends could not be analytically tested because of low counts or sparse distribution and could only be qualitatively described. However, there are some pitfalls to grouping species. Trends for the guild are influenced more by species with a higher number of counts within each survey. Higher counts could be related to a variety of factors (higher abundances, increased detectability, etc.) which are inherent within point count methodology. Also, several species (particularly migratory species) may experience influences on populations that are unrelated to CURE breeding habitats. Species in the same guild with opposite population trend directions can “cancel each other out”, and mask underlying population dynamics.

Regional Breeding Bird Survey (BBS) routes were selected from nearby counties to serve as a reference for each CURE cooperative. The response variable for both CURE and BBS surveys was the number of birds detected per 10 survey points. However, direct comparisons of abundance should not be made between CURE and BBS routes due to differences in survey designs. BBS routes were conducted along roadways and used 3 minute counts while CURE points were distributed across the landscape and used 5 minute counts. It was assumed that trends within CURE areas would be parallel to regional BBS trends if no habitat improvements had taken place. Even with precise estimates, annual point counts can naturally vary markedly from year to year and require many years to develop significant trends.

The Murphy Brown CURE area supported very high numbers of grassland nesters and shrub nesters. Relatively few early-successional foragers were detected during point count surveys, and this guild appeared to be relatively less abundant on the CURE area than on the BBS reference route (Figures 3 and 4). The most commonly detected shrub nester on the CURE area was common yellowthroat followed by indigo bunting, eastern towhee, and blue grosbeak. Murphy Brown supported greater numbers of grey catbirds than any other CURE area. The grassland guild was dominated by very high numbers of quail, red-winged blackbird, and eastern meadowlark.

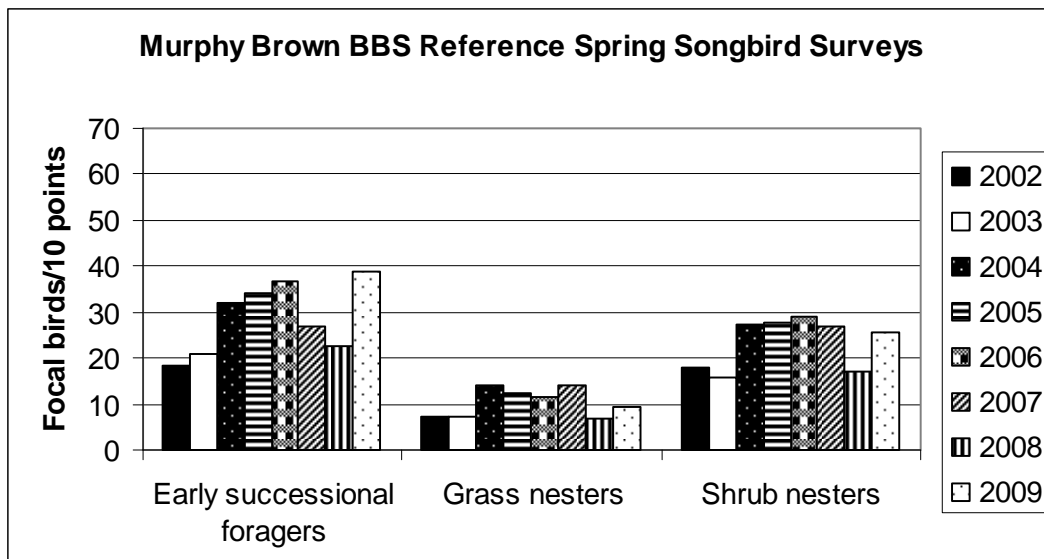
**Table 4.** Songbird species groupings for analysis of spring point count data.

<u>Grassland Nesters</u>	<u>Shrubland Nesters</u>	<u>Early Succession Foragers</u>
Bachman’s Sparrow	American Goldfinch	Barn Swallow
<i>Aimophila aestivalis</i>	<i>Carduelis tristis</i>	<i>Hirundo rustica</i>
Eastern Meadowlark	Blue Grosbeak	Brown-headed Cowbird
<i>Sturnella magna</i>	<i>Guiraca caerulea</i>	<i>Molothrus ater</i>
Grasshopper	Brown Thrasher	Chipping Sparrow
Sparrow	<i>Toxostoma rufum</i>	<i>Spizella passerina</i>
Northern Bobwhite	Common	Eastern Bluebird
<i>Colinus virginianus</i>	Yellowthroat	<i>Sialia sialis</i>
Red-winged	Eastern Towhee	Eastern Kingbird
Blackbird	<i>Pipilo</i>	<i>Tyrannus tyrannus</i>
	Field Sparrow	Eastern Phoebe
	<i>Spizella pusilla</i>	<i>Sayornis phoebe</i>

Gray Catbird <i>Dumetella</i>	Eastern Wood-Pewee <i>Contopus sordidulus</i>
Hooded warbler <i>Wilsonia citrine</i>	Loggerhead Shrike <i>Lanius ludovicianus</i>
Indigo Bunting <i>Passerina cyanea</i>	Orchard Oriole <i>Icterus spurius</i>
Prairie Warbler <i>Dendroica discolor</i>	Purple Martin <i>Progne subis</i>
Song Sparrow <i>Melospiza melodia</i>	Red-headed Woodpecker <i>Melanerpes</i>
White-eyed Vireo <i>Vireo griseus</i>	Wild Turkey <i>Meleagris gallopavo</i>
Yellow-breasted Chat <i>Icteria virens</i>	Yellow-shafted Flicker <i>Colaptes auratus</i>

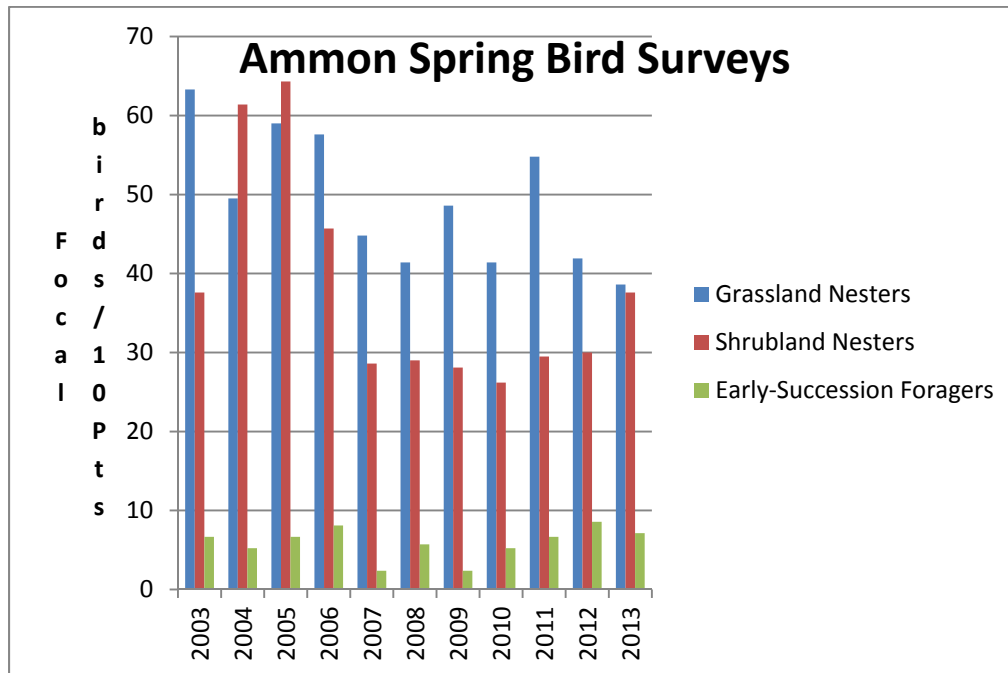
CURE management was initiated in 2006, and the 2003-2006 counts can be considered pre-treatment baseline conditions while 2007-2013 can be considered post-treatment. The grassland nesting guild continues to show up in higher numbers versus shrubland nesters, but that would be expected due to habitat differences and locations of the actual survey points. Shrubland nesters have seen an increase the past several years due to timber stand activities such as burning, planting longleaf, and thinning (Figure 4). Ditch bank and roadside mowing did not occur frequently in 2003–2006, and now it occurs every January or February. This and observer changes may explain the drop in numbers from 2007-2013 vs. 2003–2006 (Figure 4).

**Figure 3.** BBS data based on unlimited distance 3 minute counts. 2010-2014 BBS data were not included in the writing of this report.





**Figure 4.** Relative abundance (# focal birds per 10 survey points) of early succession habitat songbird guilds on the Ammon Complex, based on unlimited distance, five minute counts. Note: Habitat enhancements were initiated in 2006 on the CURE site.



Based on 1980-2004 statewide BBS trends, some grassland and early-successional songbird species in North Carolina have displayed significant declines in annual counts. These include: loggerhead shrike (-8.8%), northern bobwhite (-6.2%), eastern meadowlark (-4.7%), field sparrow (-2.1%), indigo bunting (-1.4%), grasshopper sparrow (-0.5%), and prairie warbler (-0.3%). Conversely, other early successional species have appeared to increase. These include horned lark (5.4%), American goldfinch (3.4%), eastern towhee (0.9%), brown thrasher (0.6%), blue grosbeak (0.5%), and yellow-breasted chat (0.3%).

### *Winter Songbirds*

Early succession habitats may be as limited for wintering birds as for breeding birds in North Carolina. By providing wintering habitat, CURE cooperatives have the potential to benefit a different group of migratory songbird species that stage during the winter in North Carolina (Marcus et al. 2000).

Densities of wintering birds were measured using a strip transect technique with two to four 20 m x 100 m transects (0.2 ha per transect) surveyed within each management unit. Strip transect surveys were initiated the winter before habitat establishment. Baseline surveys for the Murphy Brown CURE area were initiated in 2004 and were conducted January through March each subsequent year. In 2011, 2012, and 2013 these surveys were conducted in woodlands only. Two observers counted all focal species within a series of 20 m x 100 m transects. We identified a list of focal species that are likely to be impacted by our management in order to facilitate observer training and to limit the influence of highly mobile, generalist species such as robins and blackbirds (Table 5). We recorded the number of each focal species within each transect and also recorded the presence of all bird species within each management unit.

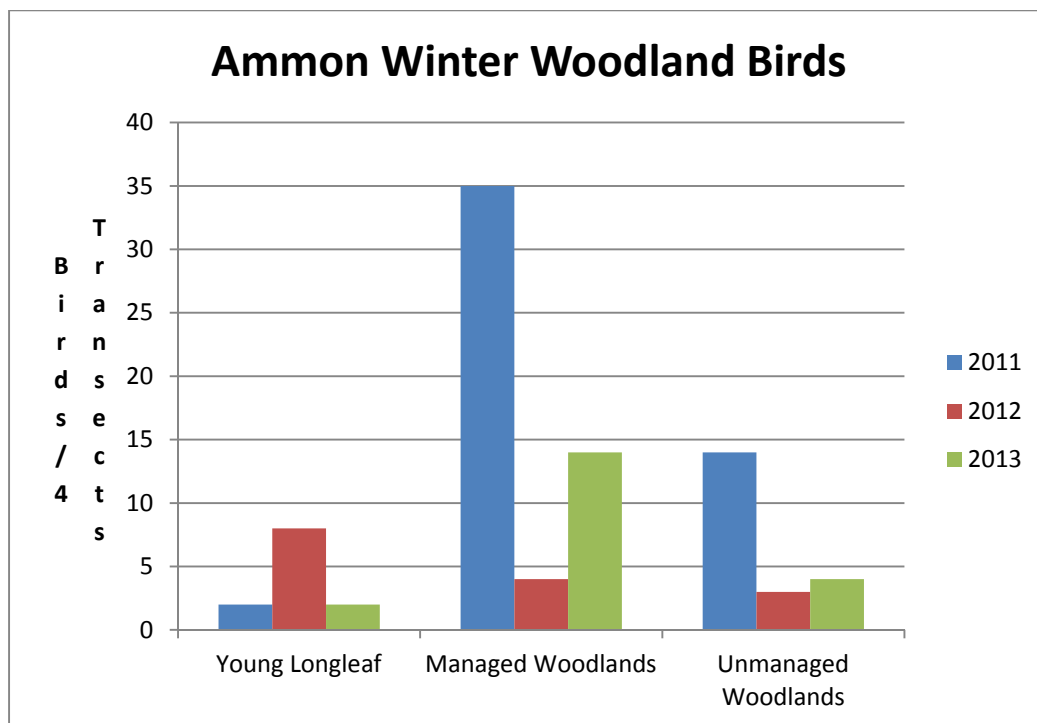
The Murphy-Brown Ammon Complex site is located in a primarily agricultural landscape, and focal songbird density estimates for this report were determined within three stand type categories: young longleaf that was planted in 2010, managed woodlands (fire, thinning, or clearcuts), and unmanaged woodlands. The young longleaf stands would be similar to a habitat area as the trees are just leaving the grass stage. Stands were intentionally selected and surveyed to evaluate songbird densities within specific CURE habitat improvement areas. Non-natural habitat types such as hog barn areas, ponds, and roads were not surveyed. Pastures, crop fields, field borders, habitat areas, and native grass stands have been surveyed in prior years.

Birds counted on the Ammon winter surveys showed a high degree of variability based on the number of birds counted per four transects (Figure 5). Species consisted mostly of sparrows, although one time a covey of quail was found in a transect line. Other species noted in the blocks included kinglets, northern mockingbirds, downy woodpeckers, tufted titmice, mourning doves, Eastern phoebes, chickadees, and common snipe.

**Table 5.** Focal species for CURE winter bird surveys.

American Goldfinch	<i>Carduelis tristis</i>
Bachman's Sparrow	<i>Aimophila aestivalis</i>
Brown-headed Nuthatch	<i>Sitta pusilla</i>
Carolina Wren	<i>Thryothorus ludovicianus</i>
Chipping Sparrow	<i>Spizella passerine</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Eastern Bluebird	<i>Sialia sialis</i>
Eastern Meadowlark	<i>Sturnella magna</i>
Eastern Towhee	<i>Pipilo erythrophthalmus</i>
Field Sparrow	<i>Spizella pusilla</i>
Fox Sparrow	<i>Passerella iliaca</i>
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Northern Bobwhite	<i>Colinus virginianus</i>
Northern Cardinal	<i>Cardinalis cardinalis</i>
Northern Harrier	<i>Circus cyaneus</i>
Savannah Sparrow	<i>Passerculus sandwichensis</i>
Song Sparrow	<i>Melospiza melodia</i>
Swamp Sparrow	<i>Melospiza georgiana</i>
White-throated Sparrow	<i>Zonotrichia albicollis</i>
Winter Wren	<i>Troglodytes troglodytes</i>
Yellow-rumped Warbler	<i>Dendroica coronata</i>

**Figure 5.** Wintering bird density at the Ammon Complex based on habitat type.



*Garland Combined Route for Focal Species*

Songbird and quail data was collected on the other project farms (“Garland Route”) by using the NCWRC’s CURE II methodology of only listening for focal species (Table 6) on a time-limited point count. Twenty-one points were set up on farms, and those points were set 500 m apart in a route that could be run by one person in a morning. Bio-security reasons made it necessary to run the Prestage farm counts on different days than the Murphy-Brown operated farms.

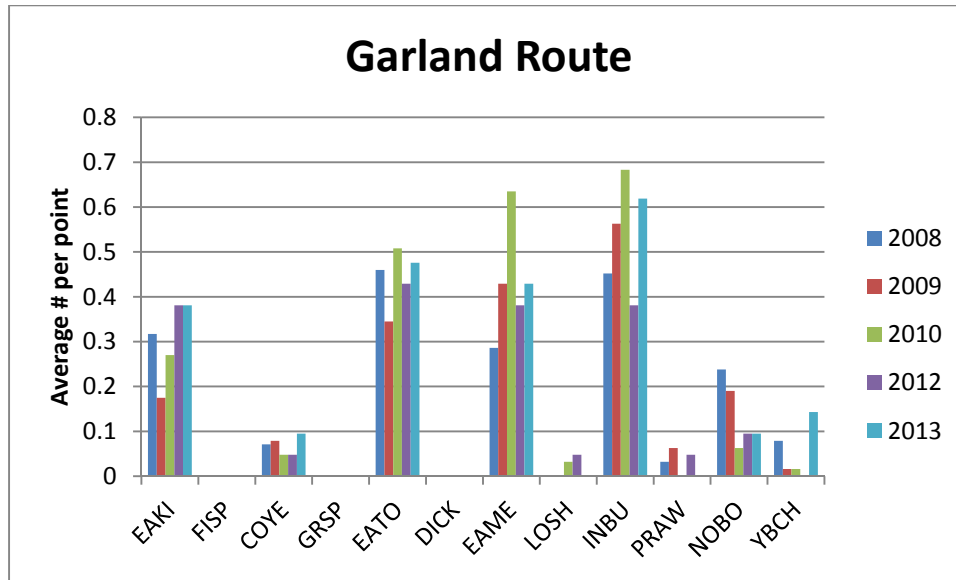
**Table 6.** Focal species that were counted on the Corporate CURE farms.

Northern Bobwhite	Field Sparrow	Common Yellowthroat	Eastern Kingbird	Loggerhead Shrike	Prairie Warbler
Indigo Bunting	Eastern Meadowlark	Grasshopper Sparrow	Eastern Towhee	Yellow-breasted Chat	Dickcissel

Currently, there is not enough data in this dataset for statistical analysis. Most of the habitat work on these farms was not completed until late in 2009. Counts were not conducted on this route in 2011 due habitat work being newly implemented on new farms. Only one route was ran in June 2012, so data may not show the true bird numbers due to different peak calling rates among species (Figure 6). Normally, the route is run three times to help account for weather and different calling rates. Loggerhead shrikes were noted on two different farms during counts in 2010 and on a farm in 2012. They have been seen on several different farms during the winter. Eastern meadowlarks and indigo buntings appear to be increasing while everything else is holding steady or declining (Figure 6). Dickcissels and field and grasshopper sparrows have not been heard or seen on any of the Garland Route farms. Yellow-breasted chats have shown a decline, but eastern towhees have remained the

same. As both are shrub nesters, we would expect their populations to closely track each other, but this is probably a case where the counts are picking up one species but missing the other for a variety of reasons. Northern bobwhites have shown a decline in the dataset, but from discussions with land managers they still hear or see them in the same places. Currently, the habitat could still be improved for the focal species because there are a lot of Bermuda hayfields and pastures on these farms. Much work has been done to control Bermuda grass in the field borders, but much more needs to be done to make the borders weedier and more beneficial to quail and other species.

**Figure 6.** Focal species counted on the Garland Route, 2008 – 2013. Note that no counts were run in 2011, and only one survey was completed since 2012.



## Delway Area Bird Surveys

### Methods

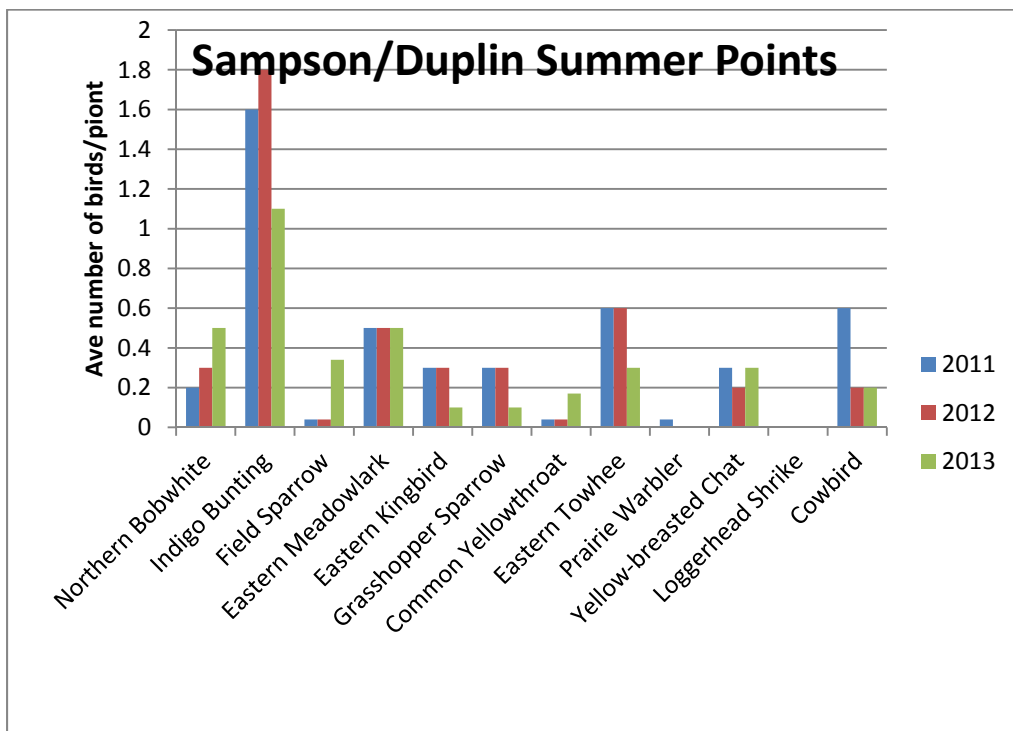
In addition to point counts already surveyed by the Private Lands Program, another 23 stations were established and monitored within early successional habitats in Sampson and Duplin Counties. The mean distance between stations was 886.5 m (SD ± 252.3, Range = 608.5 – 1470.7), and each station was placed a minimum of 200 m from hog pens to reduce the influence that noise emitting from these areas would have on detection probability.

Surveys were performed once per station per breeding season (i.e. summer) in mid-June 2011 through 2014 (2014 data not included here). Summer surveys consisted of five-minute point counts segmented into 0-3 min. and 4-5 min. periods. Distance (<25 m, 25-50 m, 50-100 m, 100-250 m, 250-500 m, and >500 m) and bearing to individual birds listed as priority species in the NC Wildlife Action Plan (NCWAP, NCWRC 2005), as well as brown-headed cowbird (*Molothrus ater*), indigo bunting (*Passerina cyanea*), common yellowthroat (*Geothlypis trichas*), yellow-breasted chat (*Icteria virens*), and eastern towhee (*Pipilo erythrophthalmus*), were recorded in 2011 and 2012. The presence of all other species heard or seen was also noted.

A total of 64 species, including 11 NCWAP priority species, were detected during the entire study: 43 during the 2011 breeding season, 42 during the 2012 breeding season, and 35 species during the

non-breeding season. A mean of 9.5 (SD ± 1.6) species were counted at each station during the breeding season which was significantly greater ( $t = 3.56$ ,  $df = 20$ ,  $P = 0.002$ ) than the 6.3 (SD ± 3.2) species encountered during non-breeding season. The most abundant focal species was the indigo bunting with a mean of 1.7 (SD ± 0.1) birds counted per station from 2011-2012 (Figure 7). Studies have shown that this species has high rates of fecundity in agriculturally dominated landscapes in North Carolina (Marcus et al. 2000, Riddle and Moorman 2010). Of the priority species surveyed, the eastern meadowlark (*Sturnella magna*) was the most common with an average of 0.5 birds (SD ± 0.0,  $n = 24$ ) detected per station during each breeding season and 1.3 birds (SD ± 2.4,  $n = 28$ ) per transect during the 2012 non-breeding season. During the non-breeding season, eastern meadowlarks appeared to be using mostly fields that had been recently harvested. This may be an indication that these habitats are preferred during this cycle of its life and may help inform future management.

**Figure 7.** Total number of focal species detected on Corporate CURE farms in Sampson and Duplin Counties, 2011-2013.



### Useable Quail Habitat Surveys

A critical determinant of quail population health is the amount of useable habitat in the landscape (Guthery 1997). In order to track the impacts of CURE and other land management actions on the quantity of quail habitat, we established a methodology to track useable habitat within each CURE area. Useable habitat was defined as any area with sufficient cover for quail to carry out life functions (breed, forage, roost, etc.).

“Suitable habitat” is based on quantitative vegetation measurements while “useable habitat” is a qualitative, eyeball assessment. To capture landscape habitat changes, quantitative measurements

of all stands were not feasible. Surveys like these were potentially subject to observer bias. Assessments were made by biologists with the aid of ArcMap (Environmental Systems Research Institute) and personal experience. Most sites retained the same observers to standardize assessments of “usability” thru time.

Useable habitat determinations were made at the scale of the stand (i.e., a contiguous and distinct field, forest stand, or field border called a “management unit”). At least 50% of the management unit must have consisted of useable habitat for the entire unit to be designated as “useable”. To track habitat availability during both the breeding and non-breeding season, we classified useable habitat as breeding season only, non-breeding season only, or most-of-year (containing useable habitat for a sufficient portion of both the breeding and non-breeding seasons). The breeding season is defined as May through September, and the non-breeding season is defined as October through April.

A stand was classified as useable for “non-breeding only” if it was available in five of the seven months of the non-breeding season and was available for less than two months of the breeding period (e.g., regenerating woodland with thick woody cover but no herbaceous cover). A stand was useable for “breeding only” if it was useable in at least two of the five months of the breeding period and was not useable for more than two months of the non-breeding period (e.g., crop fields and seasonally flooded impoundments). “Most of the year” habitat was habitat available to quail during both breeding and non-breeding seasons meeting the criteria for each above (e.g. fallow areas, open canopy woodlands). “Not useable” habitat was all areas without suitable cover for quail (e.g., closed canopy woodlands and residential areas).

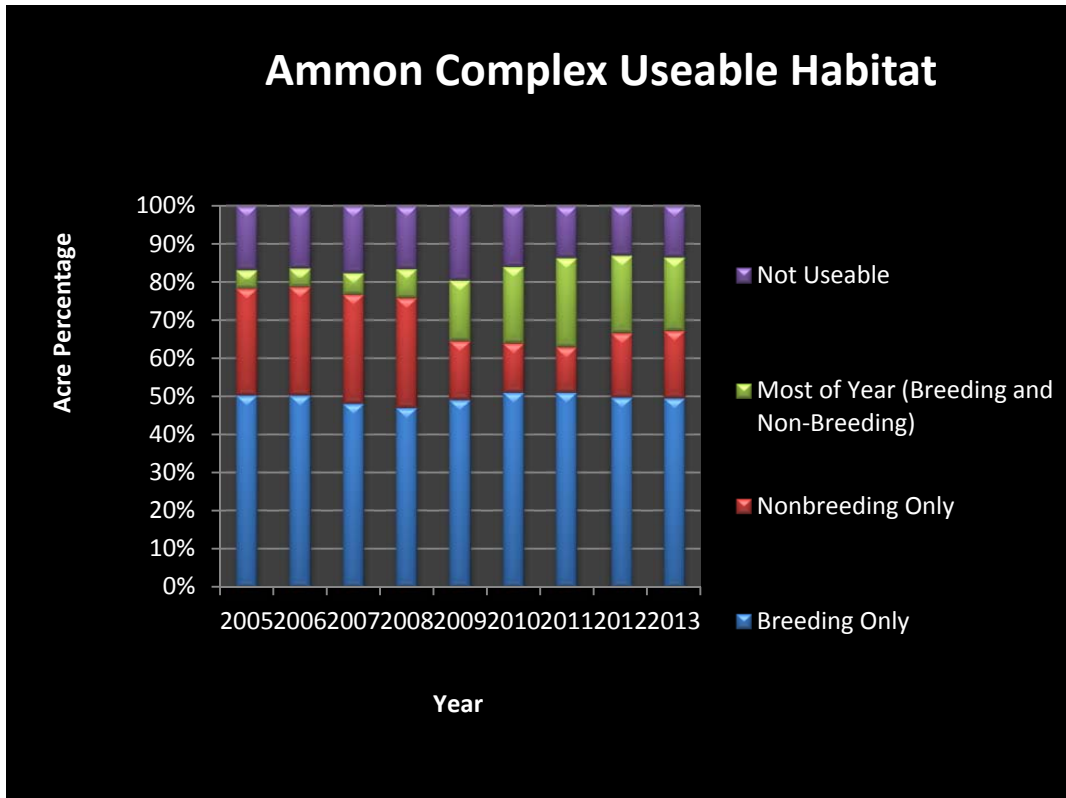
The Ammon Complex consists of a little over 4,000 acres under various management regimes. Stands are dominated by agricultural row crop fields with some surrounding pine forests, pocosins, and pastureland. Murphy Brown CURE goals included the conversion of 250 acres of crop fields to field borders, primarily to improve water quality while concurrently enhancing early-successional habitat conditions. This site started with the highest baseline useable habitat of all the CURE areas, with over half the landscape useable in the breeding season and a third of the landscape useable in the non-breeding season. In 2009 there was an increase of 266 acres of breeding habitat and a decrease of 307 acres of non-breeding habitat. In 2010 breeding habitat increased by 459 acres over 2005 levels, and non-breeding decreased by 105 acres (Figure 8). This is due to some of the timber stand improvements and the additional field borders. The timber stand improvements should increase the Most of Year habitat for the next several years. Prescribed fires in the woodlands will allow fluctuations in the useable habitat as well. The percentages of useable habitat for the Ammon Complex can be seen in Figure 8. Most of Year habitat has increased from 4% in 2005 to 20% in 2012. Overall there have been modest changes in the total amount of useable habitat on the Ammon Complex.

Suitable quail habitats on the other farms in the project area are often limited by Bermuda grass hay and pasture fields and timber stands that need improved. Waste management plans from each farm also sometimes could not be changed, so a happy medium was found to install as much early successional habitats as possible. Instead of individual graphs for the other farms involved in the project (minus the Ammon Complex), their useable habitat data was combined into one graph (Figure 9) for the Garland area farms. Another graph was created for the farms that entered the program in 2011, which were all between Delway and Magnolia, NC (New Farms, Figure 10).

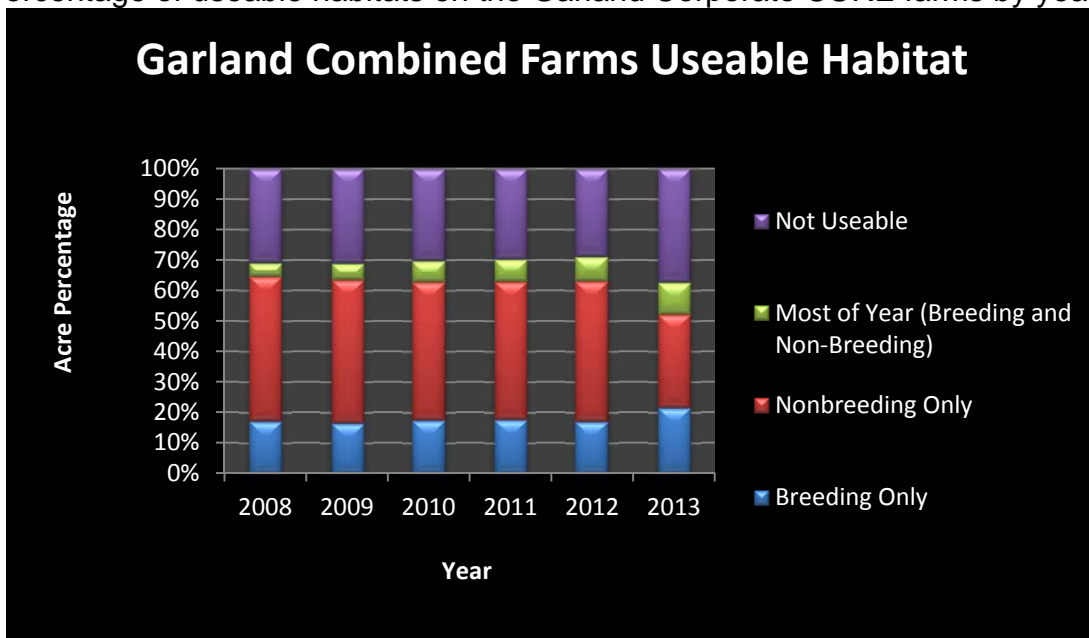
All of the farms could benefit from timber stand improvements. This would help increase the Most of Year habitat and reduce the Nonbreeding Only. Timber management would not only help quail but

would benefit deer, turkey, and a host of other species by improving the groundcover in the woodlands.

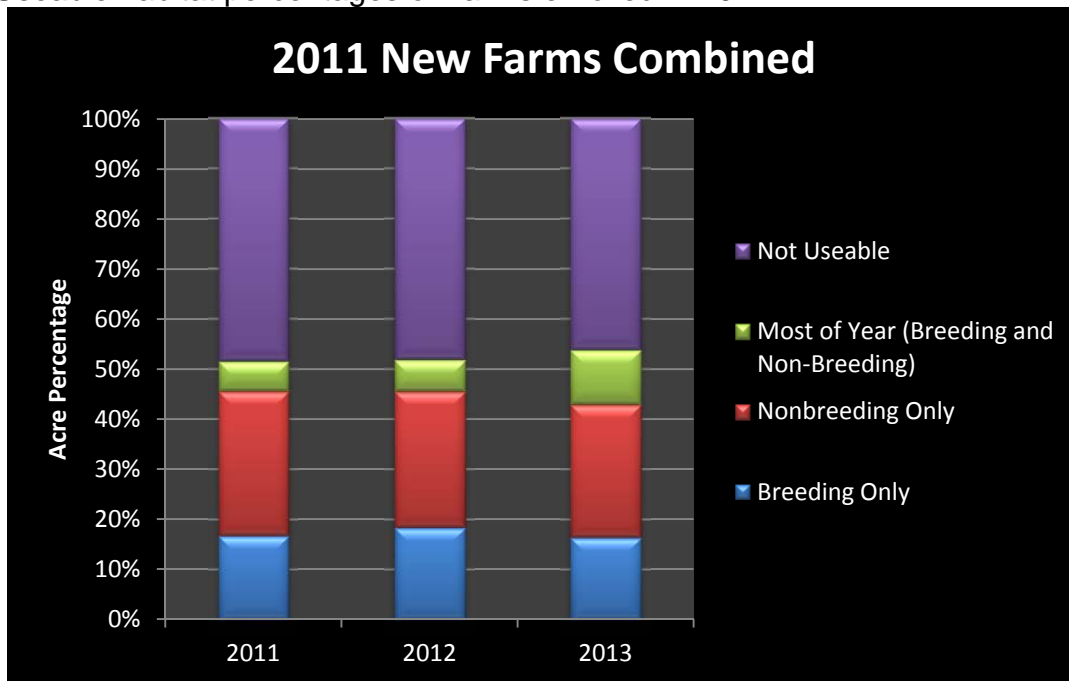
**Figure 8.** Percentage of useable habitat for the Ammon Complex, 2005 – 2013. Notable changes in 2009 and 2010 were due to timber stand improvements



**Figure 9.** Percentage of useable habitats on the Garland Corporate CURE farms by year.



**Figure 10.** Useable habitat percentages on farms enrolled in 2011.



### *Corporate CURE Wildlife Surveys Summary*

Wildlife surveys were initiated in 2003 on the Murphy-Brown Ammon Complex and provide excellent baseline data because most of the acreage removed from production wasn't completed until January 2007. New farms added in the 2007 grant cycle had surveys initiated in the summer of 2008, and most of their habitat work was completed in 2009. New Farms enrolled in the 2010 grant cycle had most of their work done in the summer of 2011, and surveys were initiated in June of that year.

Only 10% of the total landscape on the project farms is influenced by CURE practices, and most of this is at the Ammon Complex. The quail population on the Ammon Complex is thriving but doesn't appear to be increasing over 2003 - 2005 levels. Reasons for this may include different observers, weather, predation, or quail could be at carrying capacity. Currently, it does look like the winter songbirds at the Ammon Complex are responding positively to the CURE practices. Spring songbirds in the grass and shrub groups have been recorded at a much higher rate than in BBS routes. Quail and focal species numbers on the other farms are low but should increase as the native grass plots become established, Bermuda grass gets converted, and the timber stands are improved.



## **USDA Farm Bill Technical Assistance**

### **Coast**

The Coastal TAB position was vacated in May 2010. Other Private Lands biologists continue to provide advice to NRCS when opportunities arise. Two Biologists work within the Southeastern Focal Area providing Farm Bill related advice as appropriate (see previous section).

### **Piedmont**

The Piedmont TAB has provided both general technical assistance and specific guidance for NRCS programs for thousands of acres of habitat during fiscal years July 1, 2012 – June 30, 2014. A total of 37 habitat management plans were developed for landowners totaling 6,942 acres (Table 7). The TAB assisted landowners with planning, site preparation, and planting of 100 acres of NWSG and forb mixtures.

The Piedmont TAB was involved with strategic planning activities to shape conservation in the Piedmont involving both NRCS and non-NRCS programs. In 2012-2014, he served on the Land Trust for Central North Carolina Stewardship Committee which makes recommendations for almost 4,000 acres owned by the land trust. The TAB has continued to be active in the Greater Uwharrie Conservation Partnership (GUCP) focusing most of his time on the GUCP Stewardship Committee. The Piedmont TAB was involved in shaping Farm Bill program implementation across the state by fostering relationships with landowners, NRCS staff, and partnering professionals. He is heavily involved in developing the practices and implementation procedures for the “EQIP forestry” program and NRCS’s “Longleaf Initiative”. The TAB is very active in the Wildlife and Forestry subcommittee of the NRCS State Technical Committee and serves as the chair of the NRCS Area 2 Forestry Taskforce. This Taskforce includes representatives from 5 partnering agencies and identifies forest management concerns and develops the local EQIP ranking question to address these concerns within the 32 counties making up NRCS Area 2 (approximate to NCWRC Piedmont Region). The TAB attended local working group meetings for 6 counties and coordinated other NCWRC staff to have as much NCWRC presence as possible at local working group meetings in the Piedmont.

The Piedmont TAB assisted with several outreach events. A significant amount of time was expended by the Piedmont TAB to adapt the NRCS CRP Readiness Initiative to fit Loblolly Pine CRP management in the Southeastern US. This training was presented to 13 natural resources professionals in North Carolina. He and other conservation partners provided two workshops on the establishment and management of native warm season grass for forage production. These workshops targeted both landowners and resource staff. The 2013 workshop was held in Rowan County with 95 participants, the 2014 workshop was held in Orange County with 107 in attendance. The TAB was involved in 41 presentations about habitat management during this time period.

Table 7. Farm Bill habitat work performed by NCWRC staff in the Piedmont from 2012-2014.

REGION	Habitat Plans Written (number)	Habitat Planned (acres)	Site Visits	Program Development Meetings (number)	Presentation at Outreach or Tech. Training Event (number)
Coast*	N/A	N/A	N/A	N/A	N/A
Piedmont	37	6,942	264	47	41
Mountain	0	0	0	0	0
Total	0	0	0	0	0



**Figure 11. Private Landowners as well as staff from NC Cooperative Extension, the Natural Resources Conservation Service, and Soil and Water Districts were in attendance at a 2014 native grass workshop held in Orange County. While standing in a pasture of big bluestem and indian grass, participants listened to the Piedmont TAB explain native grass establishment with a Truax no-till drill. During the 2012-2014 period, over 200 participants attended NWSG workshops coordinated by the Piedmont Technical Assistance Biologist.**

## Mountains

The Mountain Technical Assistance Biologist (TAB) provided assistance through the Natural Resources Conservation Service (NRCS) programs for over a thousand acres of habitat during fiscal years July 1, 2012 - June 30, 2014. A total of 65 habitat management plans were developed for NRCS, Soil and Water Conservation District (SWCD), and Wildlife Conservation Land Agreement (WCLA) projects covering 1495.6 acres (Table 8). The Mountain TAB assisted landowners with technical guidance, planting and site preparation for Native Warm Season Grasses (NWSG) and forb mixes, pollinator mixes for native bees, improving habitat for Golden-winged warbler (GWWA, Figure 12), implementing habitat for bobwhite quail and other early successional wildlife, and forage planting for cattle producers.

The Mountain TAB was involved with planning activities to improve conservation in Area 1 (approximate to NCWRC Mountain Region) involving NRCS programs. He worked with NRCS District Conservationists, North Carolina State Extension, and North Carolina State Forest Service personnel in counties developing conservation plans for the NRCS Wildlife Habitat Incentive Program (WHIP), Environmental Quality Incentive Program (EQIP), and the Working Lands for Wildlife (WLFW) program. WLFW focuses on the golden-winged warbler (GWW) in North Carolina. GWW is a species of special concern (SC) covering most of the 30 counties in Area 1. Additionally, the Mountain TAB has met with the Land Trust of the Little Tennessee River in Macon and Jackson Counties, the Foothills Conservancy in McDowell and Rutherford County, the Southern Appalachian Highlands Conservancy (SAHC) in Buncombe County, and assisted NRCS personnel and other landowners in submitting individual projects and developing conservation plans.

## Outreach

Numerous outreach events were attended by the Mountain TAB including the Soil and Water Conservation Districts Area 1 Envirothon and the North Carolina Cattlemen's Convention. The Mountain TAB also assisted the Area 1 Soil and Water Conservation District with conservation field days for fourth and fifth graders held in Haywood, Buncombe, Clay, Macon, and Madison Counties covering wildlife and their habitat needs. Also, he assisted with a youth day held on the Bickley farm in Iredell County. Furthermore, he has been attending the North Carolina Christmas Trees Association (NCCTA) meeting to share ideas to improve Christmas Tree farms for early successional species like the golden-winged warbler. These farms cover an estimated 50,000 acres in the Mountain Region.

Table 8. Farm Bill habitat work performed by NCWRC staff in the Mountains from 2012-2014.

Habitat Plans Written (number)	Habitat Planned (acres)	Site Visits to Develop New Plans (number)	Sites Visits to Assist Practice Implementation (number)	Site Visits to Evaluate Practices, Plan Progress, Effects (number)	Program Development Meetings (number)	Presentation at Outreach or Tech. Training Event (number)
65	1495.6	152	45	28	49	38

Figure 12. The photos below show the golden-winged warbler, a special concern (SC) species, along with the early successional habitat they require for nesting. Based on surveys, over 90% of the birds in North Carolina are found over 3,000 ft. in elevation.



## **Wildlife Conservation Land Program**

The Wildlife Conservation Land Program continues to generate interest from a diverse group of private landowners. Staff with the Private Lands Program and the Wildlife Diversity Program developed Wildlife Habitat Conservation Agreements with 52 landowners in 18 different counties during the 2012 and 2013 tax years (Table 9). Numerous inquiries from landowners interested in the program are received annually, and a significant number of these do not qualify for the program. The most common reasons for not qualifying for the program are not meeting the requirement of having 20 contiguous acres of qualifying habitat or failure to own the property for 5 years.

Rock Outcrop conservation led the enrolled habitat category during this time period with 711 acres enrolled. Stream and Riparian Zone habitat encompassed 260 acres, and small wetlands (173) and early successional (132) represented the remaining qualifying habitats. Protection of timber rattlesnakes (90), yellow bellied sapsuckers (231), and the southern zig zag salamanders (19) was also accomplished during the 2012 & 2013 tax years.

Multiple qualifying habitats occurred on the qualifying acres within many of the agreements. For example, many rock outcrops and their associated buffers also overlapped with qualifying stream and riparian zone habitat, small wetland habitat, and early successional habitat. Therefore, the actual amounts of qualifying habitats conserved are greater than the numbers presented.

In the fall of 2011, WRC instituted a more detailed tracking mechanism that will enable more specific accounting of costs for WCLP implementation. In the tax year 2012, WRC staff recorded 1,216 hours at a cost of \$33,147 in technical guidance and plan development activities for private landowners associated with the WCLP. In the tax year 2013, staff recorded 756.5 hours at a cost of \$21,453 in technical guidance and plan development activities for private landowners associated with the WCLP.

The program continues to be well received by private landowners, and the opportunity to conserve priority habitats remains high. The long-term effects of allowing landowners to retain their property, manage for priority habitats, and ultimately work with NCWRC staff to improve habitat over time are substantial. Administrative and legal questions continue to present themselves as new counties, landowners, and other entities become involved in the program. NCWRC has continued to work with County Tax Assessors, the NC Department of Revenue, and private landowners to ensure the program is administered and applied within the context of the law as written and with the obvious intent of protecting/conserving priority wildlife species and habitats.

A more detailed report outlining agreements signed for the 2011 tax year by county, qualification type, total acres, and additional information is available from the Private Lands Coordinator.

Table 9. Wildlife Habitat Conservation Agreements for tax years 2012 and 2013

<b>County</b>	<b>Number of Landowners</b>	<b>Qualifying Acres</b>
Buncombe	7	191.74
Cabarrus	1	31.91
Cleveland	2	125.13
Franklin	1	33
Guilford	4	122
Iredell	1	31.6
Madison	3	81.2
Mecklenburg	2	49.06
Mitchell	2	35.82
Montgomery	2	100
Orange	2	31.2
Polk	2	35.15
Randolph	5	104.4
Rutherford	6	199.2
Transylvania	5	320.17
Union	1	27.9
Wake	1	34.6
Wilkes	5	62.1
<b>Grand Total</b>	<b>52</b>	<b>1616.18</b>

## Regional Special Projects on Private Lands

### Western Piedmont

The CURE program continues to adapt, and interest in native warm season grass (NWSG) remains strong. While direct benefits to wildlife may be marginal, we feel “production” NWSG is superior to fescue and remains the best large-scale hope for many early successional species in the western Piedmont.

During the past 8 years, we have been providing technical assistance to landowners willing to plant NWSG such as switchgrass, big bluestem, and eastern gamagrass for livestock forage and wildlife habitat enhancement. Prior to this, during the first 3 years of the program, we converted 35 fields totaling 316 acres on 19 farms. These farms were enrolled in the CURE program, and cost share money was made available at \$180/acre.

#### *The Good News*

In the last two years, 5 new landowners and 1 repeat landowner asked for assistance with planting 32.8 additional acres of NWSG, and these landowners paid for the conversions themselves. This was accomplished despite having our primary Technical Assistance Biologist position in the Western Piedmont vacant for more than 1 year. Interest remains high, and with the position being recently filled, we anticipate that we will be able to work with many landowners. One of the goals of CURE was to popularize the use of NWSG as forage for livestock. By planting a few fields in key locations, the interest for these previously unknown grasses has grown. The public has had a chance to watch these fields grow for several years, from the initial conversion, all the way to harvest. Many are excited by what they see and therefore better able to understand how these forages could have a positive impact for their farm. Most landowners are willing to plant native grasses simply because they produce excellent forage and are more drought-tolerant compared to traditional grasses such as fescue.

#### *Some Challenges to Overcome*

Wildlife habitat has been impacted positively due to conversions from traditional fescue to NWSG. Staff and landowner observations as well, as formal surveys, have shown some positive trends for wildlife. Year-to-year fluctuations in how the landowner chooses to utilize their production hayfields dictates the quality of habitat that is provided for wildlife during the spring and summer. In some cases, this has been to the detriment of wildlife while at other times it has been to the benefit of wildlife. The primary reason for this has been the timing of haymaking. Often, for a variety of reasons, the fields are mowed much later than traditional forages while at other times mowing has occurred at the same early date that traditional forages are cut. There seems to be no way of telling on a given year which will happen, but at least in some years, the cover is retained well into the nesting season.

Other factors such as forage type, seeding rate, juxtaposition to other suitable habitats, field age, field size, and the amount of winter cover retained have all affected the overall impacts these conversions have had for wildlife. Unfortunately, not all of the landowners have been willing to utilize these

grasses in ways that would be most beneficial for wildlife. For example, most fields are being used for hay production when grazing would be our preferred method for harvest. In some cases, winter cover has not been retained at suitable heights because of concerns for the quality of the next year's harvest due to unwanted thatch. Heavy amounts of winter cover also impact landowner willingness to burn in the early spring due to concerns over the size of the fire and the potential negative impacts of large fires. Many are very frightened of fire, and wildlife species are not getting the benefits that additional winter cover could provide. However, we have made substantial progress in assisting several landowners in using prescribed fire to manage their NWSG. We are able to loan them burning equipment (drip torches and fire rakes) as well as provide advice on how to safely and effectively burn. Education will be a large part of the solution to the problem of merging the needs of the landowner and wildlife.

### *The Big Picture*

We feel that production NWSG may be the key to having a positive impact on early successional habitat in the western piedmont. There are few landowners willing to convert large fields to function solely as wildlife habitat without cost-share programs. Landowners need to be able to make money from each acre of their open land. Therefore, in order to convert enough acres to suitable habitat, it must be done through production-oriented fields. Many farms have a few small patches that provide suitable early successional habitat. However, to make a difference on a landscape scale, we must continue to find suitable production-oriented options that satisfy the needs of the farmer and wildlife. Hopefully, NWSG conversion costs will remain cost-competitive with other forage types so landowners will continue to use NWSG as a viable option for the benefit of their farms and wildlife.

### **Upper Coastal Plain – Benthall**

CURE Phase II was designed to work concurrently with the U.S. Department of Agriculture's (USDA) Conservation Reserve Program (CRP, practice CP-33) and the Conservation Security Program (CSP). Therefore, the U.S. Department of Agriculture paid part of the costs of the program for field borders and habitat areas. On May 1, 2008, the CP-38e (State Acres for Wildlife Enhancement - SAFE) program began in the Northern Coastal Plain. The program allows landowners to remove whole fields from production and establish early-successional habitat. Because CURE Phase II worked concurrently with these federal programs, contract obligations still exist with the landowners. Some acreage was destroyed and reverted back to agricultural production. However, some acreage was required to remain intact due to the federal CSP contracts. Therefore, due to the contract requirements, rental payments (\$25/acre) will continue until as late as August 30, 2016 in CURE Phase III (Table 10). We will continue to provide technical guidance as needed.



Table 10. Annual summary of Benthall Area CURE landowner payments July 1 2012, - June 30, 2014.

Landowner(s)	Total Acreage	Acres Managed Under CURE	Acres Rented Beginning of Phase II	Acres Currently Rented	Expiration of Contract
Bennett Brothers	1062	84.6	64.45	13.14	09/30/14
Dr. Charles Cooke	346	89.8	20.45	20.45	09/30/16
Charles Grantham	909	52.5	52.49	10.79	09/30/14
Holly Oak Swamp	275	37.6	38.76	31.80	09/30/15
Florence Powell	317	23.3	16.43	16.43	09/30/16
Elizabeth Shoulars	575	12.4	12.46	8.51	04/01/16
Vincent Wyche	1390	72.0	73.80	9.61	09/30/14

Various management practices have been employed to increase and improve early-successional habitats, but the primary practice has been the establishment of field borders on crop fields. Approximately one-half of field border and habitat area acreage was disked each spring. Tree seedling encroachment in the field borders and habitat areas was a problem throughout CURE Phase I because of the 3-year disking rotation. CURE II specified a 2-year rotation which reduced the seedling competition. The timing of disking also was altered to allow habitat to be useable throughout the winter. Disking regimes shifted from a fall disking to disking in March. Planting of field borders with wheat was discontinued during CURE II. Other practices included prescribed burning of timber stands and controlling hardwoods in field borders through selective herbicide application.

Approximately 65% of the habitat remains intact on Benthall. The landowners' strong land ethic and commitment to the CURE program and contracted CRP acreages should ensure that a large portion of the habitat will remain for the near future. Habitat loss could reach 30% in FY 2014-2015 due to expiring contracts and high commodity prices. Observations from landowners still continue to indicate that the quail population on the Benthall CURE area is increasing as a result of our management. Landowners continue to burn field borders and timber stands and rotationally disk remaining habitat areas. No new projects were undertaken during 2013-2014.

### Lower Coastal Plain – Rowland

Presently the Rowland CURE Cooperative, located in southern Robeson County, consists of 6 landowners who together farm 2,721.02 acres. At the conclusion of the formal CURE program, these landowners enrolled their field borders into the USDA's CRP practice CP-33 and receive an additional incentive payment of \$25.00 per acre from the NCWRC. The contract for the CP-33 program and the subsequent incentive payment is due to expire spring of 2017 (Table 11).

Several of the landowners continue to manage their lands for the benefit of early successional wildlife (beyond managing field borders) by conducting biannual prescribed burning of suitable timber stands. Prior to the NCWRC becoming involved and creating the Rowland Cooperative, there was little to no

prescribed burning in the local community although many discussed the historical burning regimes that had occurred in the past and associated positive anecdotal information on wildlife species such as bobwhite quail. With the assistance and support of the NCWRC, prescribed burning has once again become an important tool for managing timber land and enhancing wildlife on the Cooperative. The Rowland Cooperative continues to maintain an interest in managing early successional habitat in an intensively farmed community.

Table 11. Rowland Cooperative landowners and associated information \*

Landowner	Total Acreage	Acres Enrolled CP-33	CP-33 Incentive Payment
James Adams	716	8.2	\$205.00
Mary M. Lee	105	10.5	\$262.50
Doris Moore	257	25.74	\$643.50
Pate Brothers	750	27.8	\$695.00
George A. Pate	374	9.4	\$235.00
Alton A. Price	716.85	17.2	\$430.00
Total	2918.9	98.84	\$2,470.50

\* All CP-33 contracts scheduled to expire April 2017.

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# EXHIBIT E-1

January 29, 2015

## Cervid Rules Summary of Comments

Proposal	Proposed Text	Position Count	Comment Types
C1	Allow licensees to sell antlers, antler velvet and hides from cervids held in captivity.	0 :Agree 10 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
C2	Discontinue the mandatory weekly fencing inspection log.	0 :Agree 10 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
C3	Remove requirement that fences have to be dog-proof to a height of six feet.	1 :Agree 9 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
C4	Allow the use of herd planning for CWD-exposed herds. Currently, forfeiture of CWD-exposed animals is mandatory. A herd plan is a written management agreement developed by the USDA, the licensee, the Commission, the N.C. Department of Agriculture and Consumer Services and other affected parties that sets out steps to control the spread of CWD from a CWD-positive herd, to control the risk of CWD in a CWD-exposed or CWD-suspect herd, or to prevent introduction of CWD into that herd or any other herd. In general, a herd plan requires specific animal identification, regular examinations of the animals in the herd by a vet, reporting clinical signs of CWD, and specific record maintenance. Herd plans may also require de-population or quarantine of the animals.	1 :Agree 10 :Disagree	3 :Online 7 :Comment Card 1 :Letter/Email
C5	Require each licensee to maintain a current complete herd inventory including for each animal: all identification (tags, tattoos, electronic implants, etc.); age; species; sex; the date of acquisition and source of each animal that was not born into the herd (owner name, city, state); the date of removal and destination of any animal removed from the herd (owner name, city, state).	2 :Agree 8 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
C6	Automatically enroll licensees into the herd certification program. Currently the enrollment is voluntary. Herd status to be determined after enrollment.	2 :Agree 8 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
C7	Change the requirements for loss of herd certification status. Under the proposed changes, a licensee can have their herd's status reduced or revoked if: the herd is designated as CWD-positive or CWD-exposed. Herd status can be suspended if a herd becomes designated as CWD-suspect, a trace-back herd, or a trace-forward herd. Herd status can be reduced if a herd is found to have comingled with an animal from a herd with a lower program status.	0 :Agree 10 :Disagree	2 :Online 7 :Comment Card 1 :Letter/Email
O1	Other 1	13 :Option 1	1 :Online 11 :Comment Card 1 :Letter/Email
O2	Other 2	0 :Option 2	0 :Online 0 :Comment Card 0 :Letter/Email
O3	Other 3	0 :Option 3	0 :Online 0 :Comment Card 0 :Letter/Email
O4	Other 4	0 :Option 4	0 :Online 0 :Comment Card 0 :Letter/Email
O5	Other 5	0 :Option 5	0 :Online 0 :Comment Card 0 :Letter/Email
O	Propose a Regulation (Captive cervids)		0 :Online 0 :Comment Card 0 :Letter/Email

# EXHIBIT E-2

January 29, 2015



## Temporary Rule-making for Captive Cervid Facilities

As amended, the rules regulating the holding of cervids in captivity, 15A NCAC 10H .0301; captive cervid herd certification, 15A NCAC 10H .0304; and minimum standards for facilities, 15A NCAC 10H .0302, would align state requirements with the federal standards set forth in the USDA Program Standards for Herd Certification.

As amended, the rule regulating sale of wildlife, 15A NCAC 10B .0118, would allow for the sale of antlers, antler velvet and hides from cervids held under captivity licenses.

These temporary rules will fulfill the legislative directive in Section 14.26 of S.L. 2014-100.

Staff presents to the Commission the following temporary amendments to 15A NCAC 10H .0301, 15A NCAC 10H .0302, 15A NCAC 10H .0304 and 15A NCAC 10B .0118 for adoption:

### **15A NCAC 10B .0118 SALE OF WILDLIFE**

(a) The carcasses or pelts of bobcats, opossums, and raccoon that have been lawfully taken by any hunting method, upon compliance with applicable fur tagging requirements set forth in 15A NCAC 10B .0400, may be sold to licensed fur dealers. The sale of carcasses or pelts of bobcats, opossums, and raccoon killed accidentally or taken by hunting for control of depredations is permitted under the conditions set forth in 15A NCAC 10B.0106(e)(4) and 15A NCAC 10B .0127.

(b) Except as otherwise provided in Paragraphs (a), (d), (e) and (f) ~~(a), (d), and (e)~~ of this Rule, the sale of game birds and game animals or parts thereof is prohibited, except that processed products other than those made from edible portions may be sold provided that no label or advertisement identifies the product as a game bird, game animal, or part thereof and provided further that the game bird or game animal was lawfully acquired, and the product is not readily identifiable as a game bird or game animal, or part thereof.

(c) The sale of edible portions or products of game birds and game animals is prohibited, except as may be otherwise provided by statute.

(d) The pelt or feathers of deer, elk, fox, pheasant, quail, rabbit, or squirrel (fox and gray) may be bought or sold for the purpose of making fishing flies provided that the source of these animals can be documented as being legally obtained from out of state sources or from lawfully operated commercial breeding facilities. The buying and selling of migratory game birds shall be in accordance with 50 C.F.R 20.91 which is hereby incorporated by reference, including subsequent amendments and editions.

(e) The Executive Director or his designee may issue Trophy Wildlife Sale permits as authorized in G.S. 113-274 for the sale of lawfully taken and possessed individual dead wildlife specimens or their parts that are mounted, stuffed, or otherwise permanently preserved that may be sold under G.S. 113-291.3. A copy of the permit must be retained with the specimen.

(f) Antlers, antler velvet and hides from cervids held under a captivity license as authorized in 15A NCAC 10H .0301 may be sold.

*History Note: Authority G.S. 113-134; 113-273; 113-274; 113-276.2; 113-291.3; 113-337; 50 C.F.R. 20.91; Eff. November 9, 1980; Amended Eff. May 1, 2014; August 1, 2002; April 1, 1991; February 1, 1990.*

## 15A NCAC 10H .0301 GENERAL REQUIREMENTS

### (a) Captivity Permit or License Required

- (1) Requirement. The possession of any species of wild animal that is or once was native to this State or any species of wild bird, native or migratory, that naturally occurs or historically occurred in this State or any member of the family Cervidae is unlawful unless the institution or individual in possession obtains from the North Carolina Wildlife Resources Commission (Commission) a captivity permit or a captivity license as provided by this Rule.
- (2) Injured, Crippled or Orphaned Wildlife. When an individual has taken possession of an injured, crippled, or orphaned wild animal or wild bird, that individual shall contact the Commission within 24 hours of taking possession in order to apply for a captivity permit, provided, however, that under no circumstances shall an individual take possession of an injured, crippled, or orphaned wild turkey, black bear, deer, elk, or any other member of the family Cervidae except as described in Subparagraph (3) of this Paragraph.
- (3) Rehabilitation of white-tailed deer fawns. An individual may apply to the Commission to become a permitted white-tailed deer fawn rehabilitator for the State of North Carolina. Individuals deemed to be qualified according to this Section to rehabilitate injured or orphaned fawns may receive a captivity permit to possess fawns only for such a period of time as may be required for the rehabilitation and release of the fawns to the wild. These captivity permits apply only to wild white-tailed deer fawns and are available only to individuals recognized by the Commission as white-tailed deer fawn rehabilitators.

(b) Captivity Permit. A captivity permit shall be requested by mail, phone, facsimile, or electronic transmission or in person. A captivity permit authorizes possession of the animal or bird only for such period of time as may be required for the rehabilitation and release of the animal or bird to the wild; or to obtain a captivity license as provided by Paragraph (c) of this Rule, if such a license is authorized; or to make a proper disposition of the animal or bird if the application for such license is denied, or when an existing captivity license is not renewed or is terminated. Captivity permits shall not be issued for wild turkey or black bear.

### (c) Captivity License.

- (1) The purpose of captivity license is to provide humane treatment for wild animals or wild birds that are unfit for release, or for possession of cervids, or for educational exhibition. For purposes of this Rule, wild animals are considered "unfit" if they are incapacitated by injury or otherwise; if they are a non-native species that poses a risk to the habitat or to other species in that habitat; or if they have been rendered tame by proximity to humans to the extent that they cannot feed or care for themselves without human assistance. Persons interested in obtaining a captivity license shall contact the Commission for an application.
- (2) Denial of captivity license. Circumstances or purposes for which a captivity license shall not be issued include the following:
  - (A) For the purpose of holding a wild animal or wild bird that was acquired unlawfully.
  - (B) For the purpose of holding the wild animal or wild bird as a pet. For purposes of this Rule, the term "pet" means an animal kept for amusement or companionship. The term shall not be construed to include cervids held in captivity for breeding for sale to another licensed operator.
  - (C) For the purpose of holding wild animals or wild birds for hunting in North Carolina.
  - (D) For the purpose of holding wild turkey or black bear.
  - (E) For the purpose of holding white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus canadensis*) except licenses issued before December 1, 2014 which may be renewed as specified in Subparagraph (6) of this Paragraph.
- (3) Required Facilities. No captivity license shall be issued until the applicant has constructed or acquired a facility for keeping the animal or bird in captivity that complies with the standards set forth in Rule .0302 of this Section and the adequacy of such facility has been verified on inspection by a representative of the Commission.
- (4) Term of License
  - (A) Dependent Wildlife. If the wild animal or wild bird has been permanently rendered incapable of subsisting in the wild, the license authorizing its retention in captivity shall be an annual license terminating on December 31 of the year for which issued.
  - (B) Rehabilitable Wildlife. When the wild animal or wild bird is temporarily incapacitated, and may be rehabilitated for release to the wild, any captivity license that is issued shall be for a period less than one year as rehabilitation may require.

- (C) Concurrent Federal Permit. No State captivity license for an endangered or threatened species or a migratory bird, regardless of the term specified, shall operate to authorize retention thereof for a longer period than is allowed by any concurrent federal permit that may be required for retention of the bird or animal.
- (5) Holders of Captivity License for cervids.
- (A) Records. Each licensee shall maintain herd records as described in 9 CFR 55.23(b)(4) available at [http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr55\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr55_main_02.tpl).
- ~~(A)~~(B) Inspection of records. The licensee shall make all records pertaining to tags, licenses, or permits issued by the Commission available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of Chronic Wasting Disease (CWD) is suspected or confirmed within five miles of the facility or within the facility itself.
- ~~(B)~~(C) Inspection. The licensee shall make all enclosures at each licensed facility and the herd records ~~record book(s) documenting required monitoring of the outer fence of the enclosure(s)~~ available for inspection by the Commission at any time during normal business hours, or at any time an outbreak of CWD is suspected or confirmed within five miles of the facility or within the facility itself.
- ~~(C)~~(D) Fence Monitoring Requirement. The fence surrounding the enclosure shall be structurally sound and maintained in good repair. Any damage to the fence which creates an opportunity for cervid ingress or egress shall be repaired upon discovery. ~~inspected by the licensee or licensee's agent once a week during normal weather conditions to verify its stability and to detect the existence of any conditions or activities that threaten its stability. In the event of severe weather or any other condition that presents potential for damage to the fence, inspection shall occur every three hours until cessation of the threatening condition, except that no inspection is required under circumstances that threaten the safety of the person conducting the inspection.~~
- ~~(D)~~ — A record book shall be maintained to record the time and date of the inspection, the name of the person who performed the inspection, and the condition of the fence at time of inspection. The person who performs the inspection shall enter the date and time of detection and the location of any damage threatening the stability of the fence. If damage has caused the fence to be breachable, the licensee shall enter a description of measures taken to prevent ingress or egress by cervids. Each record book entry shall bear the signature or initials of the licensee attesting to the veracity of the entry. The record book shall be made available to inspection by a representative of the Commission upon request during normal business operating hours.
- ~~(E)~~ — Maintenance. Any opening or passage through the enclosure fence that results from damage shall, within one hour of detection, be sealed or otherwise secured to prevent a cervid from escape. Any damage to the enclosure fence that threatens its stability shall be repaired within one week of detection.
- ~~(F)~~(E) Escape. When a licensee discovers the escape of any cervid from the facility, the licensee or designee shall report within 24 hours the escape to the Commission. ~~by calling 1-800-662-7137.~~ If possible, the escaped cervid shall be recaptured alive. If live recapture is not possible, the licensee shall request a wildlife take permit under G.S. 113-274(b) by contacting the Wildlife Management Division of the Commission at (919) 707-0050 and take the escaped cervid pursuant to the terms of the permit. A recaptured live cervid shall be submitted to the Commission for Chronic Wasting Disease (CWD) testing using a test recognized by the Southeastern Cooperative Wildlife Disease Study unless the executive director determines that the risk of CWD transmission as a result of this escape is negligible based upon:
- (i) amount of time the escaped cervid remained out of the facility;
  - (ii) proximity of the escaped cervid to wild populations;
  - (iii) known susceptibility of the escaped cervid species to CWD; and
  - (iv) nature of the terrain in to which the cervid escaped.
- ~~(G)~~(F) Chronic Wasting Disease ~~(CWD)~~(CWD).
- ~~(i)~~ — ~~Detection.~~ Each licensee shall notify the Commission immediately, but within 24 hours if any cervid within the facility exhibits clinical symptoms of CWD.

and may include symptoms as provided in 9 CFR 81.1 available at [http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr81\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr81_main_02.tpl). Cervids that exhibit clinical symptoms of CWD shall not be transported. Regardless of age, cervids that exhibit clinical symptoms of CWD shall be made available for testing upon death. ~~CWD or if a quarantine is placed on the facility by the State Veterinarian. All captive cervids that exhibit symptoms of CWD shall be tested for CWD.~~

(ii) ~~Cervid death. Licensees shall inform the Commission at (919) 707-0050 during normal business hours and 1-800-662-7137 outside business hours of the death of any cervids 12 months or older within 12 hours of the death. The carcass of any captive cervid that was 12 ~~six~~ months or older at time of death shall be made available for testing, transported and submitted by the licensee or his designee to a North Carolina Department of Agriculture diagnostic lab for CWD evaluation within 48 hours of the cervid's death, or by the end of the next business day, whichever is later. Ear tags distributed by the Commission and subsequently affixed to the cervids as required by this Rule, may not be removed from the cervid's head prior to submitting the head for CWD evaluation.~~

(iii) ~~The Commission shall require testing or forfeiture of cervids from a facility holding cervids in this State should the following circumstances or conditions occur:~~

(I) ~~The facility has transferred a cervid that is received by a facility in which CWD is confirmed within five years of the cervid's transport date and that transferred cervid has tested positive for CWD or the test for CWD was inconclusive or the transferred cervid was no longer available for testing.~~

(II) ~~The facility has received a cervid that originated from a facility in which CWD has been confirmed within five years of the cervid's transport date and that received cervid has tested positive for CWD or the test for CWD was inconclusive or the received cervid was no longer available for testing.~~

(G) Herd Status. The Commission and the N.C. Department of Agriculture and Consumer Sciences shall designate herds as CWD-suspect, CWD-exposed, or CWD-positive as defined in 9 CFR 55.1 as needed. No cervids shall move out from or into herds designated as CWD-suspect, CWD-exposed, or CWD-positive pending an epidemiological investigation. If the investigation determines a herd to be CWD-exposed or CWD-positive, movement shall resume only upon completion of a herd plan. The Commission shall follow herd planning guidelines set forth in the May 2014 edition or subsequent updates of the U.S. Department of Agriculture's Chronic Wasting Disease Program Standards Part B. Movement of cervids out from or into herds designated as CWD-suspect shall only resume after all suspected animals have been tested and no signs of CWD were detected in the submitted samples.

(H) Tagging Required. All cervids within a herd must be tagged with two separate tags as provided by the Commission. Cervids born within a facility must be tagged before 12 months of age. All cervids regardless of age must be tagged before being transported. Effective upon receipt of tags from the Commission, each licensee shall implement the tagging requirement using only the tags provided by the Commission as follows:

(i) ~~All cervids born within a facility shall be tagged by March 1 following the birthing season each year.~~

(ii) ~~All cervids transferred to a facility shall be tagged within five days of the cervid's arrival at the licensee's facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304, or the sending herd is a Certified herd and the receiving herd is a licensed facility. However, no cervids shall be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304.~~

(I) Application for Tags.



- (i) Application for tags for calves and fawns. Application for tags for cervids born within a facility shall be made by the licensee by December 1 following the birthing season of each year. The licensee shall provide the following information, along with a statement and licensee's signature verifying that the information is accurate:
    - (I) applicant name, mailing address, and telephone number;
    - (II) facility name and site address;
    - (III) captivity license number;
    - (IV) species of each cervid; and
    - (V) birth year of each cervid.
  - (ii) Application for tags for cervids that were not born at the facility site shall be made by written request for the appropriate number of tags along with the licensee's application for transportation of the cervid, along with a statement and licensee's signature verifying that the information is accurate. These tag applications shall not be processed unless accompanied by a completed application for transportation. However, no transportation permits shall be issued nor shall cervids be transported from one facility to another unless both sending and receiving herds are certified according to 15A NCAC 10H .0304 , or the sending herd is a Certified Herd and the receiving herd is a licensed facility.
- (J) Placement of Tags.
- (i) A single button ear tag provided by the Commission shall be permanently affixed by the licensee onto either the right or left ear of each cervid, provided that the ear chosen to bear the button tag shall not also bear a bangle tag, so that each ear of the cervid bears only one tag.
  - (ii) A single bangle ear tag provided by the Commission shall be permanently affixed by the licensee onto the right or left ear of each cervid except Muntjac deer, provided that the ear bearing the bangle tag does not also bear the button tag, so that each ear of the cervid bears only one tag. Muntjac deer shall not be tagged with the bangle tag.
  - (iii) Once a tag is affixed in the manner required by this Rule, it shall not be removed.
- ~~(K) Reporting Tags Requirement. For all cervids, except calves and fawns, the licensee shall submit a Cervidae Tagging Report within 30 days of receipt of the tags. Cervidae Tagging Reports for calves and fawns shall be submitted by March 1 following the birthing season each year. A Cervidae Tagging Report shall provide the following information and be accompanied by a statement and licensee's signature verifying that the information is accurate:~~
- ~~(i) licensee name, mailing address, and telephone number;~~
  - ~~(ii) facility name and site address, including the County in which the site is located;~~
  - ~~(iii) captivity license number;~~
  - ~~(iv) species and sex of each cervid;~~
  - ~~(v) tag number(s) for each cervid; and~~
  - ~~(vi) birth year of each cervid.~~
- ~~(L)(K)~~ Replacement of Tags. The Commission shall replace tags that are lost or unusable and shall extend the time within which a licensee shall tag cervids consistent with time required to issue a replacement.
- (i) Lost Tags. The loss of a tag shall be reported to the Commission by the licensee and application shall be made for a replacement upon discovery of the loss. Application for a replacement shall include the information required by Part (c)(5)(F) Part (e)(5)(I) of this Rule along with a statement and applicant's signature verifying that the information is accurate. Lost tags shall be replaced on the animal by the licensee within 30 days of receipt of the replacement tag.
  - (ii) Unusable Tags. Tags that cannot be properly affixed to the ear of a cervid or that cannot be read because of malformation or damage to the tags or obscurement of the tag numbers shall be returned to the Commission along with an application for a replacement tag with a statement and applicant's signature verifying that the information in the application is accurate.

- (6) Renewal of captivity license for cervids. Existing captivity licenses for the possession of cervids at existing facilities shall be renewed as long as the applicant for renewal continues to meet the requirements of this Section for the license. Only licensees with Certified Herds, as defined in 15A NCAC 10H .0304, may request in their renewal applications to expand pen size or the number of pens on the licensed facility to increase the holding capacity of that facility. A licensee whose license has lapsed shall not be eligible to renew his or her license, but may apply for a new license.
- (7) Provision for licensing the possession of cervids in an existing facility. A captivity license shall only be issued to an individual who is 18 years of age or older. If the licensee of an existing facility voluntarily surrenders his or her captivity license, becomes incapacitated or mentally incompetent, or dies, a person who has obtained lawful possession of the facility from the previous licensee or that licensee's estate, may request that the existing captivity license be transferred to him or her to operate the existing facility. Any license transferred under this provision shall be subject to the same terms and conditions imposed on the original licensee at the time of his or her surrender or death and shall be valid only for the purpose of holding the cervids of the existing facility within that existing facility. In addition, any actions pending from complaint, investigation, or other cause shall be continued notwithstanding the termination of the original license.
- (d) Nontransferable. No license or permit or tag issued pursuant to this Rule is transferable, either as to the holder or the site of a holding facility, except as provided in Subparagraph (c)(7) of this Rule.
- (e) Sale, Transfer or Release of Captive Wildlife.
- (1) It is unlawful for any person to transfer or receive any wild animal or wild bird that is being held under a captivity permit issued under Paragraph (b) of this Rule, except that any such animal or bird may be surrendered to an agent of the Commission. This Subparagraph does not apply to persons holding cervids under a captivity permit.
  - (2) It is unlawful for any person holding a captivity license issued under Paragraph (c) of this Rule to sell or transfer the animal or bird held under such license, except that such animal or bird may be surrendered to an agent of the Commission, and any such licensee may sell or transfer the animal or bird (except members of the family Cervidae) to another person who has obtained a license to hold it in captivity. For animals in the family Cervidae, sale or transfer of animals is allowed only between Certified Herds, as defined in 15A NCAC 10H .0304, or from a Certified Herd to a licensed facility, except facilities licensed or permitted on or after Dec. 1, 2014 shall not take possession of white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus canadensis*). Upon such a sale or transfer, the seller or transferor shall obtain a receipt for the animal or bird showing the name, address, and license number of the buyer or transferee, a copy of which shall be provided to the Commission.
  - (3) It is unlawful for any person to release into the wild for any purpose or allow to range free:
    - (A) any species of deer, elk or other members of the family Cervidae, or
    - (B) any wolf, coyote, or other non-indigenous member of the family Canidae, or
    - (C) any member of the family Suidae.
- (f) Transportation Permit.
- (1) Except as otherwise provided herein, no transportation permit is required to move any lawfully held wild animal or wild bird within the State.
  - (2) No person shall transport black bear or Cervidae for any purpose without first obtaining a transportation permit from the Commission.
  - (3) Except as provided in Subparagraph (f)(4) of this Rule, no transportation permits shall be issued for deer, elk, or other species in the family Cervidae except:
    - (A) into and between Certified Herds as defined in 15A NCAC 10H .0304; or
    - (B) from a Certified Herd to a licensed facility, except no transportation permits shall be issued for white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus canadensis*) if the receiving facility was licensed or permitted on or after ~~December Dec-~~ 1, 2014.
  - (4) Cervid Transportation. A permit to transport deer, elk, or other species in the family Cervidae may be issued by the Commission to an applicant for the purpose of transporting the animal or animals for export out of state, to a slaughterhouse for slaughter, from a Certified Herd to another Certified Herd as defined in 15A NCAC 10H .0304, from a Certified Herd to a licensed facility, or to a veterinary medical facility for treatment provided that the animal for which the permit is not under movement restrictions as described in Part (c)(5)(H) of this Rule, is issued does not exhibit

~~clinical symptoms of Chronic Wasting Disease~~, except no transportation permits shall be issued for white-tailed deer (*Odocoileus virginianus*) or elk (*Cervus elaphus* or *Cervus canadensis*) if the receiving facility was licensed or permitted on or after ~~December Dec.~~ 1, 2014. No person shall transport a cervid to slaughter or export out of state without bearing a copy of the transportation permit issued by the Commission authorizing that transportation. No person shall transport a cervid for veterinary treatment without having obtained approval from the Commission as provided by Part (f)(4)(D) of this Rule. Any person transporting a cervid shall present the transportation permit to any law enforcement officer or any representative of the Commission upon request, except that a person transporting a cervid by verbal authorization for veterinary treatment shall provide the name of the person who issued the approval to any law enforcement officer or any representative of the Commission upon request. Transportation permits shall be valid for 30 days.

- (A) Slaughter. Application for a transportation permit for purpose of slaughter shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) applicant name, mailing address, and telephone number;
  - (ii) facility site address;
  - (iii) captivity license number;
  - (iv) name, address, county and phone number of the slaughter house to which the cervid will be transported;
  - (v) vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (vi) name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
  - (vii) date of transportation;
  - (viii) species and sex of each cervid; and
  - (ix) tag number(s) for each cervid.

- (B) Exportation. Only licensees with Certified herds may export cervids as defined in 9 CFR 55.1 out of state. ~~Nothing in this rule shall be construed to prohibit the lawful exportation of a member of the family Cervidae for sale out of state.~~ Application for a transportation permit for purpose of exportation out of state shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) applicant's name, mailing address and telephone number;
  - (ii) facility site address;
  - (iii) captivity license number;
  - (iv) vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) name, site address, county, state and phone number of the destination facility to which the cervid is exported;
  - (vi) a copy of the importation permit from the state of the destination facility that names the destination facility to which the animal is to be exported;
  - (vii) date of departure;
  - (viii) species and sex of each cervid; and
  - (ix) tag number(s) for each cervid.

In addition to the state transportation permit, each cervid as defined in 9 CFR 55.1 exported shall have a federal certificate as described in 9 CFR 81.4 and available at: [http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr81\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr81_main_02.tpl).

- (C) Between herds. Application for a transportation permit for purpose of moving a cervid from one Certified Herd to another Certified Herd, as defined in 15A NCAC 10H .0304, or from a Certified Herd to a licensed facility, shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:
- (i) Applicant's name, mailing address and telephone number;
  - (ii) Facility site address;
  - (iii) Captivity license number;

- (iv) Vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) Name, site address, county, and phone number of the destination facility to which the cervid is moved;
  - (vi) Date of departure;
  - (vii) Species and sex of each cervid; and
  - (viii) Tag number(s) for each cervid.
- (D) Veterinary treatment. No approval shall be issued for transportation of a cervid to a veterinary clinic out of the state of North Carolina, or for transportation from a facility out of the state of North Carolina to a veterinary clinic in North Carolina. An applicant from a North Carolina facility seeking to transport a cervid for veterinary treatment to a facility within North Carolina shall contact the Wildlife Telecommunications Center or the Wildlife Management Division of the Commission to obtain verbal authorization to transport the cervid to a specified veterinary clinic and to return the cervid to the facility. Verbal approval to transport a cervid to a veterinary clinic shall authorize transport only to the specified veterinary clinic and directly back to the facility, and shall not be construed to permit intervening destinations. To obtain verbal authorization to transport, the applicant shall provide staff of the Commission the applicant's name and phone number, applicant's facility name, site address and phone number, the cervid species, sex and tag numbers, and the name, address and phone number of the veterinary facility to which the cervid shall be transported. Within five days of transporting the cervid to the veterinary facility for treatment, the licensee shall provide the following information in writing to the Commission, along with a statement and applicant's signature verifying that the information is correct:
- (i) applicant's name, mailing address and telephone number;
  - (ii) facility name and site address;
  - (iii) captivity license number;
  - (iv) vehicle or trailer license plate number and state of issuance of the vehicle or trailer used to transport the cervid;
  - (v) date of transportation;
  - (vi) species and sex of each cervid;
  - (vii) tag number(s) for each cervid;
  - (viii) name, address and phone number of the veterinarian and clinic that treated the cervid;
  - (ix) symptoms for which cervid received treatment; and
  - (x) diagnosis of veterinarian who treated the cervid.

(g) Slaughter at cervid facility. Application for a permit for purpose of slaughter at the cervid facility shall be submitted in writing to the Commission and shall include the following information along with a statement and applicant's signature verifying that the information is accurate:

- (1) applicant name, mailing address, and telephone number;
- (2) facility site address;
- (3) captivity license number;
- (4) name and location of the North Carolina Department of Agriculture Diagnostic lab where the head of the cervid is to be submitted for CWD testing;
- (5) date of slaughter;
- (6) species and sex of each cervid; and
- (7) tag number(s) for each cervid.

Permits or authorization may not be sold or traded by the licensee to any individual for the hunting or collection of captive cervids. Only the licensee may kill a cervid within the cervid enclosure.

(h) As used in this Rule, Certified Herd means a captive cervid herd certified in North Carolina according to the procedure set forth in rule 10H .0304 of this Section available to North Carolina licensees only.

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; Eff. February 1, 1976; Amended Eff. April 1, 1991; September 1, 1990; June 1, 1990; July 1, 1988; Temporary Amendment Eff. October 8, 2002; May 17, 2002 (this temporary rule replaced the permanent rule approved by RRC on June 21, 2001 to become effective in July 2002); July 1, 2001;*

*Amended Eff. May 1, 2010; May 1, 2008; December 1, 2005; August 1, 2004.*

## 15A NCAC 10H .0302 MINIMUM STANDARDS

(a) Exemptions. Publicly financed zoos, scientific and biological research facilities, and institutions of higher education that were granted an exemption by the Commission from the standards of this Rule prior to December 1, 2005 are exempt from the standards set forth in this Rule for all birds and animals except the black bear so long as the captivity license in effect on that date has not expired or been revoked.

(b) With the exception of those entities named in Paragraph (a) of this Rule who have received exemption from the Commission, all holders of captivity licenses shall comply with the following requirements:

- (1) Deer, Elk and other species of the family Cervidae
  - (A) Enclosure. The enclosure shall be on a well-drained site containing natural or manmade shelter for shade. The minimum size of the enclosure for all cervids except Muntjac deer shall be not less than one-half acre for up to the first three animals and an additional one-fourth acre for each additional animal held provided that no more than 25 percent shall be covered with water. At no time shall the number of cervids in the enclosure exceed the number allowed by the captivity license, except that fawns and calves shall not count towards the total number of cervids in a facility from the time they are born until March 1 of the following year. The enclosure shall be surrounded by a fence of sufficient strength and design to prevent ingress or egress of cervids ~~contain the animal~~ under any circumstances, at least eight feet high, ~~high, and dog-proof to a height of at least six feet.~~ For enclosures exclusively holding Muntjac deer, the minimum pen size shall be 800 square feet for the first three animals and 200 square feet for each additional animal. No exposed barbed wire, nails, or other protrusions that may cause injury to the animal shall be permitted within the enclosure. Captive cervids shall not be contained within or allowed to enter a place of residence.
  - (B) Sanitation and Care. Licensees shall provide an ample supply of clear water and salt at all times. Food shall be placed in the enclosure as needed, but not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. The animal(s) shall be protected against fright or harm from other animals.
- (2) Wild Boars
  - (A) Enclosure. The enclosure shall be on a site containing trees or brush for shade. The minimum size of the enclosure shall be not less than one-half acre for the first three animals and an additional one-fourth acre for each additional animal held. The enclosure shall be surrounded by a fence at least five feet high and of sufficient strength to contain the animals. No exposed barbed wire or protruding nails shall be permitted within the enclosure. A roofed building large enough to provide shelter in both a standing or a lying position for each boar must be provided. This building shall be closed on three sides. A pool of water for wallowing or a sprinkler system shall be provided on days when heat could cause stress to the animal(s).
  - (B) Sanitation and Care. Licensees shall provide an ample supply of clear water at all times. Food shall be placed in the enclosure as needed, but in any case, not less than three times weekly. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (3) Wild Birds
  - (A) Enclosure. The enclosure shall be large enough for the bird or birds to assume all natural postures. The enclosure shall be designed in such a way that the birds cannot injure themselves and are able to maintain a natural plumage. Protection from sun, weather, and predators shall also be provided.
  - (B) Sanitation and Care. The cage shall be kept clean, dry, and free from molded or damp feed. Ample food and clean water shall be available at all times.
- (4) Alligators
  - (A) Enclosure. The enclosure shall be surrounded by a fence of sufficient strength to contain the animals and that shall prevent contact between the observer and alligator. The enclosure shall contain a pool of water large enough for the animal to completely submerge itself. If more than one animal is kept, the pool must be large enough for all animals to be able to submerge themselves at the same time. A land area with both horizontal dimensions at least as long as the animal shall also be provided. In case of more than one animal, the land area shall have both horizontal dimensions at least as long as the longest animals to occupy the land area at the same time without overlap.

- (B) Sanitation and Care. The water area shall be kept clean and food adequate to maintain good health provided. Protection shall be provided at all times from extremes in temperature that could cause stress to the animal.
- (5) Black Bear
- (A) Educational Institutions and Zoos Operated or Established by Governmental Agencies
    - (i) Enclosure. A permanent, stationary metal cage, at least eight feet wide by 12 feet long by six feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor in which a drainable pool one and one-half feet deep and not less than four by five feet has been constructed. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as to prevent contact between the observer and the caged animal. The cage must contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
    - (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed daily. The den shall be flushed and cleaned at least once each week in hot weather. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be placed over the cage to provide additional shade when necessary for the health of the animal. The use of collars, tethers or stakes to restrain the bear is prohibited, except as a temporary safety device.
  - (B) Conditions Simulating Natural Habitat. Black bears held in captivity by other than educational institutions or governmental zoos shall be held without caging under conditions simulating a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility:
    - (i) The method of confinement is by chain link fence, wall, moat, or a combination of such, without the use of chains or tethers.
    - (ii) The area of confinement is at least one acre in extent for one or two bears and an additional one-eighth acre for each additional bear.
    - (iii) Bears are free, under normal conditions, to move throughout such area.
    - (iv) At least one-half of the area of confinement is wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind.
    - (v) The area of confinement contains a pool not less than one and one-half feet deep and not less than four by five feet in size.
    - (vi) Provision is made for a den for each bear to which the bear may retire for rest, shelter from the elements, or respite from public observation.
    - (vii) The area of confinement presents an overall appearance of a natural habitat and affords the bears protection from harassment or annoyance.
    - (viii) Provisions are made for food and water that are adequate to maintain good health and for maintenance of sanitation.
    - (ix) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.
- (6) Cougar
- (A) Educational or scientific research institutions and zoos supported by public funds.
    - (i) Enclosure. A permanent, stationary metal cage, at least nine feet wide by 18 feet long by nine feet high and located in the shade or where shaded during the afternoon hours of summer, is required. The cage shall have a concrete floor. The bars of the cage shall be of iron or steel at least one-fourth inch in diameter, or heavy gauge steel chain link fencing may be used. The gate shall be equipped with a lock or safety catch, and guard rails shall be placed outside the cage so as

- to prevent contact between the observer and the caged animal. The cage shall contain a den at least five feet long by five feet wide by four feet high and so constructed as to be easily cleaned. A "scratch log" shall be placed inside the cage. The cage shall be equipped with a removable food trough. Running water shall be provided for flushing the floor and changing the pool.
- (ii) Sanitation and Care. Food adequate to maintain good health shall be provided daily; and clean, clear drinking water shall be available at all times. The floor of the cage and the food trough shall be flushed with water and the water in the pool changed as necessary to maintain good health of the animal. The den shall be flushed and cleaned at least once each week. An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained. Brush, canvas, or other material shall be readily available to be placed over the cage to provide additional shade when necessary. The use of collars, tethers or stakes to restrain the cougar is prohibited, except as a temporary safety device.
- (B) Cougars held in captivity by other than educational or scientific institutions or publicly supported zoos shall be held without caging under conditions simulating a natural habitat. Applicants for a captivity license to hold cougar shall apply to the Commission on forms provided by the Commission, and shall provide plans that describe how the applicant's facility will comply with the requirement to simulate a natural habitat. All of the following conditions must exist to simulate a natural habitat in a holding facility.
- (i) The method of confinement is by chain link fence, without the use of chains or tethers, provided that:
    - (I) Nine gauge chain link fencing shall be at least 12 feet in height with a four foot fence overhang at a 45 degree angle on the inside of the pen to prevent escape from climbing and jumping.
    - (II) Fence posts and at least six inches of the fence skirt shall be imbedded in a six inch wide by one foot deep concrete footer to prevent escape by digging.
  - (ii) The area of confinement shall be at least one acre for two cougars with an additional one-eighth acre for each additional cougar. If, following a site evaluation, the Commission determines that terrain and topographical features offer sufficient escape, cover and refuge, and meet all other specifications, and that the safety and health of the animal(s) will not be compromised, smaller areas shall be permitted.
  - (iii) Cougars shall be free under normal conditions to move throughout the area of confinement.
  - (iv) At least one-half of the area of confinement shall be wooded with living trees, shrubs and other perennial vegetation capable of providing shelter from sun and wind; and a 20 foot wide strip along the inside of the fence shall be maintained free of trees, shrubs and any other obstructions which could provide a base from which escape through leaping could occur.
  - (v) The area of confinement shall contain a pool not less than one and one-half feet deep and not less than four by five feet in size.
  - (vi) Each cougar shall be provided a den to which the cougar may retire for rest, shelter from the elements, or respite from public observation. Each den shall be four feet wide by four feet high by four feet deep. Each den shall be enclosed entirely within at least an eight feet wide by ten feet deep by 12 feet high security cage. The security cage shall be completely within the confines of the facility, cement-floored, shall have nine gauge fencing on all sides and the top, and shall have a four foot, 45 degree fence overhang around the outside top edge to prevent cougar access to the top of the security cage.
  - (vii) The area of confinement shall protect the cougar from harassment or annoyance.
- (C) Provisions shall be made for maintenance of sanitation and for food and water adequate to maintain good health of the animal(s).
- (D) The applicant shall document that the applicant owns or has a lease of the real property upon which the holding facility is located, provided that if the applicant is a lessee, the lease is for a duration of at least five years from the point of stocking the facility.



- (7) Other Wild Animal Enclosures.
- (A) General Enclosure Requirements.
- (i) The enclosure shall provide protection from free ranging animals and from sun or weather that could cause stress to the animals.
  - (ii) A den area in which the animal can escape from view and large enough for the animal to turn around and lie down shall be provided for each animal within the enclosure.
  - (iii) No tethers or chains shall be used to restrain the animal.
  - (iv) Either a tree limb, exercise device, or shelf large enough to accommodate the animal shall be provided to allow for exercise and climbing.
  - (v) Sanitation and Care. Fresh food shall be provided daily, and clean water shall be available at all times.
  - (vi) An effective program for the control of insects, ectoparasites, disease, and odor shall be established and maintained.
- (B) Single Animal Enclosures for certain animals. The single-animal enclosure for the animals listed in this Subparagraph shall be a cage with the following minimum dimensions and horizontal areas:

Animal	Dimensions in Feet			
	Length	Width	Height	Per Animal
Bobcat, Otter	10	5	5	50
Raccoon, Fox, Woodchuck	8	4	4	32
Opossum, Skunk, Rabbit	6	3	3	18
Squirrel	4	2	2	8

- (C) Single Enclosure Requirements for animals not mentioned elsewhere in this Rule. For animals not listed above or mentioned elsewhere in this Rule, single animal enclosures shall be a cage with one horizontal dimension being at least four times the nose-rump length of the animal and the other horizontal dimension being at least twice the nose-rump length of the animal. The vertical dimensions shall be at least twice the nose-rump length of the animal. Under no circumstances shall a cage be less than four feet by two feet by two feet.
- (D) Multiple Animal Enclosures. The minimum area of horizontal space shall be determined by multiplying the required square footage for a single animal by a factor of 1.5 for one additional animal and the result by the same factor, successively, for each additional animal. The vertical dimension for multiple animal enclosures shall remain the same as for single animal enclosures.
- (E) Young animals. The young of any animal may be kept with the parent in a single-animal enclosure only until weaning. After weaning, if the animals are kept together, the requirements for multiple-animal enclosures apply.

*History Note: Authority G.S. 19A-11; 106-549.97(b); 113-134; 113-272.5, 113-272.6; Eff. February 1, 1976; Amended Eff. December 1, 1990; June 1, 1990; July 1, 1988; November 9, 1980; Temporary Amendment Eff. October 8, 2002; Amended Eff. May 1, 2010; December 1, 2005; August 1, 2004.*

## 15A NCAC 10H .0304 CAPTIVE CERVID HERD CERTIFICATION PROGRAM

~~(a) The Wildlife Resources Commission has established this Captive Cervid Herd Certification Program in order to prevent the introduction of Chronic Wasting Disease (CWD) into North Carolina and reduce the potential for spread of CWD while allowing transportation of cervids from herds in which CWD has not been detected for at least five years, in accordance with the requirements in this Section. Only licensees with Certified Herds as defined in Paragraph (e) of this Rule may request to expand their pen size to accommodate additional cervids, eervids and export cervids outside of North Carolina, and transport cervids within North Carolina for purposes other than those specified in 15A NCAC10H .0301(f)(4). Licensees with Certified Herds may also import cervids from a herd in which CWD has not been detected for at least five years and has been managed using standards equivalent to, or more stringent than, the criteria specified in 15A NCAC 10H .0301 and 15A NCAC 10H .0302. The individual U.S. or Mexican state or territory, Canadian province or other country of origin must have CWD monitoring requirements that are at least as stringent as those described in this Section. The originating individual U.S. or Mexican state's or territory's, Canadian province's or other country's CWD monitoring program must be jointly reviewed by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel before approval of any importation of cervids into North Carolina. There shall be no importation from individual U.S. or Mexican states or territories, Canadian provinces or other countries in which CWD has been detected, either in a wild or captive herd.~~

~~(b) Enrollment qualifications. Only captive cervid herds held under a valid captivity license are eligible for enrollment in the Captive Cervid Herd Certification Program. Licensees shall comply with all captivity license requirements outlined in this Section and the rules and laws regulating possession, transportation and importation of cervids in order to remain in the Captive Cervid Herd Certification Program.~~

~~(c) Enrollment application. Each individual holding a current and valid Captivity License for cervids may apply to be enrolled in the Captive Cervid Herd Certification Program. All applications shall be in writing on a form supplied by the Commission. The Commission shall deny an application if:~~

- ~~(1) the licensee has not complied with all the requirements under the captivity license statutes and all rules pertaining to the holding of cervids in captivity and the transportation or importation of cervids resulting in a failed inspection report for the licensee's most recent inspection; or a pending citation;~~
- ~~(2) the licensee has provided false information; or~~
- ~~(3) CWD has been confirmed in a cervid at the licensee's facility.~~

~~(d)~~(b) Enrollment dates. The enrollment date is:

- (1) the first date upon official inspection, documented by Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel, on which the licensee has complied with all captivity rules and statutes that pertain to cervids, including tagging, provided that the licensee has continued to comply with these regulations; or
- (2) the date on which a waiver was issued by the Wildlife Resources Commission Executive Director under the conditions set forth in 15A NCAC 10A .1101(a) that brought the licensee into compliance assuming that there were no other compliance actions pending, provided that the licensee has continued to comply with the captive cervid regulations.

This date may be retroactive but may extend back no earlier than the date Wildlife Resources Commission and Department of Agriculture and Consumer Services personnel documented that the licensee came into compliance with all captivity rules and statutes related to holding cervids in captivity, including tagging of all cervids.

(c) Herd status shall be as defined in 9 CFR 55.24(a). Loss or suspension of herd status shall be as defined in 9 CFR 55.24 (b) available at [http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr55\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=aa28ca62e1db4d095c8431c3e76fb587&tpl=/ecfrbrowse/Title09/9cfr55_main_02.tpl).

~~(e) Certified herd. When a herd is enrolled in the Captive Cervid Herd Certification Program, it shall be placed in First Year status. If the herd continues to meet the requirements of the Captive Cervid Herd Certification Program, each year on the anniversary of the enrollment date the herd status shall be upgraded by one year. One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the Captive Cervid Herd Certification Program, provided its status is not lost or suspended without reinstatement as described in Paragraph (f).~~

~~(f) Herd status~~

- ~~(1) A Certified Herd or any herd enrolled in the program shall have its status suspended or reduced if:
  - ~~(A) the licensee fails to comply with any of the ongoing requirements for captive cervid licenses as identified in 15A NCAC 10H .0301;~~
  - ~~(B) the licensee violates any other North Carolina law or rule related to captive cervids;~~
  - ~~(C) an animal in the herd exhibits clinical signs of CWD;~~
  - ~~(D) an animal in the herd can be traced back to a herd with an animal exhibiting clinical signs of CWD; or~~~~

- ~~(E) — the herd is quarantined by the State Veterinarian.~~
- ~~(2) — A Certified Herd or any herd enrolled in the program shall lose its status if:~~
  - ~~(A) — an animal in the herd can be traced back to a herd in which CWD has been detected;~~
  - ~~(B) — CWD is detected in an animal in the herd; or~~
  - ~~(C) — the licensee loses his or her license.~~

~~The Wildlife Resources Commission shall review cases of suspended status upon request. A Certified Herd with suspended status may regain its status if the licensee corrects within 30 days the deficiency under which the status was suspended or, in the case of suspected CWD, the disease was not detected in the suspect animal.~~

~~(g)(d)~~ Inspection. If an inspection of the captive cervids is needed as a part of certification, including reinstating a suspended status, the licensee is responsible for assembling, handling and restraining the captive cervids and all costs incurred to present the animals for inspection.

*History Note: Authority G.S. 106-549.97(b); 113-134; 113-272.5; 113-272.6; 113-274; 113-292; Eff. May 1, 2010.*

# EXHIBIT F-1

January 29, 2015

## Coyote and Red Wolves Rules Summary of Comments

Proposal	Proposed Text	Position Count	Comment Types
W1	Prohibit all nighttime hunting of coyotes in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	10 :Agree 40 :Disagree	26 :Online 18 :Comment Card 6 :Letter/Email
W2	Require a coyote hunting permit, in addition to a hunting license, for daytime hunting on private property in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	8 :Agree 37 :Disagree	22 :Online 17 :Comment Card 6 :Letter/Email
W3	Restrict daytime hunting of coyotes on State-owned game lands to special hunts regulated by permit in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	9 :Agree 36 :Disagree	22 :Online 17 :Comment Card 6 :Letter/Email
W4	Require reporting of all coyote harvests in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	9 :Agree 35 :Disagree	21 :Online 17 :Comment Card 6 :Letter/Email
W5	Prohibit coyote competition or contest hunts on public lands in Dare, Washington, Tyrrell, Beaufort and Hyde counties.	10 :Agree 33 :Disagree	20 :Online 17 :Comment Card 6 :Letter/Email
W5a	Issue depredation permits for demonstrable damage, but only Commission personnel would be authorized to issue depredation permits	10 :Agree 20 :Disagree	10 :Online 18 :Comment Card 2 :Letter/Email
W6	List the red wolf as threatened in North Carolina.	12 :Agree 38 :Disagree	25 :Online 18 :Comment Card 7 :Letter/Email
O1	Other 1	26 :Option 1	4 :Online 16 :Comment Card 6 :Letter/Email
O2	Other 2	10 :Option 2	0 :Online 4 :Comment Card 6 :Letter/Email
O3	Other 3	7 :Option 3	0 :Online 1 :Comment Card 6 :Letter/Email
O4	Other 4	7 :Option 4	0 :Online 1 :Comment Card 6 :Letter/Email
O5	Other 5	6 :Option 5	0 :Online 1 :Comment Card 5 :Letter/Email
O	Propose a Regulation (Coyote/Red wolf)		0 :Online 0 :Comment Card 0 :Letter/Email

In addition to the individual comments tallied, and petitions included in Appendices A and B, the Commission received the following letter representing organizations:\*

- 1) Support the temporary amendments to the coyote hunting rule and listing of red wolves as state-threatened  
Southern Environmental Law Center signed by Sierra Weaver, Senior Attorney

*\*complete letter provided electronically*

## **APPENDIX A**

*The following e-mail was sent by 2,381 individuals:*

Dear Commissioners,

I support red wolves and am in favor of the proposed temporary and permanent rules to prohibit coyote hunting in the five-county Red Wolf Recovery Area in northeastern North Carolina. I am also in favor of listing the red wolf as a threatened species in the state.

Please -- do everything in your power to prevent unnecessary wolf deaths and recover this beautiful species across the Southeast.

## APPENDIX B

*The following e-mail was sent by 982 individuals:*

Dear Wildlife Resource Commission,

As a supporter of Defenders of Wildlife, a resident of North Carolina and someone who cares deeply about wolves, I'm writing today urging you to step up red wolf recovery efforts in North Carolina.

Recently, Defenders and its allies were able to secure a preliminary injunction halting nighttime coyote hunting in the designated Red Wolf Recovery Area. However, I am in support of permanently banning nighttime coyote hunting and listing the red wolf under the protection of North Carolina's Endangered Species Act; both of which are necessary to ensure the recovery and survival of red wolves.

The red wolf once ranged throughout the eastern and south central United States. However, intensive predator control programs and the degradation and alteration of the species' habitat had greatly reduced its numbers by the early 20th century. Designated as an endangered species in 1967, the red wolf was declared extinct in the wild in 1980. In 1987, an experimental population of red wolves was reintroduced into eastern North Carolina.

Today, only 90-110 wild red wolves remain in North Carolina - the only place they exist in the wild. Red wolf recovery efforts must not only be maintained, but also expanded if the species is to survive in the wild.

It is vital that you stand behind red wolves by listing them under the state ESA and banning coyote hunting at night. We can't allow these wolves to be exterminated once again from their native lands.

Thank you for your consideration.

# EXHIBIT F-2

January 29, 2015



## Temporary Rule-making for Coyote Hunting, Taking Depredating Coyotes, and Listing Red Wolves

As amended, the rule regulating coyote hunting, 15A NCAC 10B .0219, would prohibit all nighttime hunting of coyotes in the counties of Dare, Tyrrell, Hyde, Beaufort and Washington counties. Daytime hunting would be allowed on private property with a coyote hunting permit. Daytime hunting would be allowed on State-owned game lands with a special hunt permit. Competition or contest hunts on public land would be prohibited. Hunters would have to report all harvests. As amended, the rule regulating taking depredating wildlife, 15A NCAC 10B .0106, would restrict issuance of depredation permits to Commission employees only.

As amended, 15A NCAC 10I .0104, would designate the red wolf (*Canis rufus*) as state-listed threatened. As amended, 15A NCAC 10I .0102 would allow red wolves to be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c).

These temporary rules will fulfill the requirements of a court order, 2:13-cv-00060-BO.

Staff presents the following temporary amendments to 15A NCAC 10B .0219, 15A NCAC 10B .0106, 15A NCAC 10I .0102 and 15A NCAC 10I .0104 for adoption:

### 15A NCAC 10B .0219 COYOTE

(a) This Rule applies to hunting coyotes. In all counties of the State, except those counties specified in Paragraph

(b) of this Rule, the following apply:

- (1) There is no closed season for taking coyotes.
- (2) Coyotes may be taken on private lands anytime during the day or night.
- (3) Coyotes may be taken on public lands without a permit from the hours of one-half hour before sunrise until one-half hour after sunset, and from one-half hour after sunset to one-half hour before sunrise by permit only.

(b) In the counties of Dare, Hyde, Washington, Tyrrell and Beaufort, the following apply: ~~coyote hunting is prohibited.~~

- (1) Coyote hunting on public lands is prohibited, except that coyotes may be taken on State-owned game lands by the holder of a permit for a specific special hunt opportunity for coyotes authorized by G.S 113-264(d). Any special hunt for coyotes pursuant to G.S. 113-264(d) shall only allow hunting from the hours of one-half hour before sunrise until one-half hour after sunset. Contests or competition coyote hunts on public lands are prohibited. If, within a calendar year, two or more red wolves are shot by one or more hunters with a valid special hunt permit for coyotes on State game lands within the five counties identified in this Paragraph, all special hunts for coyotes on State game lands within those five counties shall be suspended for one calendar year.
- (2) There is no closed season for taking coyotes on private lands. Coyotes may be taken on private lands from hours of one-half hour before sunrise until one-half hour after sunset only.
- (3) Coyotes may be taken on private lands by permit only, and any take shall be reported within 24 hours to the Commission.
- (4) Coyote hunting permits are in addition to hunting licenses. Individuals exempted from license requirements under the provisions specified in G.S. 113-276 must still acquire the coyote hunting



permits to hunt coyotes in the counties specified in this Paragraph. Coyote hunting permits are valid for one calendar year and subject to annual renewal. These permits are non-transferable. Permit holders must submit their harvest reports in order to be eligible for permit renewal.

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

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

*History Note: Authority G.S. 113-134; 113-264; 113-291.1; 113-291.2;  
Eff. July 1, 1993;  
Temporary Amendment Eff. October 1, 2011;  
Amended Eff. January 1, 2012;  
Temporary Amendment Eff. August 1, 2012.  
Amended Eff. July 26, 2013;  
Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org).*

## **15A NCAC 10B .0106 WILDLIFE TAKEN FOR DEPREDATIONS**

(a) Depredation permits allow the take of undesirable or excess wildlife resources as described in Subparagraphs (1) and (2) of this Paragraph. ~~The taking of depredated coyotes in the counties of Dare, Hyde, Washington, Tyrrell, and Beaufort, with or without a permit, is allowed only as described in Paragraph (g) of this Rule.~~ Only employees of the Wildlife Resources Commission and Wildlife Damage Control Agents may issue depredation permits. Each permit must be written on a form supplied by the Commission. No permit is needed for the owner or lessee of a property to take wildlife while committing depredations on the property, however the manner of taking, disposition of dead wildlife and reporting requirements as described in this Rule still apply

No permit shall be issued to take any endangered or threatened species of wildlife listed under 15A NCAC 10I, except alligators, by reason of depredations to property. Only the Executive Director may issue depredation permits for Special Concern species listed in 15A NCAC 10I .0103 and for alligators. An individual may take an endangered or threatened species in immediate defense of his own life or of the lives of others without a permit. Any endangered or threatened species that may constitute a demonstrable but non-immediate threat to human safety shall be reported to a federal or state wildlife enforcement officer, who, upon verification of the report, may take or remove the specimen as provided by 15A NCAC 10I .0102. Depredation permits for other species shall be issued under the following conditions:

- (1) for taking wildlife that is or has been damaging or destroying property provided there is evidence of property damage. No permit may be issued for the taking of any migratory birds and other federally protected animals unless a corresponding valid U.S. Fish and Wildlife Service depredation permit, if required, has been issued. The permit shall name the species allowed to be taken and may contain limitations as to age, sex or any other condition within the species so named. The permit must be issued to a landholder or an authorized representative of a unit of local government for depredations on public property. The permit shall be used only by individuals named on the permit.
- (2) for taking of wildlife resources in circumstances of overabundance or when the wildlife resources present a danger to human safety. Cities as defined in G.S. 160A-1(2) seeking such a depredation permit must apply to the Executive Director using a form supplied by the Commission requesting the following information:
  - (A) the name and location of the city;
  - (B) the acreage of the affected property;
  - (C) a map of the affected property;
  - (D) the signature of an authorized city representative;
  - (E) the nature of the overabundance or the threat to public safety; and
  - (F) a description of previous actions taken by the city to ameliorate the problem.

(b) Wildlife Damage Control Agents: Upon completion of a training course designed for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques and demonstration of a knowledge of wildlife laws and safe, humane wildlife handling techniques, an individual with no record of wildlife law violations may apply to the Wildlife Resources Commission (Commission) to become a Wildlife Damage Control Agent (WDCA). Those persons who demonstrate knowledge of wildlife laws and safe, humane wildlife handling techniques by a passing score of at least 85 percent on a written examination provided by a representative of the Wildlife Resources Commission in cooperation with the training course provider shall be approved. Those persons failing to obtain a passing score shall be given one chance for re-testing without re-taking the course. Those persons approved as agents by the Commission may then issue depredation permits for depredation as defined in Subparagraph (a)(1) of this Rule to landholders and be listed as a second party to provide the control service. WDCAs may not issue depredation permits for coyotes in the counties of Dare, Hyde, Washington, Tyrrell, and Beaufort, big game animals, bats, or species listed as endangered, threatened or special concern under 15A NCAC 10I .0103, .0104 and .0105 of this Chapter. WDCAs must report to the Wildlife Resources Commission the number and disposition of animals taken, by county, annually. Records must be available for inspection by a Wildlife Enforcement officer at any time during normal business hours. Wildlife Damage Control Agent status shall be revoked at any time by the Executive Director when there is evidence of violations of wildlife laws, failure to report, or inhumane treatment of animals by the WDCA. A WDCA may not charge for the permit, but may charge for his or her investigations and control services. In order to maintain a knowledge of current laws, rules, and techniques, each WDCA must renew his or her agent status every three years by showing proof of having attended at least one training course provided for the purpose of reviewing and updating information on wildlife laws and safe, humane wildlife handling techniques within the previous 12 months.

(c) Each depredation permit shall have an expiration date or time after which the depredation permit is no longer valid. The depredation permit authorizes possession of any wildlife resources taken under the permit and must be retained as long as the wildlife resource is in the permittee's possession. All individuals taking wildlife resources

under the authority of a depredation permit are obligated to the conditions written on the permit and the requirements specified in this Rule.

(d) Manner of Taking:

- (1) Taking Without a Permit. Wildlife taken without a permit while committing depredations to property may, during the open season on the species, be taken by the landholder by any lawful method. During the closed season such depredating wildlife may be taken without a permit only by the use of firearms or archery equipment as defined in 15A NCAC 10B .0116.
- (2) Taking With a Permit. Wildlife taken under a depredation permit may be taken only by the method or methods authorized by the permit. When trapping is authorized, in order to limit the taking to the intended purpose, the permit may specify a reasonable distance from the property sought to be protected, according to the particular circumstances, within which the traps must be set. The Executive Director or agent may also state in a permit authorizing trapping whether or not bait may be used and the type of bait, if any, that is authorized. In addition to any trapping restrictions that may be contained in the permit the method of trapping must be in accordance with the requirements and restrictions imposed by G.S. 113-291.6 and other local laws passed by the General Assembly. No depredation permit shall authorize the use of poisons or pesticides in taking wildlife except in accordance with the provisions of the North Carolina Pesticide Law of 1971, the Structural Pest Control Act of 1955, and G.S. 113, Article 22A. No depredation permit shall authorize the taking of wildlife by any method by any landholder upon the lands of another except when the individual is listed as a second party on a depredation permit.
- (3) Intentional Wounding. It is unlawful for any landholder, with or without a depredation permit, intentionally to wound a wild animal in a manner so as not to cause its immediate death as suddenly and humanely as the circumstances permit.

(e) Disposition of Wildlife Taken:

- (1) Generally. Except as provided by the succeeding Subparagraphs of this Paragraph, any wildlife killed without a permit while committing depredations shall be buried or otherwise disposed of in a safe and sanitary manner on the property. Wildlife killed under a depredation permit may be transported to an alternate disposal site if desired. Anyone in possession of carcasses of animals being transported under a depredation permit must have the depredation permit in his or her possession. Except as provided by the succeeding Subparagraphs of (d)(2) through (5) of this Rule, all wildlife killed under a depredation permit must be buried or otherwise disposed of as stated on the permit.
- (2) Deer and feral swine. The edible portions of feral swine and deer may be retained by the landholder for consumption but must not be transported from the property where the depredations took place without a valid depredation permit. The landholder may give a second party the edible portions of the feral swine and deer taken under the depredation permit. The receiver of the edible portions must hold a copy of the depredation permit. The nonedible portions of any deer carcass, including head, hide, feet, and antlers, shall be disposed of as specified in Subparagraph (1) of this Paragraph or turned over to a wildlife enforcement officer for disposition.
- (3) Fox. Any fox killed under a depredation permit may be disposed of as described in Subparagraph (1) of this Paragraph or, upon compliance with the fur tagging requirements of 15A NCAC 10B .0400, the carcass or pelt thereof may be sold to a licensed fur dealer.
- (4) Furbearing Animals. The carcass or pelt of any furbearing animal killed during the open season for taking such furbearing animal for control of depredations to property, whether with or without a permit, may be sold to a licensed fur dealer provided that the person offering such carcass or pelt for sale has a valid hunting or trapping license, provided further that, bobcats and otters may only be sold upon compliance with any required fur tagging requirement set forth in 15A NCAC 10B .0400.
- (5) Animals Taken Alive. Wild animals in the order Carnivora, armadillos, groundhogs, nutria, and beaver shall be humanely euthanized either at the site of capture or at a facility designed to humanely handle the euthanasia or released on the property where captured. Feral swine must be euthanized while still in the trap in accordance with G.S. 113-291.12. For all other animals taken alive, the animal must be euthanized or else released on property with permission of the landowner. When the relocation site is public property, written permission must be obtained from an appropriate local, state or federal official before any animal may be released. Animals transported or held for euthanasia must be euthanized within 12 hours of capture. Anyone in possession of live animals being transported for relocation or euthanasia under a depredation permit must have the depredation permit in his or her possession.

(f) Reporting Requirements. Any landholder who kills an alligator, deer, Canada goose, bear or wild turkey under a valid depredation permit shall report such kill on the form provided with the permit and mail the form upon the expiration date to the Wildlife Resources Commission. Any landowner who kills a coyote in the counties of Dare, Washington, Beaufort, Tyrrell, and Hyde shall report such kill as directed on the form provided. The killing and method of disposition of every ~~alligator~~ alligator, coyote in the counties of Dare, Washington, Beaufort, Tyrrell, and Hyde, and bear taken without a permit shall be reported to the Wildlife Resources Commission within 24 hours following the time of such killing.

(g) ~~In the counties of Dare, Hyde, Washington, Tyrrell, and Beaufort depredating coyotes may be taken subject to the following restrictions:~~

- ~~(1) Taking coyotes without a permit. Depredating coyotes may be harassed by non lethal means. Coyotes may be shot in defense of a person's safety or the safety of others, or if livestock or pets are threatened.~~
- ~~(2) Taking coyotes with a permit. Only employees of the Commission shall issue depredation permits for the taking of coyotes in these counties. Commission employees shall only authorize trapping or other non-lethal manners of take in the permit.~~
- ~~(3) Reporting and disposition. All coyotes taken under a depredation permit shall be reported to the Wildlife Resources Commission within 24 hours and disposed of as stated on the permit. All coyotes killed in accordance with Subparagraph (g)(1) of this Rule shall be reported to the Wildlife Resources Commission within 24 hours.~~

*History Note: Authority G.S. 113-134; 113-273; 113-274; 113-291.4; 113-291.6; 113-300.1; 113-300.2; 113-307; 113-331; 113-333; 113-334(a); 113-337; Eff. February 1, 1976; Amended Eff. August 1, 2013; January 1, 2012; August 1 2010; July 1, 2010; May 1, 2008; August 1, 2002; July 1, 1997; July 1, 1995; January 1, 1995; January 1, 1992; August 1, 1990. Temporary Amendment Eff. August 1, 2014 and shall remain in effect until amendments expire as specified in G.S. 150B-21.1(d) or the United States District Court for the Eastern District of North Carolina's court order number 2:13-CV-60-BOs signed on May 13, 2014 is rescinded, whichever date is earlier. The court order is available at [www.ncwildlife.org](http://www.ncwildlife.org).*

**15A NCAC 10I .0102 PROTECTION OF ENDANGERED/THREATENED/SPECIAL CONCERN**

(a) No Open Season. There is no open season for taking any of the species listed as endangered in Rule .0103, or threatened in Rule .0104 of this Section, except for the American alligator (*Alligator mississippiensis*) as set forth in the rules of this Chapter. Unless otherwise provided in North Carolina General Statutes or the rules of this Chapter, there is no open season for taking any of the species listed as special concern in Rule .0105 of this Section. Except as provided in Paragraphs (b), (c) and (e) of this Rule, it is unlawful to take or possess any of such species at any time.

(b) Permits. The executive director may issue permits to take or possess an endangered, threatened, or special concern species:

- (1) To an individual or institution with experience and training in handling, and caring for the wildlife and in conducting a scientific study, for the purpose of scientific investigation relevant to perpetuation or restoration of said species or as a part of a scientifically valid study or restoration effort;
- (2) To a public or private educator or exhibitor who demonstrates that he or she has lawfully obtained the specimen or specimens in his or her possession, possesses the requisite equipment and expertise to care for such specimen or specimens and abides by the caging requirements for the species set forth in 15A NCAC 10H .0302;
- (3) To a person who lawfully possessed any such species for more than 90 days immediately prior to the date that such species was listed and who abides by the caging requirements for the species set forth in 15A NCAC 10H .0302, provided however, that no permit shall be issued more than ninety days after the effective date of the initial listing for that species; or
- (4) To a person with demonstrable depredation from a Special Concern Species, or the American alligator (*Alligator mississippiensis*).

(c) Taking Without a Permit:

- (1) An individual may take an endangered, threatened, or special concern species in defense of his own life or the lives of others.
- (2) A state or federal conservation officer or employee who is designated by his agency to do so may, when acting in the course of his official duties, take, possess, and transport endangered, threatened, or special concern species if the action is necessary to:
  - (A) aid a sick, injured, diseased or orphaned specimen;
  - (B) dispose of a dead specimen;
  - (C) salvage a dead specimen that may be useful for scientific study; or
  - (D) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided the taking is done in a humane and noninjurious manner. The taking may involve injuring or killing endangered, threatened, or special concern species only if it is not reasonably possible to eliminate the threat by live-capturing and releasing the specimen unharmed, in a habitat that is suitable for the survival of that species.

(d) Reporting. Any taking or possession of an endangered, threatened, or special concern species under Paragraphs (b) and (c) of this Rule is subject to applicable reporting requirements of federal law and regulations and the reporting requirements of the permit issued by the Executive Director or of 15A NCAC 10B .0106(e).

(e) Exceptions.

- (1) Notwithstanding any other provisions of this Rule, processed meat and other parts of American alligators, that have been lawfully taken in a state in which there is an open season for harvesting alligators, may be possessed, bought and sold when such products are marketed in packages or containers that are labeled to indicate the state in which they were taken and the identity, address, and lawful authority of the processor or distributor.
- (2) Raptors listed as special concern species in Rule .0105 of this Section may be taken from the wild for falconry purposes and for falconry propagation, provided that a valid North Carolina endangered species permit has been obtained as required in Paragraph (b) of this Rule.
- (3) Captive-bred raptors listed as special concern species may be bought, sold, bartered or traded as provided in 50 C.F.R. 21.30 when marked as required under those regulations.
- (4) Red Wolves (*Canis rufus*) listed as threatened in Rule .0104 in this Section may be taken or harassed pursuant to the conditions provided in 50 C.F.R. 17.84(c).
- ~~(4)~~ (5) Importation, possession, sales, transportation and exportation of species listed as special concern species in Rule .0105 of this Section is allowed under permit by retail and wholesale establishments whose primary function is providing scientific supplies for research provided that:
  - (A) the specimens were lawfully obtained from captive or wild populations outside of North Carolina;

- (B) they are possessed in indoor facilities;
- (C) all transportation of specimens provides safeguards adequate to prevent accidental escape; and
- (D) importation, possession and sale or transfer is permitted only as listed in Parts (e)(4)(A) and (B) of this Rule.

(f) A written application to the Commission is required for a permit to authorize importation, and possession for the purpose of retail or wholesale sale. The application shall identify the source of the specimens, and provide documentation of lawful acquisition. Applications for permits shall include plans for holding, transportation, advertisement, and sale in such detail as to allow a determination of the safeguards provided against accidental escape and sales to unauthorized individuals.

(g) Purchase, importation, and possession of special concern species within North Carolina is allowed under permit to state and federal governmental agencies, corporate research entities, and research institutions provided that:

- (1) sales are permitted to out of state consumers;
- (2) the specimens will be possessed in indoor facilities and safeguards adequate to prevent accidental escape are provided during all transportation of the specimens;
- (3) the agency's or institution's Animal Use and Care Committee has approved the research protocol for this species; and
- (4) no specimens may be stocked or released in the public or private waters or lands of North Carolina and specimens may not be transferred to any private individual.

*History Note: Authority G.S. 113-134; 113-291.2; 113-291.3; 113-292; 113-333; Eff. June 11, 1977; Amended Eff. January 1, 2013; January 1, 2012; May 1, 2009; April 1, 2003; April 1, 2001; April 1, 1997; February 1, 1994; September 1, 1989; March 1, 1981; March 17, 1978.*

**15A NCAC 101.0104 THREATENED SPECIES LISTED**

(a) The following species of resident wildlife are designated as federally-listed threatened species:

- (1) Amphibians: None Listed At This Time.
- (2) Birds: Piping plover (*Charadrius melodus melodus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
  - (A) Spotfin chub (*Cyprinella monacha*);
  - (B) Waccamaw silverside (*Menidia extensa*).
- (5) Mammals: None Listed At This Time.
- (6) Mollusks: Noonday globe (*Patera clarki nantahala*).
- (7) Reptiles:
  - (A) Bog turtle (*Glyptemys muhlenbergii*);
  - (B) American alligator (*Alligator mississippiensis*);
  - (C) Green sea turtle (*Chelonia mydas*);
  - (D) Loggerhead sea turtle (*Caretta caretta*).

(b) The following species of resident wildlife are designated as state-listed threatened species:

- (1) Amphibians:
  - (A) Carolina gopher frog (*Rana capito capito*);
  - (B) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*);
  - (C) Junaluska salamander (*Eurycea junaluska*);
  - (D) Wehrle's salamander (*Plethodon wehrlei*).
- (2) Birds:
  - (A) Bald eagle (*Haliaeetus leucocephalus*)
  - (B) Gull-billed tern (*Sterna nilotica aranea*);
  - (C) Northern saw-whet owl (*Aegolius acadicus*).
- (3) Crustacea: None Listed At This Time.
- (4) Fish:
  - (A) American brook lamprey (*Lampetra appendix*);
  - (B) Banded sculpin (*Cottus carolinae*);
  - (C) Bigeye jumprock (*Scartomyzon ariommus*);
  - (D) Blackbanded darter (*Percina nigrofasciata*);
  - (E) Carolina madtom (*Noturus furiosus*);
  - (F) Carolina pygmy sunfish (*Elassoma boehlkei*);
  - (G) Carolina redhorse (*Moxostoma* sp.) (Pee Dee River and its tributaries and Cape Fear River and its tributaries);
  - (H) Least brook lamprey (*Lampetra aepyptera*);
  - (I) Logperch (*Percina caprodes*);
  - (J) Rosyface chub (*Hybopsis rubrifrons*);
  - (K) Sharphead darter (*Etheostoma acuticeps*);
  - (L) Sicklefin redhorse (*Moxostoma* sp.) (Hiwassee River and its tributaries and Little Tennessee River and its tributaries);
  - (M) Turquoise darter (*Etheostoma inscriptum*);
  - (N) Waccamaw darter (*Etheostoma perlongum*).
- (5) Mammals:
  - (A) Eastern woodrat (*Neotoma floridana floridana*);
  - (B) Rafinesque's big-eared bat (*Corynorhinus rafinesquii rafinesquii*); ~~rafinesquii~~; rafinesquii);
  - (C) Red wolf (*Canis rufus*).
- (6) Mollusks:
  - (A) Alewife floater (*Anodonta implicata*);
  - (B) Big-tooth covert (*Fumonelix jonesiana*);
  - (C) Cape Fear threetooth (*Triodopsis soelneri*);
  - (D) Carolina fatmucket (*Lampsilis radiata conspicua*);
  - (E) Clingman covert (*Fumonelix wheatleyi clingmanicus*);
  - (F) Eastern lampmussel (*Lampsilis radiata radiata*);
  - (G) Eastern pondmussel (*Ligumia nasuta*);
  - (H) Engraved covert (*Fumonelix orestes*);
  - (I) Mountain creekshell (*Villosa vanuxemensis*);
  - (J) Roan supercoil (*Paravitrea varidens*);

- (K) Roanoke slabshell (*Elliptio roanokensis*);
  - (L) Sculpted supercoil (*Paravitrea ternaria*);
  - (M) Seep mudalia (*Leptoxis dilatata*);
  - (N) Smoky Mountain covert (*Inflectarius ferrissi*);
  - (O) Squawfoot (*Strophitus undulatus*);
  - (P) Tidewater mucket (*Leptodea ochracea*);
  - (Q) Triangle floater (*Alasmidonta undulata*);
  - (R) Waccamaw ambersnail (*Catinella waccamawensis*);
  - (S) Waccamaw fatmucket (*Lampsilis fullerkati*);
  - (T) Waccamaw spike (*Elliptio waccamawensis*).
- (7) Reptiles: None Listed At This Time.

*History Note:* Authority G.S. 113-134; 113-291.2; 113-292; 113-333;  
Eff. March 17, 1978;  
Amended Eff. June 1, 2008; April 1, 2001; November 1, 1991; April 1, 1991; June 1, 1990;  
September 1, 1989.



# EXHIBIT G-1

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Kacey Cook, Brooke Massa, Chris Jordan

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** Catherine Gibson Tract  
(PIN 020328 01016; 020326 01017)

**Acreage:** 379 acres

**County:** Scotland

**Estimated Value:** \$ 860,000 (staff estimate).

Mrs. Gibson has indicated an interest in selling this land for conservation at a bargain sale price of \$430,000 (not including transaction costs).

**Property Owner or Representative:** Catherine Gibson (owner)

**Phone:** TBD

**Address:** 19936 Apple Ridge Place, Montgomery Village, MD 20886

**Status:**  High Interest     Moderate Interest     Low Interest     No Interest

**Grant Potential:**  CWMTF

OTHER (explain): USFW Section 6 Endangered Species Grant, Army Compatible Use Buffers Program (anticipated contribution of \$172,000)

**Resources Assessment and Biological Benefits (brief):** This property contains longleaf pine trees between ~3-20 years old. Several stands were recently clearcut and the older timber is in a dense stand mixed with other pine species in need of thinning and burning. There is a large creek with associated hardwood forest on the western boundary of the property. The riparian zone is under a conservation easement. The property links to Block B of Sandhills Game Land via the Sassafras Timber properties being pursued for acquisition. Game species include wild turkey, northern bobwhite, fox squirrel, and white-tail deer. Rare species documented near the tract include red-cockaded woodpecker, southern hognose snake, Bachman's sparrow, pine snake, and star nose mole, among many others.

The tract is part of a larger initiative to buffer and connect important blocks of Sandhills Game Land. Restoring habitat connectivity between blocks B and C of Sandhills Game Land has been identified as one of the top land acquisition priorities in the draft Sandhills Game Land Management Plan, the NC Sandhills Conservation Partnership's Conservation Plan, and the Sandhills Red-Cockaded Woodpecker Recovery Plan. The US Army conducts many training activities on Block B and has an interest in buffering and expanding existing training lands. Creating a connective corridor from Block B to C will open up additional training opportunities on land contiguous with Camp Mackall.

**Additional Comments:**

Tract has outstanding public access via Timmons, Cliff Gibson and Hoffman Roads (state-maintained).

Preliminary estimates of five-year stewardship expenditures are limited to initial marking and maintaining 10,000 feet of property boundary @ \$135/mile and prescribed burning 200 acres @ \$10/acre. Total estimate of five-year expenditures is \$2,510.

No short-term revenue is projected from the tract.

**Program Potential:**  Game Land (Sandhills GL)       Wildlife Conservation Area  
 Fishing Access Area       None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

29 of 30
----------

**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

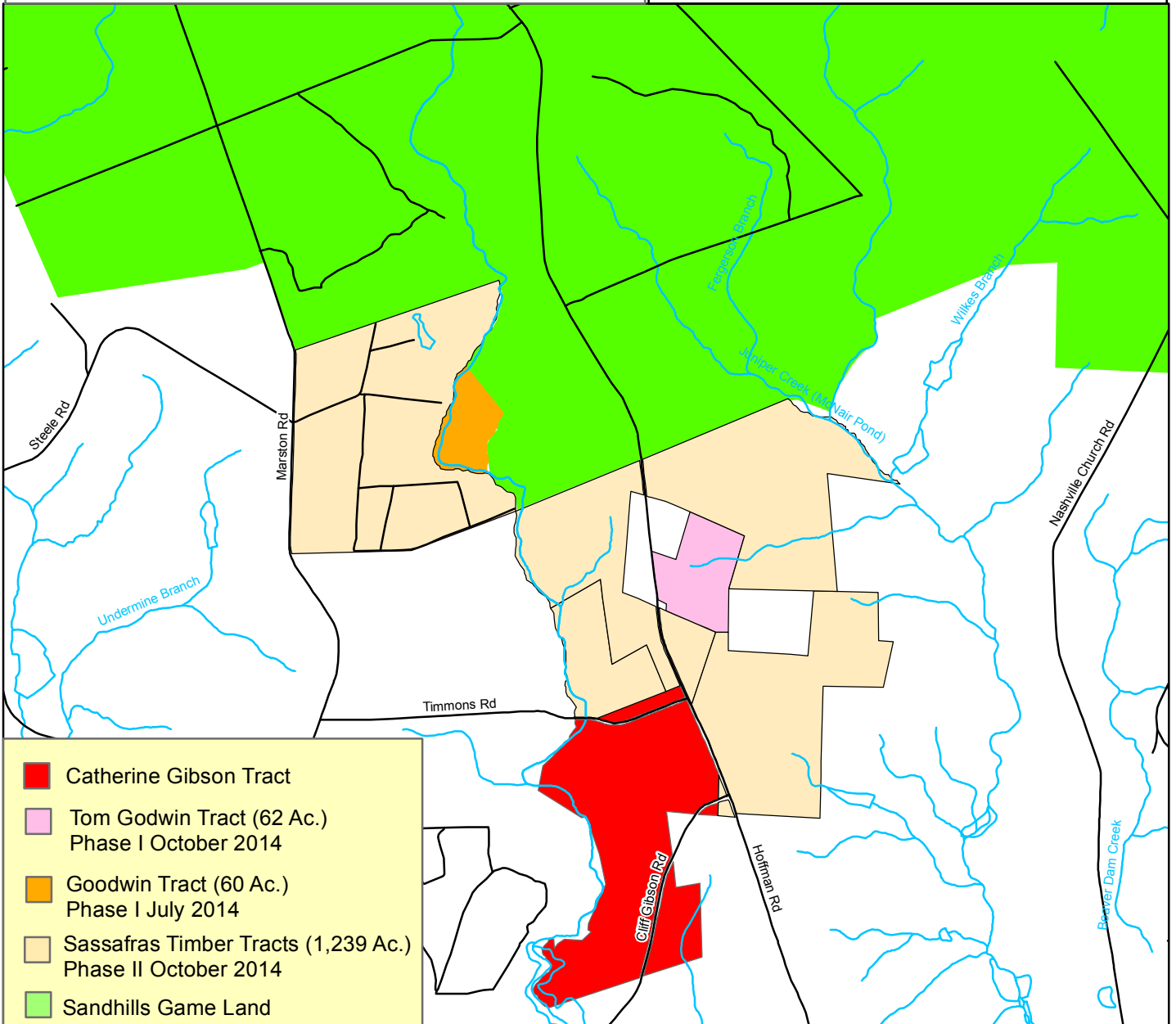
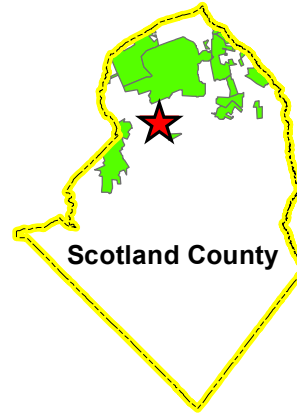
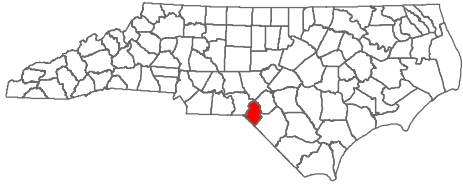
# WORKSHEET

## Relative Priority Evaluation for Conservation Lands

Tract Name (Sandhills GL) Catherine Gibson Tract (Scotland County)

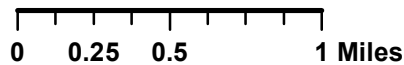
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>4</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<b><u>29</u></b>

# Catherine Gibson Tract Sandhills Game Land Scotland County 379 Acres



- Catherine Gibson Tract
- Tom Godwin Tract (62 Ac.)  
Phase I October 2014
- Goodwin Tract (60 Ac.)  
Phase I July 2014
- Sassafras Timber Tracts (1,239 Ac.)  
Phase II October 2014
- Sandhills Game Land

January 9, 2015



# EXHIBIT G-2

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

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**WRC Staff Contact:** Brooke Massa/Kacy Cook

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** Poplin Tract  
(PIN 842100064861)

**Acreage:** 147 acres

**County:** Richmond

**Estimated Value:** \$ 320,000 (staff estimate)

**Property Owner or Representative:** Ryan Poplin (owner)

**Address:** 1130 Marks Creek Church Rd., Hamlet, NC 28345

**Phone:** (910) 995-1649

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  CWMTF

OTHER (explain): USFW Section 6 Endangered Species Grant

**Resources Assessment and Biological Benefits (brief):** The Poplin property is mostly a longleaf pine plantation that is currently being used for pine straw raking. The property also contains part of the Crawford Branch of Gum Swamp Creek, including an impoundment that flows into the Crawford Lake Natural Heritage Program Natural Area (NHPNA). The property connects game lands (Block C) with lands managed for conservation (i.e., a property under a Safe Harbor agreement). Acquisition will enhance the ability to manage existing game lands with prescribed fire. Tract totals 147 acres and shares approximately 8,755 feet of common boundary with Sandhills Game Lands. With management, this property can be restored to suitable habitat for red-cockaded woodpeckers (RCWs) and other priority longleaf pine associated species, such as pygmy rattlesnakes and Pine Barrens treefrogs. This parcel is within a priority area identified by the Sandhills Partnership for recovering the red cockaded woodpecker because it is part of a known corridor that RCWs use.

**Additional Comments:**

The tract borders existing game land and is easily accessed by existing game lands and a state maintained road (Marks Creek Church Road).

Preliminary estimates of five-year stewardship expenditures are limited to marking and maintaining 5,675 feet of property boundary @ \$135/mile. Total estimate of five-year expenditures is approx. \$300.

Tract currently contains approx. 50 acres of 20-30 year old longleaf pine plantation which generates \$8,000 - \$10,000 annually from the sale of pine straw. Pine straw will remain a potential source of revenue until such time as the plantation acreage is thinned and efforts to restore ground cover are initiated. No short-term revenue other than pine straw is projected from the tract. The balance of the tract is former loblolly pine which has been recently clearcut and reforested in longleaf, so potential short-term revenue from timber harvesting has already been captured by the current landowner.

**Program Potential:**  Game Land (Sandhills GL)       Wildlife Conservation Area  
 Fishing Access Area       None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

30 of 30
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**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

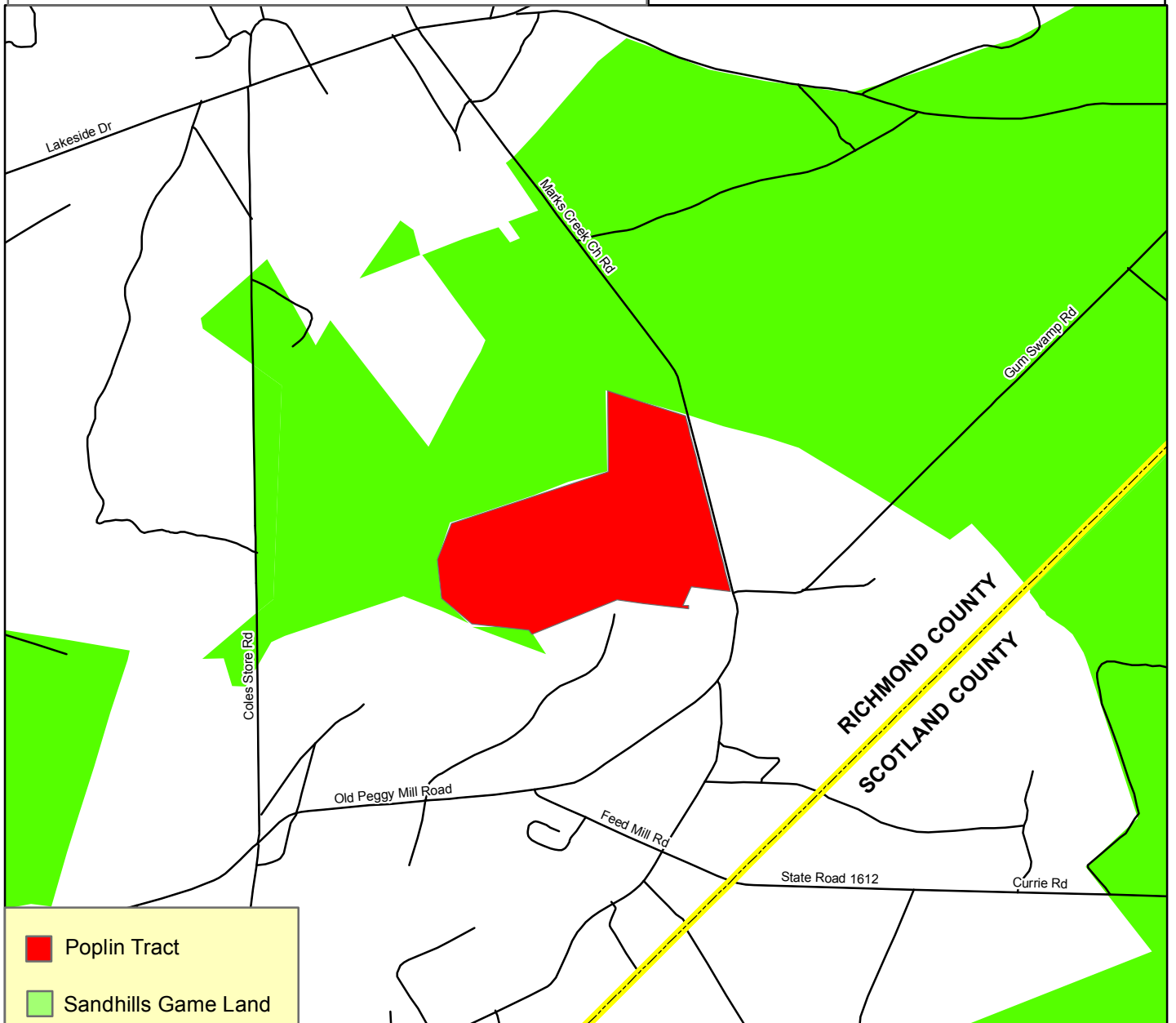
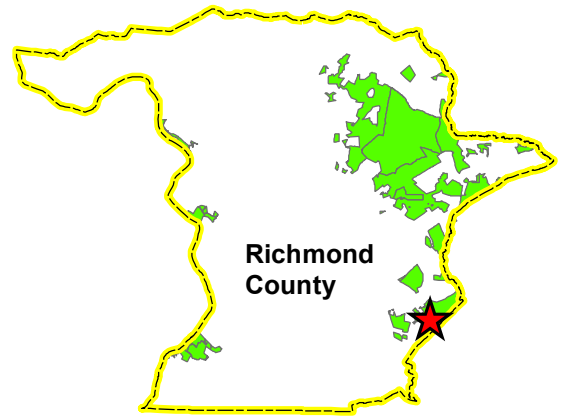
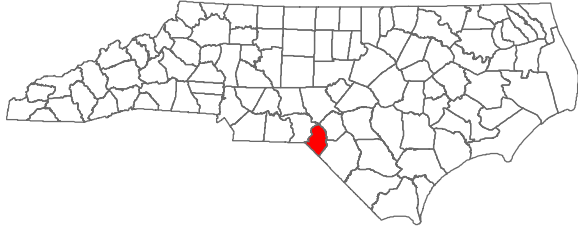
## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

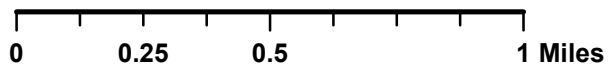
Tract Name (Sandhills GL)      Poplin Tract (Richmond County)

Criterion	Score (1-5) 5=Excellent   1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<u><u>30</u></u>

# Poplin Tract (147 Acres) Sandhills Game Land Richmond County



January 10, 2015





# EXHIBIT G-3

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Kyle Briggs

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** Max Lake Tract (Inholding)  
(PIN 841500283192)

**Acreage:** +/- 0.80 Acre

**County:** Richmond

**Estimated Value:** \$ 63,554 (Richmond County Property Card)

**Property Owner or Representative:** Max Lake (owner)

**Phone:** (336) 498-5417  
(336) 847-7541 Mobile

**Address:** 8239 US Hwy 220 Business N., Randleman, NC 27317

**Status:**  High Interest     Moderate Interest     Low Interest     No Interest

**Grant Potential:**  CWMTF  
 OTHER (explain): WRC funds

**Resources Assessment and Biological Benefits (brief):** Approximately 0.80 acre including one residence at the McKinney Lake State Fish Hatchery. This location is a private inholding within the boundary of the newly acquired hatchery property.

**Additional Comments:** The Commission is currently renting the property to provide housing for hatchery staff required to be located onsite for the security of hatchery fish and property.

No additional five-year stewardship expenditures or revenue are anticipated. Acquisition will eliminate current lease and will result in long-term savings.

**Program Potential:**  Game Land  Wildlife Conservation Area  
 Fishing Access Area  None  
 Other: McKinney Lake Fish Hatchery

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Sport Fish Restoration Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

**Recommendation:**  Pursue Acquisition  Defer  Do not Pursue Acquisition

**Map Attached:**  Yes  No

## WORKSHEET

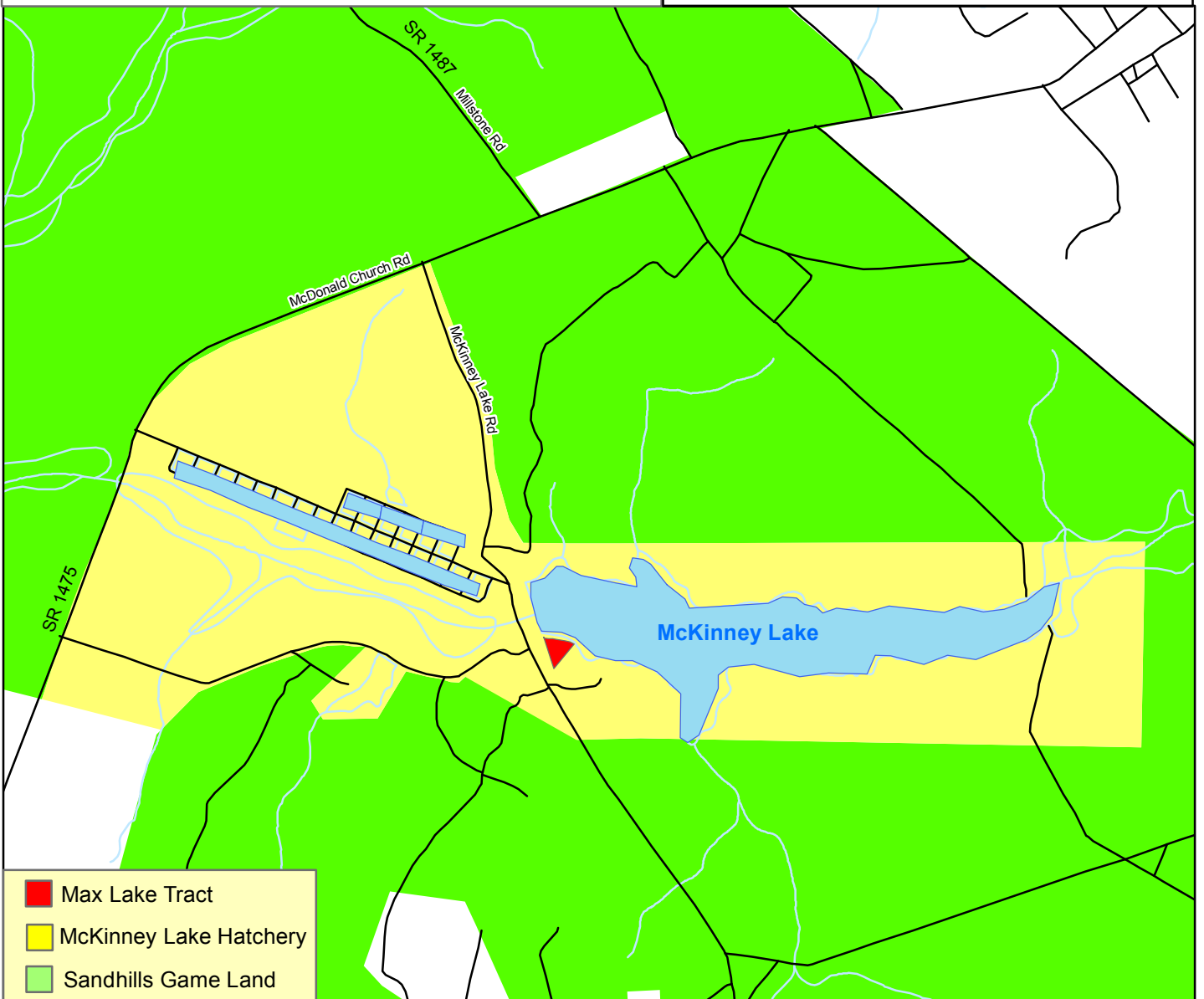
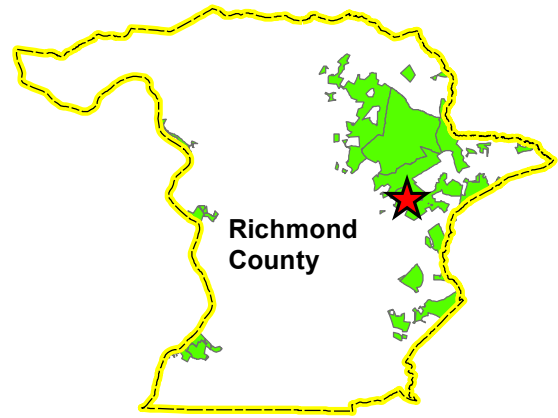
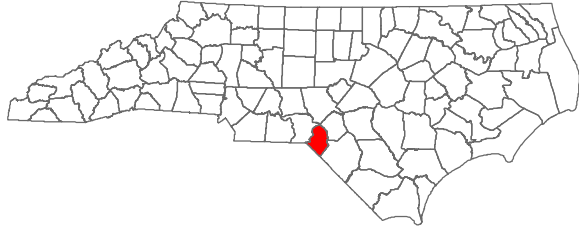
### Relative Priority Evaluation for Conservation Lands

Tract Name (McKinney Lake Hatchery) Max Lake Tract (Richmond County)

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>NA</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>NA</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>NA</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>NA</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<u><u>10 of 10 that apply</u></u>

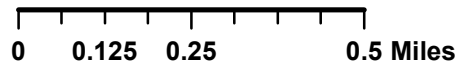
# OVERVIEW MAP

**Max Lake Tract (0.8 Acres)  
McKinney Lake Fish Hatchery  
Richmond County**



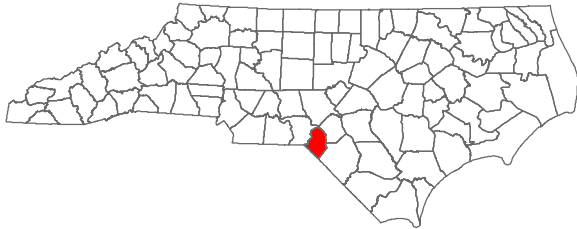
- Max Lake Tract
- McKinney Lake Hatchery
- Sandhills Game Land


January 10, 2015



# SITE MAP

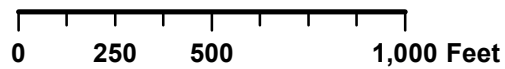
**Max Lake Tract (0.8 Acres)  
McKinney Lake Fish Hatchery  
Richmond County**



 Max Lake Tract

NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

January 10, 2015



# EXHIBIT G-4

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

-PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Doug Besler

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** North Toe River Tract (Penland Fishing Access Area)

**Acreage:** 0.50 (estimated; 2 parcels)  
(PIN 0870-00-87-7208)

**County:** Mitchell

**Estimated Value:** \$4,617 (tax value)

**Property Owner or Representative:** Tim and Donna Kearns

**Phone:** 404-831-1000

**Address:** 190 River Road, Penland, NC 28765

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  NHTF       CWMTF

OTHER (explain): Agency funds

**Resources Assessment and Biological Benefits (brief):** This tract is located on priority riverine smallmouth bass and muskellunge fisheries. Few public access locations are found on the North Toe River; therefore, this property would benefit both wade and float fisherman by providing secured long-term public access to this valuable resource. Current public access points are found approximately 4 miles upstream (Spruce Pine Riverside Park) and 7 miles downstream (Lower Doe Bag Fishing Access Area) of these parcels. Consequently, this tract would serve as a prime put-in and take-out for float fisherman.

**Additional Comments:** Purchasing this tract is the primary option being pursued; the landowners wish to see these parcels owned and managed by North Carolina Wildlife Resources Commission to ensure future recreational usage.

**Program Potential:**  Game Land       Wildlife Conservation Area       Fishing Access Area  
 None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Sport Fish Restoration Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

15 of 15 that apply

**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

## WORKSHEET

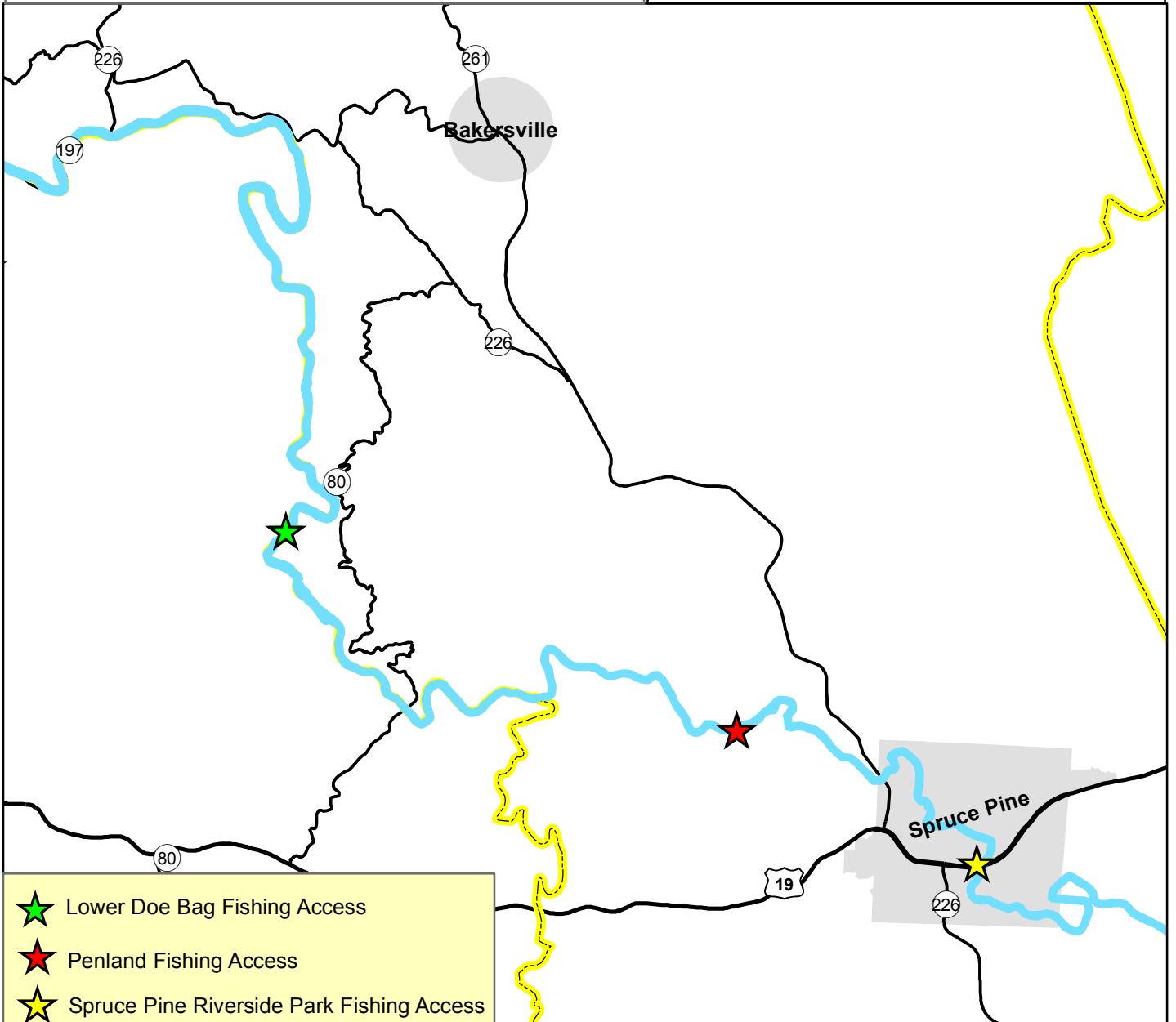
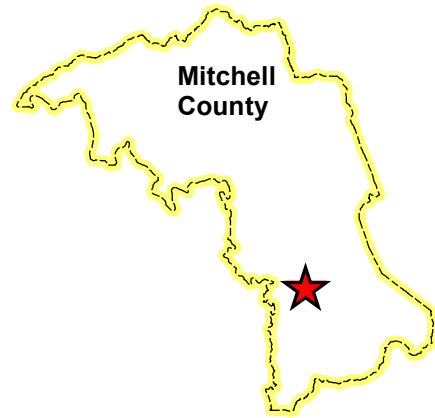
### Relative Priority Evaluation for Conservation Lands




Tract Name (North Toe River) Penland Fishing Access Area Tract – Mitchell Co.

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>NA</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>NA</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>NA</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>No</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>
<b>TOTAL SCORE</b>	<u>15 of 15 that apply</u>

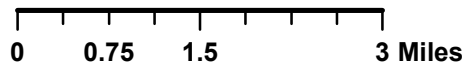


# North Toe River Penland FAA Tract Overview Map Mitchell County



-  Lower Doe Bag Fishing Access
-  Penland Fishing Access
-  Spruce Pine Riverside Park Fishing Access

January 13 2015





# EXHIBIT G-5

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

-PHASE I: INITIAL INVESTIGATION-

---

**WRC Staff Contact:** Doug Besler

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** North Toe River Tract (Wolf Song Ridge Fishing Access Area)  
(PIN 083300919912000)

**Acreage:** 1.0 (estimated)

**County:** Yancey

**Estimated Value:** \$6,304 (tax value)

**Property Owner or Representative:** Robert and Kimberly Mayhew

**Phone:** (828) 208-9202 or (828) 208-2826

**Address:** 7440 State Hwy 197 N., Green Mountain, NC 28740

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  NHTF       CWMTF

OTHER (explain): Agency funds

**Resources Assessment and Biological Benefits (brief):** This tract is located on priority riverine smallmouth bass and muskellunge fisheries. Few public access locations are found on the North Toe River; therefore, this property would benefit both wade and float fisherman by providing secured long-term public access to this valuable resource. Current public access points are found approximately 3 miles upstream (Red Hill Fishing Access Area) and 3 miles downstream (Stanley's Landing Fishing Access Area) of this parcel. Consequently, this tract would serve as a prime put-in and take-out for float fisherman.

**Additional Comments:** Purchasing this tract is the primary option being pursued; the landowners wish to see this parcels owned and managed by North Carolina Wildlife Resources Commission to ensure future recreational usage.

**Program Potential:**  Game Land       Wildlife Conservation Area       Fishing Access Area  
 None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Sport Fish Restoration Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

15 of 15 that apply

**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

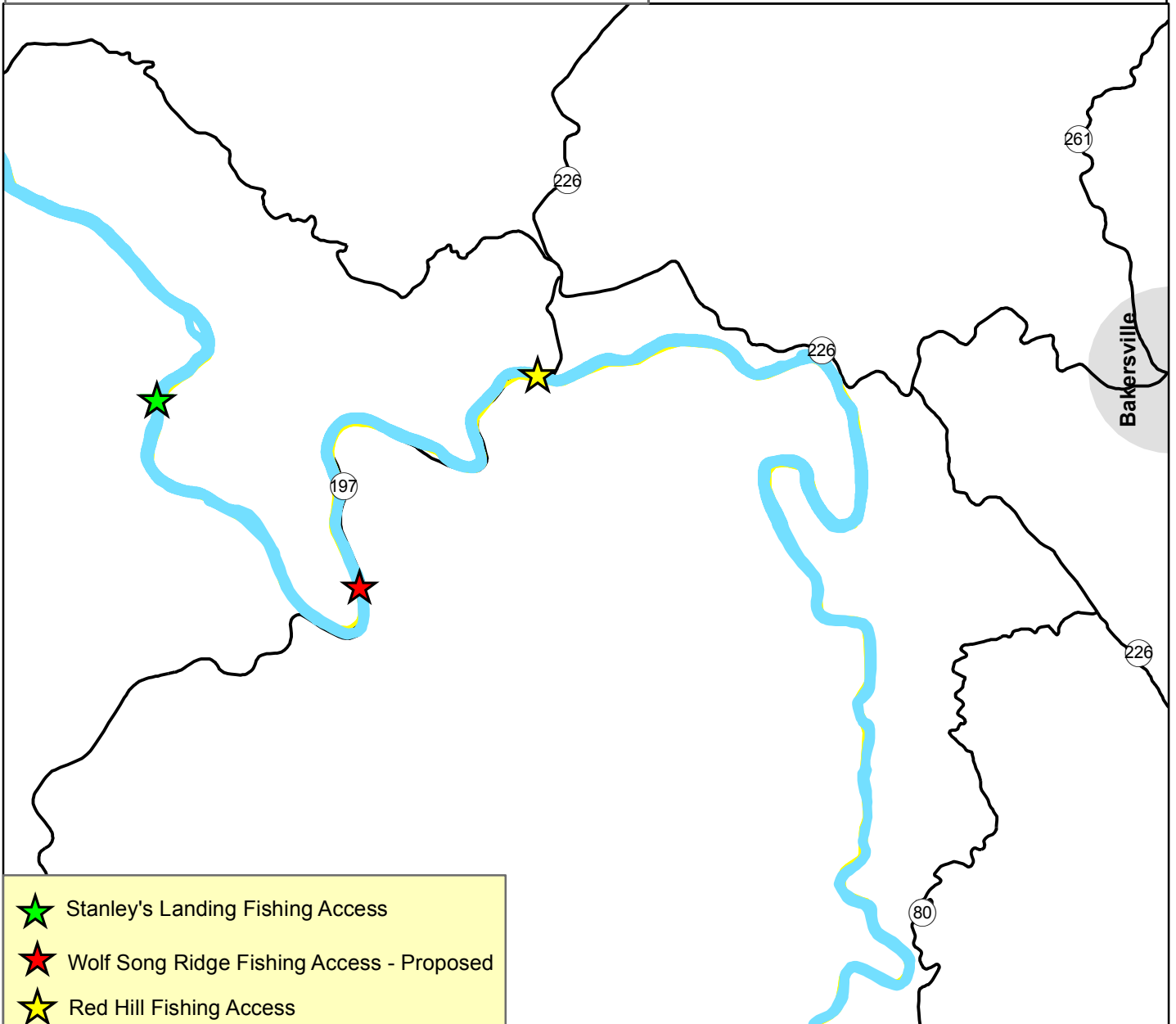
## WORKSHEET




### Relative Priority Evaluation for Conservation Lands

Tract Name (North Toe River) Wolf Song Ridge Fishing Access Area – Yancey Co.

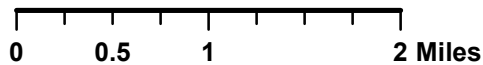
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>NA</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>NA</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>NA</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>No</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>
<b>TOTAL SCORE</b>	<u>15 of 15 that apply</u>

# North Toe River Wolf Song Ridge FAA Tract Yancey County Overview Map



-  Stanley's Landing Fishing Access
-  Wolf Song Ridge Fishing Access - Proposed
-  Red Hill Fishing Access

January 13 2015





Yancey County  
North Carolina

yancey  
Printed January 13, 2015  
See Below for Disclaimer

# NORTH TOE RIVER - WOLF SONG RIDGE FISHING ACCESS AREA TRACT



- Land Parcels
- Parcel Tax Data
- Land Symbology
  - <all other values>
  - Hooks
  - Leader\_Line
  - Lot\_Line
  - ROW Boundary
  - Sub Corner
- Townships
  - <all other values>
  - Brush Creek
  - Burnsville
  - Cane River
  - Crabtree
  - Egypt
  - Green Mountain
  - Jacks Creek
  - Pensacola
  - Prices Creek
  - Ramseytown
  - South Toe
  - Town of Burnsville
- County Boundary
  - <all other values>
  - YANCEY
  - Town of Burnsville
- US States
- Road Centerlines
  - <all other values>
  - DIRT/GR\*
  - PAVED



1 : 322 Feet

The County of Yancey acquires, develops, maintains and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which Yancey County distributes and to which it provides access may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Yancey County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Source information used for these data may have been collected at different scales, times or definitions, resulting in inconsistencies among features represented together on this map. Primary sources from which these data were compiled must be consulted for verification of information contained in the data. Yancey County will not re-distribute data developed from other organizations. Parcel data was prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of the data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Yancey County assumes no legal responsibility for this information. Data are presented using the North Carolina State Coordinate System

# EXHIBIT H-1

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

---

**WRC Action/Approval to Pursue (Date):** November 7, 2013

**Tract:** Allen Tract; Swain County, 128 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

Pittman Robertson Land Acquisition Grant                      \$ 337,500  
Clean Water Management Trust Fund                              \$ 112,500

Total Cost:    \$ 450,000 (\$ 3,516/Acre)

**Based on Appraisal:**  Yes       No       NA

**If Yes, Name of Appraiser:**

Requested by:	Appraiser	Effective Date	Appraised Value
WRC	Brian G. Farley	4/24/2014	\$ 450,000 (\$ 3,516/Acre)

**Date of Appraisal:** See above.

**Appraisal Handled by State Property Office:**  Yes       No       NA

**Acquisition Plan Includes Bargain Sale:**       Yes       No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	15,000
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	NA

**Additional Comments:** NA



**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
<b>Allen Tract</b>	Boundary Establishment (Contract Survey)	6,800	Ft.	\$1.25	\$8,500.00
	Install Parking Area	1	Ea.	\$5,000.00	\$5,000.00
	Install Gates	2	Ea.	\$750.00	\$1,500.00
<b>Total</b>					<b>\$15,000.00</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>Allen Tract</b>					\$ -
	<b>Total</b>				
<i>Insert additional rows in table as needed</i>					

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

**- PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Gordon Warburton/David Stewart

**Date First Presented to WRC:** November 7, 2013

**Tract Name:** Allen Tract

**Acreage:** 128

**County:** Swain

**Estimated Value:** Tax Value \$339,130.00 (approximately \$2,650/acre)

**Property Owner or Representative:** Kermit Allen

**Phone:** (828) 488-2954

**Address:** 230 Wagon Wheel Drive  
Bryson City, NC 28713

**Status:**  High Interest  Moderate Interest  Low Interest  No Interest

**Grant Potential:**  Clean Water Management Trust Fund

OTHER (explain): Federal Assistance in Wildlife Restoration (PR) Grant

**Resources Assessment and Biological Benefits (brief):** Acquisition of this property is significant as part of the total management project being carried out in the mountain Eco region. WRC ownership of the tract will increase conservation ownership of properties in the immediate area such as the Nantahala National Forest and properties owned by the Land Trust for the Little Tennessee (LTLT). In a broader sense, WRC ownership of the tract will help ensure ecosystem integrity at the landscape level by increasing connectivity of lands in conservation ownership such as Nantahala National Forest, Great Smoky Mountains National Park, Needmore Game Land (WRC holdings), LTLT lands and various private holdings that are in conservation ownership or have conservation easements that are located in the vicinity. WRC ownership will help reduce land fragmentation as well.

Management objectives will include restoring or maintaining the oak forest and cove forest priority wildlife habitats that are located on the tract. Large rock outcrop complexes are present on the property. Rock outcrops are extremely rare at the landscape level and are most threatened by development and recreational impacts. WRC ownership would ensure these are protected and

managed properly. WRC ownership may also provide opportunities to create some early successional habitat, which is also a priority wildlife habitat

The tract is a high value watershed for protection of native fish and other aquatic species populations in the Little Tennessee River. Field investigations by WRC staff discovered that the Sickle fin Red Horse use this area of transition from the free flowing Little Tennessee River to the impounded Fontana Lake. The Sickle fin is currently a state listed species but is a candidate for federally listed endangered species.

Public recreational opportunities will include hunting, fishing, hiking, bird watching, photography, and general nature study. Research/educational opportunities may exist as priority wildlife habitats are managed and maintained. The entire tract is forested with Appalachian oak and the predominant forest type is Appalachian Cove Forest. Common wildlife species found on the tract include wild turkey, black bear, white-tailed deer, gray squirrel, and ruffed grouse, as well as various songbirds, salamanders, and small mammals. The tract is adjacent to existing Needmore Game Land.

**Additional Comments:** Public access to tract provided by Poplar Cove Road. Acquisition will greatly enhance hunter/angler access to existing game lands and a popular section of the Little Tennessee River

**Program Potential:**  Game Land – Needmore Game Land Addition

Wildlife Conservation Area       Fishing Access Area       None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson Federal Assistance Grant (75% federal; 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

**Recommendation:**  Pursue Acquisition     Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

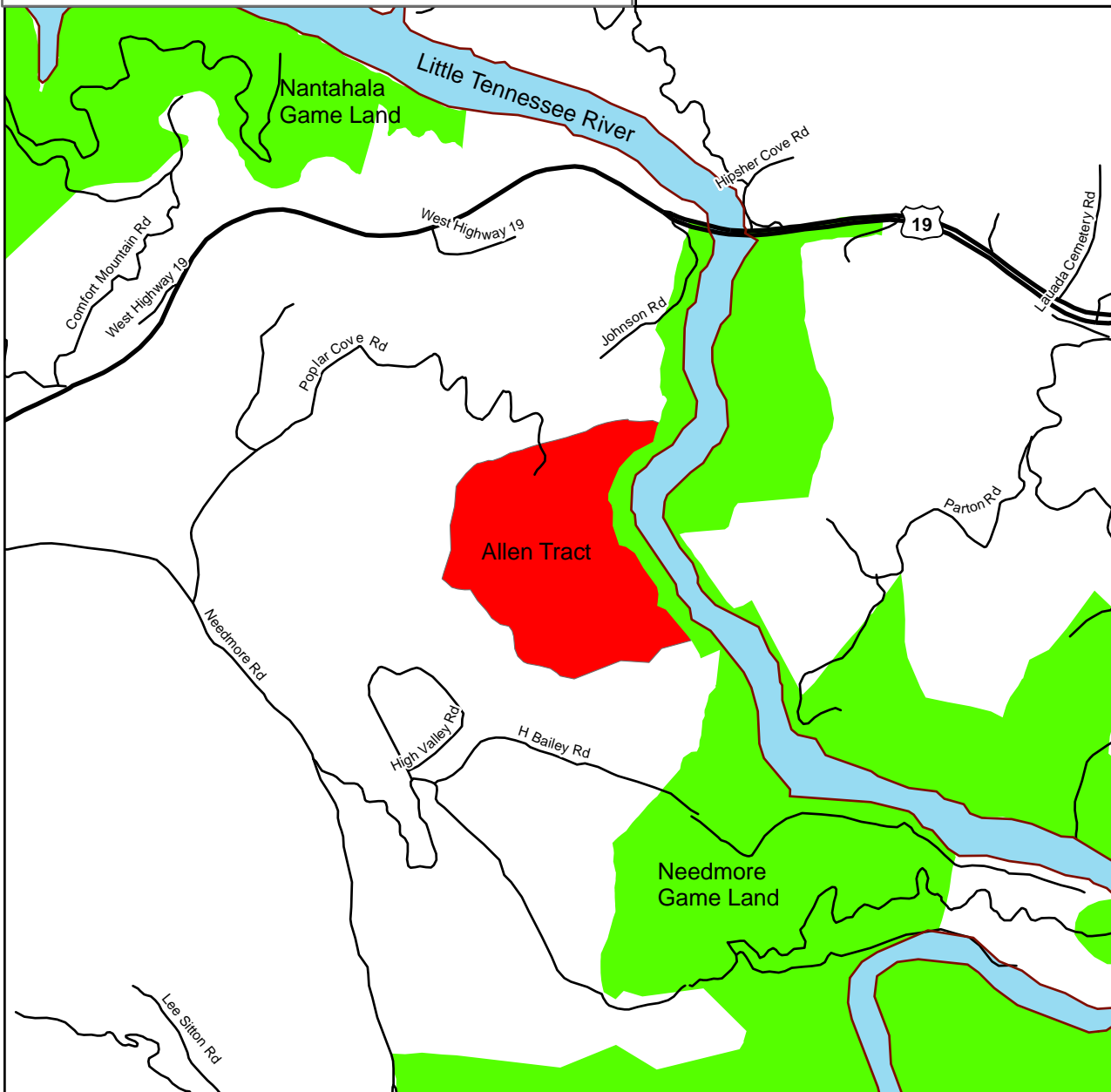
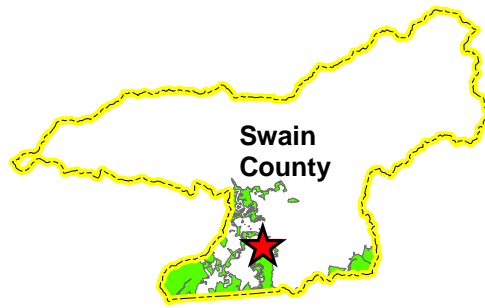
## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

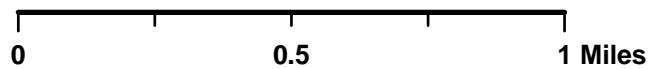
Tract Name (Needmore Game Land) Allen Tract

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>Yes</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>Yes</u>
<b>TOTAL SCORE</b>	<u><u>30</u></u>

# Allen Tract Needmore Game Land Swain County 128 Acres



October 19, 2013



# EXHIBIT H-2

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

---

**WRC Action/Approval to Pursue (Date):** May 22, 2014

**Tract:** Blackburn Tract; Wilkes County, 41.9 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

Pittman Robertson Land Acquisition Grant                      \$ 158,250 (75% of appraised value)  
WRC    \$ 73,250 (balance of purchase price)

Total Cost:    \$ 232,000 (\$ 5,537/Acre)

**Based on Appraisal:**  Yes       No       NA

**If Yes, Name of Appraiser:**

Requested by:	Appraiser	Effective Date	Appraised Value
WRC	Miller & Associates	8/18/2014	\$ 211,000 (\$ 5,036/Acre)

**Date of Appraisal:** See above.

**Appraisal Handled by State Property Office:**  Yes       No       NA

**Acquisition Plan Includes Bargain Sale:**       Yes       No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	10,000
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	NA

**Additional Comments:** NA

**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
Blackburn	Construct Shooting Range	1	ea.	TBD	TBD
	*Construct 1 parking area and gravel/improve drainage on 0.1 mile of access road	NA	NA	\$10,000	\$10,000.00
<b>Total</b>					<b>\$10,000.00</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
Blackburn					\$ -
<b>Total</b>					<b>\$ -</b>
<i>Insert additional rows in table as needed</i>					

\* If a shooting range is constructed as anticipated, parking area and road improvements will be incorporated into the range design and included as part of the range development project.

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

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Gordon Warburton/Kip Hollifield

**Date First Presented to WRC:** May 22, 2014

**Tract Name:** Blackburn Tract (PIN 1204412)

**Acreage:** 41.9 acres

**County:** Wilkes

**Estimated Value:** \$295,000 (asking price)

**Property Owner or Representative:** Michael Blackburn c/o Casey and Company Realty

**Phone:** (336) 838-5766

**Property Address:** 2287 Longbottom Rd., McGrady, NC 28649

**Agent Address:** PO Box 955, Wilkesboro NC 28697

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  CWMTF

OTHER (explain): Pittman-Robertson Land Acquisition Grant, WRC Funds

**Resources Assessment and Biological Benefits (brief):** Acquisition of this property is significant as part of the total management project being carried out at Thurmond Chatham Game Land. Acquisition of the Blackburn tract is particularly significant since it would provide improved public access to the adjacent portion of the game land and dissolve a current "gap" in State ownership. Acquisition would bring the game land boundary all the way to Long Bottom Rd. (S.R. 1728) for +/- 0.75 mi. at this location when combined with adjacent holdings. The tract is mainly forested with Appalachian Oak predominant. A small tributary of the West Prong Roaring River traverses the tract for approximately 0.20 mi. The stream is too small to provide any significant fishing opportunity. A small manmade pond (0.1 ac) is present on the property. Management objectives will include protecting water quality, maintaining and/or restoring priority wildlife habitats, and providing increased public access and opportunities for hunting and other outdoor recreational activities. In addition, a portion of the tract is well suited for potential construction of a public shooting range. The nearest residence is approximately 0.75 mi. from the tract.

**Additional Comments:** A small cabin that is a renovated two bedroom, one bath mobile home is present on the property. The cabin would serve no purpose to WRC. An 8'x40' storage trailer is also located on the property. The storage trailer may serve a use for WRC on the tract or at another location.



**Program Potential:**  Game Land (Thurmond Chatham)       Wildlife Conservation Area  
 Fishing Access Area

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson  
Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

25 of 30
----------

**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

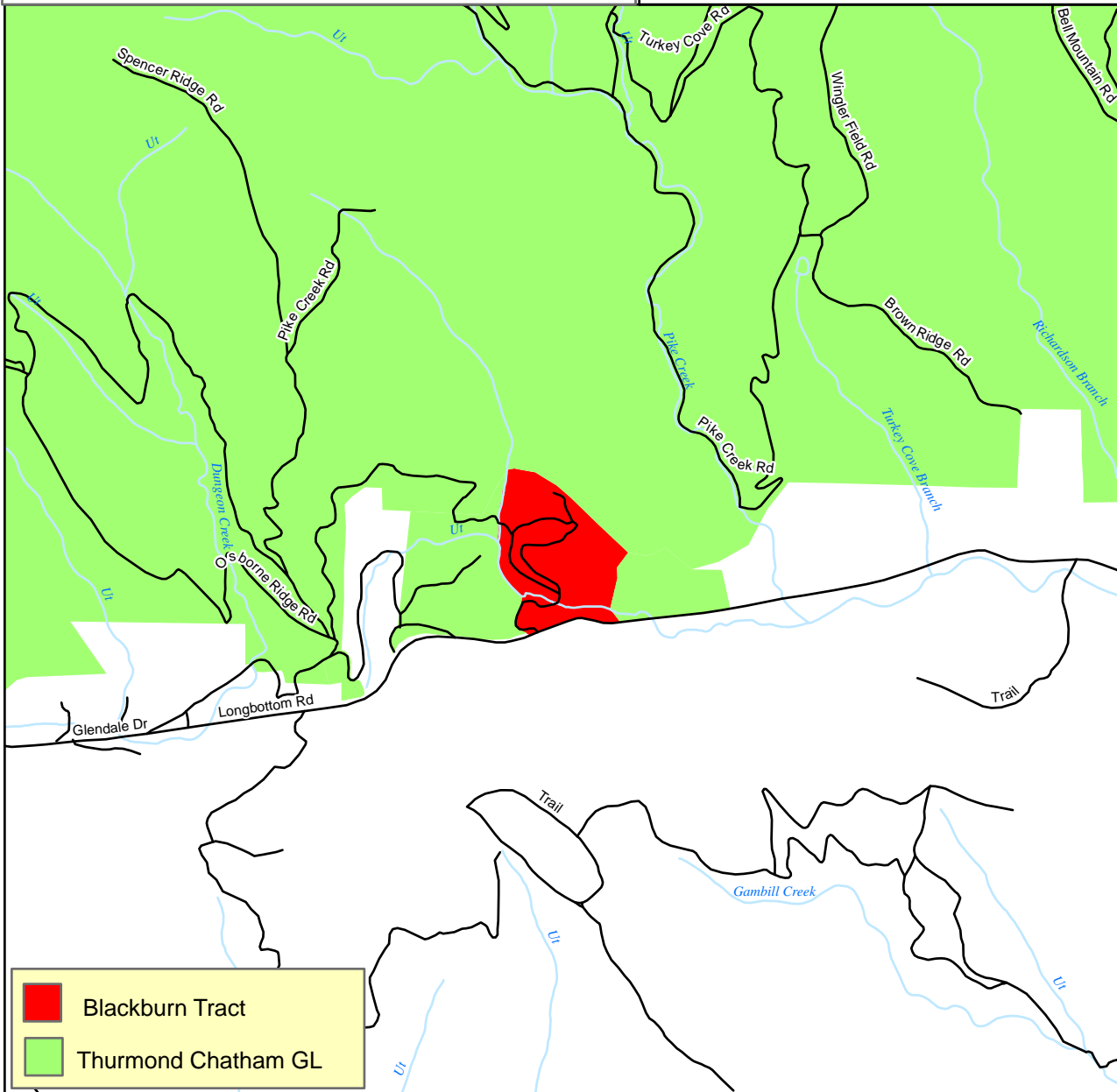
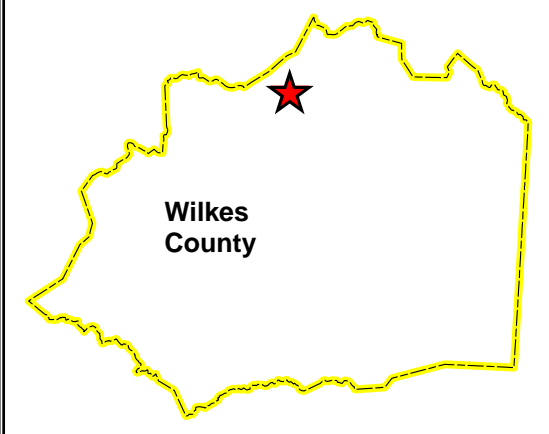
## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

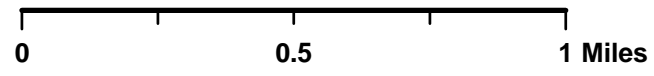
Tract Name (Thurmond Chatham) Blackburn Tract

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>4</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>4</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>4</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>3</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<b><u>25</u></b>

**Blackburn Tract  
Thurmond Chatham GL  
Wilkes County  
42 Acres**



May 2, 2014



# EXHIBIT H-3

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

---

**WRC Action/Approval to Pursue (Date):** May 22, 2014

**Tract:** Tracy Tract; Ashe County, 72 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

Accept donation of the property from The Blue Ridge Conservancy

**Based on Appraisal:**  Yes  No  NA

**If Yes, Name of Appraiser:**

**Date of Appraisal:** NA

**Appraisal Handled by State Property Office:**  Yes  No  NA

**Acquisition Plan Includes Bargain Sale:**  Yes  No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	\$8,539
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	\$0

**Additional Comments:** NA

**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
<b>BRC Tracy Tract</b>	Boundary Establishment (Contract Survey)	5,150	Ft.	\$1.25	\$6,437.50
	Remove Interior Boundary	0.75	Mi.	\$135.00	\$101.25
	Spot-mow annually to maintain early successional habitat	NA	NA	NA	\$2,000.00
<b>Total</b>					<b>\$8,538.75</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>BRC Tracy Tract</b>					\$ -
	<b>Total</b>				
<i>Insert additional rows in table as needed</i>					

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

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Gordon Warburton/Kip Hollifield

**Date First Presented to WRC:** May 22, 2014

**Tract Name:** Blue Ridge Conservancy (BRC) Tracts

<b>Acreeage:</b>	Phillips Tract	101 acres (Parcel ID 08068-004)
	BRC Tract	90 acres (Parcel ID 17040-005)
	<b>Tracy Tract</b>	<b>72 acres (Parcel ID 17068-020)</b>
	<b>TOTAL</b>	<b>263 acres</b>

**County:** Ashe

**Estimated Value:** NA – offered as a donation. BRC currently owns one of the three tracts and has secured a Clean Water Management Trust Fund grant for 50% of the other two tracts and is currently pursuing the balance of the necessary funding. If successful, BRC wishes to donate all three tracts to WRC.

**Property Owner or Representative:** Blue Ridge Conservancy c/o Eric Hiegl

**Phone:** 828-264-2511

**Address:** P.O. Box 568, Boone, NC 28607

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  CWMTF

OTHER (explain): NA – offered as a donation

**Resources Assessment and Biological Benefits (brief):** Acquisition of these properties is significant as part of the total management project being carried out in the Pond Mountain area. WRC ownership of the tracts will help ensure ecosystem integrity of the area by increasing connectivity of lands in conservation ownership such as the Jefferson and Cherokee National Forests, Three Top Mountain Game Land, and various private holdings that are in conservation ownership or have conservation easements. WRC ownership will reduce land fragmentation as well.

Both the BRC and Tracy tracts are mostly forested with Appalachian oak and Appalachian cove forests predominant. Both also contain a small amount of open and old field habitat. The Phillips tract is approximately half forested with the other half open/old field habitat.

Common wildlife species found on these tracts include wild turkey, black bear, white-tailed deer, gray squirrel, ruffed grouse as well as various songbirds, salamanders, and small mammals. The entire Phillips tract and the majority of both the BRC and Tracy tracts are part of the state significant Pond Mountain Natural Heritage Area.

The BRC tract adjoins Rock Fence Rd. (S.R. 1324) and acquisition will provide additional public access to a portion of the existing Pond Mountain Game Land. While the Phillips and Tracy tracts offer no additional public access points, acquisition will augment existing holdings though additional acreage available for natural resources management and public recreation. Additionally, WRC ownership will ensure these properties are not developed. Management objectives will include restoring or maintaining the oak forest and cove forest priority wildlife habitats that are located on the tracts, as well as maintaining early successional habitat that currently exists on the properties. Public recreational opportunities will include hunting, hiking, bird watching, photography, and general nature study. Educational opportunities may exist as priority wildlife habitats are managed for or maintained.

**Additional Comments:** None

**Program Potential:**  Game Land (Pond Mountain)     Wildlife Conservation Area  
 Fishing Access Area                       None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

28 of 30
----------

**Recommendation:**  Pursue Acquisition             Defer                       Do not Pursue Acquisition

**Map Attached:**  Yes                       No

## WORKSHEET

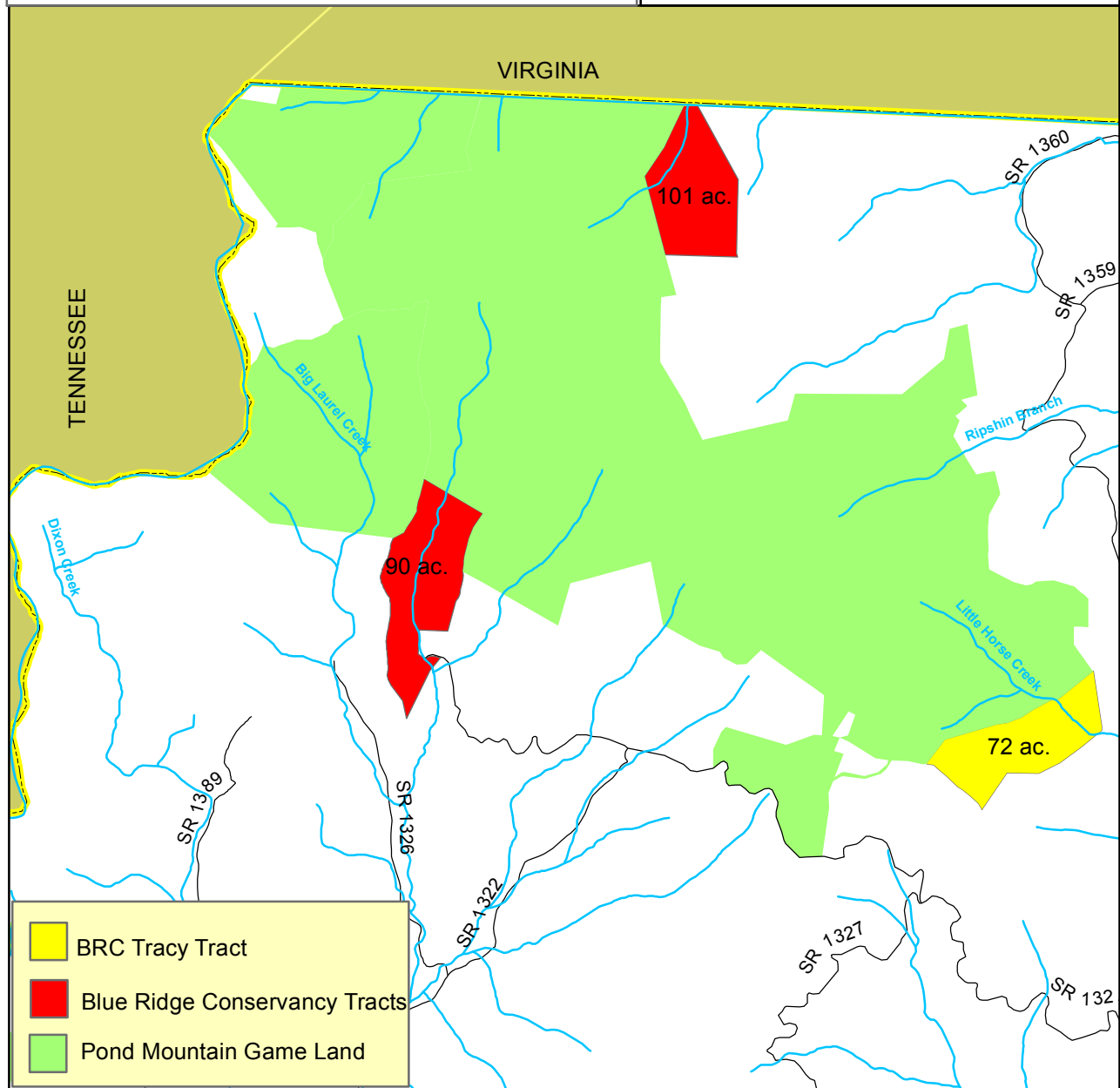
### Relative Priority Evaluation for Conservation Lands

Tract Name (Pond Mtn. GL) Blue Ridge Conservancy Tracts

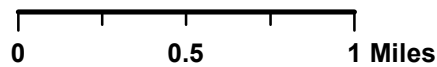
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>4</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>4</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<b><u>28</u></b>



# Blue Ridge Conservancy Tracy Tract Pond Mountain GL Ashe County 72 Acres



January 3, 2015



# EXHIBIT H-4

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

---

**WRC Action/Approval to Pursue (Date):** August 28, 2014

**Tract:** Davis Tract; Buncombe County, 28 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

Pittman Robertson Land Acquisition Grant	\$ 198,000
Southern Appalachian Highlands Conservancy	\$ <u>66,000</u>
Total Cost:	<u>\$ 264,000 (\$ 9,429/Acre)</u>

**Based on Appraisal:**  Yes     No     NA

**If Yes, Name of Appraiser:**

Requested by:	Appraiser	Effective Date	Appraised Value
WRC	Mike Moore	10/8/2014	\$ 264,000 (\$ 9,429/Acre)

**Date of Appraisal:** See above.

**Appraisal Handled by State Property Office:**  Yes     No     NA

**Acquisition Plan Includes Bargain Sale:**     Yes     No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	6,087.50
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	NA

**Additional Comments:** NA

**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
<b>Davis Tract</b>	Boundary Establishment	2.5	Mi.	\$135.00	\$337.50
	Install Parking Area	1	Ea.	\$5,000.00	\$5,000.00
	Install Gates	1	Ea.	\$750.00	\$750.00
<b>Total</b>					<b>\$6087.50</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>Davis Tract</b>					\$ -
	<b>Total</b>				
<i>Insert additional rows in table as needed</i>					

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

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Gordon Warburton/David Stewart

**Date First Presented to WRC:** August 28, 2014

**Tract Name:** Davis Tract (PIN 970362641300000)

**Acreage:** 27.8

**County:** Buncombe

**Estimate Value:** Appraised at \$445,000 in July of 2013. Asking price \$300,000

**Property Owner or Representative:** Randy Davis

**Phone:** (828) 658-8255

**Address:** 71 Sage Drive Weaverville, NC 28787

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  Clean Water Management Trust Fund

OTHER (explain): Southern Appalachian Highlands Conservancy (SAHC)  
SAHC has expressed interest in raising private funds to assist with acquisition

**Resources Assessment and Biological Benefits (brief):** Acquisition of this property is significant as part of the total management project being carried out in the Sandy Mush area. In a broader sense, WRC ownership of the tract will help ensure ecosystem integrity at the landscape level by increasing connectivity of lands in conservation ownership such as Pisgah National Forest, Sandy Mush Game Land (WRC holdings), Southern Appalachian Highlands Conservancy (SAHC) lands and various private holdings in the vicinity that are protected under conservation easements. WRC ownership will help reduce land fragmentation as well.

Currently, the Davis Tract is mostly open pasture and hay land. These open areas provide excellent opportunities for quality early successional wildlife habitat restoration. Quality early successional habitat is a rare habitat in Western North Carolina, and is also a priority habitat in the North Carolina Wildlife Action Plan. WRC ownership would ensure that these areas are protected and managed properly. Common wildlife species found on the tract include wild turkey, white-tailed deer, and bobwhite quail as well as various songbirds, salamanders, and small mammals. The Davis tract is immediately adjacent the Sandy Mush Game Land. Public recreational opportunities will include hunting, fishing, hiking, bird watching, photography, and general nature study. Educational opportunities may exist as priority wildlife habitats are managed for or maintained.

**Additional Comments:** The Davis Tract has been identified in the Sandy Mush Game Land Management Plan as a Level 1 priority tract for acquisition. The plan identifies Level 1 tracts as those having the highest potential to improve access, enhance connectivity, and/or those tracts containing priority habitats.

Preliminary estimates of five-year stewardship expenditures include marking and maintaining the property boundary (0.5 miles @ \$405), constructing one game land parking area (\$5,000), and installing one gate (\$100). Total estimate of five-year expenditures is \$5,505.

No short-term revenue is projected from the tract.

**Program Potential:**  Game Land (Sandy Mush)       Wildlife Conservation Area  
 Fishing Access Area       None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

30 of 30
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**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

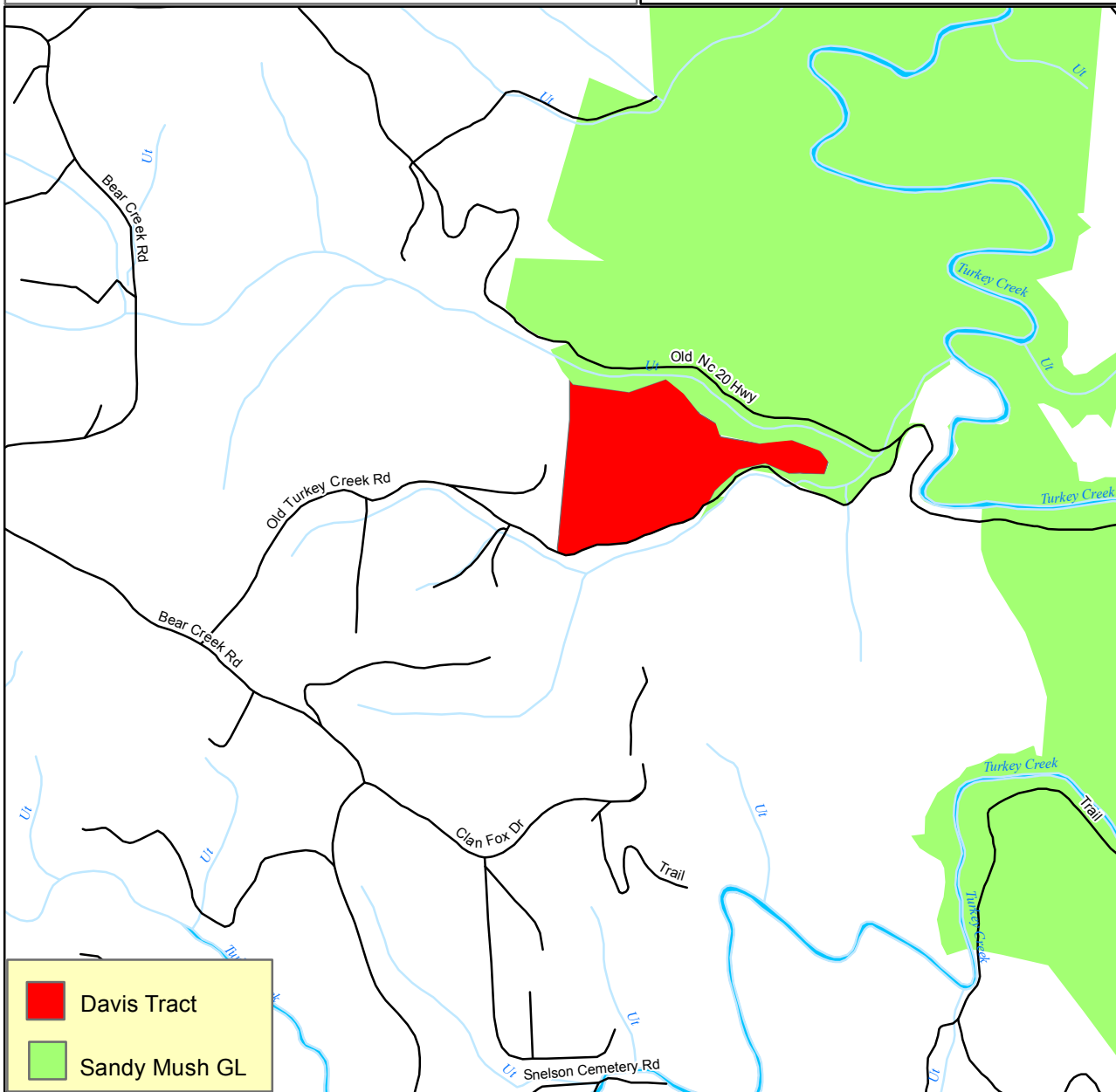
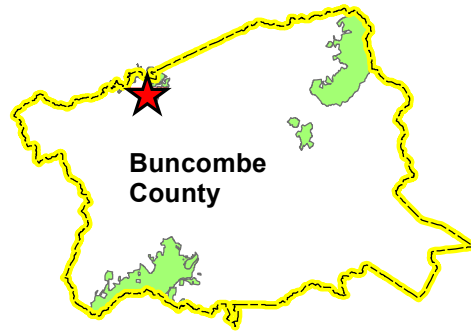
## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

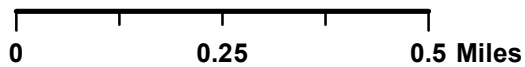
Tract Name (Sandy Mush GL)     Davis Tract    

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>          5          </u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>          5          </u>
3. No conflicting surrounding land uses.	<u>          5          </u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>          5          </u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>          5          </u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>          5          </u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>          NA          </u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>          NA          </u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>          NA          </u>
<b>TOTAL SCORE</b>	<u>          30          </u>

# Davis Tract Sandy Mush GL Buncombe County 28 Acres



August 9, 2014



# EXHIBIT H-5

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

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**WRC Action/Approval to Pursue (Date):** January 29, 2015

**Tract:** Godwin II Tract; Pender County, 73 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

Accept donation of the property from The Nature Conservancy

**Based on Appraisal:**  Yes  No  NA

**If Yes, Name of Appraiser:**

**Date of Appraisal:** NA

**Appraisal Handled by State Property Office:**  Yes  No  NA

**Acquisition Plan Includes Bargain Sale:**  Yes  No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	\$2,530
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	\$0

**Additional Comments:** NA



**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
<b>Goodwin II</b>	Boundary Yr. 1	2.3	mi.	\$550.00	\$1,265.00
	Boundary Yr. 4	2.3	mi.	\$550.00	\$1,265.00
<b>Total</b>					<b>\$2,530.00</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>Goodwin II</b>					\$ -
	<b>Total</b>				
<i>Insert additional rows in table as needed</i>					

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

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Tommy Hughes

**Date First Presented to WRC:** January 29, 2015

**Tract Name:** Godwin II Tract (PIN: 3258-10-6522-0000)

**Acreage:** 72.86

**County:** Pender

**Estimated Value:** NA - offered as a donation by The Nature Conservancy (TNC).

**Property Owner or Representative:** TNC, NC Chapter (Hervey McIver)

**Phone:** 919-794-4396 Office; (919-618-7886 Mobile)

**Email:** [hmciver@TNC.ORG](mailto:hmciver@TNC.ORG)

**Address:** 334 Blackwell St. Suite 300  
Durham, NC 27701

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  NHTF       CWMTF

OTHER (explain): Donation from TNC

**Resources Assessment and Biological Benefits (brief):** Property lies within the Northeast Cape Fear River Floodplain Significant Natural Heritage Area and consists of approximately 73 acreage. Specifically, it lies between the river and Broadwater Creek and consists of tidal cypress-gum swamp forest and a natural levee pine-oak forest community. All the forest is mature with no timber having been harvested in the past 50+ years. The adjacent river supports anadromous fish spawning, including federally listed sturgeon. The tract supports NCWRC Wildlife Action Plan Priority habitats and species and provides valuable habitat for waterfowl, reptiles and amphibians, Neotropical migrants, deer, turkey, small game and furbearers.

Based upon data found in the NC Conservation Planning Tool, the Godwin II Biodiversity Index averaged a score of 10 out of 10 (1- low-10 high values). The Biodiversity/Wildlife Habitat Index prioritizes aquatic and terrestrial habitat, landscape function and connectivity. Areas that support this level of species richness should be targeted for protection.

**Additional Comments:** None

**Program Potential:**  Game Land (Cape Fear River Wetlands)  Wildlife Conservation Area  
 Fishing Access Area  None

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** Pittman-Robertson  
Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

**Recommendation:**  Pursue Acquisition  Defer  Do not Pursue Acquisition

**Map Attached:**  Yes  No

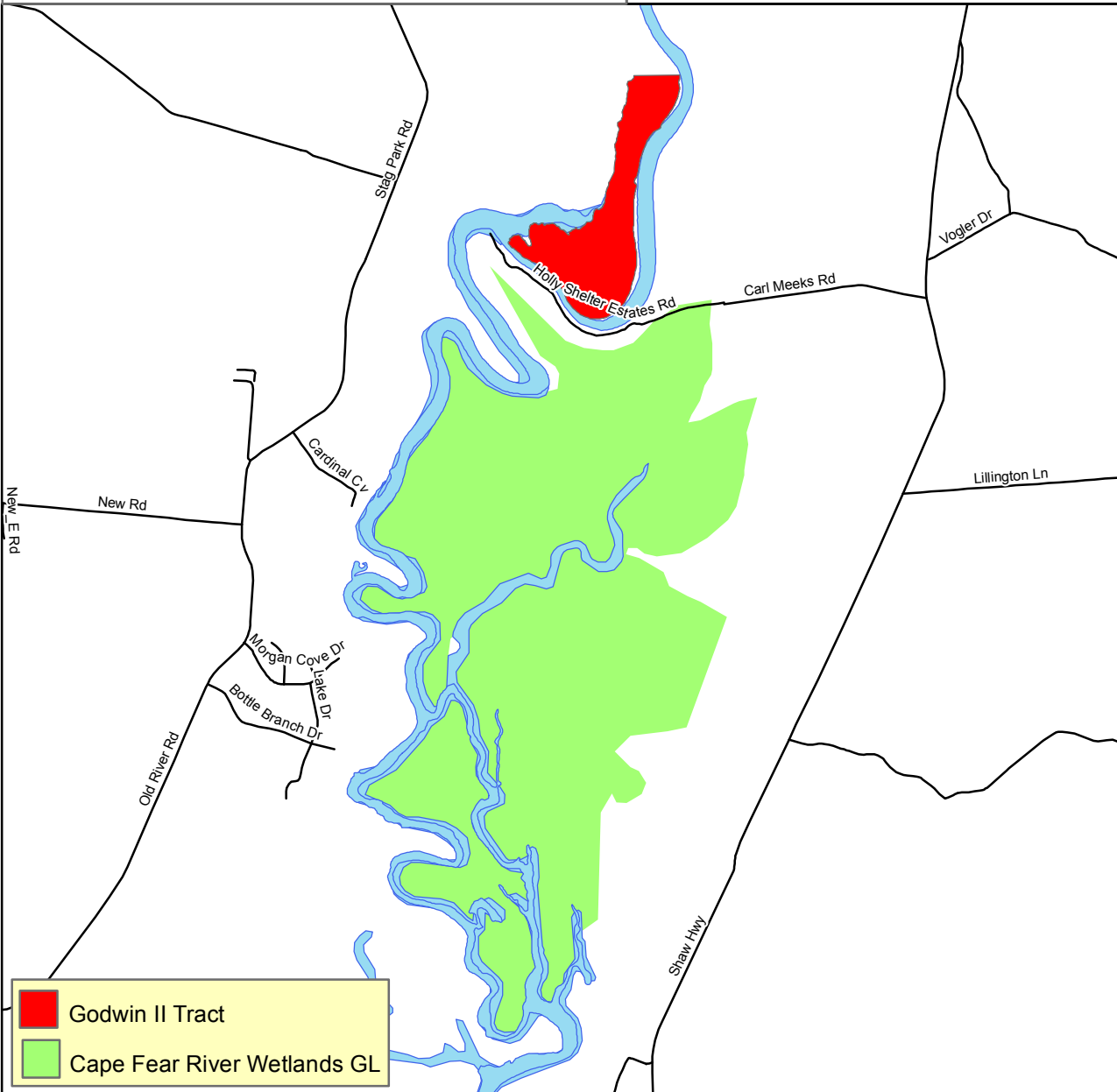
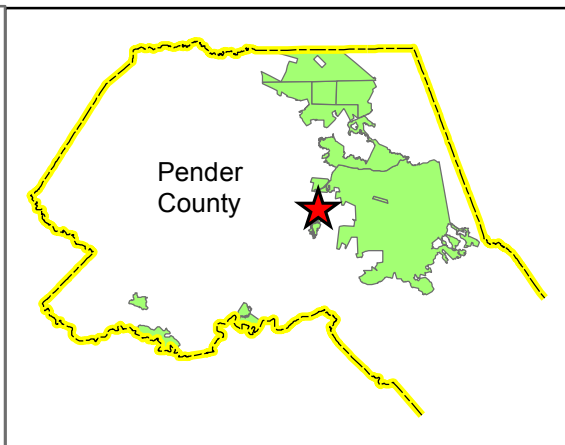
## WORKSHEET



### Relative Priority Evaluation for Conservation Lands

Tract Name (Cape Fear River Wetlands GL) Godwin II Tract (Pender County)

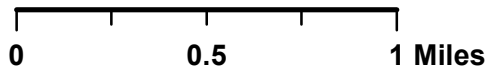
Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<u><u>30</u></u>

# Godwin II Tract Cape Fear River Wetlands GL Pender County 73 Acres



 Godwin II Tract  
 Cape Fear River Wetlands GL

January 3, 2014



# EXHIBIT H-6

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

---

**WRC Action/Approval to Pursue (Date):** July 10, 2014

**Tract:** Claudia Goodwin Tract; Scotland County, 60 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

WRC (Sandhills Mitigation Fund) \$ 72,000

Total Cost: \$ 72,000 (\$ 1,200/Acre)

**Based on Appraisal:**  Yes  No  NA

**If Yes, Name of Appraiser:**

Requested by:	Appraiser	Effective Date	Appraised Value
WRC	Keith McDonald	8/26/2014	\$ 72,000 (\$ 1,200/Acre)

**Date of Appraisal:** See above.

**Appraisal Handled by State Property Office:**  Yes  No  NA

**Acquisition Plan Includes Bargain Sale:**  Yes  No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	135
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	NA

**Additional Comments:** NA

**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
<b>Goodwin</b>	*Boundary Establishment (Post & Paint)	0.5	mi.	\$135.00	\$67.50
	Remove Interior Boundary	0.5	NA	\$135.00	\$67.50
<b>Total</b>					<b>\$135.00</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
<b>Goodwin</b>					\$ -
	<b>Total</b>				
<i>Insert additional rows in table as needed</i>					

\*Establishment of new boundary not required if the surrounding Sassafras tract is acquired (Goodwin is a complete inholding within the Sassafras tract)

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

**-PHASE I: INITIAL INVESTIGATION-**

---

**WRC Staff Contact:** Brady Beck

**Date First Presented to WRC:** July 10, 2014

**Tract Name:** Claudia Goodwin Tract (Southeastern Land & Timber Co. LLC)

**Acreage:** 60 Acres

**County:** Scotland

**Estimated Value:** \$75,000 (asking price)

**Property Owner or Representative:** Claudia Goodwin

**Phone:** Realtor: Joy Hildreth (704) 694-6967

**Address:** Claudia Goodwin  
12 Medford Place  
Avondale Est., GA 30002

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  Clean Water Management Trust Fund

OTHER (explain): Army Compatible Use Buffer Program, USFWS Section 6  
Endangered Species Grant, WRC Funds

**Resources Assessment and Biological Benefits (brief):** This parcel is adjacent to Block B of the Sandhills Game Land. The upland portions of the tract contain young (10-15 year old) loblolly pine and mixed upland hardwood. The creek boundary and beaver pond complexes contain pond pine and mixed bottomland hardwood species. It is bound on the west by 3,300 feet of frontage on Jordan Creek (and several impounded beaver ponds), and on the east by 2,500 feet of Sandhills Game Land.

Nearly the entire parcel is contained within the Old Laurel Hill Road Sandhills Significant Natural Heritage Area to benefit Pine Barrens Treefrogs, which have a limited distribution in North Carolina and are thought to be declining due to habitat destruction/degradation. In February 2014, Phase I approval was provided to pursue the Sassafras Timber LLC tract. If that acquisition is successful, the Goodwin tract will become a complete inholding and essential to fully integrate the Sassafras tracts into the Sandhills Game Land. Goodwin is also a priority as a stand-alone acquisition, due to its common game land boundary, buffering of Jordan Creek for water quality, and protection of the Old Laurel Hill Road Sandhills Significant Natural Heritage Area.



**Additional Comments:** High priority for the Sandhills Conservation Partnership.

Preliminary estimates of five-year stewardship expenditures are limited to correcting the property boundaries (remove 0.5 miles of existing boundary and establish 0.5 miles of new boundary). Total estimate of expenditures is \$500.

There is potential for future revenue from the tract, but none is anticipated within five years.

**Program Potential:**  Game Land (Sandhills)       Wildlife Conservation Area  
 Fishing Access Area

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):**  
Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Relative Priority Evaluation Score (attach worksheet):**

30 of 30
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**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

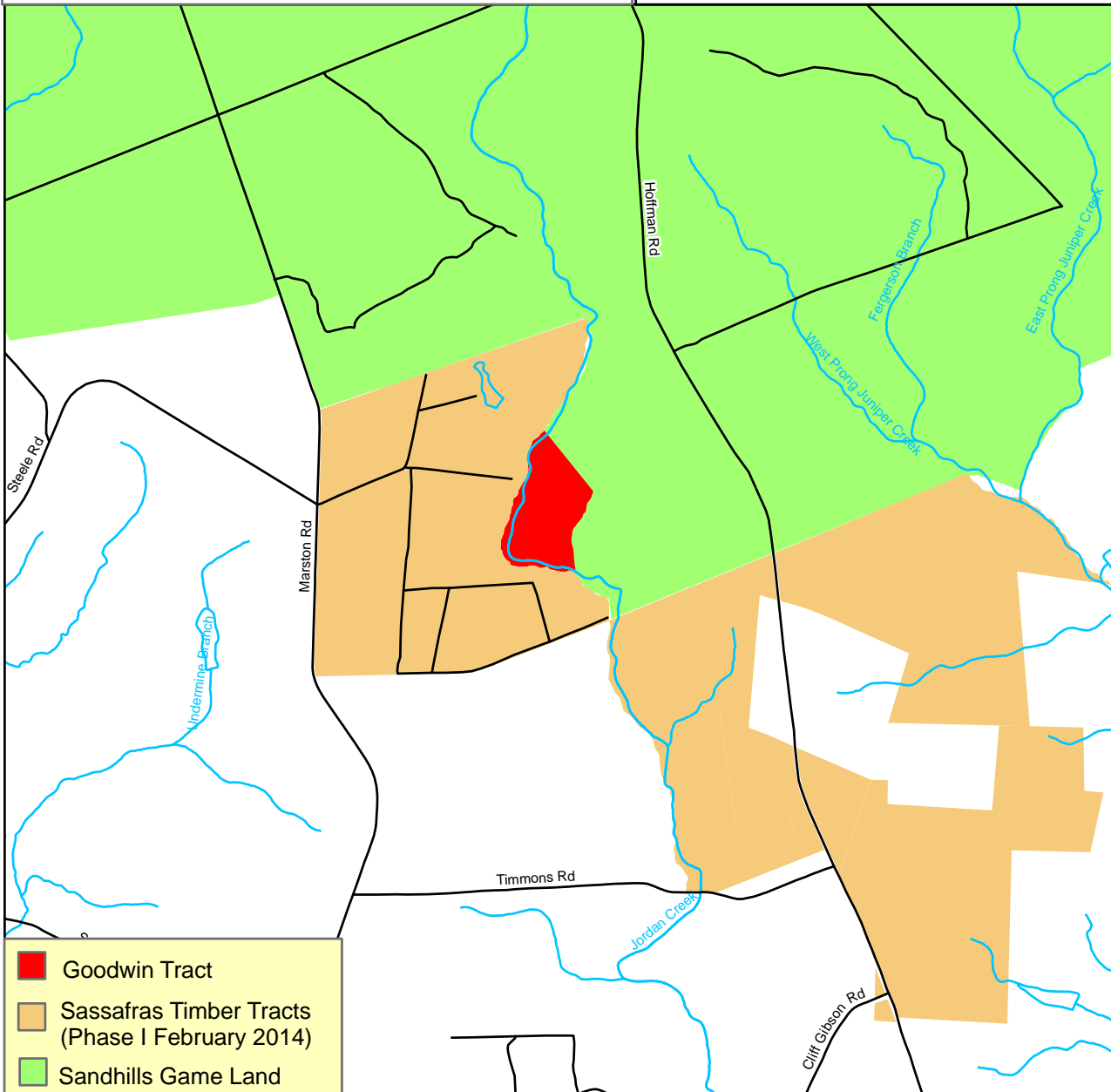
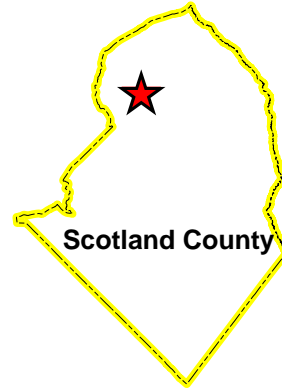
## WORKSHEET

### Relative Priority Evaluation for Conservation Lands

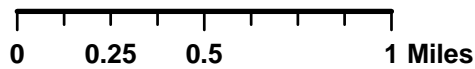
Tract Name (Sandhills GL) Goodwin Tract – Scotland County

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>5</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>5</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei (“anchors”) for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>5</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>NA</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<b><u>30</u></b>

# Goodwin Tract Sandhills Game Land Scotland County 60 Acres



April 30, 2014



# EXHIBIT H-7

January 29, 2015

## North Carolina Wildlife Resources Commission Land Acquisition Investigation Form

### -PHASE II: FINAL ACQUISITION DETAILS-

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**WRC Action/Approval to Pursue (Date):** May 22, 2014

**Tract:** Watson-Old Man's Bog Tract; Alleghany County, 9.97 Acres

**Acquisition Plan (specify total project cost, each source, and amount of OBLIGATED funds):**

State Wildlife Grant (T-13 Federal)                      \$ 38,500 (50% of appraised value)  
WRC (Wildlife Diversity Funds)                         \$ 38,500 (50% of appraised value)  
NC Herpetological Society                                 \$ 14,000 (amount exceeding appraised value)

Total Cost:     \$ 91,000 (\$ 9,127/Acre)

**Based on Appraisal:**  Yes         No         NA

**If Yes, Name of Appraiser:**

Requested by:	Appraiser	Effective Date	Appraised Value
WRC	Phillips Appraisals	7/3/2014	\$ 77,000 (\$ 7,723/Acre)

**Date of Appraisal:** See above.

**Appraisal Handled by State Property Office:**  Yes         No         NA

**Acquisition Plan Includes Bargain Sale:**         Yes         No

**If Yes, Explain Details:**

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

Pittman-Robertson Federal Assistance Grant (75% federal: 25% state)

**Five Year Stewardship Costs & Revenue Projection Evaluation (attach worksheet)**

<b>Five Year Estimate of Total Stewardship Expenditures:</b>	\$:	3,916
<b>Five Year Estimate of Total Projected Revenue:</b>	\$:	NA

**Additional Comments:** NA

**WORKSHEET**  
**Five Year Stewardship Costs and Revenue Projections**  
**(Five Years Post Acquisition)**

STEWARDSHIP					
Estimated Stewardship Expenditures					
Tract Name	Activity	Quantity	Unit	Unit Cost	Total Cost
Watson	Boundary Establishment (Contract Survey)	3,133	Ft.	\$1.25	\$3,916.25
<b>Total</b>					<b>\$3,916.25</b>
<i>Insert additional rows in table as needed</i>					

REVENUE					
Estimated Revenue Projections					
Tract Name	Source	Quantity	Unit	Unit Revenue	Total Revenue
Watson					\$ -
<b>Total</b>					<b>\$ -</b>
<i>Insert additional rows in table as needed</i>					

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

**-PHASE I: INITIAL INVESTIGATION-**

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**WRC Staff Contact:** Gabrielle Graeter

**Date First Presented to WRC:** May 22, 2014

**Tract Name:** Watson-Old Man's Bog Tract (PIN 3988092529)

**Acreage:** 9.97

**County:** Alleghany

**Estimated Value:** \$90,900 (tax value)

**Property Owner or Representative:** Bill Watson c/o Paul Troccoli (son-in law)

**Phone:** Paul Troccoli (primary contact) 302-945-1129  
Bill Watson (landowner) 410-838-1570

**Property Address:** Bullhead R., Sparta, NC 28675

**Contact Address:** 31791 Marsh Island Ave., Lewes, DE 19958

**Landowner Address:** 2025 Ruffs Mill Rd., Bel Air, MD 21015

**Status:**  High Interest       Moderate Interest       Low Interest       No Interest

**Grant Potential:**  Clean Water Management Trust Fund

OTHER (explain): USFW Section 6 Endangered Species Grant

**Resources Assessment and Biological Benefits (brief):** The parcel contains a Southern Appalachian Bog with a diverse plant community and a healthy bog turtle population, which is a federally-listed threatened species. Sixteen bog turtles at this location have been marked thus far. There are four extant (existing) bog turtle populations within a five mile radius and an additional 15 within a 10 mile radius, a distance that bog turtles can move over land and mountains and/or along riparian corridors. There are only 12 known populations within the Little River watershed, including Old Man's Bog. Protection of this bog will help ensure protection of this highly threatened priority habitat type and the federally-listed threatened bog turtle.

**Additional Comments:** The landowner is eager to sell, but he is also aware of its conservation value and would like to see the bog and bog turtles protected.

**Program Potential:**  Game Land (Sandy Mush)       Wildlife Conservation Area  
 Fishing Access Area

**Potential Source(s) of Stewardship Funds (indicate federal:state match rates):** State Wildlife Grant  
(65% federal:35% state)

**Relative Priority Evaluation Score (attach worksheet):**

19 of 20
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**Recommendation:**  Pursue Acquisition       Defer       Do not Pursue Acquisition

**Map Attached:**  Yes       No

## WORKSHEET

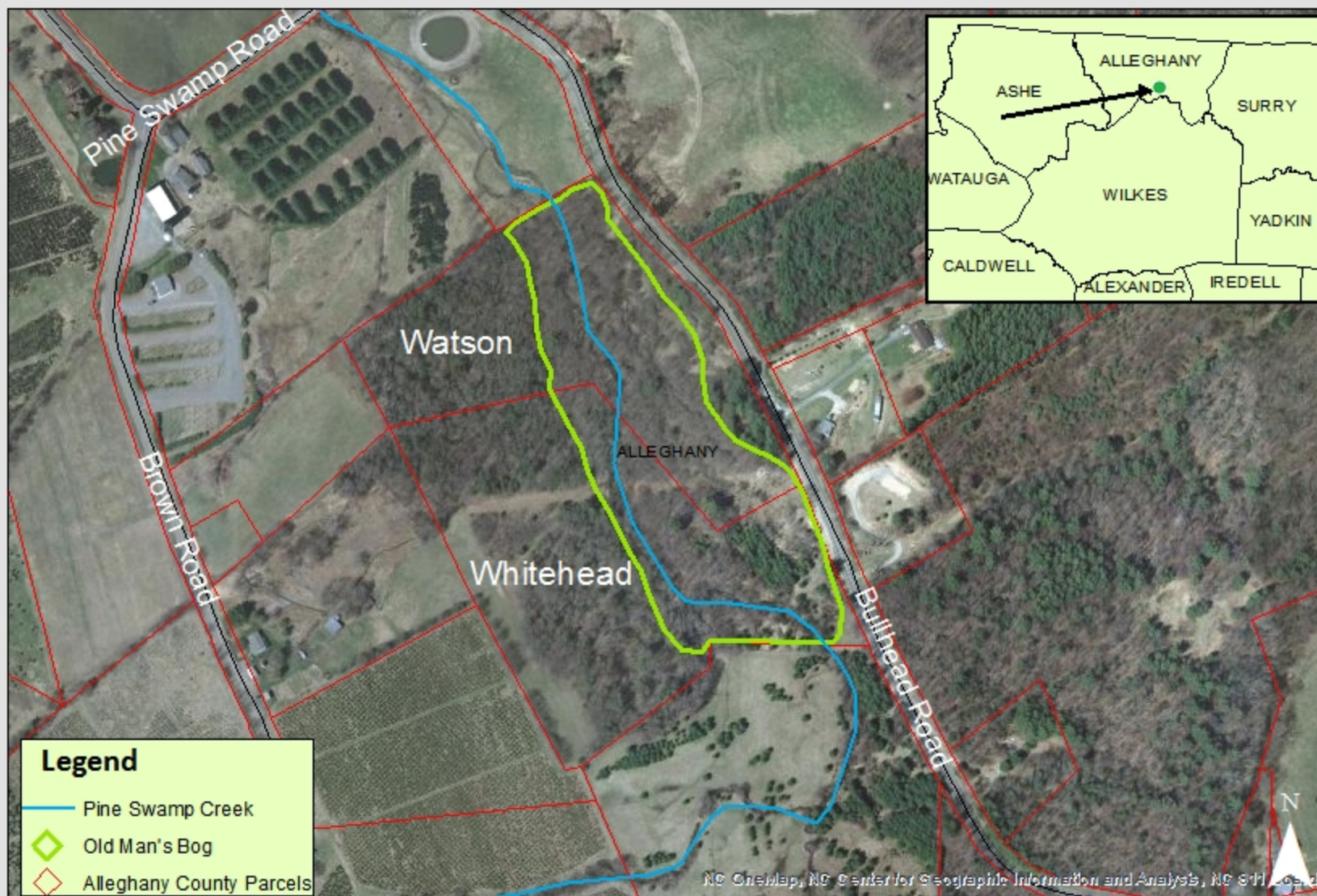
### Relative Priority Evaluation for Conservation Lands

Tract Name Watson (Old Man's Bog) Tract

Criterion	Score (1-5) 5=Excellent 1=Poor
1. Augments existing protected lands by addressing an inholding or adjacent tract, provides key access, buffers or connects existing WRC-managed lands.	<u>NA</u>
2. Represents good hunting, fishing, wildlife viewing, and other resource-based recreational opportunities.	<u>NA</u>
3. No conflicting surrounding land uses.	<u>5</u>
4. Serves as a wildlife corridor between areas already protected for conservation purposes and provides connectivity to priority Wildlife Action Plan habitats.	<u>5</u>
5. Augments land conservation efforts on a landscape scale by providing nuclei ("anchors") for regional conservation efforts, corridors, key linkages between conservation areas, or keystone tracts.	<u>4</u>
6. Fills a need identified by the Wildlife Action Plan, such as critical, rare or unique habitats; natural heritage elements; or significant aquatic/terrestrial resources.	<u>5</u>
7. Is this an area in which we would like to establish a new game land, wildlife conservation area, or fishing access?	<u>YES</u>
8. Is it large enough to be a new game land, and if not, are there possibilities for expansion (goal 3,000-5,000 acre minimum)?	<u>NA</u>
9. Is area adequate for fishing access development with suitable parking, and if not, are there possibilities for expansion?	<u>NA</u>
<b>TOTAL SCORE</b>	<u>19 of 20 that apply</u>



**Figure 1. Old Man's Bog (Allegheny County)**



0 37.5 75 150 225 300 Meters

by Gabrielle Graeter, NCWRC  
Map prepared on April 30, 2014



# EXHIBIT I

January 29, 2015



## **Temporary rule-making for No-wake Zones on Lake Wylie in Gaston and Mecklenburg counties**

The Lake Wylie Marine Commission made formal application to the Wildlife Resources Commission requesting a no-wake zone on Lake Wylie west of Sadler Island. The Lake Wylie Marine Commission advertised and held a public hearing and submitted a resolution requesting the Commission to promulgate rulemaking.

Law Enforcement assessed the request and made numerous site visits. Based upon the safety issues present, officers recommend the Commission pursue rule-making, with modifications, for the original Lake Wylie Marine Commission request (Sadler Island west) and an additional no-wake zone (Sadler Island east). On the stretch of the Lake Wylie west of Sadler Island there is a business that rents kayaks and during certain times of the year there can be over 100 kayakers in the water at a time. The width of the lake between the lake's shore and Sadler Island is too narrow for a motorboat going at a high rate of speed to be able to safely navigate around such a high concentration of kayakers. In addition, a motorboat gas pump is planned for this stretch of the lake. The no-wake zone outlined on the map in this exhibit is shorter in length than the original requested by the Lake Wylie Commission. The assessment by the officers is that the shortened no-wake zone is sufficient to address safety concerns, coupled with the proposed no-wake zone east of Sadler Island.

The U.S. National Whitewater Center is located on the shore of Lake Wylie east of Sadler Island. This is the second location on the same stretch of the Lake Wylie where the public can rent kayakers to paddle in open water. The kayakers rented at the Whitewater Center make up the balance of kayakers seen on the lake during busy summer months. The situation east of Sadler Island presents the same safety issue as the west of the Island: the width of the lake between the lake shore and Sadler Island is too narrow for a motorboat going at a high rate of speed to be able to safely navigate around such a high concentration of kayakers. Thus the officers recommend a no-wake zone east of Sadler Island.

Law Enforcement believes the safety issue present is urgent and the potential for a boating accident is high enough to warrant temporary rule-making in order to have the no-wake zones in place and properly marked before the beginning of boating season. The temporary rule proposal will be followed by a permanent rule proposal.

Staff recommends the Commission notice the following temporary amendment to 15A NCAC 10F .0333 in the *North Carolina Register* with one public hearing and open comment period of at least 60 days per the Administrative Procedure Act:

**15A NCAC 10F .0333 MECKLENBURG AND GASTON COUNTIES**

(a) Regulated Areas. This Rule applies to the following waters of Lake Wylie in Mecklenburg and Gaston Counties:

- (1) McDowell Park – The waters of the coves adjoining McDowell Park and the Southwest Nature Preserve in Mecklenburg County, including the entrances to the coves on either side of Copperhead Island;
  - (2) Gaston County Wildlife Club Cove – The waters of the cove at the Gaston County Wildlife Club on South Point Peninsula in Gaston County;
  - (3) Buster Boyd Bridge- The areas 250 feet to the north and 150 feet to the south of the Buster Boyd Bridge;
  - (4) Highway 27 Bridge – The area beginning 50 yards north of the NC 27 Bridge and extending 50 yards south of the southernmost of two railroad trestles immediately downstream from the NC 27 Bridge;
  - (5) Brown's Cove – The area beginning at the most narrow point of the entrance to Brown's Cove and extending 250 feet in both directions;
  - (6) Paradise Point Cove – The waters of the Paradise Point Cove between Paradise Circle and Lakeshore Drive as delineated by appropriate markers;
  - (7) Withers Cove - The area 50 feet on either side of Withers Bridge; and
  - (8) Sadler Island west- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the western shore of Lake Wylie at 35.2708N, 81.01525W to a point on the western side of Sadler Island at 35.27056N, 81.01393W.
  - (9) Sadler Island east- beginning at a line formed from a point on the western shore of Lake Wylie at 35.27481N, 81.0138W to a point on the eastern shore at 35.27423N, 81.01111W extending south on the Lake to a line formed from a point on the eastern side of Sadler Island at 35.2663N, 81.0143W to a point on the eastern shore of Lake Wylie at 35.26501N, 81.01374W.
  - ~~(8)~~(10) other bridges – the areas that are within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in this Paragraph.
- (b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat-launching ramp, dock, pier, marina, boat storage structure or boat service area.
- (c) Speed Limit Near All Other Bridges. No person shall operate a vessel at greater than no-wake speed within 50 feet of any bridge in North Carolina that crosses the waters of Lake Wylie that is not otherwise specifically mentioned in Paragraph (a) of this Rule.
- (d) Speed Limit in Marked Swimming or Mooring Areas. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked mooring area or marked swimming area.
- (e) Placement and Maintenance of Markers. The Lake Wylie Marine Commission is designated a suitable agency for placement and maintenance of markers implementing this Rule.

*History Note:* Authority G.S. 75A-3; 75A-15;  
Eff. July 1, 1980;  
Amended Eff. July 1, 1994; June 1, 1985; June 1, 1984; March 1, 1983;  
Temporary Amendment Eff. January 1, 1998;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. February 4, 2000;  
Amended Eff. April 1, 2009; June 1, 2004; July 1, 2000.  
Temporary Amendment Eff. April 1, 2015

**AN OFFICIAL CERTIFIED RESOLUTION OF THE  
LAKE WYLIE MARINE COMMISSION**

**ESTABLISHMENT OF NO-WAKE ZONE AT  
SADLER ISLAND**

**WHEREAS**, in 1997, the Lake Wylie Marine Commission (the "Commission") was established pursuant to N.C.G.S. Chapter 77 Article 4 (the "Enabling Legislation");

**WHEREAS**, the Enabling Legislation provides that the Commission may make regulations applicable to Lake Wylie and its shoreline area concerning all matters relating to or affecting the use of Lake Wylie;


**WHEREAS**, on July 28, 2014, after due public notice, a Public Hearing was held in order to allow public comment regarding the establishment of a No-Wake Zone near Sadler Island on Lake Wylie and requesting that NC Wildlife create a new section of the NCAC that describes a new No-Wake Zone as "Sadler Island - The waters of the channel to the west of Sadler Island (which is Mecklenburg County Parcel ID 05311103) up to and including the northernmost tip of Sadler Island and down to and including the southernmost tip of Sadler Island."

**WHEREAS**, the Commission carefully considered the factors relating to the establishment of such No-Wake Zone and concluded that such establishment is necessary and advisable in order to mitigate hazards to water safety in the area; and

**WHEREAS**, immediately following the Public Hearing, the Commission voted to request that the North Carolina Wildlife Resources Commission to establish a No-Wake Zone to west of Sadler Island as described herein.

**THEREFORE IT IS RESOLVED**, that the Commission hereby requests that the North Carolina Wildlife Resources Commission undertake rulemaking for purposes of establishing a No-Wake Zone to mitigate hazards to water safety by creating a new section of the NCAC that describes a new No-Wake Zone as "Sadler Island - The waters of the channel to the west of Sadler Island (which is Mecklenburg County Parcel ID 05311103) up to and including the northernmost tip of Sadler Island and down to and including the southernmost tip of Sadler Island."

APPROVED BY THE LAKE WYLIE MARINE COMMISSION ON JULY 28, 2014.

  
\_\_\_\_\_  
Brad Thomas, Chairman

15A NCAC 10F .0333 (a) (8) & (9) No Wake Zones - Proposed  
Lake Wylie, Gaston & Mecklenburg Counties

