



AGENDA

N.C. WILDLIFE RESOURCES COMMISSION

October 13, 2011, 9:00 a.m.

1751 Varsity Drive

NCWRC Conference Room, 5th Floor

Raleigh, North Carolina

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

PLEDGE OF ALLEGIANCE

INVOCATION - *Commissioner Doug Parsons*

RECOGNITION OF VISITORS

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

ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED COMMISSION MEMBER DOC J. THURSTON III - *The Honorable Elaine F. Marshall, North Carolina Secretary of State*

Break for Photographs

APPROVAL OF MINUTES - Take action on the August 25, 2011 Wildlife Resources Commission meeting minutes as written in the exhibit and distributed to members **(EXHIBIT A)**

ADMINISTRATION

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

ENFORCEMENT DIVISION SPOTLIGHT – Receive a summary of the 2011 “On the Road On the Water Don’t Drink and Drive” campaign – *Lt. Todd Radabaugh, Wildlife Enforcement*

INLAND FISHERIES

Fisheries Update - Receive a staff update on activities of the Division of Inland Fisheries – *Christian Waters, Fisheries Program Manager*

Summary of Public Comments – Receive a summary of public comments on proposed changes to inland fishing regulations received from statewide District public hearings held in September, the WRC internet portal and correspondence – *Christian Waters (EXHIBIT C)*

DIVISION OF WILDLIFE MANAGEMENT

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

Property Acquisition, Brunswick County - Consider approval for staff to work with the State Property Office to pursue funding opportunities for the Herbert Swain tract in Brunswick County for inclusion into the Game Land Program. When appropriate funding is identified staff will seek final WRC approval to proceed with the acquisition – *Isaac Harrold (EXHIBIT D)*

Access Easement Request, Sandhills Game Land, Richmond County – Consider approval of an access easement request on Sandhills Game Land in Richmond County – *Isaac Harrold (EXHIBIT E)*

Summary of Public Comments – Receive a summary of public comments on proposed changes to hunting and trapping regulations received from statewide District public hearings held in September, the WRC internet portal, and correspondence – *Isaac Harrold (EXHIBIT F)*

Temporary Rulemaking to Allow Trapping of Feral Swine – Consider staff recommendation to undertake temporary rulemaking to allow the trapping of feral swine – *Isaac Harrold (EXHIBIT G)*

NO WAKE ZONE RULE PROPOSALS

No Wake Zone Request, Lake Landing Canal, Hyde County – Consider adoption of a request from Hyde County for an amendment to 15A NCAC 10F .0313, to establish a no wake zone in a portion of Lake Landing Canal in Hyde County – *Erik Christofferson, Engineering Services Division Chief (EXHIBIT H)*

No Wake Zone Request, Mattamuskeet Lake Canals, Hyde County – Consider adoption of a request by Hyde County on behalf of the U.S. Fish and Wildlife Service, for an amendment to 15A NCAC 10F .0313 for placement of a no wake zone in portions of Central Canal, East Main Canal and West Main Canal on Mattamuskeet Lake – *Erik Christofferson (EXHIBIT I)*

No Wake Zone Request, Fishing Creek, Carteret County – Consider adoption of a request by Fort Macon State Park on behalf of the United States Coast Guard, for an amendment to 15A NCAC 10F .0330 for placement of a no wake zone in Fishing Creek in Fort Macon State Park, from its western entrance at Tar Landing Bay to its eastern entrance at the Newport River – *Erik Christofferson (EXHIBIT J)*

No Wake Zone Request, High Rock Lake, Davidson County – Consider adoption of a request by Davidson County for an amendment to 15A NCAC 10F .0324, for placement of a no wake zone on High Rock Lake around the docks at Camp Walter Johnson Salvation Army Camp – *Erik Christofferson (EXHIBIT K)*

COMMITTEE REPORT

Committee of the Whole Report – *Chairman David W. Hoyle, Jr.*

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

COMMENTS BY EXECUTIVE DIRECTOR – *Gordon Myers*

ADJOURN



MINUTES
August 25, 2011
N. C. Wildlife Resources Commission Meeting
Raleigh, North Carolina

The August 25, 2011 N. C. Wildlife Resources Commission meeting was called to order by *Commission Chairman* David Hoyle, Jr. at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters in Raleigh.

Commissioner Steve Windham led the Pledge of Allegiance.

Commissioner Dalton Ruffin gave the invocation.

WELCOME AND MANDATORY ETHICS INQUIRY

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

Chairman Hoyle welcomed the Commissioners, Commissioners-Elect and their family members, and visitors, including Secretary of State Elaine Marshall and award winners and their families.

COMMISSIONER ATTENDANCE

David Hoyle, Jr.
Wes Seegars
Mark Craig
Durwood Laughinghouse
Joe Barker
Dell Murphy, Jr.

Ray White
Tom Berry
Jim Cogdell
John Coley IV
Nat Harris
Steve Windham

Berkley Skinner
Mitch St. Clair
John Litton Clark
Hayden Rogers
Dalton Ruffin

VISITORS

Ken Bridle – NC Nongame Wildlife Advisory Comm.	Bernard Degree - NCTA
Tom Cors – The Nature Conservancy	Tonnie Davis - NCTA
J.R. Stone – NC Bowhunters Association	Wib Owen – NC Forestry Service
Ramon Bell – NCBA	Joy D. Paris - NCWF
William Newton – NCBA	Casey P. Radford
Dylan Berry	Fred Berry
Kim Berry	Ann Somers
Craig Holt – NC Sportsman/NC Game & Fish	Sandy Brady
Harold Dorsett	Howard Isley – NCDA & CS
Curt Schmidt – NCBA	Karen Beck – NCDA & CS
T. Jerry Williams – NCBA	Bernadette Cogdell
Russell R. Poole, Jr. – NCBA	Pete Benjamin - USFWS
Mickey Strader – NCBA	Greg Culpepper
Gretchen Coley	Richard Mode – NCWF/NWF
J.T. Coley	Joe Morris
Tim Barringer – R.H. Barringer Distributing	Scott T. Fletcher – Duke Energy
Katherine Skinner – The Nature Conservancy	Fred Harris
Tim Gestwicki – NC Wildlife Federation	Richard Hamilton
Kevin O’Kane – Weyerhaeuser/NWAC	Wilson Laney – USFWS/NWAC
Gene Vaughan – NWAC	Brenda Pollard – Ducks Unlimited
Tim Savidse – The Catena Group, Inc.	Eddie Bridges – NCWHF
John Glover	David Webster – UNCW/NWAC
Ted Simons – USGS/NCSU	Chris North – NCWF
John Crutchfield – NCWF	Teri Saylor
Elaine F. Marshall – NC Secretary of State	

SWEARING IN OF COMMISSION APPOINTEES THOMAS A. BERRY, MARK R. CRAIG, JAMES W. COGDELL, HAYDEN ROGERS, AND JOHN T. COLEY IV

Chairman Hoyle introduced *North Carolina Secretary of State* Elaine F. Marshall and thanked her for agreeing to administer the Oath of Office to five newly appointed Commissioners. Secretary Marshall administered the Oath of Office to Thomas A. Berry, Commissioner at Large appointed by President Pro Tempore Phil Berger; to Mark R. Craig, Commissioner at Large appointed by the President Pro Tempore; Hayden Rogers, District 9 Commissioner appointed by Governor Bev Perdue; James W. Cogdell, District 6 Commissioner appointed by Governor Perdue; and John T. Coley IV, Commissioner at Large appointed by House Speaker Thom Tillis. Each Commissioner was given a Holy Bible used for his Oath of Office. Chairman Hoyle presented Secretary Marshall with a 2011 Wildlife calendar with appreciation for her assistance and friendship to the Commission.

PRESENTATION OF 2011 THOMAS L. QUAY AWARD

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

NON-GAME WILDLIFE ADVISORY COMMITTEE SPECIAL PRESENTATION

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

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

EVALUATIONS OF STATEMENTS OF ECONOMIC INTEREST

Pursuant to NCGS §138A-15(c), any actual or potential conflict of interest by a public servant sitting on a board and cited by the Ethics Commission under NCGS 138A-24(e) is required to be read into the minutes of the applicable board. Consequently, pertinent portions of the evaluations of the 2011 Statements of Economic Interest by Teresa H. Pell, State Ethics Commission SEI Unit attorney, were read into the minutes by Chairman David Hoyle, Jr. for the following Commissioners: John T. Coley IV; James W. Cogdell; Thomas A. Berry; John Litton Clark; and Mark R. Craig. **The Evaluations of 2011 Statements of Economic Interest for the Commissioners**, in their entirety, are incorporated by reference into the official record of this meeting.

MINUTES

On a motion by Dalton Ruffin and second by Berkley Skinner, the Commission approved the July 7, 2011 Wildlife Resources Commission minutes, presented in **Exhibit A**. The Minutes are hereby incorporated into the official record of this meeting.

NOTICE OF COMMISSIONER APPOINTMENTS

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

ADMINISTRATION

Tommy Clark, *Budget Officer*, gave a **Financial Status Report** as of June 30, 2011, presented in **Exhibit C**. The Operating Fund balance is \$20,845,004.99. The Endowment Fund balance is \$82,817,579.19. Clark then presented a financial status report on the annual interest allocation for the Endowment Fund as of June 30, 2011, presented in **Exhibit D**. On a motion by Joe Barker and second by Nat Harris the Commission approved the allocation of \$3,609,567.14 to the Sportsmen Funds. The Commission approved \$183,561.65 to be allocated to the Magazine Fund, which represents 100 percent of the interest derived from sales of lifetime magazine subscriptions. **Exhibits B, Financial Status Report and C, 2011-2012 Allocation of Endowment Fund Interest** are hereby incorporated into the official record of this meeting.

WILDLIFE MANAGEMENT SPOTLIGHT

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

WILDLIFE MANAGEMENT UPDATE

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

PROPERTY ACQUISITION- CAMDEN COUNTY

Upon a motion by Durwood Laughinghouse and second by Nat Harris the Commission approved staff recommendation presented in **Exhibit E** by Dr. David Cobb, to work with the State Property Office for the acquisition by donation from North River Associates of the North River Associates-Sedel Tract in Camden County, as an addition to the North River Game Land. **Exhibit E** is hereby incorporated into the official record of this meeting.

REQUEST TO INSTALL MONITORING WELLS – GAME LANDS IN PENDER COUNTY

Dr. Cobb presented **Exhibit F**, a request by Southern Environmental Group, Inc. on behalf of Shelter Creek Capital, LLC to work with the State Property Office to provide a temporary easement to Southern Environmental Group, Inc. to install and monitor hydrological wells on Angola Bay and Holly Shelter Game Lands in Pender County. The wells are a requirement of the Division of Water Quality's permit that regulates the discharge of stormwater, mine dewatering, and wastewater under the National Pollution Discharge Elimination System. A motion to adopt the request for temporary easement was made by Joe Barker, seconded by Jim Cogdell, and carried. **Exhibit F** is hereby incorporated into the official record of this meeting.

PROPERTY DISPOSAL REQUEST – CHOWAN SWAMP GAME LAND, GATES COUNTY

Dr. Cobb presented a staff recommendation in **Exhibit G** to dispose of three structures constructed by a hunt club in Gates County circa 1950, on what now is part of the Chowan Swamp Game Land. The Gates County Emergency Management Service has expressed interest in burning the structures as a fire department exercise. Berkley Skinner made a motion to adopt the request for disposal with a second by Nat Harris. During discussion Dell Murphy asked about possibly leasing one or more of these structures for youth activities on the Game Land. With that possibility in mind, Durwood Laughinghouse made a motion to table discussion until staff investigates and reports back to the Commission. That motion was seconded by Hayden Rogers and carried. **Exhibit G** is hereby incorporated into the official record of this meeting.

FIELD TRIAL SCHEDULE

On a motion by Durwood Laughinghouse and second by Joe Barker, the Commission approved **Exhibit H**, the 2011-2012 North Carolina Field Trial Association Running Schedule. It is hereby incorporated into the official record of this meeting.

**NORTH CAROLINA FIELD TRIAL ASSOCIATION
RUNNING SCHEDULE
2011-2012**

<u>Date</u>	<u>Club</u>	<u>Location</u>
October 8,9	Duplin County Field Club	Warsaw, NC
October 20-23	Richmond County Field Trial Club	Hoffman, NC
Oct. 28-30	Catawba Classic	Hoffman, NC
November 3-6	Tar Heel Open All Age Championship	Hoffman, NC
November 7-13	Central Carolina Field Trial Club	Hoffman, NC
December 2-4	Carolina Amateur Field Trial Club	Hoffman, NC
December 9,10	Cool Spring FTC	Statesville, NC
December 9-11	Hoffman Amateur Field Trial Club	Hoffman, NC
December 15-18	Region 111 Amateur Championship	Hoffman, NC
Dec 30,31 Jan1	Pinehurst FTC	Hoffman, NC
January 5-8	Tarheel Brittany	Hoffman, NC
January 13-15	Southeastern Brittany	Hoffman, NC
January 20-22	NC Amateur All Age	Hoffman, NC
January 25-28	Atlantic Coast Shooting Dog Championship	Hoffman, NC
Jan. 31, Feb 1-3	US Quail Futurity	Hoffman, NC
February 6-10	NC Shooting Dog Championship	Hoffman, NC
February 17-19	NC Pointing Dog Association	Hoffman, NC
February 23-27	Spring Valley	Hoffman, NC
March 2-4	Lean Breed	Hoffman, NC
March 8-10	NCFTA Open All Age	Hoffman, NC
March 12-16	NC Open Quail Championship	Hoffman, NC
March 17-20	Southern Pines Classic	Hoffman, NC
March 31, April 1	Cool Springs FTC	Statesville, NC

2011-2012 WATERFOWL SEASONS

The Commission received a summary concerning trends in duck breeding populations, 1955-2011, from Dr. David Cobb in **Exhibit I-1**.

Exhibit I-2 is a review of U.S. Fish and Wildlife Service frameworks for 2011-2012 late hunting seasons for certain migratory game birds.

Exhibit I-3 is a summary of comments received online about 2011-2012 waterfowl seasons.

On a motion by Doug Berkley Skinner and second by Joe Barker, the Commission adopted bag limits, shooting hours, and season dates for waterfowl seasons occurring after September 30, presented in **Exhibit I-4**:

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

Hours: One-half hour before sunrise to sunset.

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

GENERAL DUCK SEASON (includes coots and mergansers)

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

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

Bag Limits:

- a) Conventional bag: 6 ducks with no more than 4 scoters, 4 mallards with no more than 2 hen mallards, 3 wood ducks, 2 redheads, 2 scaup, 2 pintails, 1 black or mottled duck (season closed until November 19), 1 canvasback, or 1 fulvous whistling duck. The season on harlequin ducks is closed. (Possession limits are twice the daily bag unless otherwise noted.)

b) Other bag limits:

- 25 light geese (includes snow and blue geese and Ross' geese), no possession limit
- 2 brant
- 5 mergansers (2 hooded mergansers)
- 7 sea ducks (**In special sea duck area only**). In other areas, sea ducks are part of the regular duck bag limit. No more than 4 scoters per day may be taken in either season.
- 15 coots
- 5 dark geese (includes Canada geese and White-fronted geese) in the Resident Hunt Zone, 5 in the Southern James Bay Zone and 1 in the Northeast Hunt Zone.

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

Season Length: 105 hunting days

Season Dates: October 1 – January 31

Bag Limit: 7 sea ducks (in special sea duck areas only). In other areas, sea ducks are part of the regular duck bag limit. No more than 4 scoters per day may be taken in either season.

GOOSE SEASONS

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

RESIDENT (RP) ZONE

Season Length: 72 days

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

Bag Limit: 5 geese per day

SOUTHERN JAMES BAY (SJBP) ZONE

Season Length: 70 days

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

Bag Limit: 5 geese per day

NORTHEAST HUNT ZONE

Season Length: 7 days

Season Dates: January 21 – January 28

Bag Limit: 1 goose per day (with valid permit)
(unlimited permits available – tagging not required)

LIGHT GEESE (*includes snow, blue and Ross' geese*):

Season Length: 107 Days

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

Bag Limit: 25 birds daily (no possession limit)

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

ATLANTIC BRANT:

Season Length: 50 Days

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

Bag Limit: 2 birds daily

TUNDRA SWAN:

Season Length: 69 Days

Season Dates: November 12 - January 31

Bag Limit: One per season (with valid permit)

MINUTES
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EXTENDED FALCONRY (migratory game birds):

DOVE

Season Dates: Oct. 15 - Nov. 19
Daily Bag: 3
Possession: 6

KING, CLAPPER, SORA AND VIRGINIA RAILS

Season Dates: Nov. 19 – Dec. 24
Daily Bag: 3
Possession: 6

GALLINULE AND MOORHENS

Season Dates: Nov. 19 – Dec. 24
Daily Bag: 3
Possession: 6

WOODCOCK

Season Dates: Nov. 7 – Dec. 10 and
Jan. 30 – Feb. 25
Daily Bag: 3
Possession: 6

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

Season Dates: Oct. 24 – Nov. 5 and
Jan. 30 – February 18
Daily Bag: 3
Possession: 6

Season Length: 106 total hawking days (includes 60 days of gun season plus 16 days of special teal season)

Falconers may also hunt during the applicable gun seasons. Daily bag and possession limits of 3 and 6, respectively, apply while hunting during the gun season.

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

Falconry is not allowed on Sunday.

Daily bag and possession limits are for all species singly or in the aggregate. For example, if the applicable season(s) are open, a daily bag may consist of 3 doves or 1 dove, 1 duck and 1 woodcock for a total of 3 migratory game birds.

Exhibits I-1, I-2, I-3, and I-4 are hereby incorporated into the official record of this meeting.

ADOPTION OF A SEASON TO ALLOW THE TAKE OF MIGRANT PEREGRINE FALCONS

On a motion by Dell Murphy and second by Joe Barker the Commission adopted the proposal presented in **Exhibit J** to establish a 2011 season for the take of one live migrant juvenile peregrine falcon for use in falconry, with the following stipulations:

- Total allowable take is 1 bird during the period from September 20, 2011 through October 20, 2011.
- All birds taken must be juveniles.
- Take would be allowed only by permit from the WRC and only east of US Highway 17.
- No banded birds may be taken. Any banded birds captured must be immediately released at the site of capture.
- Permits will be issued through our special hunts permitting system (random).
- One permit will be issued to N.C. residents only.
- An individual issued a permit must have the proper state and federal falconry licenses/permits.
- Each person receiving a permit must complete a post-season survey provided by DWM staff and submit that survey no later than December 15, 2011.

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

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

RECEIVE PUBLIC COMMENTS REGARDING TEMPORARY RULEMAKING AND ADOPTION OF TEMPORARY RULES

Dr. Cobb presented **Exhibit K-1**, a summary of public comments pertaining to proposed temporary rulemaking for the take of crows and coyotes by electronic call and for the creation of an open season with no bag limit for the take of feral swine.

Dr. Cobb presented **Exhibit K-2**, the staff recommendation to adopt temporary rules under 15A NCAC 10B. 0215 for the take of crows with electronic calls and under 15A NCAC 10B .0219 for the take of coyotes with the use of electronic calls; and for an open season with no bag limits for the take of feral swine under 15A NCAC 10B .0223. The motion to adopt temporary rules was made by Wes Seegars, seconded by Nat Harris, and carried. Test kits will be available from the Department of Agriculture for testing feral swine. Brucellosis may be carried by feral swine and is transmissible to humans. **Exhibits K-1 and K-2** are hereby incorporated into the official record of this meeting.

INLAND FISHERIES UPDATE

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

PROPERTY ACQUISITION – WARREN COUNTY

Bob Curry presented **Exhibit L**, the staff recommendation to acquire property adjacent to Shocco Creek Game Lands northeast of Centerville in Warren County for inclusion into the Game Lands or Wildlife Conservation Area programs, to seek appropriate funding and forward to the State Property Office. Joe Barker made a motion to approve with a second by Dell Murphy. The motion carried. **EXHIBIT L** is hereby incorporated into the official record of this meeting.

FISCAL NOTE FOR RULEMAKING UNDER 15A NCAC 10F .0313 – HYDE COUNTY

Norman Young, *Rulemaking Coordinator* presented an explanation of the requirement under the Regulatory Reform Act that a fiscal note showing any impact on state or local government first be approved by the WRC as part of the *Notice of Text*, which is published for at least 60 days before the Commission may consider the rule for adoption. A proposed no wake zone in Lake Landing Canal in Hyde County will be considered by the WRC after the required notice and comment period end. Norman Young presented in **Exhibit M** the fiscal note analysis required for the rule proposal. A motion to adopt the fiscal note was made by Berkley Skinner, seconded by Joe Barker and carried. **Exhibit M** is hereby incorporated into the official record of this meeting.

ELECTION OF VICE CHAIRMAN

Pursuant to NCGS 143-243, the requirement that the Wildlife Resources Commission shall elect a Vice-Chairman to serve for a two-year term, Mitch St. Clair made a motion to elect Ray White as Vice Chairman. That motion was seconded by Berkley Skinner. Steve Windham then made a motion to close the nominations, with a second by Joe Barker. The Commission unanimously elected Ray White as Vice Chairman.

COMMITTEE REPORTS

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

Fisheries Committee Report – Wes Seegars, *Fisheries Committee Chairman*, reported that 29 people attended the Fisheries Committee meeting on August 24. Chad Thomas made a presentation on anadromous fish status including American shad and river herring. Seegars reported that the Coastal Recreational Fishing License (CRFL) report was explained to the new Commissioners.

Motion: The Commission adopted a motion from the Fisheries Committee made by Dalton Ruffin and seconded by Berkley Skinner to approve the draft North Carolina Estuarine Striped Bass Management Plan, a joint effort between the Wildlife Resources Commission and Division of Marine Fisheries.

Motion: Ray White made a motion from the Fisheries Committee, seconded by Steve Windham, to move the CHPP (Coastal Habitat Protection Plan) implementation plan forward. The motion carried.

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

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

Motion: Dalton Ruffin made a motion to adopt the resolution. The motion was seconded by Berkley Skinner. The Commission adopted the resolution, which is hereby incorporated into the official record of this meeting.

COMMENTS BY THE EXECUTIVE DIRECTOR

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

COMMENTS BY THE CHAIRMAN

Chairman David Hoyle, Jr. reminded Commissioners that photographs would be taken on the first floor immediately following the meeting. He presented Steve Windham with a framed print in appreciation for his service as Chairman.

The next meeting of the Wildlife Resources Commission will be held Wednesday, November 10, 2011.

ADJOURNMENT

There being no further business the meeting was adjourned by Chairman Hoyle at 11:50 a.m.

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

David Hoyle, Jr., Chairman

Date

Gordon Myers, Executive Director

Date



Resolution Regarding Supplemental Feeding of Raccoons

Whereas, N.C.G.S. § 113-294 was amended by SL 2007-96 to prohibit the placement of “processed food products” as bait in any area of the State where the Wildlife Resources Commission has set an open season for taking black bears; and

Whereas, this amendment did not limit such bait to that placed to attract black bears only, but applies to any bait placed for any animal if that bait falls under the definition of “processed food products”; and

Whereas, this law defines “processed food products” as:

“... any food substance or flavoring that has been modified from its raw components by the addition of ingredients or by treatment to modify its chemical composition or form or to enhance its aroma or taste. The term includes substances modified by sugar, honey, syrups, oils, salts, spices, peanut butter, grease, meat, bones, or blood, as well as extracts of such substances. The term also includes sugary products such as candies, pastries, gums, and sugar blocks, as well as extracts of such products.” and;

Whereas, a number of hunters routinely supplement naturally available foods for raccoons with commercially available dog food products; and

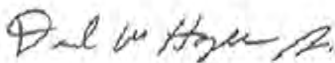
Whereas, the use of commercially available dog food products was not specifically addressed within the definition of “processed food products” in N.C.G.S. § 113-294; and

Whereas, this legislation has created uncertainties with respect to users of commercially available dog food products for supplemental feeding of raccoons in areas where the Wildlife Resources Commission has set an open season for the taking of black bears.

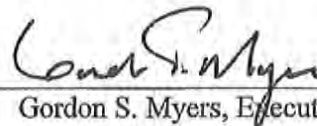
Now, therefore, be it resolved, that the North Carolina Wildlife Resources Commission sets forth the following policy regarding the use of commercially available dog food products for supplemental feeding of raccoons pursuant to N.C.G.S. § 113-294 as amended:

- 1) Any commercially available dog food product, whether placed with unprocessed food products or by itself, shall be deemed by this Commission to be a processed food product within the meaning of N.C.G.S. § 113-294. However, the placement of commercially available dog food products specifically for the purpose of attracting or feeding raccoons shall not be considered illegal under N.C.G.S. § 113-294, provided:
 - (a) that such placement is within a single closed container no larger than five gallons,
 - (b) the dog food product is accessible only through a tube requiring that the raccoon reach into the closed container, and
 - (c) each container is secured to a tree or post, either on the ground or in an elevated position, so as to reduce attractiveness to bears.
- 2) The prohibition against taking bears with the use or aid of bait shall apply to the release of dogs in the vicinity of any commercially available dog food product whether placed for the purpose of attracting or feeding raccoons or otherwise.
- 3) This policy constitutes the agency interpretation of N.C.G.S. § 113-294 for enforcement purposes rather than rulemaking. It shall remain in effect until such time as it is altered by this Commission or by an action of the General Assembly.

Approved, this the 25th day of August, 2011, in an official meeting by the North Carolina Wildlife Resources Commission.



David W. Hoyle, Jr. Chairman



Gordon S. Myers, Executive Director

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

YEAR-TO-DATE REVENUES AND EXPENSES

	<u>August 2010</u>	<u>August 2011</u>
Balance July 1	\$ 23,459,611.18	\$ 20,845,004.99
Plus: Receipts to Date	<u>9,056,981.23</u>	<u>12,402,805.72</u>
Balance and Receipts to Date	32,516,592.41	33,247,810.71
Less: Disbursements To Date	<u>13,139,745.50</u>	<u>10,283,899.82</u>
Balance August 31	<u>\$ 19,376,846.91</u>	<u>\$ 22,963,910.89</u>

EXHIBIT B
October 13, 2011

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

	August 2010			August 2011		
	Authorized Budget 2010-11	Expenditures	% of Budget Expended	Authorized Budget 2011-12	Expenditures	% of Budget Expended
2100 Administration	\$ 11,462,528.00	\$ 2,338,722.13	20.40%	\$ 8,185,336.00	\$ 1,539,212.12	18.80%
2120 Enforcement	22,449,530.00	4,166,260.95	18.56%	21,255,081.00	3,316,164.63	15.60%
2130 Education	5,105,774.00	784,931.03	15.37%	4,595,134.00	679,303.12	14.78%
2140 Inland Fisheries	8,354,374.00	1,435,232.35	17.18%	7,676,476.00	1,431,129.07	18.64%
2150 Management	18,075,248.00	2,291,544.18	12.68%	15,195,856.00	1,963,533.69	12.92%
2160 Engineering Services	6,254,022.00	1,253,550.30	20.04%	6,583,284.00	1,237,674.66	18.80%
2170 W/Life Fund Receipts	3,082,338.00	869,504.56	28.21%	2,333,978.00	116,882.53	5.01%
TOTAL	\$ 74,783,814.00	\$ 13,139,745.50	17.57%	\$ 65,825,145.00	\$ 10,283,899.82	15.62%

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

ENDOWMENT FUND YEAR-TO-DATE

	<u>August 2010</u>	<u>August 2011</u>
Balance August 1	\$ 76,219,751.66	\$ 83,405,318.85
Plus: Revenues from Sales	199,384.70	208,831.05
Return on Investment	391,255.55	699,542.80
	<hr/>	<hr/>
	76,810,391.91	84,313,692.70
Less: Transfers Out	<hr/>	<hr/>
	-	-
Balance August 31	<u>\$ 76,810,391.91</u>	<u>\$ 84,313,692.70</u>
Market Value	\$ 84,895,698.40	\$ 92,252,230.29

Endowment Fund Interest

Sources of Interest Available	Expendable	Non Expendable	Transferred to Operations	Transferred to Capital Projects	Expendable Balance
ADULT Licenses	\$ 7,185,203.65	\$ -	\$ -	\$ -	\$ 7,185,203.65
INFANT Licenses	-	8,254,880.58			\$ -
YOUTH Licenses	-	1,779,037.66			\$ -
Magazine Subscriptions	275,234.45	-	-		\$ 275,234.45
Contributions - General	360,717.52	-			\$ 360,717.52
Contributions - Diversity	0.06				\$ 0.06
TOTAL	\$ 7,821,155.68	\$ 10,033,918.24	\$ -	\$ -	\$ 7,821,155.68

2011-12 Budgeted Obligated

2011-12 Transferred To Date

Allocation of Endowment Interest - Sportsman Fund	3,609,567.14	To Sportsman Fund	-
Allocation of Endowment Interest - Magazine Fund	183,561.65	To Magazine Fund	-
		To Capital Projects	-
	<hr/>		<hr/>
	\$ 3,793,128.79		\$ -

EXHIBIT C

October 13, 2011

Summary of Public Comments on Proposed Changes to Fishing Regulations for 2012-2013

Proposal	Proposal Text	Position Count	Comment Types
F1	Cedar Cliff Lake (Jackson County) – Classify this 146-acre lake as Hatchery-Supported Trout Waters.	15 :Agree 1 :Disagree	8 :Online 8 :Comment Card 0 :Letter/Email
F2	Catawba River (McDowell County) – Classify 0.6 mile of this stream as Delayed-Harvest Trout Waters.	14 :Agree 1 :Disagree	9 :Online 6 :Comment Card 0 :Letter/Email
F3	Elk Creek (Wilkes County) – Classify 1.5 miles of this stream as Delayed-Harvest Trout Waters.	9 :Agree 1 :Disagree	6 :Online 4 :Comment Card 0 :Letter/Email
F4	Shawneehaw Creek (Avery County) – Classify 0.5 mile of this stream as Wild Trout Waters.	11 :Agree 0 :Disagree	6 :Online 5 :Comment Card 0 :Letter/Email
F5	Laurel Creek (Watauga County) – Classify 0.3 mile of this stream as Catch-and-Release/Artificial Lures Only Trout Waters.	9 :Agree 0 :Disagree	4 :Online 5 :Comment Card 0 :Letter/Email
F6	Little River (Alleghany County) – Reclassify the upper 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.	8 :Agree 1 :Disagree	4 :Online 5 :Comment Card 0 :Letter/Email
F7	Big Horse Creek (Ashe County) – Reclassify the lower 2.5 miles of this stream from Hatchery-Supported to Delayed-Harvest Trout Waters.	10 :Agree 1 :Disagree	5 :Online 5 :Comment Card 1 :Letter/Email
F8	Elk Creek (Watauga County) – Clarify the boundaries of the Hatchery-Supported Trout Waters section of this stream adding approximately 2.0 miles.	10 :Agree 0 :Disagree	5 :Online 5 :Comment Card 0 :Letter/Email
F9	North Toe River (Avery County) – Divide the Hatchery-Supported Trout Waters on this stream into an upper and lower section and remove 10.1 miles of this stream from Public Mountain Trout Waters.	8 :Agree 4 :Disagree	7 :Online 5 :Comment Card 0 :Letter/Email
F10	Long Creek (Graham County) – Remove 4.2 miles of this stream from Public Mountain Trout Waters.	6 :Agree 4 :Disagree	5 :Online 5 :Comment Card 0 :Letter/Email
F11	Little Hungry River (Henderson County) – Remove 5.9 miles of this stream from Public Mountain Trout Waters.	9 :Agree 3 :Disagree	5 :Online 7 :Comment Card 0 :Letter/Email
F12	Little Creek (Madison County) – Remove 2.0 miles of this stream from Public Mountain Trout Waters.	7 :Agree 4 :Disagree	6 :Online 5 :Comment Card 0 :Letter/Email
F13	Mill Creek (Madison County) – Remove 2.4 miles of this stream from Public Mountain Trout Waters and reclassify the section on game lands as Wild Trout Waters.	5 :Agree 4 :Disagree	4 :Online 5 :Comment Card 0 :Letter/Email
F14	Cane Creek (Mitchell County) – Remove 2.7 miles of this stream from Public Mountain Trout Waters.	7 :Agree 4 :Disagree	6 :Online 5 :Comment Card 0 :Letter/Email
F15	French Broad River (Transylvania County) – Remove 10.3 miles of this stream from Public Mountain Trout Waters.	9 :Agree 4 :Disagree	6 :Online 7 :Comment Card 0 :Letter/Email
F16	Lakes Rhodhiss, Hickory, and Lookout Shoals – Establish an exception to the general statewide limits for striped bass and their hybrids by increasing the minimum size limit from 16 to 20 inches, removing the two-fish exception to the minimum size limit, and reducing the daily creel limit from eight to four fish in combination.	21 :Agree 1 :Disagree	17 :Online 5 :Comment Card 0 :Letter/Email
F17	B. Everett Jordan Reservoir – Modify the exception to the general statewide minimum size limit for striped bass and their hybrids by increasing the minimum size limit from 20 to 24 inches. The daily creel limit will remain four in combination.	11 :Agree 8 :Disagree	14 :Online 4 :Comment Card 1 :Letter/Email
F18	General Statewide Limit for Black Bass – Increase the general statewide minimum size limit for smallmouth and spotted bass from 12 to 14 inches, allowing two fish within the five-fish daily creel to be less than 14 inches. The daily creel limit for largemouth, smallmouth, and spotted bass will remain five fish in combination.	15 :Agree 2 :Disagree	11 :Online 6 :Comment Card 0 :Letter/Email

Proposal	Proposal Text	Position Count	Comment Types
F19	Public Mountain Trout Waters and waters in and west of Madison, Buncombe, Henderson, and Polk counties – Remove the exception to the general statewide minimum size limit for black bass by increasing the minimum size limit from 12 to 14 inches, allowing two fish within the five-fish daily creel to be less than 14 inches. The daily creel limit for black bass will remain five fish in combination.	9 :Agree 2 :Disagree	7 :Online 4 :Comment Card 0 :Letter/Email
F20	Lakes Cammack (Alamance County) and Holt (Granville County) – Establish an exception to the general statewide limits for black bass by removing the minimum size limit and the two-fish exception to the minimum size limit, increasing the daily creel limit from five to 10 fish, and establishing that no more than two fish greater than 14 inches may be possessed.	5 :Agree 1 :Disagree	3 :Online 3 :Comment Card 0 :Letter/Email
F21	Randleman Reservoir – Modify the exception to the general statewide limits for black bass by allowing two fish within the five-fish daily creel to be less than 14 inches and establishing that no more than one fish greater than 20 inches may be possessed. The daily creel limit for black bass will remain five fish in combination.	5 :Agree 1 :Disagree	3 :Online 3 :Comment Card 0 :Letter/Email
F22	Neuse River – Establish an exception to the general statewide daily creel limit for American and hickory shad by reducing the possession limit of American shad in inland fishing waters of the Neuse River and its tributaries to one fish per day within the 10-fish daily creel for American and hickory shad in combination.	9 :Agree 1 :Disagree	5 :Online 5 :Comment Card 0 :Letter/Email
F23	For waters which are intensively stocked and managed for catfish and located on game lands, on other Commission-owned property, or on the property of a cooperator including waters within the Community Fishing Program, clarify that channel, white, or blue catfish may only be taken legally by hook and line and the daily creel limit is six fish in combination. The affected waters will be identified by posting instead of being listed in the N.C. Administrative Code.	10 :Agree 11 :Disagree	6 :Online 15 :Comment Card 0 :Letter/Email
F24	Add Lake Tillery to the list of reservoirs where possession of grass carp is prohibited, except those legally taken with bow and arrow.	7 :Agree 2 :Disagree	4 :Online 5 :Comment Card 0 :Letter/Email
F25	Allow the take of nongame fishes with crossbow from all inland fishing waters other than impounded waters located on the Sandhills Game Land and designated Public Mountain Trout Waters.	16 :Agree 6 :Disagree	15 :Online 7 :Comment Card 0 :Letter/Email
F26	Classify the following as primary nursery areas: <ul style="list-style-type: none"> • Eastham Creek, a tributary to the Pamlico River; • Smith Creek, a tributary to the Northeast Cape Fear River; • and 11 tributaries to the Neuse River including Core Creek, Pinetree Creek, Green's Thorofare, Grinnel Creek, Little Swift Creek, Turkey Quarter Creek, Village Creek, Taylor Creek, unnamed tributary (Kidney Creek), unnamed tributary (35° 15.464'N – 77° 13.681'W), and unnamed tributary (The Gut). 	9 :Agree 0 :Disagree	7 :Online 2 :Comment Card 0 :Letter/Email
O1	Other Comments or Ideas		61 :Online 81 :Comment Card 16 :Letter/Email

**Summary of Public Comments on Proposed Changes to Fishing Regulations for 2012-2013
by District**

Proposal	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	Out of State	District 0
F25	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 3 : Agree 1 : Disagree Comment Types: 1 : Comment Card 0 : Letter/Email 3 : Online	Position Count: 2 : Agree 1 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 3 : Online	Position Count: 1 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 1 : Online	Position Count: 3 : Agree 0 : Disagree Comment Types: 1 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 1 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 1 : Online	Position Count: 4 : Agree 1 : Disagree Comment Types: 3 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 2 : Agree 3 : Disagree Comment Types: 2 : Comment Card 0 : Letter/Email 3 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online
F26	Position Count: 1 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 1 : Online	Position Count: 2 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 1 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 1 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 1 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 1 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 2 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 2 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online	Position Count: 0 : Agree 0 : Disagree Comment Types: 0 : Comment Card 0 : Letter/Email 0 : Online
O1	Position Count: 14 : Option 1 Comment Types: 9 : Comment Card 3 : Letter/Email 2 : Online	Position Count: 21 : Option 1 Comment Types: 6 : Comment Card 1 : Letter/Email 14 : Online	Position Count: 10 : Option 1 Comment Types: 2 : Comment Card 3 : Letter/Email 5 : Online	Position Count: 17 : Option 1 Comment Types: 14 : Comment Card 0 : Letter/Email 3 : Online	Position Count: 19 : Option 1 Comment Types: 5 : Comment Card 5 : Letter/Email 9 : Online	Position Count: 4 : Option 1 Comment Types: 2 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 3 : Option 1 Comment Types: 1 : Comment Card 1 : Letter/Email 1 : Online	Position Count: 27 : Option 1 Comment Types: 22 : Comment Card 2 : Letter/Email 3 : Online	Position Count: 39 : Option 1 Comment Types: 18 : Comment Card 1 : Letter/Email 20 : Online	Position Count: 2 : Option 1 Comment Types: 0 : Comment Card 0 : Letter/Email 2 : Online	Position Count: 2 : Option 1 Comment Types: 2 : Comment Card 0 : Letter/Email 0 : Online

North Carolina Wildlife Resources Commission

Land Acquisition Investigation Form

Date: August 24, 2011

Tract Name: Herbert Swain Tract, Sunny Point

Acreage: 83

County: Brunswick

Advertised Purchase Amount: (Market Value) Unknown but estimate ~\$2,500.00/acre

Based on Appraisal: Yes No

Contact: Herbert Swain (owner)

Phone: 910-842-9300

Address: 394 Riverview Drive, Bolivia, NC 28422

Status: High Interest Moderate Interest Low Interest No Interest

Grant Potential: NHTF CWMTF
 Other: State Wildlife Grant, local land conservancy

Resources Assessment: This tract is adjacent to and contiguous with land owned by Military Ocean Terminal at Sunny Point (MOTSU), and also adjacent to approximately 400 forested acres owned by Brunswick County and 400 forested acres owned by the Clean Water Management Trust Fund. Together these tracts comprise a landscape scale initiative aimed at the conservation of upland Longleaf Pine in an area of exceptional biological diversity. Though the Swain Tract is incompletely surveyed, the immediately adjacent MOTSU is known or suspected habitat for 90 species of amphibians and reptiles, 44 of which are state listed and/or SWAP priority species. Additionally, MOTSU harbors a population of the federally endangered Red-Cockaded Woodpecker (RCW). Of particular significance, the Swain Tract contains upland Longleaf Pine forest and 5 isolated wetlands. These habitats are likely used by the State Threatened Carolina Gopher Frog, a species now known to occur at only 7 locations statewide. Gopher frog tadpoles were recently located in a pond on MOTSU within 50 yards of the Swain tract. Large Longleaf Pines occur throughout the property, but they are interspersed with Loblolly Pine and hardwood species because of lack of prescribed fire over several decades. Acquiring this property would enhance the sustainability of Gopher Frogs and RCWs, as well as numerous other species of wildlife.

Access Assessment: This property is easily accessed by the entrance road to the Military Ocean Terminal at Sunny Point.

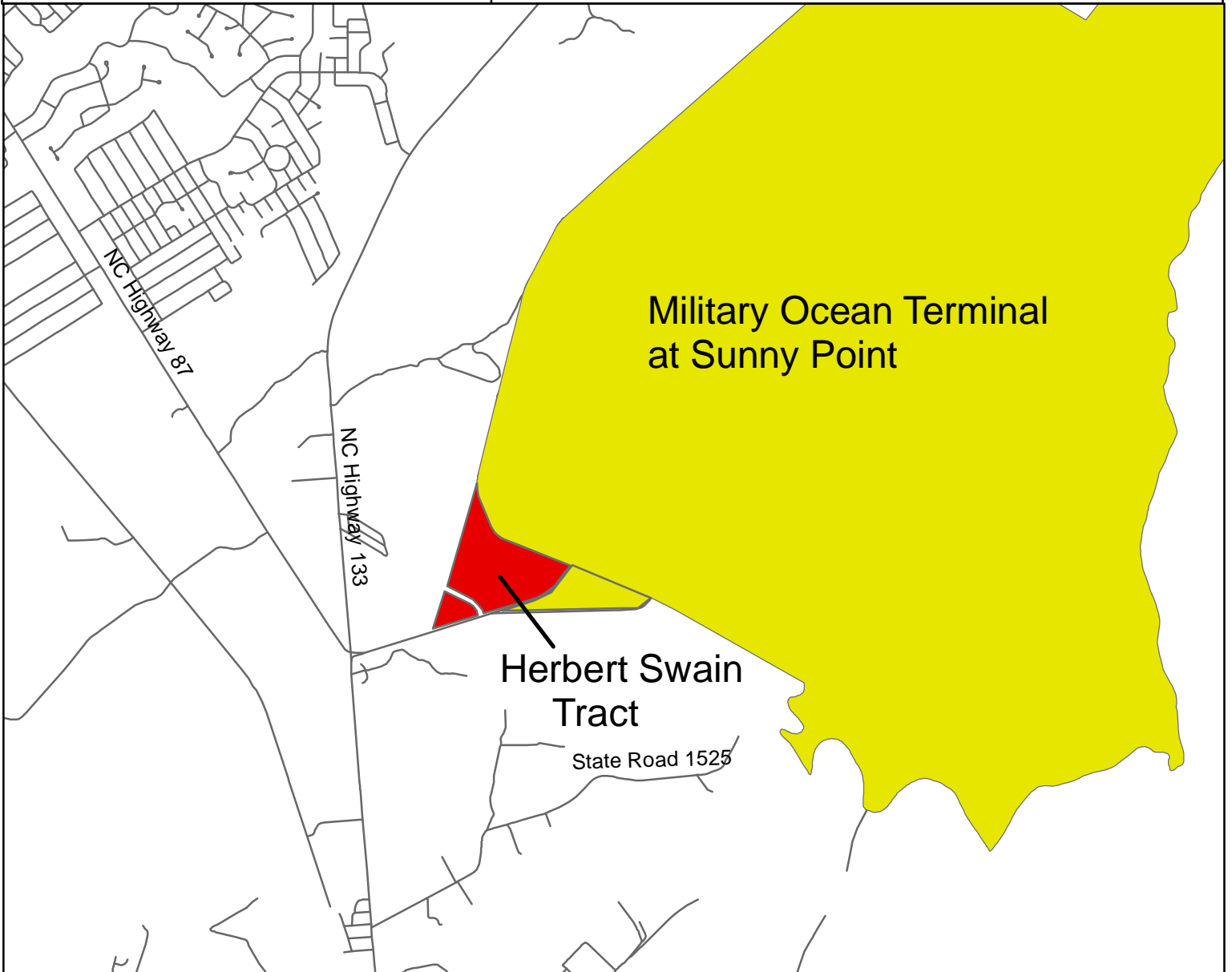
Game Lands Program Potential: Yes No

Recommendation: Pursue Acquisition Defer Do not Pursue Acquisition

Map Attached: Yes No

Herbert Swain Tract

+/-83 acres



January 25, 2011

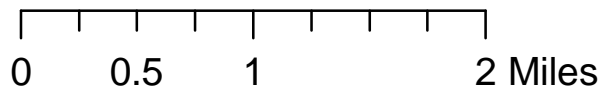


EXHIBIT E

October 13, 2011



☒ North Carolina Wildlife Resources Commission ☒

MEMORANDUM

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

FROM: Bill Parsons, Management Biologist
Southern Piedmont Game Lands

SUBJECT: Michael Myers Easement Request
Sandhills Game Land – Richmond County

DATE: August 26, 2011

Michael Myers is requesting a 30 foot easement for a distance of 825 feet along a common boundary shared with Sandhills Game Lands in Richmond County. The common boundary is along Block K, which is located off SR 1475 (McDonald Church Road).

There is an existing trail along the common boundary that is sufficient for Mr. Myers' needs. He has a small box blade and a tractor and will use it to help maintain his portion of the easement. No road improvement will be needed to access his property and there are no stream crossings.

There is an existing easement along the same boundary granted to another landowner whose land is beyond Mr. Myers' property. This will not negatively impact our program and I recommend we grant this request.

Mr. Myer's phone number is 910-331-3495 and his address is 306 Scotland Ave. Hamlet, NC 28345

Division of Wildlife Management
Mailing Address: 1722 Mail Service Center, Raleigh, N.C. 27699-1722
Physical Address: 1751 Varsity Drive, Raleigh, N.C. 27606
Phone: 919-707-0050 Fax: 919-707-0067

Mike Myers Easement Request
August 2011
Sandhills Game Lands
Richmond County



Legend

-  MikeMyers
-  SGL_2008

0 240 480 960 Feet

EXHIBIT F

October 13, 2011

Summary of Public Comments on Proposed Changes to Wildlife Management Regulations for 2012-2013

Proposal	Proposal Text	Position Count	Comment Types
H1	Increase the either-sex deer season from conservative to moderate in Polk County.	29 :Agree 1 :Disagree	16 :Online 14 :Comment Card 0 :Letter/Email
H2	Lengthen the bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Greene, Halifax, Lenoir, Martin, Northampton, and Pitt counties. Currently, Greene, Lenoir and Pitt counties are open for one week in November. The Commission proposes to add two weeks in December to their season. Currently, Halifax, Martin and Northampton counties are open for one week in November and three days in December. This proposal would extend the December segment of the season from three days to two weeks. The proposed season for all six of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving. If the Commission adopts these changes, the 2012-2013 bear season dates for these counties will be Nov. 12 to 17 and Dec. 10 to 22.	51 :Agree 4 :Disagree	25 :Online 30 :Comment Card 0 :Letter/Email
H3	Open a bear hunting season (hunting with dogs and still hunting, unless prohibited by local law) in Edgecombe, Harnett, Johnston, Nash, Stokes, Vance, Warren, Wayne and Wilson counties. In addition, change the dates of the bear season in Yadkin, Iredell, Alexander, and Catawba counties. The proposed season for all of these counties is from the second Monday in November to the following Saturday and the third Monday after Thanksgiving to the fifth Saturday after Thanksgiving. If the Commission adopts these changes, the 2012-2013 bear season dates for these counties will be Nov. 12 to 17 and Dec. 10 to 22.	49 :Agree 4 :Disagree	25 :Online 28 :Comment Card 0 :Letter/Email
H4	Open the portions of Cleveland, Burke and Surry counties that are currently closed to bear hunting. The proposed season (hunting with dogs and still hunting, unless prohibited by local law) for these counties would be from the Monday on or nearest October 15 to the Saturday before Thanksgiving and the third Monday after Thanksgiving to January 1. If the Commission adopts these changes, the 2012-2013 bear season dates for these counties in their entirety will be Oct. 15 to Nov. 17 and Dec. 10 to Jan. 1.	40 :Agree 3 :Disagree	17 :Online 26 :Comment Card 0 :Letter/Email
H5	Allow electronic calls for take of crows and coyotes.	66 :Agree 5 :Disagree	43 :Online 27 :Comment Card 1 :Letter/Email
H6	Add feral swine to the Commission's hunting rules with no closed season and no bag limit.	65 :Agree 6 :Disagree	45 :Online 24 :Comment Card 2 :Letter/Email
H7	Allow hunters to use dogs on Sundays on private lands in locations and during seasons where the use of dogs is currently allowed the other six days of the week in and west of the following counties or parts of counties: Rockingham; Guilford; that part of Alamance and Orange lying south of Interstate Highway 85; Chatham; that part of Wake lying south of N.C. Highway 98; Lee; Randolph; Montgomery; Stanly; Union; and that part of Anson lying west of N.C. Highway 742. The practice is already allowed east of these counties (or parts thereof), except where prohibited by local law. Also, allow falconers to use dogs on private lands and on game lands on Sundays.	32 :Agree 56 :Disagree	53 :Online 34 :Comment Card 1 :Letter/Email
H8	Allow individuals who possess a valid concealed handgun permit to carry that handgun on game lands, conservation areas, boating access areas and fishing access areas, except for these game lands (and any boating or fishing access areas located on them) exempted at the request of the landowner: Buckhorn, Harris, Sutton Lake, Mayo, Hyco, Lee, Chatham, Pee Dee River north of U.S. 74, Butner-Falls, Jordan, Vance, Kerr Scott, Dupont, Bladen Lakes and that portion of R. Wayne Bailey-Caswell that is north of U.S. 158 and east of N.C. 119. Also, allow hunters who possess a valid concealed handgun permit to carry that handgun while dog training and during the deer archery and muzzleloader seasons on both public and private lands. Anyone carrying a concealed handgun must obey the permit requirements.	162 :Agree 8 :Disagree	138 :Online 32 :Comment Card 0 :Letter/Email

Proposal	Proposal Text	Position Count	Comment Types
H9	Allow individuals to use a .22 caliber rimfire pistol to dispatch a wounded deer during the deer archery and muzzleloader seasons on both public and private lands.	79 :Agree 8 :Disagree	61 :Online 26 :Comment Card 0 :Letter/Email
H10	Allow the Executive Director or his designee to waive the rule banning the importation of a cervid carcass or carcass part from any state where Chronic Wasting Disease (CWD) occurs for a deer or elk legally harvested within 20 miles of the North Carolina state line.	17 :Agree 13 :Disagree	19 :Online 11 :Comment Card 0 :Letter/Email
H11	Clarify what wildlife resources and other materials may be possessed on or removed from Commission-owned game lands without any type of written permission or license and which ones would require written permission. The Commission proposes a new rule that allows, without written permission, removal of: 1) Any wildlife or fisheries resources legally taken under a valid hunting, trapping, fishing or falconry license. 2) Edible plants or plant parts for personal consumption. This does not include plants on a state or federal protected list. 3)Insects, worms or other invertebrates collected as fish bait for personal use. This does not include invertebrates on a state or federal protected list. Any fish bait collected may not be sold. 4) Miscellaneous amounts of animal parts, plant parts not removed from live plants, and other materials. These items may not be collected for commercial purposes or sale. 5) Litter and road kill animals, except when specifically prohibited. Commission land users would need to get written permission (e.g., permit, agricultural agreement, sales agreement, etc.) to remove any wildlife resources for which legal take is not allowed (or which is not taken) under a valid hunting, trapping, fishing, or falconry license; such as eggs; nests; non-edible plants; or significant quantities of pine straw, timber, water, soil, rocks and other materials. Written permission would be required from the removal of all amphibians and reptiles, which is the current policy.	30 :Agree 3 :Disagree	20 :Online 13 :Comment Card 0 :Letter/Email
H12	Require a permit to enter Hunting Creek Swamp Waterfowl Refuge (HCSWR) in Davie County.	12 :Agree 0 :Disagree	7 :Online 5 :Comment Card 0 :Letter/Email
H13	Increase fees for the use of the J. Robert Gordon Sandhills Field Trial Grounds located on the Sandhills Game Land from the current fee of \$25.00 to \$75.00 for use of the club house only and from \$100 to \$200 for the use of the club house and field trial grounds.	17 :Agree 4 :Disagree	13 :Online 8 :Comment Card 0 :Letter/Email
H14	Allow additional archery and muzzleloader deer hunting on Sandhills Game Land by opening an archery season on the third Monday after Thanksgiving through January 1, except on the J. Robert Gordon Sandhills Field Trial Grounds.	16 :Agree 4 :Disagree	11 :Online 9 :Comment Card 0 :Letter/Email
H15	Increase the either-sex deer season on Butner-Falls of Neuse Game Land from the conservative to moderate.	23 :Agree 1 :Disagree	16 :Online 8 :Comment Card 0 :Letter/Email
H16	Increase the either-sex deer season on Neuse River Game Land from moderate to maximum.	16 :Agree 1 :Disagree	10 :Online 7 :Comment Card 0 :Letter/Email
H17	Open the bear season at Chowan Swamp Game Land on the first three hunting days during the November bear season and the first three days of the second week of the December bear season in order to be consistent with other game lands in District 1.	16 :Agree 2 :Disagree	5 :Online 13 :Comment Card 0 :Letter/Email
H18	Open the raccoon, opossum and bobcat hunting season in the Sherwood and Harmon Den Bear sanctuaries in Haywood County.	26 :Agree 20 :Disagree	12 :Online 34 :Comment Card 0 :Letter/Email
H19	Make waterfowl hunting from designated Disabled Sportsmen blinds on Catfish Lake Waterfowl Impoundment on the Croatan Game Land by permit only.	14 :Agree 0 :Disagree	7 :Online 7 :Comment Card 0 :Letter/Email
H20	Remove text from the Commission's rule which references the disabled sportsman hunts on R. Wayne Bailey-Caswell, Dupont State Forest, Sandhills, Thurmond Chatham, and Toxaway game lands. Disabled sportsmen hunts will continue to be offered through the Permit Hunting Opportunities Program and in the Permit Hunting Opportunities in North Carolina guide.	21 :Agree 0 :Disagree	13 :Online 8 :Comment Card 0 :Letter/Email
H21	Prohibit hunting and taking of fox squirrels on Rockfish Creek Game Land.	9 :Agree 7 :Disagree	10 :Online 6 :Comment Card 0 :Letter/Email

Proposal	Proposal Text	Position Count	Comment Types
H22	Establish captive cervid importation criteria for captive cervid licensees with Certified herds. Importation of all cervids would be prohibited from states/provinces/other countries with active Chronic Wasting Disease (CWD). Importation of white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of CWD-susceptible cervids will be allowed only from states/provinces/countries which have a license type, certification program or monitoring program that requires captive cervid facility owners to, at a minimum: 1) submit for CWD testing all deceased animals over the age of 12 months; 2) tag, tattoo or otherwise permanently mark all animals over the age of 12 months; and 3) keep records of all acquisitions and all dispositions in the facility. These requirements apply only to white-tailed deer, white-tailed deer hybrids, Sika deer, red deer, elk, elk hybrids, moose or any other species of CWD-susceptible cervid. The herd of origin for the requested cervid must be successfully participating in the state program. Fallow, Axis and muntjac deer and other non CWD-susceptible cervids will be eligible for importation if they came from a fenced facility and have been isolated from contact with CWD-susceptible cervids for the past 5 years. Non CWD-susceptible cervids that have been in contact with CWD-susceptible animals are subject to the same importation criteria as CWD-susceptible animals. These importation requirements do not apply to mule deer because they are prohibited by state law.	18 :Agree 7 :Disagree	12 :Online 11 :Comment Card 2 :Letter/Email
H23	Amend the waiver rule to allow licensees with Certified herds the ability to apply for an importation waiver for cervids that do not meet the proposed importation criteria, except from states/provinces/other countries with CWD in wild cervids. Under the conditions of the proposed amendments, a licensee must document the following: 1) the animal requested for import has not been in a facility with a CWD-positive animal within the five years prior to the importation request; 2) the animal requested for import has never been in a facility quarantined for CWD; and 3) no other animals in the herd of origin, or any other herd to which the requested animal has belonged, have been in a facility with a CWD-positive animal within the five years prior to the importation request.	16 :Agree 10 :Disagree	13 :Online 11 :Comment Card 2 :Letter/Email
H24	Allow for the issuance of new captive cervid licenses with controls in place to prohibit using a secondary license to expand a current facility. Require newly licensed facilities to have double-fencing. Allow transportation of cervids from N.C. Certified herds (5-year status) into these new facilities for the first six months after their construction.	15 :Agree 8 :Disagree	11 :Online 10 :Comment Card 2 :Letter/Email
H25	Require people who possess permits to hold endangered or threatened species to maintain cages or facilities at the same standards as other captivity licensees.	15 :Agree 0 :Disagree	9 :Online 6 :Comment Card 0 :Letter/Email
H26	Require landowners who receive a depredation permit for Canada Geese that are causing damage to agricultural operations to report the number of geese taken.	31 :Agree 1 :Disagree	23 :Online 9 :Comment Card 0 :Letter/Email
H27	Remove the extended season for take of squirrels by falconry.	26 :Agree 0 :Disagree	10 :Online 16 :Comment Card 0 :Letter/Email
H28	Allow the practice of falconry on Sundays on Three-Day-Per-Week game lands.	30 :Agree 5 :Disagree	14 :Online 21 :Comment Card 0 :Letter/Email
H29	Amend 12 current rules pertaining to falconry, repeal one and adopt two additional rules in order for the Commission to fully regulate falconry in North Carolina in accordance with a directive from the USFWS. The Commission proposes to adopt key falconry requirements as set forth by the USFWS including the eligible ages for Apprentice and General Falconers, expanding the list of species Apprentices can possess and allowing increased numbers of birds that all levels of falconers may possess.	26 :Agree 0 :Disagree	9 :Online 17 :Comment Card 0 :Letter/Email
O1	Other Comments or Ideas		61 :Online 81 :Comment Card 16 :Letter/Email

Petitions Received During the Public Comment Period for the
2012-2013 Regulatory Cycle

In addition to the individual comments tallied, the Commission received the following petition:

- 1) Request Cleveland and Rutherford counties be placed in the Northwestern Deer Season.
374 signatures

EXHIBIT G

October 13, 2011

PROPOSED CHANGES IN FERAL SWINE REGULATIONS RECOMMENDED BY AGENCY STAFF FOR TEMPORARY RULE-MAKING

Add feral swine to the Commission's trapping rules with no closed season and no bag limit with the following restrictions:

- Swine trappers must have a Commission-issued permit in addition to a hunting or trapping license.
- Feral swine may be live-trapped using only corral or box traps.
- Corral and box traps must be constructed in a manner such that a non-target animal can be easily released or can escape without harm.
- Permit numbers must be placed on all traps.
- Feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Explanation:

Under current rules feral swine may only be trapped under a depredation permit, which requires an economic justification, threat to human safety or documented overabundance. These temporary rules, to be followed by permanent rules at a later date, will allow greater flexibility for the take of feral swine.

Proposed rule text for temporary rules:

15A NCAC 10B .0303 OPEN SEASONS

(a) General. Following are the seasons for taking by trapping fur-bearing animals as defined in G.S. 113-129(7a), coyotes, armadillos, and groundhogs, all dates being inclusive:

- (1) November 1 through the last day of February except for that part of the state described in Subparagraph (2) of this Paragraph.
- (2) December 1 through the last day of February in and east of Hertford, Bertie, Martin, Pitt, Greene, Lenoir, Duplin, Pender and New Hanover counties.
- (3) Trapping coyotes is allowed during times and with methods described by local laws in counties where local laws have established fox trapping seasons even when those seasons fall outside the regular trapping seasons described above.
- (4) Nutria may be trapped east of I-77 at any time.

(b) Feral Swine. There is no closed season for trapping feral swine subject to the following restrictions:

- (1) In addition to a hunting or trapping license, a permit issued by Wildlife Resources Commission staff is required to trap feral swine.
- (2) Feral swine may be live-trapped using only corral or box traps. Corral and box traps must be constructed in a manner such that a non-target animal can be easily released or can escape without harm. The permit number must be displayed on all traps.
- (3) Feral swine must be euthanized while in the trap and may not be removed alive from any trap.

Note: See 15A NCAC 10D .0102(f) for other trapping restrictions on game lands.

History Note: Authority G.S. 113-134; 113-291.1; 113-291.2;
Eff. February 1, 1976;

*Amended Eff. July 1, 1996; July 1, 1984; July 1, 1983; August 1, 1982; August 1, 1981;
Temporary Amendment Eff. July 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. June 1, 2003;
Amended Eff. August 1, 2010; May 1, 2009; November 1, 2008; May 1, 2008; May 1, 2007; May
1, 2006; June 1, 2005; August 1, 2004;
Recodified from Rule 10B .0302 Eff. January 1, 2011.*

15A NCAC 10B .0304 BAG LIMITS

There shall be no restrictions on bag limits of furbearers, coyotes, ~~or groundhogs.~~ groundhogs, armadillos and feral swine.

Note: Where local laws govern trapping, or are in conflict with these regulations, the local law shall prevail.

*History Note: Authority G.S. 113-134; 113-291.2;
Eff. August 1, 1977;
Amended Eff. May 1, 2009; May 1, 2008; June 1, 2005; July 1, 1996; July 1, 1984;
Recodified from Rule 10B .0303 Eff. January 1, 2011.*

EXHIBIT H

October 13, 2011



NO WAKE ZONE REQUEST – HYDE COUNTY, LAKE LANDING CANAL 15A NCAC 10F .0313

The Board of Commissioners of Hyde County held a public hearing and submitted a certified Resolution and application for an amendment to 15A NCAC 10F .0313, to establish a no wake zone within the waters of a portion of Lake Landing Canal.

Staff investigated the area and noted that the shallow and narrow canal presents hazards to water safety particularly in the portion of the canal beginning near the SR 1110 bridge, to a point southeast around a series of curves in the vicinity of the Last Chance community.(See map)

Hyde County has agreed to bear the cost of the purchase, placement and maintenance of the no wake markers. An analysis of minor fiscal impact to local government was adopted by the Wildlife Resources Commission and submitted and certified by the Office of State Budget and Management.

Notice of Text was published in the *North Carolina Register* pursuant to the Administrative Procedure Act. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011. There were no comments received and no attendees at the public hearing.

Staff recommends adoption of the amendment:

15A NCAC 10F .0313 HYDE COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Hyde County:

- (8) The waters of Lake Landing Canal beginning near the SR 1110 bridge at the intersection of Great Ditch Road and Nebraska Road, at 35.45926 N, 76.07527 W and ending at 35.45027 N, 76.06862 W;

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

(c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

Proposed New No Wake Zone
Lake Landing Canal, Hyde County





EXHIBIT I

October 13, 2011



NO WAKE ZONE REQUEST – HYDE COUNTY, MATTAMUSKEET LAKE CANALS 15A NCAC 10F .0313

On behalf of the U.S. Fish and Wildlife Service, the Board of Commissioners of Hyde County held a public hearing and submitted a certified Resolution and application for an amendment to 15A NCAC 10F .0313, to establish no wake zones within the waters of portions of the Central Canal, East Main Canal, and West Main Canal immediately adjacent to the Mattamuskeet Lodge on Mattamuskeet Lake.

Staff investigated the area and noted that placement of no wake zones within the area will mitigate hazards to water safety and potential for accidents and violations in the area close to the lodge.

The U.S. Fish and Wildlife Service has agreed to bear the cost of the purchase, placement and maintenance of the no wake markers at no expense to local or state government. Therefore no fiscal note is required pursuant to NCGS 150B-21.4.

Notice of Text was published in the *North Carolina Register* pursuant to the Administrative Procedure Act. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011. There were no comments received and no attendees at the public hearing.

Staff recommends adoption of the amendment:

15A NCAC 10F .0313 HYDE COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Hyde County:

- (9) A portion of Main Canal off of Mattamuskeet Lake in the vicinity of Mattamuskeet Lodge, beginning in East Main Canal at 35.45226, -76.17359 and extending to a point in West Main Canal at 35.45174, -76.18132, and that portion of Central Canal beginning at its intersection with Main Canal and extending northward to 35.45687, -76.1751.

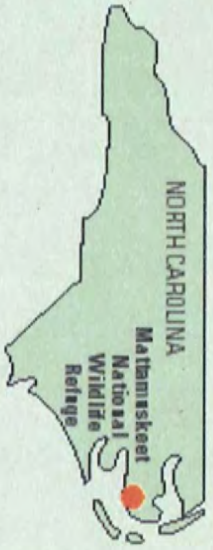
(b) Speed Limit. No person shall operate a motorboat or vessel at greater than no-wake speed on the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Hyde County is designated a suitable agency for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

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

Proposed Mattamuskeet Refuge No Wake Zone
Cartography by: Justin L. Gibbs, County of Hyde
March 29, 2011





'No Wake' Zone
location

Mattamuskeet

National Wildlife Refuge

	Managed Wetland		Levee - All-year Access
	Farm Fields		Levee-No Access Nov. 1 - Feb. 28
	Forest		Canal
	Forested and Open Wetland		Boat Ramp
	Water		Refuge Headquarters
	Highway		Observation Area
	Refuge Road - All-year Access		Historic Lodge
	Refuge Road - No Access Nov. 1 - Feb. 28		Refuge Boundary

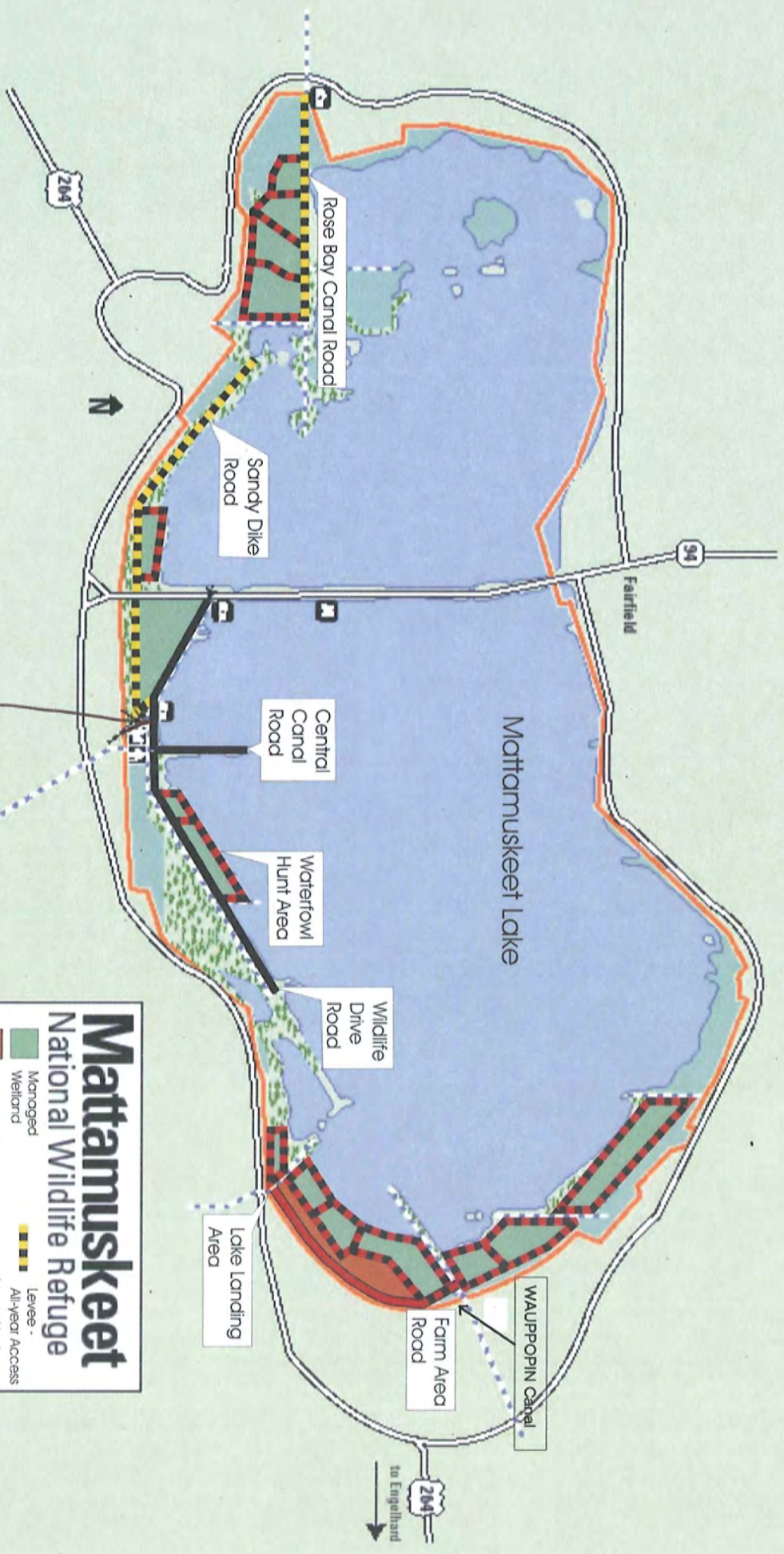


EXHIBIT J

October 13, 2011



NO WAKE ZONE REQUEST – CARTERET COUNTY, FISHING CREEK 15A NCAC 10F .0330

At the request of the U.S. Coast Guard Sector North Carolina, the Board of Commissioners of Carteret County advertised and held a public hearing on November 15, 2010 to receive public comment on a proposed no wake zone within the waters of Fishing Creek on the property of Fort Macon State Park. At the public hearing Capt. Anthony Popiel, Commander of USCG Sector North Carolina, spoke in favor of the no wake zone to mitigate hazards to water safety caused by boaters using the creek at high speeds at high tide only as a short cut, avoiding the no wake zones within the Port of Morehead City (map attached to this exhibit.) Popiel said that the very shallow and winding creek is used by canoeists and kayakers as well. Capt. Popiel indicated that Fishing Creek is not marked with Federal Aids to Navigation by the USCG because it is not deep enough for most boats to transit. At the Carteret County public hearing John Hopkins spoke against the proposed no wake zone because he uses the creek as a time and fuel saving option as he heads out of Beaufort Inlet. (excerpt from the 11-15-2010 Carteret County Public Hearing attached.)

Because Fishing Creek is on the property of Fort Macon State Park and not part of the Carteret County tax base, Carteret County deferred to the North Carolina Division of Parks and Recreation to submit the application to the WRC. The Wildlife Resources Commission received an application with certified resolution signed by Donald G. Reuter, Assistant Director of N.C. Division of Parks and Recreation. The U.S. Coast Guard has agreed to be responsible for purchase and placement of signage, at no expense to state and local government; therefore a fiscal note analysis was not required.

Staff investigated the area and recommended proceeding with rulemaking in the interest of boating safety. It was noted that the creek is navigable only at high tide and only on plane, creating hazards for motor vessel operators and a hazard for canoeists and kayakers who also use the area and may not be seen around the winding curves along most of the creek. Enforcement noted that boaters have used the cut through to avoid detection by officers looking for BWI suspects within the no wake area in the Port of Morehead City.

Notice of Text was published in the *North Carolina Register* pursuant to the Administrative Procedure Act. A public hearing to receive comments on the request was held in Raleigh on August 31, 2011. There were no attendees at the public hearing. However, four emails were received during the comment period in opposition to the proposed no wake zone at Fishing Creek. Emails are attached to this exhibit.

EXHIBIT J

October 13, 2011

PROPOSED AMENDMENT TO 15A NCAC 10F .0330

15A NCAC 10F .0330 CARTERET COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Carteret County:

- (1) the waters of Money Island Slough beginning at the east end of Money Island near the Anchorage Marina Basin and ending at the west end of Money Island where Brooks Avenue dead-ends at the slough;
- (2) the waters of Taylor Creek located within the territorial limits of the Town of Beaufort;
- (3) the waters of Pelletier Creek beginning at the entrance to Pelletier Creek at the Intracoastal Waterway and ending at U.S. Highway 70;
- (4) the waters of Bogue Sound in Morehead City between Sugar Loaf Island and the seawall on the south side of Evans, Shepard and Shackelford Streets and bounded on the east by the State Ports Authority and on the west by the eastern right-of-way margin of South 13th Street extended;
- (5) the waters of Gallant's Channel from the U.S.70 crossing over the Grayden Paul bridge to Taylor's Creek;
- (6) the waters of Cedar Island Bay and Harbor from U.S. 70 to Cedar Island Bay Channel Light 8;
- (7) the waters of the small cove on the west side of Radio Island immediately south of the B & M Railroad and U.S.70 Bridges across the Intracoastal Waterway in which Radio Island Marina and Morehead Sports Marina are located as delineated by appropriate markers;
- (8) the waters of the Newport River beginning at the north side of the Beaufort Drawbridge and ending at marker #6;
- (9) the waters of Spooners Creek within the territorial limits of the Town of Morehead City as delineated by appropriate markers;
- (10) the waters of Taylor's Creek from the eastern end of the current no wake zone eastward to Channel Marker #1A;
- (11) the waters of the Newport River at Bogue Sound including all waters surrounding the Port of Morehead City to Brandt Island as delineated by appropriate markers; (12) the waters of Morgans Creek as delineated by appropriate markers;
- (13) the waters of Cannonsgate Marina and the Cannonsgate Marina Channel, beginning at its intersection with Bogue Sound at 34.70163 N, 76.98157 W as delineated by appropriate markers; and
- (14) the entire waters of Fishing Creek in the vicinity of Fort Macon State Park and U.S.C.G. Station Fort Macon, beginning at its western entrance at Tar Landing Bay and ending at the eastern entrance near Beaufort Inlet, as delineated by appropriate markers.

(b) Speed Limit. It is unlawful to operate a motorboat or vessel at a speed greater than no-wake speed while on the waters of the regulated areas designated in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Carteret County, with respect to the regulated areas designated in Subparagraphs (1), (3), (5), (6), (7), (8), (10), (12) and (13) of Paragraph (a) of this Rule, and the Board of Commissioners of the Town of Beaufort, with respect to the regulated area designated in Subparagraph (2) of Paragraph (a) of this Rule, and the Board of Commissioners of Morehead City, with respect to Subparagraph (4) and (9) of Paragraph (a) of this Rule, and the North Carolina State Ports Authority, with respect to the regulated area designated in Subparagraph (11) of Paragraph (a) of this Rule, and the United States Coast Guard and the North Carolina Division of Parks and Recreation, with respect to the regulated area designated in Subparagraph (14) of Paragraph (a) of this Rule are designated as suitable agencies for placement and maintenance of the markers implementing this Rule, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers.

Authority G.S. 75A-3; 75A-1.

11-15-10 excerpt of
Carteret Co. minutes

U.S. Department of
Homeland Security
United States
Coast Guard



Commander
United States Coast Guard
Sector North Carolina

2301 East Fort Macon Rd.
Atlantic Beach, NC 28512
Phone: (252) 240-8465
Fax: (252) 240-8464

5000

Douglas Harris, Chairman
Carteret County Board of Commissioners
302 Courthouse Square
Beaufort, NC 28516

Dear Sir:

I respectfully request immediate consideration be given to a proposal to establish a No Wake Zone in Fishing Creek, Bogue Sound. Fishing Creek is a popular waterway with many narrow, "blind turns" that is frequently utilized by canoes, kayaks, and fishing vessels. The recent increase in vessel traffic volume coupled with the limited ability to safely navigate this narrow waterway at a high rate of speed has lead to a significant increase in the potential for boating accidents.

The establishment of a No Wake Zone in Fishing Creek serves to support local, state and federal efforts to increase Recreational Boating Safety and will undoubtedly lessen the chance for a mishap that results in damage to vessels, personal injury or death in this area.

I strongly urge action to be taken to increase safety in Fishing Creek. If you have any additional questions, please contact Lieutenant Shannon Scuff, Chief, Incident Management Division at (252) 247-4538.

Sincerely,

A. POPIEL
Captain, U.S. Coast Guard
Commander, Coast Guard Sector
North Carolina



North Carolina Department of Environment and Natural Resources
Division of Parks and Recreation

Michael F. Easley, Governor

William G. Hoss Jr., Secretary

Lewis R. Ledford, Director

October 28, 2010

Carteret County Commissioners
P.O. Box 3006
Atlantic Beach, NC 28512

Dear Sirs:

On behalf of Fort Macon State Park, I support the U.S. Coast Guard's request for a "No Wake Zone" for Fishing Creek.

I have witnessed the steady increase of motorized craft using Fishing Creek since the establishment of a "No Wake Zone" in Morehead Turning Basin. Because of boaters using Fishing Creek at a high rate of speed, it has raised a safety concern for others using Fishing Creek.

Sincerely,

Randy Newman, Superintendent
Fort Macon State Park

RN/eb

Capt. Anthony Popiel, Commander of the Coast Guard Sector NC, said in dealing with boaters, they try to identify things they can do to make the waters safer and prevent accidents before they occur. He said an area that had come to their attention for a potential accident was Fishing Creek, located along the property of Fort Macon State Park from the main channel back into Bogue Sound. Capt. Popiel indicated that many boaters use Fishing Creek because there is a no wake zone along the main channel that passes downtown Morehead City through to the port area. He said when the tide was high many boaters would use Fishing Creek as a shortcut to get into Bogue Sound. Capt. Popiel said it was a narrow waterway with lots of turns that some people use for fishing, as well as canoeing and kayaking, so a boat traveling at a high rate of speed could experience difficulty maneuvering out of the way if they came upon a canoe, a kayak or a small boat. Capt. Popiel said the Coast Guard recommended the establishment of a no wake zone in this area in order to reduce the opportunity for an accident in that waterway.

Chairman Harris asked if there had been any accidents in the creek. Capt. Popiel said he wasn't aware of any but he had only been in this area since the beginning of the year so his personal knowledge of the history of the waterway was only from what he had heard from local boaters.

Chairman called for a motion to open the public hearing.

Motion-Commissioner Lewis moved to open the public hearing. Commissioner Robinson seconded. Motion carried unanimously.

John Hopkins from Atlantic Beach said he used this waterway multiple times a week. He said he had two slips at Triple S Marina and cutting through Fishing Creek saved him a lot of time and a lot of fuel. Mr. Hopkins said a no wake zone in this area would be a grave injustice and a tremendous inconvenience for all the people who use this waterway. He pointed out that if it was below mid-tide, Fishing Creek was too shallow to go through but if a boat was planed out, it could go through at mid-tide and above. Mr. Hopkins said 95% of the time he went through Fishing Creek he didn't see any boats, canoes or kayaks. He added that the marsh grass at mid tide might be 1½ to 2 feet above the level of the water so when someone was in a boat, they were 4 or 5 feet up so they could see from one side of the marsh to the other; therefore, he didn't see any danger of boaters not seeing one another.

Motion-Commissioner Lewis moved to close the public hearing. Commissioner Hunt seconded. Motion carried unanimously.

Chairman Harris asked Capt. Popiel if this area was classified as navigable waters. Capt. Popiel said anything that you could navigate through and get to the ocean was considered a navigable waterway. Chairman Harris asked if it was listed on any chart as a channel. Capt. Popiel said it showed up on the charts and he referred to the information in the Board's agenda packet. He said it was a waterway that the Coast Guard doesn't mark with Federal aids basically due to the depth of the water. Capt. Popiel said it wasn't a mean low water and it wasn't deep enough to transit so they didn't mark it. Chairman Harris asked if the Wildlife Resources Commission had any regulations on where no wake zones could be placed. Capt. Popiel said, based on their discussions with the Wildlife Commission, it basically came down to the jurisdiction that was over that geographical region. Chairman Harris said he was asking all these questions because he was concerned that the whole area was like a big marsh and establishing a no wake zone in this creek would be setting a precedent. Chairman Harris said there was also a matter of cost. He said County staff had informed him that the County doesn't own a boat that could go into this creek so the placement of the signage would have to be contracted out. He asked if Fort Macon State Park or the Coast Guard could pay for the installation and maintenance of the markers. Capt. Popiel said he didn't think the State Park had the resources but he thought the Coast Guard could do the signage on shore. He said the Coast Guard would be willing to look at cost sharing. Chairman Harris pointed out that no wake zones ultimately cost the County money. He said the most recent one at Cannonsgate was predicated on the boating association absorbing all costs. Capt. Popiel said the Coast Guard had a navigation team that visited federally maintained floating aides on a regular basis and repaired discrepancies. He reiterated that he would be glad to explore cost sharing.

Commissioner Lewis said this wasn't an area of his expertise and he didn't feel he had enough information on the matter; therefore, he would like to table this request until he could spend some time gathering some more information. He pointed out that this was a matter of public safety and he felt the Board should take the time to educate themselves to make sure they made the right decision.

Motion-Commissioner Lewis moved to table this request. Commissioner Robinson seconded.

Commissioner Faircloth asked if the County had the ability to remove a no wake zone. Capt. Popiel wasn't sure but said he felt which ever jurisdiction established the no wake zone should certainly have the authority to remove it. He suggested that the County contact the NC Wildlife Commission for that information.

Commissioner Hunt said he would like a better map in the future, particularly one that showed the proximity to Fort Macon.

Chairman Harris asked Capt. Popiel to find out about the Coast Guard's funding abilities and to provide that information to Ms. Deese.

Commissioner Robinson pointed out that a CAMA permit would be required. He also noted that buoys would be less expensive.

There being no further discussion, Chairman Harris called for a vote on the motion.

Motion carried unanimously.

VIII. CARTERET COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

A. PUBLIC HEARING

B. RESOLUTION TO ADOPT THE HAZARD MITIGATION PLAN

Background Information

Dale Holland reviewed the information outlined in the following memo to the Board from Jim Jennings:

To: Board of Commissioners

From: Duncan Ballentine, County Manager

RESOLUTION
BY THE NORTH CAROLINA DIVISION OF PARKS AND RECREATION
REQUESTING "NO WAKE ZONE" ESTABLISHMENT AT
FISHING CREEK, BOGUE SOUND

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


WHEREAS, upon a request by U.S. Coast Guard Sector North Carolina with full concurrence from the North Carolina State Park at Fort Macon, Carteret County has given public notice and conducted a public hearing on November 15, 2010, regarding its intention to make formal application to the Wildlife Resources Commission for special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Fishing Creek, Bogue Sound, which is located within the territorial limits of Carteret County, and for the implementation of the Uniform Waterway Marker System in all of the waters of the County; and

WHEREAS, due to the fact that this no wake zone will be located within the jurisdictional waters of the State of North Carolina and the U.S. Coast Guard and will primarily serve to support Recreational Boating Safety, the U.S. Coast Guard agrees to bear all costs associated with materials and installation of signage, and the North Carolina Division of Parks and Recreation has agreed to bear all future costs associated with the establishment of this no wake zone, with regard to public notice advertisements, CAMA permits, signage and all future maintenance of signage, as required by the NC Wildlife Resources Commission.

NOW, THEREFORE BE IT RESOLVED, that in accordance with G.S. 75A-15, the North Carolina Division of Parks and Recreation requests the North Carolina Resources Commission to promulgate special rules and regulations with reference to safe and reasonable operation of vessels on the waters of Fishing Creek, Bogue Sound, located in said County, the pertinent substance of which proposed regulations is as follows: from position N34-42.270, W 076-42.417 to position N 34-42.280, W 076-41.377, as noted on the map included.

BE IT FURTHER RESOLVED, that the Carteret County Board of Commissioners requests that said Commission promulgate regulations fully implementing the Uniform Waterway Marker System in the above described channel.

ADOPTED, this the 27th day of April 2011.


Donald G. Reuter, Assistant Director
N.C. Division of Parks and Recreation

Foard, Betsy H.

From: Jim Henderson <jhkinetico@gmail.com>
Sent: Tuesday, August 16, 2011 5:29 PM
To: Foard, Betsy H.
Subject: No Wake Zone

I am opposed to the proposed no wake zone here in Carteret County.
What's next...the ICW from the turning basin to the MHC/AB bridge....or from the turning basin to a mile outside the Beaufort Inlet Bar?
Take the money it would cost for Zone designation, signage and enforcement and spend it on treating a real problem here in Carteret County, such as Bogue Inlet's Shoaling!!

Jim Henderson
Morehead City, NC

Foard, Betsy H.

From: Henry Taylor <HCTaylor@nc.rr.com>
Sent: Monday, September 12, 2011 7:54 PM
To: Foard, Betsy H.
Subject: Amendement 15A NCAC 10F.0330

Ms. Betsy Foard
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, North Carolina 27699-1721

Re: Amendement 15A NCAC 10F.0330 (No wake zone in Fishing Creek, Carteret County)

I am writing to oppose the above mentioned amendement in concern of safety.

I have used this "cut through" for many years and I understand the concern of increased boaters in Fishing Creek with numerous oyster beds and the curving narrow channel but I am more concerned with shallow waters at the creek's entrance at Beaufort Inlet.

The entrance is extremely shallow at low tide and in my opinion a boat must be on plane to navigate over the shoal. It is my concern that the changing conditions of this inlet to Fishing Creek would be dangerous for boats entering or exiting under "no wake" speed with shallow waters, large wave action from boat traffic or sea swell at low or high tide.

More research needs to be done regarding the conditions of the entrance and I believe a no wake zone would cause loss of vessels and perhaps life.

Henry Taylor
4004 White Pine Drive
Raleigh, NC 27612
919 280 1990
hctaylor@nc.rr.com

Foard, Betsy H.

From: bbaker51284@aim.com
Sent: Wednesday, September 21, 2011 6:36 AM
To: Foard, Betsy H.
Subject: 15A NCAC 10F .0330

I object to the idea of having the tidal creek between USCG station and Fort Macon made into a no wake zone. With this action, does this mean that we can expect to see other "tidal creeks" made into no wake zones. From what I have seen, the tidal creek being proposed is well monitored by the NC Wildlife officers and/or USCG as I have been stopped at the mouth of the creek myself and seen them checking people there as well. I would understand if this was an actual channel but it is people's responsibility to understand the risk of operating a boat in tidal creeks, shallow waters, and other similar hazardous areas. I would suggest focusing more on boater safety and education rather than making tidal creeks, sandbars, hazardous areas, etc. no wake zones. Thank you for your time.

Sincerely,
Brent Baker
1013 Palmer Way
Morehead City, NC
(252) 725-0202
bbaker51284@aim.com

Foard, Betsy H.

From: Steadman, Tim <SteadmanT@MCNEARY.COM>
Sent: Monday, September 26, 2011 9:47 AM
To: Foard, Betsy H.
Subject: Amendment 15A NCAC 10F.0330

Ms. Betsy Foard
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, North Carolina 27699-1721

Re: Amendment 15A NCAC 10F.0330 (No wake zone in Fishing Creek, Carteret County)

Dear Ms. Foard:

I am writing to oppose the above mentioned amendment.

I have used the "cut through" for many years as a safer means to reach the turning basin area vs. using the current "no wake zone" in front of the Morehead City Port area. The current no wake zone in front of the Morehead City Port area is often crowded with large boats whose operators do not conform to the no wake zones which are already in place. The "cut through" offers a safer, faster means to get to the main body of water. In addition, the inlet to the cut through on the Fort Macon end is very shallow and you can not go across that area without being up on plane. A no wake zone would prevent that from being possible.

Instead of expanding a no wake zone to include the Fishing Creek area I would recommend and suggest that more enforcement be done for the current zones already in place, specifically the Morehead City Port area.

Regards,

Tim Steadman
1428 Bedlington Drive
Charlotte, NC 28269

Existing No Wake Zone Between
Morehead City & Atlantic Beach
Carteret County





-  NWZ
-  existing NW buoys
-  proposed Fishing Cr NW buoys
-  Federal Channel



EXHIBIT K

October 13, 2011



No Wake Zone Request - High Rock Lake, Davidson County Proposed Amendment to 15A NCAC 10F .0324

At the request of the Camp Walter Johnson Salvation Army Camp, the Board of Commissioners of Davidson County made an application to the North Carolina Wildlife Resources Commission for the creation of a no wake zone near the camp docks, located in Flat Swamp Creek on High Rock Lake. The County advertised and held a public hearing prior to submitting a certified resolution in accordance with the provisions of the North Carolina Administrative Procedure Act. Camp Walter Johnson has agreed to purchase, place and maintain the no wake buoys required to mark the zone at no expense to state or local government; therefore, submission of a fiscal note is not required pursuant to NCGS 150B-21.4.

Staff investigated the area and recommended consideration for rulemaking to mitigate water safety hazards for the campers who use the waters in the narrow area of the creek.

Notice of Text for the amendment to 15A NCAC 10F .0324 was published in the August 1, 2011 *North Carolina Register*:

15A NCAC 10F .0324 DAVIDSON COUNTY

(a) Regulated Areas. This Rule applies only to those portions of High Rock Lake, Tuckertown Lake, and Badin Lake which lie within the boundaries of Davidson County.

(b) Speed Limit. No person shall operate a vessel at greater than no-wake speed:

- (3) the waters of Flat Swamp Creek on High Rock Lake beginning 50 yards north of the docks at Camp Walter Johnson and extending 100 yards south of the docks as delineated by appropriate markers.

On August 31, 2011 a public hearing was held at the Wildlife Resources Commission headquarters to receive comments on the Notice of Text. There were no attendees and no comments received. Staff recommends adoption of the amendment to 15A NCAC 10F .0324.

Camp Walter Johnson
The Salvation Army

Lat: 35.67131
Long: -80.16601



50 yards

100 yards

Lat: 35.66993
Long: -80.16582

Flat Swamp Creek
(High Rock Lake)

**Proposed NWZ on
High Rock Lake, Davidson Co.**

-  recommended buoy locations
-  recommended NWZ boundaries