



*Committee of the Whole Meeting Summary
February 26, 2014, 3:00 pm
NCWRC, 5th Floor Commission Room*

Meeting Attendees

• **Commissioners:**

Joe Barker
Wes Seegars
Garry Spence
John Litton Clark
Ray Clifton
Tom Berry
Wes Seegars

Jim Cogdell
Joe Budd
Tim Spear
Dave Hoyle
Richard Edwards
Brian White
Tommy Fonville

• **Staff:**

Perry Sumner
David Sawyer
Geoff Cantrell
Isaac Harrold
Lisa Hocutt
Gordon Myers
Erica Garner
Todd Kennedy

Evin Stanford
Colleen Olfenbuttel
Bob Curry
Brad Gunn
Mallory Martin
Betsy Haywood
Tamara Zmuda

• **Visitors:**

Joe McClees – NC Sporting Dogs Assoc.
Fred Harris – NC Wildlife Federation
Jim Noles - NCBHA
Greg Culpepper
Jackie Morris

Tommy Kimball – NC Bowhunters
John Thompson - NCBA
Dick Hamilton – NCWF
Terry Morris

Chairman Jim Cogdell called the Committee of the Whole meeting to order at 3:00 pm.

- Dr. David Cobb, *Wildlife Management Division Chief*, gave the history, timeline, and public participation that led to the development of black bear rules and use of non-processed food as bait. Cobb described the process that began in 2007 with a statute revision that was made to address issues related by houndsmen concerning bait piles and to eliminate the use of processed foods to “take”- i.e. hunt bears. Cobb stated that since 2007 still hunters have raised equity issues associated with houndsmen being allowed to hunt in the vicinity of bait. Also since 2007 the bear population has increased, creating potential opportunities for the take of more bears.

Cobb stated that since 2007 the agency has held thirty-seven meetings across the state, reaching out to a wide variety of stakeholders before working to address the equity and bear population issues.

In 2013 with the passage of HB 296, the WRC is allowed to create rules for still hunting in the vicinity of unprocessed foods. The bill prohibits the use of artificial sprays and scents for hunting. The bill maintains the current law that allows the release of bear hunting dogs in the vicinity of bait. The agency has added a bear stamp to be purchased by hunters. The agency objective is to stabilize the bear population.

- Review of Comments from Public Hearings in January 2014 and Discussion

Water Safety Rules – Kate Pipkin, *Rules Biologist*, reviewed public comments related to water safety rule amendments in exhibits **N-1, N-2, and N-3**. Pipkin stated that a proposal to remove a no wake zone in Pitt County on the Tar River received seven comments with two against removal of the no wake zone, plus a resolution from the Pitt County Board of Commissioners in opposition to removal of the no wake zone.

Wildlife Management Rules – Dr. Cobb reviewed public comments pertaining to wildlife management rules proposals in **Exhibit D**.

As a result of many comments, motions for changes to some of the proposals in **Exhibit E** will be made at the WRC meeting on Thursday, February 27. Proposal H8 will be modified to remove Alexander, Catawba, Iredell, Stokes and Yadkin counties from the proposal. Proposal H11 will be recommended for removal from consideration, to be sent back to the Small Game Committee for further study. H13 will be modified to remove language referring to “body-armor piercing projectiles” and replaced with “unless otherwise prohibited in law.”

Discussion was held regarding a motion to authorize the Executive Director to pursue temporary rulemaking to accomplish the purposes of rules presented in Exhibit E, should any of them be subject to delayed effective date pursuant to NCGS 150B-21.3. The motion will be considered at the February 27 meeting of the WRC.

Inland Fisheries Rules – Bob Curry, *Inland Fisheries Division Chief*, reviewed comments from statewide public hearings presented in **Exhibit F**.

As a result of public comments, motions will be made to revise the language of some proposals at the WRC meeting on February 27. As a result of local opposition, a motion to amend Proposal F-2 will be made to designate 0.5 mile of the Wes Fork Pigeon River in Haywood County below Lake Logan as Public Mountain Trout Waters and classify as Wild Trout Waters. Proposals F-9 and F-16 received local opposition because some anglers still fish with bow nets and the use of bow nets does not adversely affect the populations. Consequently a motion will be made to disapprove proposals F9 and F16 pertaining to the prohibition against the use of bow nets in inland fishing waters.

Game Land Rules – Isaac Harrold, *Lands Program Manager*, reviewed comments from statewide public hearings presented in **Exhibit L**. Harrold stated that as a result of public comments, staff recommends amending Proposal G2 in **Exhibit M** to allow an archery-only area on the Lick Creek tract of Alcoa Game Land in Davidson County for deer **AND bear** hunting. The Commission will consider a motion to add bear hunting by archery there, and, if the Rules Review Commission determines that the inclusion of bear hunting is a substantial change, to authorize staff to pursue temporary rulemaking to accomplish the purposes of this proposal. Proposal G-6, to allow hunting deer with dogs on Stones Creek Game Land in Onslow County, will be amended to allow that type of hunting on Tuesdays, Thursdays, and **SATURDAYS** (rather than Fridays) only.

Harrold presented an addition to the agenda for the WRC meeting on Thursday, February 27. He reminded the Commission that a proposal for limits on hunting on part of Bladen Lakes Game Land was tabled by the Commission for further study in November 2013, and was not taken to public hearings. As a result of further study about safety issues and criminal violations on a portion of the game land, a motion will be made at the WRC meeting on February 27, to proceed with temporary rulemaking to allow still hunting only on a portion of the Bladen Lakes Game Land. **Exhibit Q** will be added to the agenda of the WRC meeting.

Other Administrative Rules – Lisa Hocutt, *Customer Support Division Chief*, reviewed the summary of public comments on proposed changes to administrative regulations, in **Exhibit O**. Hocutt stated that Proposal A-1, to require display of the vessel registration validation decal on both the starboard and port side bow of a vessel, received a majority of negative comments because the public did not understand the purpose to assist law enforcement with identification and many erroneously believe that this would create an additional cost to them. Vessel registration rules (Exhibit P-1) will be presented for consideration on February 27, 2014. **Exhibit P-2**, Wildlife Poacher Reward Fund Rule; **Exhibit P-3**, Disabled License Eligibility Rule, and **P-4**, Hunter Education Course Mandatory Time Requirement Rule will be presented on February 27.

- Motion to Go Into Closed Session – Commissioner David Hoyle, Jr. made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) for the purpose of receiving legal advice from Counsel on claims and lawsuits: Southern Environmental Law Center on behalf of the Red Wolf Coalition, Defenders of Wildlife, and Animal Welfare Institute v. NC Wildlife Resources Commission; and People for the Ethical Treatment of Animals Inc. v. NC Wildlife Resources Commission; and pursuant to NCGS 143-381.11(a)(7) to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct; and pursuant to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment. The motion was seconded by Tom Berry and carried. A short recess was taken so that the room could be cleared.
- A motion was made to return to open session at 6:15 pm.
- Adjournment - Commission Chairman Jim Cogdell adjourned the Committee of the Whole meeting at 6:15 pm.