



ACTIONS

N.C. WILDLIFE RESOURCES COMMISSION

May 13, 2009 at 9:00 a.m.

Wildlife Resources Commission Headquarters
Raleigh, North Carolina

Meeting - *Commission Chairman* Wes Seegars called the N.C. Wildlife Resources Commission meeting to order at 9:02 a.m. in the Commission Room at Wildlife Resources Commission Headquarters, Raleigh, NC.

Mandatory Ethics Inquiry - Chairman Seegars read the ethics inquiry mandated in North Carolina General Statute 138A-15(e).

Minutes - the Commission approved the March 4, 2009 Wildlife Resources Commission minutes presented in **Exhibit A** with one correction. It was noted in the listing of visitors that Dowd Bruton is not affiliated with the National Wild Turkey Federation, and the minutes were corrected.

Financial Status Report - the Commission received a financial status report as of March 31, 2009 on the Wildlife Operating Fund, which has a balance of \$18,834,936, and the Wildlife Endowment Fund, which has a balance of \$68,063.962, from Tommy Clark, *Budget Officer*, in **Exhibit B**.

Conservation Education Update - the Commission received an update about the activities and accomplishments of the Conservation Education Division from Ginger Williams, *Conservation Education Division Chief*. Williams reported that the survey report concerning the *Wildlife in North Carolina* magazine will be presented to the Commission in December. She highlighted some of the articles that have appeared in various publications about educational outreach. Williams mentioned her appreciation for interdivisional cooperation in several educational programs, as well as the production of a DVD about field studies and a video about the Huntmaster Unit, used by handicapped sportsmen.

Youth Conservation Days Update – the Commission received an update about the Youth Conservation Days from Commissioner Martin Lewis. Lewis thanked Gene Piver and Commissioner Nat Harris for their assistance in locating suitable properties across the state for holding the events. He distributed a map showing locations and dates of the Youth Conservation Day events.

Property Acquisitions - the Commission approved staff recommendations presented in **Exhibit C** by Dr. David Cobb, *Wildlife Management Division Chief*, to work with the State Property Office and to eventually seek grant funding for the acquisition of the following properties:

- Bigelow Tract – Caswell County
- Cooper Tract – Onslow County

Memorandum of Understanding Request, Richmond County – the Commission approved a request by the North Carolina Highway Patrol, presented in **Exhibit D**, for a MOU for a thirty year term, to allow construction and operation of a 480 foot VIPER communications tower on approximately .2 acres at Sandhills Game Land in Richmond County.

Easement Request, Haywood County - the Commission approved staff recommendation presented in **Exhibit E** to accept an easement from the U.S. Department of Agriculture for thirty years at no cost to the agency, for those portions of an access road on Cold Mountain Game Land that fall on federal property. The WRC will request assistance from the State Property Office to record the easement in the Haywood County Register of Deeds Office.

Property Disposal Request, Pender County – the Commission approved staff recommendation, consistent with the recommendation of the State Department of Insurance, to work with the State Surplus Property Office to dispose of an equipment storage shed on the Holly Shelter Game Land in Pender County (**Exhibit F**).

Land Acquisition Update - the Commission received a report on the status of land acquisition projects in **Exhibit G** from Dr. Cobb.

Inland Fisheries Update - the Commission received an update about the activities of the Inland Fisheries Division from Bob Curry, *Inland Fisheries Division Chief*. Curry provided Commissioners with recent news releases and information about the northern snakehead caught in Lake Wylie. Curry said that 23,000 anglers caught more than 69,000 of striped bass on the Roanoke River during the March 1 - April 30 season.

Rescission of Funding Action for Catawba Dam Project- the Commission rescinded its approval at the February 11, 2009 WRC meeting of the allocation of up to \$125,000 in access funds for construction of a cold water pipe for future fish hatchery use at the Catawba Dam. Negotiations with Duke Energy were withdrawn on March 31, 2009 due to budgetary problems and site suitability issues. The access funds will remain for site development of a boating access area below the dam. (**Exhibit H**)

No Wake Zone – Lake James, Burke County - the Commission adopted an amendment to 15A NCAC 10F .0323, presented in **Exhibit I** by Erik Christofferson, *Engineering Services Division Chief*, to establish a No Wake Zone within fifty yards of the point of land at Lot 86, South Pointe Subdivision, on Lake James in Burke County.

Boating Access Area Request, Beaufort County - the Commission voted to accept the donation of 6.04 acres of land on Duck Creek in Beaufort County for a boating access area, in exchange for a reimbursement to PCS Phosphate of \$25,171.29, the penalty for early termination of their lease of the property to Weyerhaeuser Company. Site development of two boat launch lanes and thirty parking spaces is expected to cost \$70,000. (**Exhibit J**)

Use and Lands Committee Report –Commissioner Chuck Bennett presented the report of the Use and Lands Committee on behalf of Doug Parsons, Chairman.

- The Commission adopted a resolution by the Use and Lands Committee to approve in concept a request by the City of Rockingham to develop a primitive campground and two picnic shelters on the Diggs Tract in Richmond County, subject to terms and conditions in the resolution.
- The Commission approved a motion authorizing the Executive Director to send a letter of intent by the WRC to Caldwell County, to enter into a Memorandum of Agreement with Caldwell County for the development of a multi-use area on the Lutz Tract, including the construction of a pedestrian bridge.

Habitat, Non-Game, Endangered Species Committee Report – Chuck Bennett, Chairman, presented the committee report. He stated that the federal government will allow North Carolina to capture three migratory peregrine falcons from the area east of U.S. Highway 17 for use in falconry by licensed falconers. If the state does not participate, the three birds may be taken in another state for falconry use and eventually released. Agency staff will conduct a public information meeting before a decision is made by the Commission at the July meeting.

- The Commission adopted the recommendation of the Habitat, Non-Game, Endangered Species Committee to reappoint five incumbents to the Nongame Wildlife Advisory Committee and approved the appointment of Fred Harris to fill the vacancy on the NWAC.
- The Commission adopted the recommendation of the Habitat, Non-Game, Endangered Species Committee for the recipient of the 2009 Thomas Quay Award.

Small Game Committee Report - Bobby Purcell, Chairman, presented the Small Game Committee Report. Purcell stated that House Bill 1889 has been signed. This bill allows for at least twenty contiguous acres of land up to 100 acres, managed for wildlife conservation, to be taxed at a lower rate. Discussion was held in committee about how to pay for administration of the program, including management of the written agreements that are required and monitoring of compliance with the requirements of the program. The application process begins January 1, 2010 and the bill becomes effective July 1, 2010.

Purcell stated that the Small Game Committee discussed continuation of the CURE Program. All agreed that the CURE Program has been modestly successful for quail and more so for rabbits and non-game birds. In consideration of the budgetary constraints on the agency the consensus is to blend the CURE Program with the Taxation of Wildlife Lands Program. However, approximately forty contractual obligations with participants in the CURE Program remain through 2018. The Commission adopted the recommendation of the Small Game Committee to honor the remaining contracts with an allocation of \$49,842, and to allocate \$62,400 for the state match of Tier 1 and Tier 2 grants.

Big Game Committee Report – Dave Hoyle, Chairman, reported that the Big Game Committee was unable to complete discussion of deer issues, the Earn a Buck system, and bear baiting issues within the one hour time frame. He asked staff to work on these issues for future discussion.

Migratory Birds, Waterfowl Committee Report – Maughan Hull, Chairman, presented the report of the Migratory Birds, Waterfowl Committee. The tundra swan harvest was discussed by the Committee. Hull asked Dr. Cobb and Joe Fuller to check on an expanded season for pintails, suggesting a 40 day season with a one bird limit. No action was taken on the request.

Hull announced that a study of the Canada Geese in northeastern North Carolina showed that approximately 40 percent are migratory birds. Staff recommends a Northeastern Canada Goose season. The Commission voted to ask the U.S. Fish and Wildlife Service for a one week season beginning the week closest to Christmas, with a daily bag limit of one bird.

Joint CRFL Committee Report - the Commission received a report from Ray White, *Warm Water Fisheries Committee Chairman*, about the activities of the joint CRFL Committee members. A conference call between the joint committees was held April 13, 2009. Among DMF projects under review for the second year is the oyster reef barge construction project. RFPs will go out on June 1, 2009. White reported that between January 2007 and March 2009 \$9,577,000 in CRFL funds have been received, which is slightly less than expected. The Marine Resources Endowment Fund has grown to \$4.97 million.

Comments by the Executive Director – the Commission received a legislative update from *Executive Director* Gordon Myers. Myers introduced Sarah Clapp, the new agency *Legislative Liaison*. He passed out a summary of wildlife bills that are being tracked and the list of rules that are being referred for legislative review because the Rules Review Commission received at least ten letters of opposition to the rules. Myers and Sarah Clapp have been meeting with Legislators to discuss this agency's receipt based budget and the agency's focus on operational efficiency, organizational effectiveness, and mission alignment in light of diminishing sales tax transfers and recurring budget shortfalls.

Comments by the Chairman – Chairman Wes Seegars recognized Commissioner Nat Harris as the ninth inductee into the Ducks Unlimited Hall of Fame. He mentioned the previous day's marathon committee meetings and emphasized that no conclusions were drawn with regard to the new regulatory cycle. Seegars said that the Commission is in the process of receiving staff and Commission recommendations for discussion. Seegars stated that an internet based information portal is being implemented and he encouraged interested parties to look at the website for information about committee and Commission activities and meetings. There was a short discussion of the ten letter rule in the Administrative Procedures Act that has resulted in some adopted rules being referred for legislative review, thereby delaying or preventing their implementation.

Adjournment - the meeting was adjourned by Chairman Seegars at 10:30 a.m.