



## ACTIONS

### N.C. WILDLIFE RESOURCES COMMISSION

August 29, 2013, 9 a.m.

Wildlife Resources Commission Headquarters  
Raleigh, North Carolina

**Meeting** - *Commission Chairman* Jim Cogdell called the N.C. Wildlife Resources Commission meeting to order at 9:00 a.m. in the Commission Room at Wildlife Resources Commission Headquarters, Raleigh, NC. Cogdell reminded everyone that the meeting is being recorded as a public record and is audio streamed live at [www.ncwildlife.org](http://www.ncwildlife.org). He requested that all cell phones and pagers be turned off during the meeting.

**Pledge of Allegiance and Invocation** – Commissioner Richard Edwards led the Pledge of Allegiance. Wes Seegars gave the invocation.

**Administer Oath of Office to New Commission Members** – The Honorable Paul M. Newby, *Associate Justice – North Carolina Supreme Court*, swore in at-Large Commissioners Thomas L. Fonville of Raleigh and Timothy L. Spear of Creswell. Fonville and Spear were appointed by *House Speaker* Thom Tillis for terms ending June 30, 2015.

Chairman Cogdell called a short recess so that photographs could be taken. The meeting reconvened at 9:15 am.

**Welcome** – Chairman Cogdell welcomed Commissioners and guests including special guests Justice Paul Newby, Commissioner Tommy Fonville's wife Kate and daughter Mary Burr Edwards, Keith Weatherly, Mayor of Apex and policy advisor to Representative Skip Stam, and Eddie Bridges with the NC Wildlife Habitat Foundation.

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

**Notice of Commission Appointments** – the Commission received **Exhibits A-1, A-2, A-3, A-4, and A-5**, Notices of Appointment by *House Speaker Thom Tillis* of Richard Edwards, Timothy L. Spear, Thomas L. Fonville, and Michell Hicks for terms ending June 30, 2015; by *President Pro Tempore Phil Berger* of Mark Craig, Garry Spence, Thomas A. Berry, and Dell Murphy for terms ending June 30, 2015; and Notices of Appointment by Governor Pat McCrory of John Litton Clark, District 4 for a term ending June 30, 2019; John T. Coley IV and V. Ray Clifton, at-Large, for terms ending June 30, 2017.

**Evaluation of 2013 Statements of Economic Interest Read into the Minutes** – Pursuant to the requirements of NCGS §138A-15, Betsy Haywood, *Ethics Liaison*, read into the minutes portions of the evaluations by the N.C. Ethics Commission of 2013 Statements of Economic Interest for Thomas L. Fonville and Michell Hicks.

**Election of Vice Chairman Pursuant to NCGS 143-243** – Chairman Cogdell explained that John Litton Clark was elected Vice Chairman at the July 11, 2013 meeting of Wildlife Resources Commission as a House Speaker appointee but subsequently was reappointed to the Commission on August 8, 2013 by Governor McCrory, making another election necessary. The Commission then nominated and unanimously elected John Litton Clark as Vice Chairman.

**Minutes** – the Commission approved the July 11, 2013 Wildlife Resources Commission minutes, presented in **Exhibit B**.

**Financial Status Reports** – the Commission received a financial status report on the Wildlife Operating Fund and the Wildlife Endowment Fund as of June 30, 2013, from Tommy Clark, *Budget Officer*, presented in **Exhibit C**. The Operating Fund balance is \$21,922,571.86. The Endowment Fund balance is \$98,656,924.53.

Clark then presented a financial status report on the annual interest allocation for the Endowment Fund as of June 30, 2013, presented in **Exhibit D**. The Commission approved the allocation of \$4,354,802.24 to the Sportsmen Funds. The Commission approved \$212,078.83 to be allocated to the Magazine Fund, which represents 100 percent of the interest derived from sales of lifetime magazine subscriptions.

**Joint Big Game/Habitat, Nongame and Endangered Species Committees Report** – Dr. David Cobb, *Wildlife Management Division Chief*, reported that the Big Game Committee and Habitat, Nongame and Endangered Species (HNGES) Committee met jointly on August 28, 2013. The Committees discussed recent legislation pertaining to bear management and the need for rulemaking to address changes in hunting techniques. Public input meetings will be held in early October in the northeast, southeast, central and western parts of the state prior to making rule change proposals for consideration at state-wide public hearings in early 2014. Cobb announced that there is a draft rule change proposal to allow the sale of trophy wildlife pursuant to House Bill 581. Also under consideration is a proposal for a Piedmont bear season to coincide with deer season. The committees moved to discussion of the successful reintroduction of elk into the Great Smoky Mountains National Park and outside the park. The NCWRC has partnered with NC State University on research for refinement of a management plan for elk outside the Park. The 2013-2015 strategies for elk management will be presented to the Rocky Mountain Elk Foundation in Greensboro on September 4, 2013. Commissioners are invited and encouraged to attend the meeting.

**Fisheries Committee Report** – Wes Seegars, *Chair*, reported that the Fisheries Committee met on August 28, 2013. Bob Curry, *Inland Fisheries Division Chief*, provided the Committee with an update on proposed administrative rule changes in the NC Administrative Code that would create rules for game fish that are simpler, can easily be understood by the public, and are easier to manage administratively. No comments were received during the open comment period and at the public hearing. The Committee will recommend adoption of the proposed administrative rules changes when **Exhibit E** is presented. The Committee received the 2012-2013 Annual Report for the North Carolina Coastal Habitat Protection Plan (CHPP) that summarizes accomplishments from September 2012 through August 2013 of the four commissions.

**Land Use and Access Committee Report** – Tom Berry, *Chair*, reported that the Land Use and Access Committee met on August 28, 2013. The Committee received an overview from Isaac Harrold, *Public Lands Section Manager*, about Phase I projects, where staff evaluates possible land acquisitions prior to seeking funding, and Phase II projects, where funding has been sought and action by the Commission is requested. The committee reviewed Phase II projects, **Exhibits J-1, J-2, J-3, J-4, and J-5**, that will be recommended for action by the Commission later in the meeting. The Committee requested that Harrold present for consideration at today's meeting a Phase I project, the 5 Eagles Tract in Pender County. **Exhibit J-6** will be presented for action later in the meeting. The Committee reviewed for reconsideration by the Commission **Exhibit K**, the disposition of surplus property at the Watha State Fish Hatchery in Pender County, and consideration of an agreement with Cleveland County to assist in the design and construction of a shooting range facility, to be presented in **Exhibit L**. The Committee received the draft of the 2013-2014 Field Trial Running Schedule in **Exhibit M** and will recommend it for approval later in the meeting.

**Migratory Birds and Waterfowl Committee Report** – John Coley, *Chairman of the Migratory Birds, Waterfowl Committee* appointed by Chairman Cogdell, reported that the Migratory Birds, Waterfowl Committee met on August 28, 2013. The Committee reviewed **Exhibits F-1, F-2, and F-3** and will recommend that the Commission adopt the 2013-2014 season dates and bag limits for waterfowl. The Committee also reviewed in **Exhibit G** the staff recommendation to establish a season for taking migrant peregrine falcons for use in falconry. The Committee will recommend adoption of the proposal later in the meeting.

**Boating Safety Committee Report** – Joe Barker, *Chair*, reported that the Boating Safety Committee met on August 28, 2013. The Committee received a summary of public comments in **Exhibit H** pertaining to proposed amendments to 15A NCAC 10F .0201 to provide additional exceptions pertaining to the requirement for personal flotation devices (PFDs) and to increase clarity in the rule. The Committee will recommend approval of **Exhibit I**, which shows that paddleboards have been removed as an exemption because the U.S. Coast Guard considers them to be vessels when outside the surf/swim zone. Barker reported that the Committee heard about the need to require registration validation stickers on both sides of boats so that they can be more easily viewed during safety checks. The Committee discussed phasing in this requirement over three years. The Committee also discussed the requirement for documented boats to be registered effective October 1, 2013.

**Committee of the Whole Report** – *Executive Director* Gordon Myers reported that the Committee of the Whole met on August 28, 2013. The Committee moved into closed session pursuant to NC General Statute 143-318.11(a)(3) to receive legal advice from agency and assigned Counsel. Myers stated that Assistant Attorneys General briefed the Committee of the Whole on three claims and lawsuits. The Committee of the Whole moved back into open session. A motion was passed for the Wildlife Resources Commission to authorize its Executive Director to send a rescission letter to Alcoa Power Generating, Inc. concerning the February 2007 FERC Relicensing Settlement Agreement.

**Agency Spotlight** – the Commission received an update from Walter “Deet” James, *Hunter Recruitment and Retention Biologist – Division of Wildlife Management*, about agency-wide constituent recruitment and retention initiatives. James noted a 2005 survey that showed that 75 percent of North Carolinians did not know what the Wildlife Resources Commission is. Elements of success since then in raising awareness and participation in wildlife-related activities include increased access to hunting, fishing and boating opportunities, additional partnerships to provide education and mentoring, opportunities through hunter education, license exemptions for landowners and military personnel, citizen science, youth hunt, and geocaching among others. Construction has begun on a flintlock shooting range that will provide for recreational shooting that does not include hunting. Excise taxes on guns and ammunition are helping pay for opportunities to recruit and retain a wider audience. James stated that efforts continue to identify our constituents, recruit new hunters and anglers and non-traditional users, and promote multiple uses on game lands.

**Special Presentation – Donation from North Carolina Wildlife Habitat Foundation** – Commissioner Tom Berry introduced Eddie Bridges of the North Carolina Wildlife Habitat Foundation. Bridges gave a short overview of the Wildlife Habitat Foundation Endowment Fund, modeled after the WRC North Carolina Wildlife Endowment Fund. Bridges presented a check in memory of T. Henry Wilson, Jr. of Wilson Creek. Two grants have been approved that will augment the WRC budget. Monies will be used to manage invasive exotic plants on Wilson Creek in Caldwell County and at Reddies River Angler Access Steps in Wilkes County. Grant dollars are eligible for matching federal money.

**Special Presentation – Award from U.S. Fish and Wildlife Service for the WRC Waterfowl Program** – John Stanton, *Supervisory Wildlife Biologist, Division of Migratory Birds – Southeast Region, U.S. Fish and Wildlife Service*, announced that annually the Southeast Region of the U.S. Fish and Wildlife Service recognizes one state’s efforts toward management of migratory birds. Stanton stated that the North Carolina Wildlife Resources Commission stands out among states along the Atlantic Flyway with its management strategy for the wood duck. The NCWRC has banded more than 11,000 wood ducks over the last year. Stanton presented the award to Gordon Myers. Myers thanked the SE Region of the USFWS. He recognized employees Joe Fuller and Doug Howell for their efforts in wood duck management.

**Inland Fisheries Update** - the Commission received an update from Bob Curry, *Inland Fisheries Division Chief*, about activities of the Inland Fisheries Division. Curry noted that the agency has been awarded \$554,000 competitive grants from USFWS for the study of certain species of fish. Curry read into the minutes a Proclamation by Governor Pat McCrory announcing that 2013 Hunting and Fishing Day in North Carolina is September 28, 2013.

**Administrative Rule Changes for Open Seasons, Creel and Size Limits** – the Commission approved administrative rule changes to amend 15A NCAC 10C .0305 to apply only to black bass; and adopted 15 new rules (15A NCAC 10C .0306 through 15A NCAC 10C .0320), one for each game fish species (**Exhibit E**).

**Wildlife Management Update** – the Commission received an update about the activities of the Division of Wildlife Management from Dr. David Cobb, *Wildlife Management Division Chief*. Cobb directed Commissioners to CDs at their seats and mentioned several documents on them, including the 2012-2013 avid grouse hunter report, quail surveys, and documents about the migratory game bird program.

**2013 – 2014 Migratory Waterfowl Seasons** – Dr. David Cobb presented **Exhibit F-1**, proposed regulation frameworks from the U.S. Fish and Wildlife Service for late hunting seasons for certain waterfowl and migratory game birds. **Exhibit F-2** is a summary of public comments received by internet pertaining to late waterfowl seasons.

The Commission approved the 2013-2014 options for bag limits, shooting hours, and season dates for waterfowl seasons occurring after September 30, presented in **Exhibit F-3**:

**Note: Possession limits are three times the daily bag for all seasons unless otherwise noted.**

**HOURS:** One-half hour before sunrise to sunset.

**Youth Waterfowl Days:** February 1 and February 8, 2014 (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.

***REGULAR DUCK SEASON (includes coots and mergansers)***

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

**Season Dates:** October 2-5  
November 9 – November 30  
December 14 – January 25  
(Black duck and mottled duck season closed until November 23.)

**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 23), 2 canvasbacks, or 1 fulvous whistling duck. The season on harlequin ducks is closed. (Possession limits are twice the daily bag unless otherwise noted.)

b) **Coots and mergansers:** 15 coots; 5 mergansers (2 hooded mergansers)

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

**Season Length:** 105 hunting days

**Season Dates:** October 2 – 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:** 78 days

**Season Dates:** October 2– October 12  
November 9 – November 30  
December 14 – February 8

**Bag Limit:** 5 geese per day

**SOUTHERN JAMES BAY (SJB) ZONE**

**Season Length:** 70 days

**Season Dates:** October 2 – October 30  
November 9 - December 31

**Bag Limit:** 5 geese per day

**NORTHEAST HUNT ZONE**

**Season Length:** 14 days

**Season Dates:** January 10 – January 25

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

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

<b><u>Season Length:</u></b>	107 Days
<b><u>Season Dates:</u></b>	October 16 – October 19 November 9 – March 8
<b><u>Bag Limit:</u></b>	25 birds daily (no possession limit)
<b><u>Expanded hunting methods:</u></b>	allow use of electronic calls and unplugged guns from February 10 – March 8

**ATLANTIC BRANT:**

<b><u>Season Length:</u></b>	30 Days
<b><u>Season Dates:</u></b>	December 23 – January 25
<b><u>Bag Limit:</u></b>	2 birds daily

**TUNDRA SWAN:**

<b><u>Season Length:</u></b>	72 Days
<b><u>Season Dates:</u></b>	November 9 - January 31
<b><u>Bag Limit:</u></b>	One per season (with valid permit)

**EXTENDED FALCONRY (ducks and coots only):**

<b><u>Season Length:</u></b>	106 total hawking days (includes 60 days of gun season plus 16 days of special teal season)
<b><u>Season Dates:</u></b>	October 21 – November 2 January 27 – February 15
<b><u>Bag Limit:</u></b>	3 migratory birds daily

**EXTENDED FALCONRY (migratory game birds):**

**DOVE**

<b><u>Season Dates:</u></b>	Oct. 12 - Nov. 16
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	9

**KING, CLAPPER, SORA AND VIRGINIA RAILS**

<b><u>Season Dates:</u></b>	Nov. 23 – Dec. 28
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	9

**GALLINULE AND MOORHENS**

<b><u>Season Dates:</u></b>	Nov. 23 - Dec. 28
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	9

**WOODCOCK**

<b><u>Season Dates:</u></b>	Nov. 4 – Dec. 7 and Feb. 1 – Feb. 28
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	9

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

<b><u>Season Dates:</u></b>	Oct. 21 – Nov. 2 and Jan. 27 – February 15
<b><u>Daily Bag:</u></b>	3
<b><u>Possession:</u></b>	9

Falconers may also hunt during the applicable gun seasons. Daily bag and possession limits of 3 and 9, respectively, apply while hunting during the gun season.

Falconry hours for all species are from ½ hour before sunrise 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.



**Adoption of a Season to Allow the Take of Migrant Peregrine Falcons** – the Commission adopted the proposal presented in **Exhibit G** to establish a 2013 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, 2013 through October 20, 2013.
- Any bird taken must be a juvenile.
- 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.
- Permit will be issued through our special hunts permitting system (random).
- An individual issued a permit must have the proper state and federal falconry licenses/permits.
- The person receiving the permit must complete a post-season survey provided by DWM staff and submit that survey no later than December 15, 2013.

**Boating Safety Rulemaking – Public Comments Summary** – the Commission received **Exhibit H**, a summary of public comments pertaining to proposed amendments to 15A NCAC 10F .0201, to provide additional exceptions pertaining to personal flotation devices (PFDs) and to increase clarity in the rule.

**Rule Amendment Adoption (Safety Equipment)** – the Commission adopted amendments to 15A NCAC 10F .0201(safety equipment) presented in **Exhibit I** by Colonel Dale Caveny, *Enforcement Division Chief*. Paddleboards were stricken from the list of vessels exempted from the requirement for carriage of a PFD because the U.S. Coast Guard does require possession of a PFD while using a paddleboard anywhere other than a surf or swim zone.

**Phase II Land Acquisitions** – the Commission gave final approval for the acquisition of five Phase II properties. The agency worked with the State Property Office to investigate properties and determine funding sources which were outlined by Isaac Harrold, *Lands Program Manager*, in **Exhibits J-1, J-2, J-3, J-4, and J-5:**

- Capel Tract – Montgomery County (J-1)
- Humpback Mountain Tract – Avery/McDowell counties (J-2)
- Duvall Tract, Little Tennessee River – Macon County (J-3)
- Hayesville Fishing Access Area, Hiwassee River – Clay County (J-4)
- Lewiston Boating and Fishing Access Area, Roanoke River (J-5)

**Phase I Potential Land Acquisition – Pender County** – the Commission gave approval for staff to begin working with the State Property Office and funding partners to develop an acquisition plan for the 5 Eagles Tract in Pender County along the Northeast Cape Fear River. The 5 Eagles Tract, **Exhibit J-6**, an addition to the agenda at the request of the Land Use and Access Committee, was presented by Isaac Harrold.

**Disposition of Surplus Property – Pender County** – subsequent to tabling by the Commission at the June 20, 2013 meeting with the request for staff to obtain more information about disposition of real property at the Watha State Fish Hatchery, the Commission reviewed information presented in **Exhibit K** by Isaac Harrold. The Commission approved staff recommendation to demolish and replace three 20-year old residences located at the Watha State Fish Hatchery in Pender County.

**Consideration of Partnership with Cleveland County for Shooting Range Facility** – the Commission endorsed the concept of entering into a partnership with Cleveland County, presented to the Land Use and Access Committee on August 28, 2013, to assist Cleveland County in the design and construction of a shooting range facility. Final endorsement of the project will be considered at a later meeting after more investigation by staff and presentation of final details to the Commission.

**Field Trial Schedule** - the Commission approved the 2013-2014 North Carolina Field Trial Association Running Schedule, presented in **Exhibit M**.

**Comments by the Executive Director** – Executive Director Gordon Myers commended Captain Jon Evans and Lieutenant Mickey Little for this year's outstanding Recruit School and graduation that was held at Campbell University. Myers mentioned recent legislative changes that will provide a customer focused approach to boating safety. Some penalties have been reduced to infractions. Boating stops by WRC Enforcement will be conducted based on a strict standard of reasonable suspicion. The agency is planning Boating Safety summits among law enforcement agencies to learn about and coordinate multiple efforts across the state. Myers stated that the General Assembly requested a study to be completed by the NCWRC and DENR, with submission of a report in April 2014, concerning efficiencies between the WRC and Marine Patrol in providing for boating safety. Myers stated that the agency plans to implement budget reductions mandated by the General Assembly. He mentioned that the agency will make plans to conduct a new Commissioner orientation after the remaining appointments are announced.

**Biographical Information - Commissioner Tim Spear** – Executive Director Gordon Myers asked Betsy Haywood to read into the minutes some biographical information about Commissioner Tim Spear, who is a former Representative in the North Carolina House and former Wildlife Enforcement Officer.

**Comments by the Chairman** – Chairman Jim Cogdell thanked Gordon Myers for his leadership in moving the agency forward. He thanked staff for their assistance with his first meeting as Chairman. He again welcomed all visitors and especially new Commissioners Tommy Fonville and Tim Spear. The next meeting of the Wildlife Resources Commission will be November 7, 2013 in Raleigh.

**Adjournment**- the meeting was adjourned by Chairman Cogdell at 11:00 a.m.