



Resolution Regarding the Use of Processed Food Products

Whereas, N.C.G.S. § 113-294 was amended in 2007 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, the Wildlife Resources Commission modified 15A NCAC 10B.0202 in 2014 to create a Piedmont bear hunting zone in Alamance, Alexander, Anson, Cabarrus, Caswell, Catawba, Chatham, Davie, Davidson, Durham, Franklin, Forsyth, Gaston, Granville, Guilford, Harnett, Hoke, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Union, Vance, Warren, Wake, and Yadkin counties; and

Whereas, creation of this Piedmont bear hunting zone results in statewide application of N.C.G.S. § 113-294(r); and

Whereas, N.C.G.S. § 113-294(r) does not limit processed food products solely to those items placed to attract black bears, but rather it applies to any substance placed to attract any animal if that substance falls under the definition of “processed food products”; and

Whereas, N.C.G.S. § 113-294(r) 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, and others, routinely supplement naturally available foods utilized by deer with commercially available products developed and marketed specifically to attract deer; and

Whereas, the use of commercially available products developed and marketed specifically to attract deer was not specifically addressed within the definition of “processed food products” in N.C.G.S. § 113-294(r); and

Whereas, the Wildlife Resources Commission has also modified 15A NCAC 10B.0202 to define bait as “any natural, unprocessed food product that is not a processed food product as defined in

N.C.G.S. § 113-294(r) and is not a bear bait attractant, including scented sprays, aerosols, scent balls, and scent powders,” and

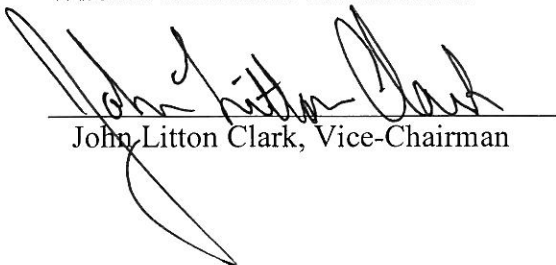
Whereas, the State’s intent in revising N.C.G.S. § 113-291.1 and 15A NCAC 10B. 0202 was to provide experiential equity between bear hunters who use hounds and those who still hunt and to increase bear harvest to stabilize established populations and limit expansion into the Piedmont, while safeguarding the health of bears across our state; and

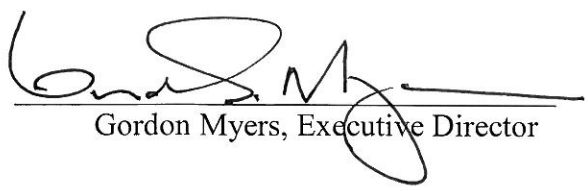
Whereas, these changes create potential ambiguities regarding statewide use of commercially available products used to attract deer.

Now, therefore, be it resolved, that the North Carolina Wildlife Resources Commission sets forth the following statewide policy regarding the use of commercially available mineral supplements and other products for attracting deer, pursuant to N.C.G.S. § 113-294(r):

1. Any commercially available mineral supplement or other synthetic substance, 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(r). However, the placement of commercially available products specifically and exclusively marketed for attracting or feeding deer shall not be considered illegal under N.C.G.S. § 113-294(r).
2. The prohibition against taking bears with the use or aid of bait shall apply to the release of dogs or still hunting for bears in the vicinity of any commercially available mineral supplement or other synthetic substance whether placed for the purpose of attracting or feeding deer or otherwise.
3. Grains, fruits, nuts, vegetables, or other materials harvested from plant crops and not modified from their raw components are considered unprocessed.
4. Sugar, honey, syrups, oils, salts, spices, peanut butter or peanut paste, grease, meat, bones, blood, animals or parts thereof, as well as materials modified by the addition of these substances are not legal for taking bears.
5. Nothing in this policy prohibits the lawful disposal of solid waste or the legitimate feeding of domestic animals, livestock, or birds.
6. This policy constitutes the agency interpretation of N.C.G.S. § 113-294(r), 113-291.1 and N.C.A.C. 15A 10B.0202 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 28th day of August, 2014, in an official meeting by the North Carolina Wildlife Resources Commission.


John Litton Clark, Vice-Chairman


Gordon Myers, Executive Director