

MINUTES

House Select Committee on Wildlife Resources

February 17, 2016

The House Select Committee on Wildlife Resources met Wednesday, February 17, 2016 at 2 p.m. in Room 544 in the Legislative Office Building. Representative John Bell, Chair of the Committee, presided during the meeting. Committee Members present were Representatives Jimmy Dixon, Vice Chair, Jay Adams, Ted Davis, George Graham, Marvin Lucas, Susan Martin, Mitchell Setzer and Michael Wray. Staff members present were Jeff Cherry, Chris Saunders and Augustus Willis along with the Committee Clerk, Susan Horne. The Sergeant-at-Arms Assistants that provided help during the meeting were Joe Austin, Bill Bass and Mark Cone.

The meeting convened at 2:05 p.m. After introductions of the Members, staff and Assistant Sergeant-at-Arms, Chairman Bell and Vice Chairman Dixon made brief opening remarks. Staff member Chris Saunders read the charge of the Committee (see Attachment I).

Gordon Myers, Executive Director of the Wildlife Resources Commission (WRC) presented an overview of the Commission (see Attachment II). He reviewed the purpose, vision and mission of the Commission. He talked about the resources required to accomplish their mission, the team of personnel and the access infrastructure that is provided to the public. Mr. Myers reviewed the funding of the Commission, and the challenges the Commission is faced with. He reviewed the maps of geographic distribution regarding gamelands, education centers, fish hatcheries, public fishing access areas and public boating access areas. A review of their budget and operating expenditures was discussed. He mentioned that organizational review along with license fee adjustments have helped WRC to become more self-sufficient. The ten most popular types of licenses along with the revenue derived from the increase of the license fees were discussed. With regards to the Hunting Heritage Apprentice Program, a graph explained which age groups are purchasing licenses. This data emphasized the need for outreach programs to recruit new enthusiasts. The Apprentice Program gives WRC an opportunity to locate these individuals as well as their interests so that the Commission may increase outreach through educational programs. This endeavor has been successful in partnering with Bass Pro Shops in Wilmington and High Point. Wildlife-associated recreation makes a substantial contribution to the economy of the State. A description of funding and program activities of the boating safety account was also discussed.

With regard to the passage of the Outdoor Heritage Act, Representative Dixon asked if the Program enhances the ability to leverage additional resources. Mr. Myers responded that the passage of the Act does give the Commission leverage for additional resources from a financial perspective and partnership development. With regards to the expansion of the Sunday hunting provision, Representative Dixon asked if WRC would be able to tell if there was an increase of licenses purchased from individuals who live out-of-state. Mr. Myers responded the Commission would be able to see if there had been any changes to the purchase from out-of-state

residents. With regard to individuals who purchase licenses from out-of-state, Representative Dixon asked if there are any concerns about them being good stewards while in North Carolina. Mr. Myers responded he expects visitors from out-of-state to be good stewards. Representative Adams asked if the presentation was online in which Mr. Myers said it was online. Representative Adams also asked about the public trust doctrine in which Mr. Myers replied it is a part of the Commission's charge. Representative Adams asked if hunter safety courses could be available in public schools. Mr. Myers said there are some schools that provide hunter safety classes and the Commission would welcome the opportunity to assist schools if they wish. Rep. Wray asked what WRC's position was with the catch limit to catching herrings in Eastern North Carolina. Mr. Myers replied the WRC relies on the data provided by the U.S. Atlantic States Marine Fisheries Commission for recommendations on how much catch should be allowed. Representative Wray asked about the current status of Sunday duck hunting. Representative Bell replied the Committee would review the subject of water fowl in a future meeting. Representative Wray asked if the swan permits are still at 5,000. Mr. Myers responded that North Carolina has 8,500 applicants and is allowed 5,000 swan permits. He noted North Carolina has the highest allocation of swan permits. Representative Adams asked about regulating deer processors in North Carolina. Mr. Myers noted WRC has reached out to the N.C. Taxidermy Association and received good feedback from a survey that was sent throughout the State.

Gordon Myers introduced Walter "Deet" James, a Hunting Heritage Biologist with the WRC who presented an update on the implementation of the Hunter Heritage Program and Outdoor Heritage Act (see Attachment III). Mr. James discussed the focus and vision of the program, and the goals and results of the 2010-2012 Hats On campaign. He talked about the skilled-based hunting seminars which allowed sharing information and created networking with others. The 2015 WRC-NWTF Turkey Hunting Seminar was a success which enlisted 91 new hunters. WRC discovered 75% of those who registered didn't know about the WRC. There were more seminars including the 2015 Deer Hunting Seminars which are divided between the rural and urban areas. He talked about the wish list for 2016, the pledge effort to mentor and the modern hunter of the 21st century. There was a review of the distribution of apprentice permits and an evaluation from the seminars which showed the direct/indirect effects of the seminar. He reviewed the access to game lands from a map dated in 1940 versus a projection map of 2030. He ended by saying there is no substitution for wildlife recreation and hoped we can maintain, increase and enhance it for future generations.

As a commercial realtor, Representative Adams said most realtors would like to have access to this information and would like the opportunity to have wildlife seminars in their community. He also noted the number of women who have applied for conceal/carry permits have opened opportunities for their involvement. Mr. James noted that some venues can't hold the number of participants of seminars so they want to continue to build partnerships. Representative Wray asked about collaboration with organizations (Ducks Unlimited) and retailers (Bass Pro Shops) in the communities. Mr. James replied they are still working on expansion and the success continues to build. With regard to future access and finding a place to hunt, Representative Lucas asked about programs for minorities in urban areas. Mr. James replied this has not been accomplished through the Hunting Heritage Program but it is in the next phase. Representative Dixon noted the Hunting Heritage Program will work perfect with the

Outdoor Heritage Act to involve and provide opportunities for minority youth who live in urban areas. Mr. James added that all ethnicities are coming to the seminars and participating in other activities across the State.

Representative Bell introduced Mr. Jett Ferebee, a private landowner, who gave a presentation on the Red Wolf Recovery Program (see Attachment IV). The wolves begin to populate his farm and became a serious problem over time. He learned the Program began in Eastern North Carolina in 1986 as a non-essential experimental program with good intentions. The end result is a stark reality of a program that can go awry. As the wolves took over the farm, representatives from U.S. Fish and Wildlife Service (USFWS) told Mr. Ferebee they couldn't remove the wolves because they were living in a thriving habitat. USFWS had agreed to remove the wolves via the Federal Rules set forth in 1986 and 1995. There were 15 wolves living on his farm that USFWS wouldn't remove. Through his research, Mr. Ferebee learned USFWS wasn't obeying the rules. He met with Gordon Myers and representatives from USFWS who told him they intended to fix the problem. USFWS observed the wolves on. At the conclusion of their six month observation, USFWS said they had caught two wolves and released them on the adjacent property which was their policy. Mr. Ferebee observed collared coyotes on his farm that USFWS had caught, sterilized, put tracking collars and re-released them on his farm. USFWS has a "place holder" theory in their adaptive management program that allows the sterile coyote to "hold" a place until a wolf can fill it. Observations show the theory doesn't work because you can't control a wild animal in an uncontrolled environment. Mr. Ferebee obtained a take permit to trap the animals for a thirty day period in which 18 canines were trapped. Of the takes were 6 wolves, 2 "place holder" coyotes and 10 hybrid coyotes (wolf and coyote breed). Their DNA was tested to prove their identity. Mr. Ferebee wanted to know where the wolves were coming from. USFWS found a population in Texas and Louisiana, trapped 400 wolf/coyote hybrids culled down to 40. Through selective breeding, they introduced 14 red wolves on the East Coast. The initial intent of the Program was to determine the red wolf's range and re-introduce the wolf in Kentucky or Tennessee where had lived in the past. Both states wouldn't agree to participate in the Program. The Alligator River Wildlife Refuge in Eastern North Carolina was a large land mass that was free of coyotes. The red wolf was never a native in Eastern NC where the animal was introduced. This action was a violation of the Endangered Species Act. Mr. Ferebee referred to series of statements made during a series of public hearings in 1986 regarding the Program's parameters. In his research, Mr. Ferebee found documentation that stated 132 wolves were released in Eastern NC and 64 were released on private land without the landowner's knowledge or consent. In 2001, the biologist determined that the red wolf was hybridizing fast enough to hit the Program's objectives to maintain the genetic integrity of the red wolf. Mr. Ferebee concluded his remarks by saying that on federal land in Dare County, 58 wolves (44% of the total release) were released; thirty years later, one breeding pair and one that has mated with a coyote remain.

Mr. Myers noted the WRC was actively involved with this issue. He discussed parts of a letter that was sent to USFWS in 2014 about this situation with regards to the federal rules. The letter was prompted by USFWS as a request to continue their sterilization program. WRC decided to not allow the practice to continue and suggested USFWS should conduct a comprehensive review of their program. After review of the report, WRC issued two resolutions which asked USFWS to terminate the Program because the red wolf was extinct in Eastern North

Carolina and retrieve any animals that were released illegally on private land. Mr. Myers noted that USFWS has not complied with either of the resolutions. They are working with WRC to set up a cost recovery program to the land owners who need to have animals removed. USFWS has continued to evaluate the Program.

Mr. Scott Griffin continued the presentation on the Red Wolf Recovery Program. He stated USFWS continues to run the Red Wolf Recovery Program with past employees who are working for non-governmental organizations. These entities have sued to continue the Program to protect the red wolf as well as the coyote. Mr. Griffin noted two of the plaintiffs in the lawsuit took part in the writing of the adaptive management plan which USFWS has suspended. Their management practices included trapping, sterilization and den hunting (den hunting was made illegal in 1979 by the U.S. Department of Interior). In 1983, he noted the Solicitor General who currently works for one of the plaintiffs, defined the policy on hybrids which was never adapted.

Mr. Gordon Myers gave a brief overview of the Safe Hunter Law Local Acts which began as a local act in 1981. He noted there are no minimum requirements in current law for permanently established blinds or hunting locations.

Representative Bell allowed guests who wished to speak for and against the Safe Hunter Law and gave instructions of their time limits. Individuals who spoke made the following comments.

Mr. Scott Toler of Kinston addressed the Committee (see Attachment V). He talked about the parameters of the law and expressed his dismay that the law is more about control than safety. He noted that land owners adjacent to the public waters are restricting public access to the water and are controlling whatever flies over or swims next to their land. In 2003, the N.C. Wildlife Federation drafted a resolution that the law should be changed. Private land owners have hired private wardens to police the area. He noted in some instances, some land owners don't use duck blinds and have declared they own the access. Mr. Toler has received a letter threatening to have his license permanently revoked if he is seen in the public water again.

Mr. Chris Davis, Sheriff of Pamlico County addressed the Committee. He said the Safe Hunter Law is a safety concern to his office. He noted the 500 yard rule gives hunters a safe range in which to shoot and not feel threatened. If the 500 yard rule was changed, law enforcement officials would be investigating hunters that have been shot because of the close proximity of other hunters. To date, the sheriff's office has never had to investigate another hunter being shot so the 500 yard rule protects and keep everyone safe. The only incidences the

Sheriff's Office has responded to were at Goose Creek Game Lands that don't enforce blind laws. If the law was changed, it would cost the taxpayers of Pamlico County approximately \$150,000. The big question is who is right - the property owner or the hunter? The Sheriff noted he was opposed to changing the 500 yard rule and encouraged the Members to keep duck hunters safe.

Mr. Jim Broadwell, an avid duck hunter addressed the Committee (see Attachment VI). He noted in Hyde County where he hunts, there are no blind laws, and there haven't been in

incidences of another hunter being shot. He noted most duck hunters are honorable people who abide by the law. He noted the top six counties in the State that have public waters; over 99% of the State's citizens can't legally hunt in the public waters of these counties. He ended by noting the State's Constitution and the public trust doctrine gives the citizens the right to enjoy the public waters in the State and concluded by acknowledging his wish to revise the law.

Mr. Chris R. Williams, Senior Regional Director for the Delta Water Fowl Foundation addressed the Committee (see Attachment VII). He noted the Act has kept the hunters of water fowl and land owners safe for 35 years. The average age of the water fowl hunter is 57 years old, and he hopes the sport will continue to be popular in the future. He expressed his views about making changes to the law but doesn't want to repeal the law.

Mr. Chris Dozier, an attorney in Wake County and a family member of a land owner from Pamlico County spoke to the Committee (see Attachment VIII). He reviewed the history of hunting laws in the U.S. and North Carolina. He concluded his remarks by stating his support for the current law as it is written which protects the safety of the hunter.

Senator John Alexander conveyed a message from Senator Norman Sanderson (Carteret, Pamlico and Craven) that the citizens of Pamlico County have no desire to change the current law therefore he wouldn't support any changes at this time.

The Committee adjourned at 4:20 p.m.

Representative John R. Bell, IV
Presiding Chair

Susan W. Horne
Committee Clerk

Attachments to the Minutes:

- I. Charge of the Committee
- II. Wildlife Resources Commission's Overview
- III. Hunting Heritage Program
- IV. Jett Ferebee's Presentation
- V. Scott Tolar's Remarks
- VI. Jim Broadwell's Remarks
- VII. Chris R. Williams' Remarks
- VIII. Chris Dozier's Remarks