

NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON WILDLIFE RESOURCES

REPORT TO THE 2016 SESSION of the 2015 GENERAL ASSEMBLY OF NORTH CAROLINA

APRIL 20, 2016

A LIMITED NUMBER OF COPIES OF THIS REPORT ARE AVAILABLE FOR
DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27603-5925
TELEPHONE: (919) 733-9390

TABLE OF CONTENTS

Transmittal Letter.....	5
Statutory Authority	7
Committee Membership.....	11
Committee Proceedings	13
Legislative Proposals	17

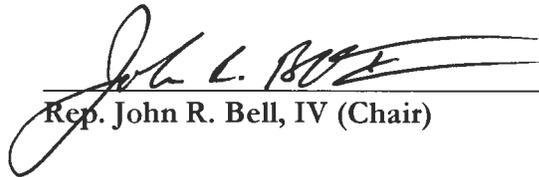
This page intentionally left blank

TRANSMITTAL LETTER

April 20, 2016

TO THE MEMBERS OF THE 2016 REGULAR SESSION
OF THE 2015 GENERAL ASSEMBLY

The HOUSE SELECT COMMITTEE ON WILDLIFE RESOURCES, respectfully submits the following report to the 2016 Regular Session of the 2015 General Assembly.



Rep. John R. Bell, IV (Chair)

This page intentionally left blank

STATUTORY AUTHORITY



Office of the Speaker
North Carolina House of Representatives

TIM MOORE
SPEAKER

HOUSE SELECT COMMITTEE ON WILDLIFE RESOURCES TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES

Section 1. The House Select Committee on Wildlife Resources (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2015 General Assembly.

Section 2. The Committee consists of 13 members appointed by the Speaker of the House of Representatives. The membership of the Committee shall include legislators as specified below. Members serve at the pleasure of the Speaker of the House of Representatives. The Speaker of the House of Representatives may dissolve the Committee at any time. Vacancies are filled by the Speaker of the House of Representatives. A Chair, Vice Chair, or other member of the Committee continues to serve until a successor is appointed.

Representative John Bell, Chair
Representative Jimmy Dixon, Vice Chair
Representative Jay Adams
Representative Ted Davis
Representative George Graham
Representative Marvin Lucas
Representative Susan Martin

Representative Pat McElraft
Representative Chris Millis
Representative William Richardson
Representative Mitchell Setzer
Representative Roger West
Representative Michael Wray

16 WEST JONES ST. • (919) 733-3451 • RALEIGH, NC 27601

Section 3. The Committee may study any of the following:

- 1) Updating or establishing registration or user fees.
- 2) The current definitions and classification for all fish and wildlife species, including unclassified or undefined species to determine if such species should be defined, classified, or reclassified under State law.
- 3) The potential use of State owned game lands for economic development.
- 4) The verification process for lifetime hunting licenses.
- 5) Potential funding sources for wildlife conservation education.
- 6) Any other issues pertaining to the regulation or conservation of wildlife resources or the management of game lands in the State.

Section 4. The Committee shall meet upon the call of the Chair. A quorum of the Committee shall be a majority of its members. No action may be taken except by majority vote at a meeting at which a quorum is present.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations.

Section 8. The Legislative Services officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations.

Section 10. The Committee may submit an interim report on the results of its findings, including any proposed legislation, to the members of the House of Representatives at any time. The Committee may submit a final report on the results of its findings, including any proposed legislation to the members of the House of Representatives prior to the convening of the 2017 General Assembly. Reports shall be submitted by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House principal Clerk, and the Legislative Library. The Committee terminates upon the convening of the 2017 General Assembly or upon the filing of its final report, whichever occurs first.

Effective this the 13 day of JANUARY 2016.



Tim Moore
Speaker

This page intentionally left blank

COMMITTEE MEMBERSHIP

2015-2016

Speaker of the House of Representatives Appointments:

Rep. John R. Bell, IV (Chair)

Rep. Jimmy Dixon (Vice-Chair)

Rep. Jay Adams

Rep. Ted Davis, Jr.

Rep. George Graham

Rep. Marvin W. Lucas

Rep. Susan Martin

Rep. Pat McElraft

Rep. Chris Millis

Rep. William O. Richardson

Rep. Mitchell S. Setzer

Rep. Roger West

Rep. Michael H. Wray

This page intentionally left blank

COMMITTEE PROCEEDINGS

The Committee on House Select Committee on Wildlife Resources met 3 times after the 2015 Regular Session. The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library.

February 17, 2016

AGENDA

2:00 p.m. Wednesday

Room 544 Legislative Office Building
Raleigh, North Carolina

1. Call to order
Representative John Bell, Presiding
2. Introductory Remarks by Chair and Vice-Chair
3. Overview of the Wildlife Resources Commission
Gordon Myers, Executive Director, Wildlife Resources Commission
Walter James, Hunting Heritage Biologist, Wildlife Resources Commission
4. Presentation on the Red Wolf Recovery Program
Jett Ferebee, Private Landowner
Gordon Myers, Executive Director, Wildlife Resources Commission
5. Overview of the "Safe Hunter Law" Local Acts
Gordon Myers, Executive Director, Wildlife Resources Commission
6. Commission discussion and announcements
7. Adjourn

The first meeting of the House Select Committee on Wildlife Resources (Committee) was held on Wednesday, February 17, 2016 at 2:00 p.m. in Room 544 of the Legislative Office Building. Representative Bell presided.

Mr. Gordon Myers, Executive Director of the Wildlife Resources Commission (WRC), presented an overview of the WRC.

There was Committee discussion about the reaction to the Outdoor Heritage Act, the public trust doctrine, teaching hunter safety in schools, herrings, expanding Sunday duck hunting, and swan permits.

Mr. Myers and Walter "Deet" James, Hunting Heritage Biologist, WRC, presented on the implementation of the Outdoor Heritage Act and recruitment and retention of new hunters.

The Committee discussed the increase in popularity of concealed carry permits, especially with women. The Committee also discussed WRC's efforts to work with charismatic megafauna partners like Ducks Unlimited and WRC's efforts to involve urbanites and minorities in hunting recruitment programs.

Mr. Jett Ferebee gave a presentation on the Red Wolf Recovery Program and issues he has had with red wolves leaving national wildlife refuges and entering his land. Mr. Myers also presented on the Red Wolf Recovery Program. Mr. Myers stated that WRC determined that the red wolf program will never be self-sustaining and will never exist entirely on federal lands, and therefore asked the United States Fish and Wildlife Service to discontinue the program and declare the red wolf extinct in the wild. Mr. Scott Griffin also gave a presentation on the red wolf issue.

Mr. Myers presented on the "Safe Hunter Law" local acts in Pamlico and Carteret Counties. The Committee received public comment on the Safe Hunter Law. Mr. William Scott Toler and Mr. Joe Broadwell gave comments in opposition to the laws as written, and Sheriff Chris Davis of Pamlico County, Mr. Chris Williams of the Waterfowl Foundation, and Mr. Chris Dozier spoke in support of the laws. Sen. John Alexander also relayed comments on behalf of Sen. Sanderson that he has received feedback in support of the current law.

March 16, 2016

AGENDA

2:00 p.m. Wednesday

Room 544 Legislative Office Building
Raleigh, North Carolina

1. Call to order
Representative John Bell, Presiding
2. Introductory Remarks by Chair and Vice-Chair
3. Approval of minutes from February meeting
4. Recognition of Wildlife Law Enforcement Officers
Officer Tyler Ingle, Wildlife Resources Commission
Officer Eric Blalock, Wildlife Resources Commission
Master Officer Daniel Terrill, Wildlife Resources Commission
Master Officer Jonathan Lucas, Wildlife Resources Commission
5. Presentation on Mattamuskeet Lodge Restoration Project
Jeff Cherry, Legislative Drafting Division
Gordon Myers, Executive Director, Wildlife Resources Commission
Jamin Smmons, Mattamuskeet Ventures
Bill Rich, County Manager, Hyde County
6. Presentation on Dog Hunting Regulations
Terry Morris, East Carolina Houndsmen Alliance
7. Update on Mountain Elk Status
Gordon Myers, Executive Director, Wildlife Resources Commission
8. Public Comments and Committee Discussion
9. Adjourn

The second meeting of the House Select Committee on Wildlife Resources (Committee) was held on Wednesday, March 16, 2016 at 2:00 p.m. in Room 544 of the Legislative Office Building. Representative Bell presided.

The Committee presented an award to Wildlife Resources Commission (WRC) officers Tyler Ingle, Eric Blalock, Daniel Terrill, and Jonathan Lucas for their efforts in apprehending suspects who killed 26 deer in Edgecombe County.

Mr. Jeff Cherry, Legislative Drafting Division, presented legal documents involved with the Mattamuskeet Lodge transfer.

Mr. Gordon Myers, Executive Director, WRC, presented on the history of the Mattamuskeet Lodge.

The Committee approved the minutes from the February meeting.

Mr. Jamin Simmons, Mattamuskeet Ventures, presented about the Mattamuskeet Lodge Restoration Project and the public-private partnership to restore the Lodge. Mr. Simmons stated that the ability to brand the Lodge was the most important factor in making the venture profitable.

The Commission discussed how much land is controlled around the lake, the amount of buildable land immediately around Highway 264, the potential for using the Lodge year-round if bass fishing was promoted, and the timetable for completing the renovation of the Lodge.

Mr. Kevin Cherry, Deputy Secretary and State Historic Preservation Officer, Department of Natural and Cultural Resources, briefly spoke on preservation efforts on the exterior of the Lodge.

Mr. Bill Rich, County Manager, Hyde County, stated that Hyde County was eager to see the project happen.

The Committee viewed a short video on dog hunting produced by the Eastern Carolina Houndsmen Alliance.

Mr. Todd Purvis, Weyerhaeuser, presented on recreational hunting leases on Weyerhaeuser land. He stated that only a small number of lessees and dog hunters are causing an issue, but as soon as lawsuits become an issue, Weyerhaeuser will stop allowing people to hunt on their lands.

Mr. Terry Morris, Eastern Carolina Houndsmen Alliance, presented on the Houndsmen Alliance and its goal to create some sort of regulation of dog hunting to make sure it is not eventually prohibited. There was Committee discussion about the kind of legislation the Houndsmen Alliance was requesting. Mr. Morris responded that no state had a model that was perfect, but suggested requiring hunters to have permits to dog hunt and revoking the permits if hunters violate the law. The Committee discussed the need to protect the hunters who obeyed the law, and expressed the need for hunters' associations to address neighbors' concerns.

LEGISLATIVE PROPOSALS

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

BILL DRAFT 2015-SA-14 [v.6] (11/10)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
2/25/2016 1:52:52 PM

Short Title: Felony Death Imp. Boating/Sheyenne's Law. (Public)

Sponsors: Representative Pittman.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AN INCREASED PENALTY FOR IMPAIRED BOATING
3 RESULTING IN DEATH OR SERIOUS INJURY AND TO CLARIFY THE
4 PENALTY FOR IMPAIRED BOATING.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. This act shall be known as Sheyenne's Law.

7 SECTION 2. Article 1 of Chapter 75A of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 75A-10.3. Death or serious injury by impaired boating; repeat offenses.**

10 (a) Death by Impaired Boating. – A person commits the offense of death by
11 impaired boating if all of the following apply:

12 (1) The person unintentionally causes the death of another person.

13 (2) The person was engaged in the offense of impaired boating under G.S.
14 75A-10(b1).

15 (3) The commission of the offense in subdivision (2) of this subsection is
16 the proximate cause of the death.

17 (b) Serious Injury by Impaired Boating. – A person commits the offense of
18 serious injury by impaired boating if all of the following apply:

19 (1) The person unintentionally causes serious injury to another person.

20 (2) The person was engaged in the offense of impaired boating under G.S.
21 75A-10(b1).

22 (3) The commission of the offense in subdivision (2) of this subsection is
23 the proximate cause of the serious injury.

24 (c) Aggravated Serious Injury by Impaired Boating. – A person commits the
25 offense of aggravated serious injury by impaired boating if all of the following apply:

- 1 (1) The person unintentionally causes serious injury to another person.
2 (2) The person was engaged in the offense of impaired boating under G.S.
3 75A-10(b1).
4 (3) The commission of the offense in subdivision (2) of this subsection is
5 the proximate cause of the serious injury.
6 (4) The person has a previous conviction of impaired boating under G.S.
7 75A-10(b1) within seven years of the date of the offense.
8 (d) Aggravated Death by Impaired Boating. – A person commits the offense of
9 aggravated death by impaired boating if all of the following apply:
10 (1) The person unintentionally causes the death of another person.
11 (2) The person was engaged in the offense of impaired boating under G.S.
12 75A-10(b1).
13 (3) The commission of the offense in subdivision (2) of this subsection is
14 the proximate cause of the death.
15 (4) The person has a previous conviction of impaired boating under G.S.
16 75A-10(b1) within seven years of the date of the offense.
17 (e) Repeat Death by Impaired Boating. – A person commits the offense of repeat
18 death by impaired boating if all of the following apply:
19 (1) The person commits an offense under subsection (a) or subsection (d)
20 of this section.
21 (2) The person has a previous conviction under at least one of the
22 following:
23 a. Subsection (a) of this section.
24 b. Subsection (d) of this section.
25 c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was
26 the unintentional death of another person while engaged in the
27 offense of impaired boating under G.S. 75A-10(b1).
28 The pleading and proof of previous convictions shall be in accordance
29 with the provisions of G.S. 15A-928.
30 (f) Punishments. – Unless the conduct is covered under some other provision of
31 law providing greater punishment, the following classifications apply to the offenses set
32 forth in this section:
33 (1) Repeat death by impaired boating is a Class B2 felony.
34 (1a) Aggravated death by impaired boating is a Class D felony.
35 Notwithstanding the provisions of G.S. 15A-1340.17, the court shall
36 sentence the defendant in the aggravated range of the appropriate Prior
37 Record Level.
38 (2) Death by impaired boating is a Class D felony. Notwithstanding the
39 provisions of G.S. 15A-1340.17, intermediate punishment is
40 authorized for a defendant who is a Prior Record Level I offender.
41 (3) Aggravated serious injury by impaired boating is a Class E felony.
42 (4) Serious injury by impaired boating is a Class F felony.
43 (g) No Double Prosecutions. – No person who has been placed in jeopardy upon a
44 charge of death by impaired boating may be prosecuted for the offense of manslaughter
45 arising out of the same death; and no person who has been placed in jeopardy upon a

1 | charge of manslaughter may be prosecuted for death by impaired boating arising out of
2 | the same death."

3 | **SECTION 3.** G.S. 75A-10(b4) reads as rewritten:

4 | "(b4) A person who violates subsection (b1) of this section is guilty of a Class 2
5 | misdemeanor, punishable by a fine of and upon conviction, in addition to any other
6 | penalty imposed, shall be fined not less than two hundred fifty dollars (\$250.00)."

7 | **SECTION 4.** This act becomes effective December 1, 2016, and applies to offenses
8 | committed on or after that date.

This page intentionally left blank