



*Committee of the Whole Meeting Summary  
October 29, 2014 3:30 – 5:00 pm  
NCWRC, 5<sup>th</sup> Floor Commission Room*

**Meeting Attendees**

• **Commissioners:**

Tom Berry  
Garry Spence  
Jim Cogdell  
David Hoyle, Jr.  
Mark Craig  
Joe Barker  
Tommy Fonville  
Tim Spear

Brian White  
Wes Seegars  
John Litton Clark  
Ray Clifton  
John Coley  
Joe Budd  
Richard Edwards

• **Staff:**

Dr. Maria Palamar  
Robert Sharpe  
Brent Spivey  
Brad Howard  
Brad Gunn  
Jon Evans  
Allen Boynton  
David Cobb  
Kate Pipkin  
Erik Christofferson  
Todd Ewing  
Christian Waters  
Chris Kreh  
Mallory Martin  
Tamara Zmuda

Bob Curry  
Chad Martin  
Todd Kennedy  
David Sawyer  
Lisa Hocutt  
Geoff Cantrell  
Allison Nolker  
Betsy Haywood  
Erica Garner  
Evin Stanford  
Kyle Briggs  
Isaac Harrold  
Gordon Myers  
Russell Wong

• **Visitors:**

Joe McClees – NC Sporting Dogs Assoc.  
Tommy Kimball – NC Bowhunters Assoc.  
R. Wooten Lamm – NC Caucus Advis. Council

Dick Hamilton – NC Wildlife Federation  
Mary M. Asbill – SELC  
Judy Holdford – NC Caucus Advis. Council

Chairman Jim Cogdell called the Committee of the Whole meeting to order at 3:40 pm.

**Presentation by Assistant Attorney General** – *Tamara Zmuda*

Assistant Attorney General Tamara Zmuda gave a short presentation to the Commissioners about their statutory duties and responsibilities as Commissioners. She stated that the Executive Director serves at the pleasure of the Commission. Gubernatorial appointees appointed by the sitting Governor may be removed at any time. Appointees of former Governors may be removed for cause. Legislative appointees may be removed at any time by the General Assembly. Zmuda explained the definition of “cause” and meanings of misfeasance, malfeasance and nonfeasance. She mentioned potential liability that Commissioners could encounter – criminal, civil, and administrative.

**Review of Rules Proposals for Public Hearings and Fiscal Notes** – *Staff*

Dr. David Cobb reviewed Exhibits M-1 and M-2, wildlife management rules proposals and fiscal note to be considered for adoption by the Commission on October 30, 2014.

Bob Curry reviewed Exhibits K-1 and K-2, fisheries rules proposals and fiscal note to be considered for adoption by the Commission on October 30.

Isaac Harrold reviewed proposals for Game Lands and a fiscal note in Exhibits J-1 and J-2, for consideration of a vote at the October 30 WRC meeting.

Kate Pipkin reviewed proposals for boating safety rules and fiscal note for consideration at the October 30 WRC meeting.

**Review of Public Comments and Temporary Rulemaking for Captive Cervids** – *David Cobb*

Dr. David Cobb reported that two public hearings were held, in Statesville and Raleigh, to obtain comments about temporary rulemaking for captivity licenses and permits for holding cervids in captivity. The temporary rulemaking is necessary to comply with a recent act of the General Assembly. Cobb stated that of comments received eight agreed with the proposal while 1,968 disagreed. A summary of the comments will be presented in Exhibit L-1.

Exhibit L-2, the rule text, was discussed. Executive Director Gordon Myers stated that a Session Law was enacted with a July 1, 2014 effective date. Myers sought legal advice from the Office of the Attorney General on questions:

1. Does the law have full force and effect? Answer: yes
2. When must the agency effectuate the law? Answer: immediately
3. Is the agency required to issue new permits for holding cervids in captivity? Answer: yes
4. Can the agency refuse to issue new permits? Answer: if the applicant cannot meet USDA standards

Myers stated that after initiating temporary rulemaking and public comments were received more legal questions arose about whether white-tail deer and elk, native wild species, can be sold. By statute farmed cervids can be sold. The uncertainty affects the legality of issuing new licenses to farm white-tail deer and elk.

Chairman Cogdell discussed the 2003 House Bill 948 that gave the right to pen and import deer. He stated that NC Department of Agriculture regulates production and sale of “farmed cervids.” The WRC has authority to manage possession and transportation of cervids.

Cogdell stated that questions remain:

- Can public trust resources be bought and sold?
- What about the disease risk, with recent Chronic Wasting Disease among farmed cervids in other states?
- Commission responsibility to “put the resource first” is not being met

The Committee of the Whole requested that some of the language in Exhibit L-2 be revised for a vote on October 30 by the entire Commission.

#### **Review of Proposed 2015 Meeting Schedule** – *Gordon Myers*

Gordon Myers reviewed Exhibit Q, a proposed schedule for 2015 meetings of the Wildlife Resources Commission.

#### **Update – Revised CWD Response Plan** – *David Cobb*

Dr. Cobb provided copies of a draft Revised CWD Response Plan for review by Commissioners. The Commission will vote to approve a revised plan in 2015. Director Myers asked Dr. Cobb to post the Draft Revised CWD Response Plan on the website.

#### **Adjourn** – *Chairman Cogdell*

Chairman Jim Cogdell adjourned the meeting of the Committee of the Whole at 5:10 pm.