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Time Posted: \_\_\_\_\_  
Posted By: Evelyn Baker  
Witnessed By: \_\_\_\_\_

**MINUTES OF THE PUBLIC HEARING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
FEBRUARY 18, 2008**

The Jackson County Board of Commissioners held a Public Hearing on February 18, 2008 at 5:15 p.m., Room A201, Justice & Administration Building, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian T. McMahan, Chairman  
Joe Cowan, Vice Chair  
Tom Massie, Commissioner  
William Shelton, Commissioner  
Mark Jones, Commissioner  
Kenneth L. Westmoreland, County Manager  
Evelyn B. Baker, Clerk to the Board

Chairman McMahan called the public hearing to order and stated the purpose of the Public Hearing is to receive public input on the proposed adoption of Resolutions requesting the General Assembly of North Carolina to enact legislation to: (a) prohibit hunting from public right-of-ways in Jackson County with certain exceptions; and (b) prohibit the shining of lights upon deer in Jackson County with certain exceptions.

(1) L. C. McMahan of the Ochre Hill community asked if the law would affect hunting at or near forest service roads.

(2) Bill Kane of Cullowhee stated he has been involved with the Wildlife Federation for many years. The Federation has been promoting ethical and safe hunting and fishing since 1945. He stated he supports both resolutions.

(3) Clarence Hall of the Greens Creek community stated he was not opposed to the shining law. He stated he was concerned about the interpretation of "attempt" by law enforcement, especially when one is coon hunting. He asked what roads were considered "public roads".

(4) Gerald Green of the Greens Creek community stated he supports the shining law, but wants public, game land and forest service roads defined.

(5) Craig Gribble of the Savannah community stated he supports the shining law and requested clarity of what is considered a public road.

(6) James Turpin stated that the word "attempt" appears to be a problem and public roads should be defined.

(7) Chris Green of the Addie community stated the words "attempt" and "take" will present problems.

(8) Kyle Baldwin of the Savannah community stated the biggest issue appears to be interpretation of "take" and "hunt".

(9) Sierra Deitz stated he thinks there are already laws about taking game from along state roads. The proposed law should define "hunting" and "shooting".

(10) Huey Stephens of the Caney Fork community stated he was opposed to being prohibited from shooting on forest service roads. He suggested changing the wording from "public roads" to "state maintained roads".

Sgt. Tim Lominac of the Wildlife Resources Commission stated the definition of “to take” is: *“All operations during, immediately preparatory and immediately subsequent to an attempt, whether successful or not, to capture, kill, pursue, hunt or otherwise harm or reduce to possession any fisheries resource or wildlife resource”*. He stated the words “to hunt”, “to take”, “kill”, “attempt” are included in that definition. The Forest Service has regulations pertaining to road hunting and the county’s proposal would not pertain to a gated road; however, if a road is open to vehicular use, then the proposed law would apply.

Commissioner Shelton moved that the public hearing be adjourned.  
Commissioner Massie seconded the Motion. Motion carried.

Attested By:

Approved:

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Evelyn B, Baker, Clerk

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Brian Thomas McMahan, Chairman