

**Board of Game and Inland Fisheries
Meeting Minutes
4000 West Broad Street, Board Room
Richmond, Virginia 23230**

**June 7, 2011
9:00am**

Present: Mr. James W. Hazel, Chairman, Mr. Ward Burton, Vice-Chairman, Ms. Mary Louisa Pollard, Mr. Curtis Dixon Colgate, Mr. John W. Montgomery, Jr., Ms. Lisa Caruso, Mr. Leon O. Turner, Sr., Mr. F. Scott Reed, Jr., Mr. Charles S. Yates, Mr. J. Brent Clarke, III; **Absent:** Mr. Randy Kozuch; **Executive Director:** Mr. Robert "Bob" W. Duncan; **Chief Operating Officer:** Mr. Matt Koch; **Senior Leadership Team:** Dr. Joice Conyers, Mr. David Whitehurst, Mr. Tom Gelozin, Mr. Larry Hart and Colonel Dabney "Dee" Watts and Mr. Lee Walker; **Legal Counsel:** Mr. Ryan Brown

[\(Listen: Welcome and Call to Order\)](#)

The Chairman welcomed everyone and called the meeting to order. The Chairman noted for the record that a quorum was present for today's meeting. The mission statement was read into the record by Mr. John W. Montgomery, Jr. and the Fellows of the Leadership Development Program lead the Pledge of Allegiance.

The Chairman proceeded with the agenda and called on the Director for Recognition of Employees and others.

Recognition of Employees and Others: [\(Listen\)](#) The Director called on Colonel Watts to introduce the Agency's new K-9 unit and provide a brief background on their training and accomplishments thus far. Members of the newly formed unit are:

- K-9 Officer Megan Vick and her partner Jake from Portsmouth, Va.
- K-9 Officer Richard Howald and his partner Scout from Appomattox, Va.
- K-9 Officer Wayne Billhimer and his partner Justice from Rockingham, Va.

Through the efforts of DGIF employee Tom Wilcox and Ms. Jenny West, Director of the Wildlife Foundation of Virginia, the Wildlife Foundation has agreed to accept and manage monetary donations made to the Department's K-9 program. Information on how to donate will be provided on both the Foundation's and Department's websites. In addition, Mr. Lee Walker, Director of Agency Outreach Division, has arranged for the printing of trading cards with a picture of each canine unit on the front and a brief introduction of each officer and his or her dog on the back along with information on how to donate to the program. These cards will be handed out at all public events attended by the canine units.

We have already had two businesses from Central Virginia step to the plate and provide generously to the K-9 program. Good sturdy, high quality vehicle kennels were among the first pieces of equipment we needed to purchase. Through the efforts of Officer Howald, BMG Metals of Lynchburg donated all materials needed for permanent kennels and Moore's Machine Shop, owned by Steve and Todd McCormick in Appomattox donated their time and labor to manufacture the kennels.

Colonel Watts presented Ms. Jenny West, Director of the Virginia Wildlife Foundation, a personal donation to honor the new K-9 Unit.

The Director called on Mr. David Whitehurst to recognize members of the Bureau of Wildlife Resources for their accomplishments.

- Dr. Megan Kirchgessner, new wildlife veterinarian, was introduced.
- Mr. Ron Louque's artwork for the 2011-2012 Virginia Duck Stamp was previewed. The stamp goes on sale July 1, 2011 and Mr. Louque will be recognized by the Agency during the July Board Meeting. ([View Presentation](#))
- Mr. Alan Boynton was recognized as the Agency's 2010 Terrestrial Wildlife Biologist of the Year.
- Mr. Thomas "T" Moss was recognized for receiving the 2010 Wildlife Manager of the Year by the National Wild Turkey Federation, State Chapter.
- Mr. Marvin Gautier was recognized for receiving the 2011 Joe Kurz Excellence in Wildlife Management Award at the NWTf's National Convention and Sport Show in Nashville in February.

The Chairman and Director congratulated everyone on their accomplishments. The Chairman and Director also welcomed Dr. Kirchgessner to the Agency.

Public Comments - Non-Agenda Items: ([Listen](#)) The Chairman called for public comments on non-agenda items and called attention to the need to limit individual comment to 3 minutes and comments supporting a group to 5 minutes. The Chairman reminded everyone wishing to make a comment to move to the podium and to state their name and residence so all comments could be made a part of the record.

All persons requesting to make public comment on agenda items are requested to complete the Department of Game and Inland Fisheries Board Meeting Comment Form. This form requests the following information: Date; Topic of Discussion; Name and address; Telephone number; Whether or not you are representing a group and, if so, the name of the group represented; Are your comments for or against the proposals; other.

- Mr. J. D. Fugate, Duffield, Virginia, who represented the Scott County Farmer's Alliance, spoke on the topic of Elk.

The Chairman thanked Mr. Fugate for his attendance at today's meeting.

Approval of May 3, 2011 Meeting Minutes: ([Listen](#)) The Chairman called for a motion to approve the May 3, 2011 meeting minutes: Mr. Yates made the following motion: Mr. Chairman, I hereby move the minutes of the meeting be approved as presented. Motion Seconded by Ms. Pollard. The Chairman called for any discussion. Mr. Reed requested the minutes be amended to reflect that he did not participate in the Closed Session when matters of the new headquarters were discussed as indicated in the minutes. The Chairman instructed the Board Secretary to make the noted correction to the minutes. The minutes of the meeting were approved by the Board with the correction. (Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed Yates, Clarke, Hazel)

Election of the 2011-2012 Slate of Officers for Chairman and Vice-Chairman: ([Listen](#)) During the May 3 Board Meeting, the Board approved the nominations for the 2011-2012 Slate of Officers for Chairman and Vice-Chairman. The Chairman called on Mr. Montgomery,

Nominations Committee Chairman, to present a motion for the election of Chairman. Mr. Montgomery made the following motion: Mr. Chairman, I hereby move the Board of Game and Inland Fisheries elect Mr. Brent Clarke as Chairman for 2011-2012. Motion Seconded by Ms. Pollard. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke, and Hazel.

The Chairman called on Mr. Montgomery, Nominations Committee Chairman, to present a motion for the election of Vice-Chairman. Mr. Montgomery made the following motion: Mr. Chairman, I hereby move the Board of Game and Inland Fisheries elect Mr. F. Scott Reed as Vice-Chairman for 2011-2012. Motion Seconded by Ms. Pollard. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed Yates, Clarke and Hazel.

The Chairman and Director congratulated Mr. Clarke and Mr. Reed.

Committee Reports: ([Listen: Finance, Audit and Compliance Committee Report](#)) The Chairman called on Mr. Brent Clarke, Chairman of the Finance, Audit and Compliance Committee to report on the activities of the May 17, 2011 meeting. Mr. Clarke stated the Committee would have presentations for review and consideration for Board Action today. Mr. Clarke called on Mr. Koch to present clarifying amendments to the recently passed license fee increases and facility use fee to update the price for combined freshwater and saltwater fishing licenses and to add flexibility to the use fee ([View Presentation](#)). Following Mr. Koch's presentation, a discussion was held by the Board, Director and Mr. Koch.

The Chairman called on Mr. Clarke for a motion to approve the clarifying amendment as presented by staff. Mr. Clarke made the following motion for **4VAC15-20-66** to add flexibility: **Mr. Chairman: I move the Board adopt the Staff's recommendation on the regulation amendments for a use fee at certain department-owned facilities. Motion Seconded by Ms. Pollard. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.**

The Chairman called on Mr. Clarke for a motion to approve **4VAC15-20-65** to clarify combined fishing license fees. Mr. Clarke made the following motion: **Mr. Chairman: I move the Board adopt the Staff's recommendations on the hunting, trapping, and fishing license and permit fees. Motion Seconded by Mr. Colgate. The Chairman called for discussion. Mr. Koch stated the motion should have included the Fox Pen Training Preserve license as well. Mr. Clarke amended his motion to include the Fox Pen Training Preserve license. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.**

The Chairman and Committee Chairman thanked Mr. Koch for his presentation.

The Committee Chairman called on Mr. Tom Gelozin to present the staff's recommendations for the Agency's FY2012 Budget (Operating and Capital) ([View Presentation](#)). Mr. Gelozin presented the FY2012 Agency Budget Recommendations. Mr. Gelozin outlined the Operating and Capital Budget for FY2012. **Following a discussion, the Chairman called for a motion to approve the FY2012 Budget as presented by staff. Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the FY 2012 operating and capital budget as proposed by staff and with any amendments as agreed to by the Board. Motion Seconded by: Mr. Colgate. The Chairman called for discussion. Mr. Turner noted for the record that the Budget had not been amended as presented. Mr. Clarke restated his motion: Mr. Chairman, I move that the Board adopt the FY 2012 operating and capital budget as**

proposed by staff. Motion Seconded by Mr. Colgate. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke, Hazel.

The Chairman and the Committee Chairman thanked Mr. Gelozin for his presentation.

Mr. Clarke stated the remaining action from the Committee was the approval of the Finance, Audit and Compliance Charter Changes ([View Presentation](#)). The changes had been distributed to the Board for their review.

The Chairman called for discussion on the proposed changes. **Hearing none, the Chairman called on Mr. Clarke for a motion. Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the amendments to our Finance, Audit, and Compliance Committee Charter as proposed by staff and approved by the FAC Committee. Motion Seconded by Mr. Colgate. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.**

Mr. Clarke announced the next meeting would be held on August 9, 2011 beginning at 10:00am.

The Chairman thanked Mr. Clarke and Staff for their presentations.

The Chairman called for a 15 minute break.

Following, the break, the Chairman continued with the Committee reports.

[\(Listen: Wildlife and Boat Committee Report\)](#)

The Chairman called on Mr. Scott Reed, Chairman of the **Wildlife and Boat Committee**. Mr. Reed stated the Committee had not met since the May 3 Board Meeting. Mr. Reed called on Mr. David Whitehurst, Director of the Bureau of Wildlife Resources, to present staff's recommendations to a regulation amendment for the Hunting Regulation Amendments Use of Tracking dogs - Staff Recommendations ([View Presentation](#)). Following Mr. Whitehurst's presentation, a discussion was held by the Board, Director and Staff.

The Chairman called for a motion on bear. Mr. Reed made the following motion:

Bear

4VAC 15-50-70 Game. Bear: Bow and arrow hunting

4VAC 15-50-71 Game. Bear: Muzzleloading gun hunting

4VAC 15-50-110 Game. Bear: Use of dogs in hunting bear

Mr. Chairman,

I move the Board propose the amendments for the listed regulation sections on bear as presented by staff. Motion Seconded by: Mr. Colgate. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.

The Chairman called for a motion on deer. Mr. Reed made the following motion:

DEER

4VAC 15-90-23 Game. Deer: Youth deer hunting day

4VAC 15-90-70 Game. Deer: Bow and arrow hunting

4VAC 15-90-80 Game. Deer: Muzzleloading gun hunting
4VAC 15-90-260 Game. Deer: Hunting with dogs prohibited in certain
counties or areas.

Mr. Chairman,

I move the Board propose the amendments for the listed regulation sections on deer as presented by staff. Motion Seconded by: Mr. Colgate Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.

Mr. Reed announced the next committee meeting would be held on June 27, 2011 beginning a 10:00.

The Chairman and Committee Chairman thanked Mr. Whitehurst for his presentation.

[\(Listen: Education, Planning and Outreach Committee\)](#)

The Chairman called on Mr. Ward Burton, Chairman of the **Education, Planning and Outreach Committee**, to report on the activities of the June 7, 2011 meeting. Mr. Burton called on Mr. Koch to present the Agency Strategic Plan ([View Presentation](#)). Following Mr. Koch's presentation, a discussion was held by the Board, Committee, Director and Mr. Koch.

The Chairman called on Mr. Burton for a motion. Mr. Burton made the following motion: Mr. Chairman, I move that the Board approve the Department of Game and Inland Fisheries' Strategic Plan as presented by staff. Motion seconded by: Ms. Pollard. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.

The Chairman and Committee Chairman thanked Mr. Koch for his presentation.

Closed Session: ([Listen](#)) ***The Chairman called on Ms. Caruso for a motion to move into a Closed Session. Ms. Caruso made the following motion:***

Closed Session Motion
June 7, 2011

Mr. Chairman,

I hereby move that the Board of Game and Inland Fisheries go into a closed meeting pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointee, or employees of the Department of Game and Inland Fisheries specifically regarding:

The performance of the Director.

Motion seconded by: Mr. Yates. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Turner, Reed, Yates, Clarke and Hazel.

[\(Listen: Closed Session Certification\)](#)

The Chairman called on Ms. Caruso to read the Closed Session Certification. Ms. Caruso read the following Certification of Closed Session:

*Certification of Closed Meeting
June 7, 2011*

WHEREAS, the Board of Game and Inland Fisheries conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Game and Inland Fisheries hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The Chairman called on the Board Secretary to conduct a recorded voice roll call vote.

*Mr. Colgate - Aye
Ms. Pollard - Aye
Mr. Montgomery - Aye
Mr. Reed - Aye
Mr. Burton - Aye
Mr. Hazel - Aye
Mr. Clarke - Aye
Mr. Yates - Aye
Ms. Caruso - Aye
Mr. Turner - Aye*

Legislative Issues for 2012: ([Listen](#) | [View Presentation](#)) The Chairman led the discussion on possible Legislative Issues for 2012. The Chairman introduced Ms. Sara Benghauser, Special Assistant for Policy, Secretary of Natural Resources and Mr. Andrew Lamar, Special Assistant for Policy, Governor's Office. Ms Benghauser and Mr. Lamar are in attendance today to answer questions from the Board on the Legislative Process.

Following the introductions, the Chairman called on Mr. Koch to give a presentation on the Agency's role in submitting potential legislation to the General Assembly. Mr. Koch also noted that a list of ideas presented by staff had been included in the Board packages and online for the public for review.

A discussion was held by Mr. Lamar, the Board, Director and Mr. Koch. The Chairman thanked Mr. Koch for his presentation.

As a follow-up from the March Board Workshop, Mr. Ryan Brown, Assistant Attorney General, informed the Board of trespass laws. The Chairman thanked Mr. Brown for the information.

Mr. Montgomery departed at 2:00pm.

The Chairman called for any additional questions or suggestions from the Board regarding potential legislative issues for 2012. *Mr. Reed presented a draft Resolution on Sunday Hunting.

Mr. Reed distributed copies of the draft resolution to the Board, Director, Ms. Benghauser and Mr. Lamar for review and read it into the record:

Virginia Board of Game and Inland Fisheries: Official Position Regarding Hunting on Sunday in Virginia

RICHMOND – The Board of the Virginia Department of Game and Inland Fisheries (the “Board”) declares its support for the repeal of the statutory prohibition on Sunday Hunting in Virginia.

Board Supports Lifting Statutory Prohibition on Sunday Hunting

WHEREAS, the right of the people to “hunt, fish, and harvest game” is protected by Article XI, Section 4 of the Constitution of Virginia, subject only to regulations and restrictions prescribed by the General Assembly; and

WHEREAS, Virginia’s Sunday laws can be traced back to the early British colonies in Virginia; then continued in the early 20th century ostensibly as a means of protecting Virginia wildlife populations from over hunting, and

WHEREAS, modern science confirms the Virginia ban on Sunday hunting serves no biological purpose and is counterproductive to matters of game management; and

WHEREAS, those states that have removed prohibitions on Sunday hunting have not experienced any discernible impact on the desirable health or vibrancy of game populations; and

WHEREAS, Sunday hunting will provide the Department of Game and Inland Fisheries (the “Department”) and its biologists with a new tool to manage wildlife populations by encouraging increased and concentrated hunting in areas of overpopulation; and

WHEREAS, the Commonwealth has experienced a substantial decline in hunting participation by both in-state and out-of-state hunters over the past several decades, with license sales falling in both absolute and relative numbers; and

WHEREAS, youth participation is necessary to maintain a hunting tradition in Virginia, we can effectively double the number of hunting days for youth during the school year by opening Sunday, and

WHEREAS, Sunday hunting is an effective means of recruiting new hunters and increasing the value of the licenses for existing hunters of all ages by providing additional opportunity for adults and youth to spend time in the field; and

WHEREAS, Sunday hunting is expected to generate a substantial increase in out-of-state licenses sales and resultant revenues for the Department due to an additional weekend hunting day; and

WHEREAS, Sunday hunting will provide a substantial economic benefit to the Commonwealth's tourism industry, particularly in rural areas and businesses, by increasing the money spent locally by resident and non-resident hunters alike on hunting equipment, gas, food, lodging and other incidental items; and

WHEREAS, the Department is funded almost entirely by the constituents it serves, a large number of whom are hunters; and

WHEREAS, hunting license sales and their associated federal matching funds are the largest single revenue source available to the Department for carrying out its mission, including acquisition of public lands and private easements for wildlife management, hunting access and conservation; and

WHEREAS, Sunday hunting will help ensure that future generations have the opportunity to participate in a sport that is an important part of the Commonwealth’s heritage; and

****WHEREAS**, the Board of Game and Inland Fisheries recognizes that this facet of game management is entirely within the purview of the General Assembly; and

****WHEREAS**, if the General Assembly lifts the ban on Sunday Hunting, it is recognized that this action will affect a much broader stakeholder group than just hunters, and the Board will engage these groups in dialogue before passing any new regulations.

NOW, THEREFORE, we, the Board of the Virginia Department of Game and Inland Fisheries, do hereby urge the General Assembly to **REPEAL** the **PROHIBITION ON SUNDAY HUNTING IN THE COMMONWEALTH OF VIRGINIA.** # # #

Following a discussion on the resolution, the Chairman called for a motion to adopt the resolution as presented. Mr. Reed mad the following motion, Mr. Chairman I hereby move the Board of Game and Inland Fisheries adopt the Resolution to Repeal the Prohibition on Sunday Hunting in the Commonwealth of Virginia with the changes indicated by Ms. Caruso. Motion Seconded by Mr. Yates. Ayes: Pollard, Colgate, Montgomery, Caruso, Burton, Reed, Yates Clarke and Hazel. Opposed: Mr. Turner.

* Mr. Reed's original copy is on file for review.*

** Final Language following the discussion period of the motion by Mr. Reed.**

Director's Report: ([Listen](#)) The Director reported on the following items:

- Meeting with Department of Forestry
- SEAWFA Meeting in Williamsburg
- Spring Gobbler Harvest
- Repairs to Lake Gordon
- NSSF Grant
- *Living off the Land* Exhibit at the Virginia Museum of Natural History in Martinsville, Virginia
- Kill Permit Stakeholder Process
- Blue Catfish Issues
- Lyme Disease Task Force
- Grant for White Nose Bat Syndrome
- State Record Blue Catfish at Bass Pro Shop

The Chairman thanked the Director for his report.

Chairman's Remarks: ([Listen](#)) The Chairman reported on the following items:

- Mattaponi Wildlife Management Area Dedication
- Quarterly Meeting with the Secretary of Natural Resources
- Fishing trip with Lt. Governor Bolling on the Rose River

The Chairman thanked everyone for their participation in today's meeting.

Additional Business/Comment: ([Listen](#)) The Chairman called for additional business/comments from the Board and Director. Hearing none, the Chairman moved forward with the agenda.

Next Meeting Date: ([Listen](#)) The Chairman announced the next meeting date of July 12, 2011 beginning at 9:00am.

Adjournment: ([Listen](#)) The Chairman called on Mr. Yates for a motion to adjourn. **Mr. Yates made the following motion, Mr. Chairman, I hereby move the meeting be adjourned.**
Motion Seconded: Mr. Clarke. Ayes: Pollard, Colgate, ~~Montgomery~~, Caruso, Burton, Turner, Reed, Yates, Clarke, Hazel.

***Minutes of the meeting were approved with this correction: Deletion of Mr. Montgomery who departed earlier in the meeting.**

Respectfully submitted,

Beth B. Drewery, Board Secretary
Board of Game and Inland Fisheries