

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

**August 14, 2012  
9:00 am**

**Present:** Mr. F. Scott Reed, Jr., Chairman, Mr. Curtis Dixon Colgate, Vice-Chairman, Ms. Lisa Caruso, Mr. J. Brent Clarke, III, Mr. Ben Davenport, Mr. Hugh C. Palmer, Mr. Leon O. Turner, Sr.; **Absent:** Mr. James W. Hazel, Mr. Garry Gary, Mr. Charles Yates; **Executive Director:** Mr. Robert “Bob” W. Duncan; **Chief Operating Officer;** Mr. Matt Koch; **Senior Leadership Team:** Mr. Tom Gelozin, Mr. Larry Hart, Mr. Lee Walker, Colonel Dabney “Dee” Watts and Mr. Davis Whitehurst; **Legal Counsel;** Ms. Elizabeth Andrews.

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

The Chairman welcomed everyone and noted for the record that a quorum was present for the meeting. Mr. Davenport read the Mission Statement into the record and Ms. Drewery led the Pledge of Allegiance. The Chairman announced that a closed meeting would be held during the meeting and also noted public comments regarding the proposed Regulation Amendments would be heard following the presentations by staff.

The Director recognized Ms. Sara Benghauser from the Secretary of Natural Resources office .

**Recognition of Employees and Others:** **[\(Listen\)](#)** The Director called upon staff for the following recognitions:

- ❖ Mr. Tom Guess recognized Captain Russ Cress, Volunteer Boating Safety Instructor, who received the 2012 Governor’s Transportation Safety Award, Water Safety Category.
- ❖ Mr. Matt Koch recognized DGIF staff and Partners who participated in the Natural Resources night with the Flying Squirrels Baseball Team.

The Chairman and the Director congratulated everyone on their accomplishments and thanked them for their service and dedication to the Agency and Commonwealth.

**Public Comments – Plan to Enter into a Comprehensive Agreement for New DGIF Headquarters:** **[\(Listen\)](#)**

**The Chairman opened the Public hearing with the following introduction:**

**“I open this public hearing pursuant to Section 56-575.17 of the Code of Virginia to receive public comment on the board’s intent to enter into a comprehensive agreement with Northlake DGIF, LLC, a private entity, to construct a new headquarters building for the department. The public is now invited to come to the podium, state their name, tell us where they are from, and provide comments to the board on this subject.”**

Hearing no Public comments, the Chairman stated "I now close this public hearing portion of today's meeting." The Chairman moved forward with the Agenda and called for Public Comments non-agenda items.

**Public Comments (Non-Agenda Items):** ([Listen](#)) The Chairman called for public comment on non-agenda items. Hearing none, the Chairman moved forward with the agenda.

**Approval of the July 10, 2012 Board Meeting Minutes:** ([Listen](#)) The minutes of the July 10, 2012 meeting have been distributed and posted to the website for review. **The Chairman called for a motion to approve the July 10, 2012 minutes as presented. Mr. Clarke made the following motion: Mr. Chairman, I hereby move the minutes approved as presented. Motion Seconded by Mr. Colgate. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

### **Committee Reports:**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 1](#))**

**Wildlife, Boat and Law Enforcement Committee:** Mr. Turner, Chairman of the Wildlife, Boat and Law Enforcement Committee, reported on the activities of the August 7, 2012 Committee Meeting. Mr. Turner called on staff to present the following items for review and final action by the Board:

Mr. David Whitehurst, Director of the Bureau of Wildlife Resources, gave an overview of the current regulation process.

Mr. Gary Martel presented the staff's recommendations for the proposed **Fish Regulation Amendments** for final action by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. The Board Chairman called for Public comment.

#### **Public Comment:**

Mr. C. Jason Whitlock, Mechanicsville, Virginia, spoke regarding Bowfishing for Catfish and Bowfin.

The Chairman thanked Mr. Whitlock for his comments and his attendance to today's meeting.

The Chairman called for a motion to adopt the proposed regulation as presented by staff. **Mr. Colgate made the following motion, I hereby move that the Board adopt the fish regulation amendments as presented today, to become effective January 1, 2013. Motion seconded by Mr. Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 2](#))**

Ms. Becky Gwynn presented the staff's recommendations for the proposed **Wildlife Diversity Regulation Amendments** for final action by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. The Board Chairman called for Public comment. **Hearing none, the Chairman called for a motion to adopt the proposed regulation as presented by staff. Mr. Turner made the following motion, Mr. Chair, I move that the Board approve the wildlife diversity regulation amendments as presented, and as authorized in §29.1-566, to become effective January 1, 2013. Motion seconded by Mr. Colgate. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 3](#))**

Mr. Tom Guess presented the Boating staff proposed regulation amendments for final adoption by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. **The Board Chairman called for Public Comment. Hearing none, the Chairman called for a motion to adopt the proposed regulation as presented by staff. Mr. Turner made the following motion, Mr. Chair, I move that the Board approve the Boating regulation amendments as presented, with the exclusion of 4 VAC 15-410-110 to be effective January 1, 2013. The motion was seconded by Mr. Palmer. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner. Mr. Colgate made the following amendment to the motion, Mr. Chairman, I move the Board adopt 4 VAC 15-410-110 as presented with the following amendment, a person who fails the equivalency exam a second time is required to complete a NASBLA approved Boating Education course that is accepted by the Department. The Motion was seconded by Mr. Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 4](#))**

Mr. Bob Ellis presented the 2012-2013 Migratory Waterfowl Seasons and Bag Limits for final adoption by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. **The Board Chairman called for Public Comment. Hearing none, the Chairman called for a motion to adopt the proposed regulation as presented by staff. Mr. Turner made the following motion, Mr. Chair, I move that the Board adopt the 2012-2013 Migratory Waterfowl Seasons, bag limits and shooting hours and Falconry Seasons, bag limits and hawking hours as presented by staff and to further authorize staff to modify seasons and bag limits, if necessary, to comply with the established Federal Frameworks. Motion seconded by Mr. Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 5](#))**

Mr. Brian Moyer presented the **ADA staff proposed regulation amendments** for final adoption by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. The Board Chairman called for Public Comment.

**Public comment:**

**Mr. M. W. Jones, Aylett, Virginia, spoke regarding the U. S. Complete Shooting Dog Association.**

**The Chairman thanked Mr. Jones for his comments and attendance at today's meeting.**

**The Chairman called for a motion to adopt the proposed regulation as presented by staff. Ms. Caruso made the following motion, Mr. Chair; I move the Board adopt the Regulation amendment for 4 VAC 15-20-100 as presented by staff along with the amendment proposal by Ms. Andrews to change conveyance to vehicle in the 3<sup>rd</sup> line. Motion seconded by Mr. Colgate. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 6](#))**

Mr. Larry Hart presented the Agency Land Use Plan for approval by the Board.

Following the presentation, a discussion was held by the Board, Director and staff. The Board Chairman called for Public Comments. And hearing none, the Chairman called for a motion to **approve the Plan as presented by staff. Mr. Colgate made the following motion, Mr. Chair, I move that the land use plans for reportable agency properties be adopted as presented by staff. Motion seconded by Mr. Palmer. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Kozuch, Palmer, Turner.**

**The Chairman called for a 10 minute break. Mr. Kozuch departed at noon.**

Following the break the Chairman called for the Finance, Audit and Compliance Committee report.

**Finance, Audit and Compliance Committee: ([Listen](#))** Mr. Colgate reported on the activities of the July 25, 2012 Committee Meeting. Mr. Colgate called on Tom Gelozi to present the FY2012 year-end Financial Summary which included a Capital Outlay summary by Mr. Larry Hart. A discussion was held by the Board, the Director and staff. The Board received the Internal Audit FY 2013 Work Plan approved by the committee and no further action by the Board is required.

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

***Closed Meeting Motion  
August 14, 2012***

***Mr. Chairman,***

***I move that the Board 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, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding:***

- *The performance of the Director.*

*Furthermore, pursuant to Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to:*

- *The relocation of the agency headquarters*
- *The acquisition of property located in Counties of Accomack and Pittsylvania*

*This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712(F), the Board requests, the Department Director, the Chief Operating Officer, the Infrastructure Director, and the Director of Planning and Finance and the Deputy of Wildlife Division to also attend this meeting, as it believes their presence will reasonably aid the Board in its consideration of topics that are the subject of the meeting. Motion was seconded by Mr. Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Palmer, Turner.*

*\*Following the motion and discussion by the Board Chairman and Director, it was determined that under Section 2.2-3712(F) that legal counsel would also need to be present in the Closed Session in their consideration of topics subject to the meeting.*

*Mr. Colgate made the following Certification. ([Listen](#))*

*Certification of Closed Meeting  
August 14, 2012*

*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 here by 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. Certification seconded by Mr. Clarke.*

*The Board Secretary conducted the following voice call vote certification:*

*Davenport -Aye*

*Palmer - Aye*

*Clarke - Aye*

*Reed - Aye*

*Colgate - Aye*

*Turner - Aye*

*Caruso - Aye*

*The Chairman called for a motion resulting from a discussion held in closed session. Mr. Davenport made the following motion, Mr. Chairman, I move that the Board of Game and Inland Fisheries authorize the use of cash balances of the Game Protection Fund to purchase the new headquarters site and for costs in developing the site; that the fund be reimbursed commensurate with the sale of agency owned properties in Hanover County and the City of Richmond; and that a final staff recommendation concerning financing will be approved by the board. The motion was seconded by Mr. Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Palmer, Turner.*

**Education, Planning and Outreach Committee:** ([Listen](#)) Ms. Caruso, Chairwoman of the Education, Planning, and Outreach Committee, noted that the Committee had not met since the July 2012 Board Meeting. The next Committee Meeting will be held on October 17, 2012 beginning at 10:00am.

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

- ❖ Staffing Update
- ❖ Virginia Outdoor Sportsman Show
- ❖ LDP Graduation
- ❖ National Hunting Day – Commonwealth Club
- ❖ State Fair of Virginia – Meadow Event Park
- ❖ Agency Division Update Program – October 17<sup>th</sup>
- ❖ Attend Kentucky Natural Resources Board Meeting
- ❖ Green Top Opening New Location – DGIF Day
- ❖ Elk Update

**Chairman's Remarks:** ([Listen](#)) The Chairman presented the following items:

- ❖ Proposed 2013 Board meeting schedule
- ❖ Response letter regarding the issue of Crown Grants
- ❖ License sales

**([Listen: Next Meeting and Adjournment](#))**

The Chairman thanked the Director and staff for their presentations at today's meeting. The Chairman called for additional business of the Board. Hearing none, the Chairman announced the next meeting will be held on October 18, 2012 at 9:00 am.

**The Chairman called for a motion to adjourn. Mr. Clarke made the following motion, Mr. Chairman; I move that this meeting be adjourned. Motion seconded by Mr. Colgate. Aye: Reed, Colgate, Caruso, Clarke, Davenport, Palmer, Turner.**

Respectfully submitted,

/s/ Frances Boswell  
Accounting Supervisor