

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

**July 10, 2012
9:00am**

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. Garry Gray, Mr. Hugh C. Palmer, Mr. Leon O. Turner, Sr., Mr. Charles Yates; **Absent:** Mr. James W. Hazel and Mr. Randy J. Kozuch; **Executive Director:** Mr. Robert "Bob" W. Duncan; **Senior Leadership Team:** Dr. Joice Conyers, Mr. Tom Gelozin, Mr. Larry Hart, Mr. Lee Walker, Colonel Dabney "Dee" Watts and Mr. David 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. Gray read the Mission Statement into the record and Mr. Davenport 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 2012-2013 Webless Migratory Bird Regulations would be heard following the presentation by staff.

[\(Listen: Recognition of Board Service\)](#)

On behalf of the Board, the Chairman presented Mr. Clarke with the Chairman's Plaque and a pen and ink drawing from Ken Schuler, an artist located in the Shenandoah Valley. The Chairman thanked Mr. Clarke for his leadership and noted his many accomplishments for his term July 1, 2011-June 30, 2012.

The Chairman proceeded with the Agenda and called on the Director for the Recognition of Employees and Others.

Recognition of Employees and Others: **[\(Listen\)](#)** The Director and Colonel Watts recognized the following staff members:

- ❖ Ms. Karen Holson for her accomplishments in the NASP Program and her recent appointment to serve on the NASP, Inc. Board as the Representative for State Coordinators.
- ❖ 2011 Boating Officer of the Year - Officer Beth Garrett
- ❖ Officer of the Year - Senior Officer James M. Brooks

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

Public Comment (Non-Agenda Items): **[\(Listen\)](#)** The Chairman called for Public Comment-Non Agenda Items. The Chairman called attention to the need to limit individual comments to 3 minutes and comments to support a group to 5 minutes. The Chairman also reminded everyone wishing to make a comment to move to the podium so all comments can be made a part of the record and to state their name and city.

Mr. Beau Beasley, Warrenton, Virginia, spoke regarding VDGI's lack of legal assistance provided to angler's sued for fishing in public waters.

Mr. Thomas A. Miller, who represented the Friends of the Rivers of Virginia and Float Fisherman of Virginia, Lanexa, Virginia, spoke regarding the Jackson River.

Mr. David Nobles, Providence Forge, Virginia, spoke regarding the Jackson River access.

The Chairman noted for the record that Delegate Scott Lingamfelter has requested to speak at today's meeting and due to scheduling conflicts the Delegate will arrive later in the day.

The Chairman thanked everyone for their comments and attendance.

Approval of the June 12, 2012 Board Meeting Minutes: ([Listen](#)) The minutes of the June 12, 2012 meeting have been distributed and posted to the website for review. The Chairman called for a motion to approve the June 12, 2012 minutes as presented. Mr. Davenport made the following motion: Mr. Chairman, I hereby move the minutes as presented. Motion Seconded by: Clarke. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

Committee Reports:

(Listen: Wildlife, Boat and Law Enforcement Committee Reports - [part 1](#), [part 2](#))

Ms. Caruso, Chairwoman of the **Wildlife, Boat and Law Enforcement Committee** noted that the **Committee** met on June 27, and heard the following staff presentations and updates:

- ❖ Law Enforcement Update
- ❖ Boating Access Grants to Localities Program.

The Committee also heard the staff's presentation on the 2012-2013 Webless Migratory Gamebirds, Falconry, September Goose and September Teal Seasons. The Chairwoman called on Mr. Ellis to present the 2012-2013 Federal Seasons and Bag Limit Frameworks and Recommendations to the full Board as recommended by the Committee.

Following Mr. Ellis' presentation, a discussion was held by the Board, Director and staff on the seasons and bag limit frameworks and recommendations presented by staff.

The Board Chairman called for public comment on the seasons and bag limits as presented by staff.

Public Comment:

Mr. Terry Wagner, Powhatan, Virginia, spoke regarding woodcock season.

Mr. Wilmer Stoneman, who represented the Virginia Farm Bureau, spoke regarding the September Goose Season.

The Board Chairman thanked everyone for their comments and called for a motion(s) on the seasons and bag limit frameworks as presented by staff.

Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the September Goose season as presented by staff and to further authorize staff to modify the season and bag limit, if necessary, to comply with the established Federal Frameworks. Motion Seconded: Yates. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the 2012 - 2013 Dove season as presented by staff and to further authorize staff to modify the season and bag limits, if necessary, to comply with the established Federal Frameworks. Motion seconded: Gray. Mr. Colgate made an amended motion on staff recommendations on seasons to change the second segment from October 15th to October 17th and to change the start of the third segment from December 27th to December 28th and to extend the third segment through January 12th. Mr. Clarke accepted the friendly amendment. Motion Seconded by: Caruso. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the 2012-2013 Woodcock season as presented by staff and to further authorize staff to modify the seasons and bag limits, if necessary, to comply with the established Federal Frameworks. Motion seconded by: Yates. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

Mr. Clarke made the following motion: Mr. Chairman, I move that the Board adopt the 2012 - 2013 seasons for Rail, Snipe, September Teal and Falconry 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: Colgate. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

Mr. Ellis noted Virginia is hosting the Flyway Council and Technical Committee meeting in Williamsburg, Virginia beginning July 15-20, 2012. The Board is invited to attend.

The Chairman called for a 10 minute break.

Following the break, Ms. Caruso called on Mr. Ellis to present the 2013-2014 Hunting and Trapping Regulation Process.

The Board Chairman thanked the staff for their presentations.

[\(Listen: Finance, Audit, and Compliance Committee Reports\)](#)

Mr. Colgate, Chairman of the **Finance, Audit and Compliance Committee**, stated the Committee had not met since the June Board Meeting. Mr. Colgate called the Board's attention to the Indebtedness of State Agencies form signed by the Director and the monthly cash fund balance report.

Mr. Colgate announced the next Committee meeting would be held on August 7, 2012 beginning at 9:00am.

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

The Board Chairman thanked Mr. Colgate for his report and announced the **Education, Planning and Outreach Committee** had not met since the June Board Meeting.

The Board Chairman took this opportunity to thank:

- ❖ Ms. Caruso for serving as Chair of the Wildlife, Boat and Law Enforcement Committee
- ❖ Mr. Colgate for serving as Chair of the Finance, Audit and Compliance Committee
- ❖ Mr. Hazel for serving as Chair of the Education, Planning and Outreach Committee.

New Committee assignments will be announced later in the meeting.

Directors Report: The Director reported on the following items:

- ❖ Update on activities related to Feral Pigs
- ❖ Leadership Development Program Graduation
- ❖ Virginia Outdoor Sportsman Show
- ❖ Natural Resources Night at the Flying Squirrels Baseball Game
- ❖ Operation Dry Water/July Fourth Boating Outreach
- ❖ Division Program Updates

At 11:45 am. Closed Session Meeting: ([Listen](#)) The Chairman called for a motion to move into a Closed Meeting. Mr. Clarke made the following motion:

***Closed Meeting Motion
July 10, 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; and an exchange of real property in Wythe County.***

And finally, pursuant to Section 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically regarding:

- ***Discussion with counsel concerning the Jackson River and ownership of bottomlands in the Commonwealth.***

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712(F), the Board requests counsel, the Department Director, the Bureau Director, the Bureau Deputy Director, the Policy and Legislative Manager, and the Infrastructure Director 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 Seconded by: Yates Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

The Chairman announced a closed meeting would be held later in the meeting to continue business of the Board.

At 12:44, Mr. Clarke made the following certification: ([Listen](#))

*Certification of Closed Session
July 10, 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 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. Mr. Colgate seconded the Certification.

The Board Secretary conducted the following voice roll call certification:

Turner - Aye

Yates - Aye

Caruso -Aye

Clarke - Aye

Colgate - Aye

Reed -Aye

Davenport -Aye

Gray-Aye

Palmer-Aye

[\(Listen: Public Comments\)](#)

Following the Closed Meeting, the Chairman called for Public Comments. The Chairman welcomed Delegate Lingamfelter and invited him to the podium for comment.

Delegate Scott Lingamfelter, Woodbridge, Virginia, spoke regarding the Jackson River Issues.

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

- ❖ Update on activities related to Feral Pigs

- ❖ Leadership Development Program Graduation
- ❖ Virginia Outdoor Sportsman Show
- ❖ Natural Resources Night at the Flying Squirrels Baseball Game
- ❖ Operation Dry Water/July Fourth Boating Outreach
- ❖ Division Program Updates

Chairman's Remarks: (Listen) The Chairman announced the new Committee Chairs and assignments for 2012-2013.

***Board of Game and Inland Fisheries
2012-2013 Committee Assignments
July, 2012***

Finance, Audit and Compliance (FAC):

Chair, Curtis Colgate

Ben Davenport

Charles Yates

DGIF Staff Contact: Tom Gelozin

Wildlife, Boat and Law Enforcement (WBL):

Chair, Leon Turner

Garry Gray

Brent Clarke

Jimmy Hazel as Alternate

DGIF Staff Contact: David Whitehurst

Education, Planning and Outreach (EPO):

Chair, Lisa Caruso

Hugh Palmer

Randy Kozuch

DGIF Staff Contact: Lee Walker

Wildlife Foundation Board Representative

Curtis Dixon Colgate

Ms. Elizabeth Andrews conducted an Annual FOIA briefing for the Board. A discussion was held by the Board, Director and Ms. Andrews. Following her presentation, the Chairman thanked the staff for their presentations during the meeting today and called for a motion to move into a Closed Meeting.

At 1:53pm, Mr. Clarke made the following motion: (Listen)

***Closed Meeting Motion
July 10, 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.*

And pursuant to Section 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically regarding:

- *Discussion with counsel concerning the Jackson River and ownership of bottomlands in the Commonwealth.*

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712(F), the Board requests counsel, the Department Director, the Bureau Director, the Bureau Deputy Director, and the Policy and Legislative Manager 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 Seconded by: Colgate. Ayes: Reed, Colgate, Caruso, Clarke, Davenport, Gray, Palmer, Turner and Yates.

At 2:56 pm, Mr. Clarke made following Certification of the Closed Meeting:

*Certification of Closed Meeting
July 10, 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 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. Motion Seconded by: Mr. Colgate.

The Board Secretary conducted the following voice roll call certification: ([Listen](#))

*Palmer - Aye
Gray - Aye
Colgate - Aye
Clarke - Aye
Caruso - Aye
Yates - Aye
Turner - Aye
Reed - Aye*

Following the Closed Meeting, Mr. Colgate made the following motion:

Mr. Chairman, I move that the Board authorize the Director to exchange in Wythe County approximately 150 acres of Department property with royalty on future mineral extractions retained, for an approximately 36 acre parcel, an approximately 88 acre parcel, a public access easement from State Route 634 to the agency's Big Survey WMA, development and maintenance of a suitable roadway on that easement, and construction of an approximately 15 -vehicle parking lot on the Big Survey WMA at the terminus of the road constructed on the easement. The transfers shall be according to applicable state and federal procedures. Motion Seconded by: Clarke. Ayes: Reed, Colgate, Caruso, Clarke Gray, Palmer, Turner, and Yates.

(Listen: Chairman's Remarks)

The Director called the Board's attention to the first bi-monthly issue of the Virginia Wildlife Magazine.

Additional Business/Comments: **(Listen)** The Chairman called for additional comments/business of the Board

Mr. Clarke thanked the Board for the gifts and also thanked Beth for her assistance during his term as Chairman.

(Listen: Next Meeting and Adjournment)

Next Meeting: The next Board meeting is scheduled for August 14, 2012 beginning at 9:00am.

Adjournment: The Chairman called for a motion to adjourn. Mr. Colgate made the following motion: Mr. Chairman I hereby move this meeting be adjourned. Motion Seconded by: Caruso. Ayes: Reed, Colgate, Caruso, Clarke, Gray, Palmer, Turner, and Yates.

Respectfully submitted,

/s/Beth Drewery, Secretary
Board of Game and Inland Fisheries