

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

October 23, 2008, 9:00am

Present: C. T. Hill, Chairman, Dr. William T. Greer, Jr., Vice-Chairman, Mary Louisa Pollard, Richard E. Railey, Jr., Ward Burton, Sherry Smith Crumley, Randy Kozuch, Charles Yates, Thomas Stroup and James W. Hazel; **Absent:** John W. Montgomery, Jr.; **Director:** Robert “Bob” W. Duncan; **Legal Counsel:** Roger Chaffe; **Senior Staff:** Ray Davis, Gary Martel, Bob Ellis, David Whitehurst, Charlie Sledd, Larry Hart, Rick Busch.

The Chairman welcomed everyone and called the meeting to order at 9:00am. The Pledge of Allegiance was led by Ms. Mary Louisa Pollard and the Mission Statement was read into the record by Mr. Richard Railey, Jr. The Chairman noted for the record that due to the large number in attendance, there were members of the public located at another site on the DGIF property and welcomed those guests as well. A quorum is present for this meeting.

The Chairman stated that during the meeting a lunch break would be taken and closed session would be held. Mr. Hill indicated that we are attempting early this morning to complete those agenda items requiring formal board action at this meeting so that once we begin the hound study presentation and public comment, we can stay focused on that agenda item until we have heard from all of the folks who have signed up to speak on that issue. As a reminder, if you wish to make comment, please make sure you have completed a speaker sign-up sheet and have given it to one of our staff folks collecting these.

With regards to the Hunting with Hounds Study, the Chairman announced that the Board will today receive the report from the researchers at Virginia Tech, who will discuss the objective, the process, public input into the study, and the final strategies recommended by the citizens’ Stakeholder Advisory Committee (SAC). Since these final strategies may be of an administrative, regulatory, or legislative nature, the Board is not in a position during today’s meeting to take a formal action on the strategies, other than to receive the presentation from the researchers and to use the study report as a foundation and guide for moving forward.

Recognition of Employees and Others: The Chairman called upon Mr. Bob Duncan for the introduction of new employees. Mr. Duncan introduced Major Mike Clark of the Law Enforcement Division. Major Clark will perform the administrative duties for the division. Mr. Duncan introduced Mr. Cale Godfrey. Mr. Godfrey is the new Wildlife Division Assistant Director.

On behalf of the Board, the Chairman congratulated Major Clark and Mr. Godfrey on their promotions and wished them well in their new positions.

Public Comments – Non-Agenda Items: The Chairman called for public comments for non-agenda items. Hearing none, the Chairman moved to the next agenda item.

Approval of Meeting Minutes: The Chairman stated the minutes of the meeting have been distributed for review and posted to the web site. He called for discussion and approval of the August 19, 2008 meeting minutes. **Mr. Hazel made the following motion: Mr. Chairman, I move the minutes be approved as submitted. Motion seconded by Ms. Pollard.**

Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Kozuch, Yates, Stroup and Hazel.

Presentation of Regulatory Scoping Issues for Hunting and Trapping: The Chairman called upon Mr. Bob Ellis to provide an informational briefing on the Regulatory Scoping Issues for Hunting and Trapping. Mr. Ellis stated the Wildlife Division held 20 Hunting and Trapping Regulatory Issues Meetings statewide to discuss hunting and trapping issues and solicit the views of the public. Staff prepared potential issues for the discussion on poster boards and provided comment forms for attendees to complete on site or mail back to the division with comments or issues of interest to them. A total of 193 individuals attended the 20 meetings. A list of the meetings and attendance by region was included in the Board's packet. Over 500 comments were received either at the meetings or by mail. A complete summary of the comments was also forwarded to the Board for their review. During the February 26, 2009 Board meeting, the Wildlife Division staff will present the summary of issues to be considered for the Hunting and Trapping Regulatory Issues Public Discussion Period.

The Chairman thanked Mr. Ellis for his report and called for questions from the Board. Mr. Burton asked about the Pittsylvania issue regarding hunting on both sides of the railroad. Mr. Ellis stated this would be incorporated into the regulatory package.

Mr. Yates said that he applauded the process and anytime the agency is working in the community to give people a chance to express their views and concerns makes our organization better.

Mr. Hazel stated he attended the meetings held in Area 5 which he represents. Mr. Hazel stated that he felt the interaction with those in attendance was very positive and worthwhile.

The Chairman called for public comments and gave everyone 3 minutes to present their comments.

Mr. David Clark, Danville, Virginia, who represented the Virginia Muzzle Loading Rifle Association, spoke regarding a traditional muzzle-loading deer season. Mr. Clark also presented the Board with the following resolution from the Association:

The Virginia Muzzle Loading Rifle Association asks that the Virginia Department of Game and Inland Fisheries establish a statewide deer season for traditional muzzle loading firearms (no in-lines). Hunters should be restricted to: a single shot, muzzle loading firearm using flintlock or percussion ignition, black powder (or modern substitute), open or iron sights (no scopes) and either a patched round ball or, in a Civil War style musket, a hollow-based minie ball. We ask: (1) that the season start before the current muzzle loading season, and/or (2) for several weeks in January. Hunters would pay an extra fee for this privilege. The extra fee should secure additional hunting days that would be proportion to the number of days in the other special seasons. The above proposal represents the consensus of the membership of the ten (10) chartered clubs who belong to both the Virginia Muzzle Loading Rifle Association and the National Muzzle Loading Association.

Mr. Earl Hodnett, Clifton, Virginia, Wildlife Biologist for Fairfax County requested the staff consider a new regulation that would prohibit the feeding of wildlife (except for bird feeders).

Mr. William Ernstes, King William, Virginia, who represented the Virginia Trappers Association, spoke in favor of the scoping issues with regards to trapping.

Mr. James Pennifill, who represented the Northern Virginia Chapter of Delta Waterfowl, spoke regarding the waterfowl hunting issues included in scoping issues as they related to Dyke Marsh.

Mr. Duncan stated a meeting was previously held in Northern Virginia regarding the Dyke Marsh issues and considerable feedback was received regarding the waterfowl hunting issues.

Mr. Ned Stone, Alexandria, Virginia, spoke regarding hunting issues around the Dyke Marsh area.

Ms. Glenda Booth, President of the Friends of Dyke Marsh, spoke regarding the waterfowl hunting included in the scoping issues as they related to Dyke Marsh. Ms. Booth thanked Mr. Duncan for his attendance at the July meeting.

Mr. Dan Robinson, Alexandria, Virginia, spoke regarding the waterfowl hunting included in the scoping issues as they related to Dyke Marsh.

Mr. Doug Gilmer, Bristow, Virginia, spoke with regards to amending handgun hunting rules to allow certain muzzleloading handguns and increasing the power threshold.

Mr. Keith Wilt, Bergton, Virginia, who represented the Quality Deer Management Association, spoke regarding the possibility of adding a fall youth-only white tail deer day hunting day prior to the first Saturday prior to the opening of archery season.

Mr. Andrew Lynn, Keswick, Virginia, who represented the Keswick Hunt Club, spoke regarding the hunting and trapping of red fox as it relates to the scoping issues for hunting and trapping.

The Chairman thanked everyone for their attendance and comments.

Proposed Parasail Regulation- Final Adoption: The Chairman called upon Mr. Charlie Sledd to present the final staff recommendation for boating safety regulation amendments regarding commercial parasail operations.

Mr. Sledd gave the following presentation:

The 2007 Session of the Virginia General Assembly passed House Bill 2031 (Chapter 625 Virginia Acts of Assembly-2007 Session) that requires the Board of Game and Inland Fisheries to promulgate regulations applicable to the commercial operations of parasail operators on waters of the Commonwealth. These regulations shall take into consideration the operating standards and guidelines of the Professional Association of Parasail Operators.

The boating safety staff presented its proposal – stage recommendations to the Board at its July 15, 2008 meeting and the Board proposed the regulation (Chapter 450) as presented by staff for a public comment period that opened on July 22, 2008 and closed on October 6, 2008. It should be noted that the proposal-stage recommended regulation reflected a work session held on April 30, 2008 with three (3) parasail operators in the Virginia Beach area.

During the public comment period, one (1) comment was received online through the agency website; this comment was in support of the parasail regulations effort.

The content of the final regulation has not changed from the proposed regulation.

The staff recommends that the Board adopt as final the commercial parasail regulation (Chapter 450) in the form presented, with the regulation to become effective on January 1, 2009.

The Chairman called for questions/discussion from the Board. Hearing none, the Chairman called for the motion. **Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board adopt as final the commercial parasail operations regulation (Chapter 450 consisting of four (4) regulation sections) in the form recommended by staff. This regulation shall become effective on January 1, 2009. Motion Seconded by Mr. Railey. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Kozuch, Yates, Stroup and Hazel.**

The Chairman thanked Mr. Sledd for his presentation.

The Chairman called for a 10 minute break at 9:48 am for repairs to the sound system. The Chairman called the meeting back to order at 10:02 am.

Presentation of the Hunting with Hounds Study: The Chairman announced the next item on the agenda was the Hunting with Hounds presentation. Before calling on Mr. Duncan to introduce the speakers, the Chairman thanked everyone who served on the Stakeholder Advisory Committee for their dedication to this project. The Chairman also thanked the members of the Technical Committee for their support of the Stakeholder Advisory Committee for their assistance to the committee. On behalf of the Board, the Chairman expressed a sincere thanks to Virginia Tech, especially Dr. Steve McMullin, Ms. Sarah Kozlowski for their dedication and expertise, without which the hunting with hounds project would not have been completed.

The Chairman reminded everyone that no action would be taken on the report presented today and public comments will be heard following the presentation.

The Chairman called upon Mr. Duncan for his remarks. Mr. Duncan introduced the members of the Stakeholder Advisory Committee who are present in the audience today. They are: David Steger, Greg Sheere, Jim Hackett, John Payne, John Rawls, Joyce Fendley and Wilmer Stoneman.

Mr. Duncan made the following opening remarks:

Thank you Mr. Chairman, I want to add my personal Thank you to the members of the Stakeholder Advisory Committee (SAC) as these individuals have worked hard to consider the various complex issues associated with the future of hound hunting in our great Commonwealth.

These folks have not wavered in commitment to seeking solutions to the problems at hand. It has been a distinct pleasure getting to know these folks and I feel a personal debt of gratitude for their service.

I also want to recognize the Technical Committee especially Rick Busch, who volunteered to Chair this support group. This group of DGIF staff have also worked long hours and given much of themselves in support of this effort.

Lastly, Mr. Chairman, I want to express my heartfelt thanks to Dr. Steve McMullin and Sarah Kozlowski from Virginia Tech for their efforts in this study. Steve and Sara, along with help from Dr. Jim Parkhurst, have given this effort their all to help advance.

All of these folks, The SAC, the Technical Committee and the Researchers at Virginia Tech have been working in good faith to address an issue which we believe to threaten the future of hunting in Virginia. To be sure, there are differences of opinion on the non-binding recommendations the

Board will receive today. However, Mr. Chairman, I believe that denial that problems do in fact exist and an unwillingness to constructively work to address these issues is not in anyone's best interest.

That said, Mr. Chairman, at this time I would like to call on Dr. Steve McMullin and Sara Kozlowski to present the recommendations of the Citizens Stakeholder Advisory Committee.

Dr. Steve McMullin and Sarah Kozlowski are from Virginia Tech's Department of Fisheries and Wildlife Sciences. Dr. McMullin stated when he came before the Board last year to accept the challenge of coordinating the public-input aspects of this project he pledged to do everything he could to ensure that we provided as much opportunity as we possibly could for Virginians to participate in the process and to treat all interest fairly. Despite the fact that this has been purely an advisory process – not a rule-making process, this has been the most ambitious public involvement program the agency has ever undertaken. **The project goal:** To provide diverse opportunities for hunting with hounds in Virginia in a manner that is fair, sportsmanlike, and consistent with the rights of property owners and other citizens. The efforts of some critics of this project were to paint it as an anti-hound or even anti-hunting effort but the goal has been clear and consistent from the beginning. Another way to phrase it is – to ensure that hound hunting continues to be an important part of the hunting opportunities Virginia offers by recognizing and dealing now with the issues that could threaten the future of hunting with hounds.

Dr. McMullin presented the most popular misconceptions and disinformation issues:

1. The project is really an anti-hunting/anti-hound-hunting effort. The Humane Society of the U. S. (HSUS) and /or People for the Ethical Treatment of Animals (PETA) are behind this project or have been influential in determining the recommendations.

The goal calls for maintaining hound-hunting opportunities in a manner compatible with other citizens rights.

Animal rights organizations had minimal involvement and even less influence on the project outcomes.

2. The state spent \$250,000 on this project, money that could have been used to put more Conservation Police Officers (CPOs) in the field.

To date, VDGIF has spent about \$70,000 on the project and we are nearing the end of it.

Substantially less than the cost of hiring, training and equipping on CPO for one year.

The information from this project will serve the agency as a valuable resource on stakeholder attitudes and technical information regarding hound-hunting for years.

3. The number of complaints received is small and does not justify the expense and effort of the project.

Complaint numbers cited and conclusions drawn by critics only represent a fraction of the calls received statewide and only include those calls that come directly to DGIF dispatch.

Many calls complaining about hound-hunting activities are not acted upon because they are related to activities that may be unethical but are still either lawful or essentially impossible to enforce.

33% of the letters and emails received at the beginning of the project were critical of hunting with hounds; 13% were from people who supported hunting with hounds who also indicated that some aspects of hound-hunting need to change.

45% of non-hound hunters who responded to the informal surveys indicated that they had experienced having game animals scared off by someone else's hounds.

44% of them said they, their family member or hunting partners had often or sometimes felt threatened by hound hunters.

16% of all landowners responding to the surveys including 1,313 landowners who were also hound-hunters said that hound-hunters often or sometimes hunted their land without permission. Note: Most hunters try to do things right, but the issues related hunting with hounds is real and more common than critics admit.

4. Virginia is not like many of the other states that have a Right to Retrieve Law.

Virginia and Minnesota appear to be the only 2 states where hunters can lawfully retrieve dogs when access has been expressly denied by the landowner.

In Louisiana and MI – hunters may retrieve dogs on posted lands unless specifically forbidden either verbally or in writing beforehand – landowners ultimately control legal access to their property.

A number of other states allow retrieval of dogs unless the land is posted or access is otherwise expressly denied.

Forms of public input were: 15 focus group meetings with major stakeholder groups with a total of 157 participants; 1,000+ letters and emails sent to VDGIF and Virginia Tech; Informal surveys (2,600+ people); the Stakeholder Advisory Committee; 7 public meetings (2,000+ attendees); 2,000+ written comment and VDGIF Board Meeting.

The Stakeholder Advisory Committee is comprised of 18 members; 9 hound hunters (bear, deer, raccoon, rabbit, mounted fox and non-mounted fox); 9 non-hound-hunters (private landowners, "still" hunters; corporate land managers; federal land managers and animal control. The Stakeholder Advisory Committee conducted 7 meetings held from March to July. During this time, they identified, discussed, and prioritized issues; developed, discussed, and prioritized potential strategies; reviewed information presented in the VDGIF Technical Committee Report.

The committee agreed that proposed strategies needed a 2/3 majority vote to become final recommendations.

The Stakeholder Advisory Committee members communicated extensively with members of their local community and stakeholder groups throughout the process. They communicated through 5 key stakeholder meetings prior to the public comment period; different events; newspapers and mailings.

Ms. Sara Kozlowski presented the Stakeholder Advisory Committee's final recommendations.

- Improve Law Enforcement
Improve enforcement of all laws and regulations by increasing the number of conservation police officers (CPOs) employed by the DGIF; increasing coordination between VDGIF CPOs and other enforcement agencies, and providing better training to all enforcement agency personnel.
- Improve Record Keeping
Improve record keeping on violations and complaints received by VDGIF CPOs, VDGIF Staff, dispatchers, local law enforcement agencies, and local animal control. The SAC recommends that more comprehensive, consistent, and standardized records be kept.
- Increase Funding for Law Enforcement
Seek permanent, new funding for VDGIF law enforcement to support the implementation of strategies related to increased law enforcement and better record keeping. The burden of funding law enforcement should be born equitably by all users of wildlife resources.
- Increase Penalties and Fines
Increase penalties and fines for game law and regulation violations to increase compliance with existing laws and regulations, especially those related to high priority issues like trespassing, violations, and hunting out of season.

Repeat offenders should be dealt with harshly.

Establish minimum, mandatory penalties and education.

Develop public information campaigns that inform stakeholders about increased penalties.

- Education/Training
The VDGIF, in cooperation with hunting organizations, individual hunt clubs, and other relevant stakeholders, should develop and promote educational materials regarding hunting with hounds.
 - For hunters emphasize how changes in society dictate the need for changes in behavior, promote respect for landowners, outline best practices, and clearly define acceptable and unacceptable behaviors.
 - For landowners and non-hound hunters: develop a greater awareness and acceptance of hound hunting culture and practices.

- Code of Ethics
Develop a code of ethics for hound-hunters that outline expectations for ethical behavior and best practices to address:
 - Ethics and practices for developing positive relationships with landowners.
 - Following game laws and regulations
 - Practices that promote proper treatment of hounds and quarry
 - Practices that reduce traffic/road-related conflicts
 - Hold violators of established codes of ethics accountable

Codes of ethics should be voluntarily adopted, endorsed, and/or promoted, and should be locally specific.

- Hold Violators Accountable
It is recommended that members of the hound hunting, non-hound hunting, and landowner community hold accountable those who violate game laws and regulations or act in unsportsmanlike, unethical ways by:
 - Participating in the investigation and/or prosecution of complaints
 - Establishing and enforcing penalties and/or taking away privileges for engaging in bad behavior
 - Establishing accreditation for members of associations, organizations, or clubs
 - Creating an easy avenue for complaints to be filed
 - Mandating additional education for egregious or repeat violations of game laws and/or regulations
 - Hold violators accountable for violations of codes of ethics

- Hunting From or Near Roads
The SAC recommends that VDGIF Board address road hunting so that:
 - Hunting of property where permission has not been granted would be curtailed
 - “Lining the Roads” (i.e. vehicles along roads) would be reduced or curtailed

This does not affect the existing right of hunters to retrieve their hounds.

Specific changes to rules or laws should be established through the existing regulation development and/or General Assembly protocol.

- Identification for Hunting Dogs
It is recommended that some type of hound identification (plate or tag affixed to a collar) be established that links dogs with hunters or the hunt clubs that own them.

It is also recommended that the penalty for the removal of an identification collar or tracking collar be increased to discourage removal and/or destruction of collars and/or equipment.

- Modify Virginia's Right-to-Retrieve

Hunters would be required to make reasonable attempt to contact landowner prior to retrieval of hounds from posted private property.

Landowners would be required to thoroughly post their property with contact information, and

Private property that is not properly posted would be presumed open to retrieval.

It may be necessary to make exceptions to these modifications for hounds that are trained not to leave quarry unless called off by hunters (i.e. raccoon, bear, and fox hounds).

- Training Seasons

Provide a training season for deer hounds on private land with permission at a time where it avoids conflict with other hunting seasons; wildlife breeding/rearing.

Provide for overlap of hunting and training for all types of hound-hunting to the greatest extent possible.

Provide for a period where there would be no hound-hunting or training, with few exceptions.

Possible exceptions to synchronized training seasons and the period without hound-hunting or training should include raccoon hound-hunting and/or mounted and non-mounted fox hunts, provided that the latter could be differentiated from deer-hound training/hunting under false pretenses.

The next steps in this process are to place the recommendations into three (3) possible categories: administrative, regulatory and legislative. Any regulatory/legislative recommendations will provide additional opportunities for public input.

The Chairman thanked Dr. McMullin and Ms Kozlowski for their presentation and called for questions or comments from the Board.

The Chairman stated the Board would begin hearing public comments regarding the presentation. Names will be called in groups of 6 persons each and each person will be allotted 3 minutes each to make their comments.

Public Comments – Hunting with Hounds Study

Warren Radford, Radford, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding the end of hound hunting in Virginia and the recommendations listed in the Hunting with Hound Study.

David Steger, Catawba, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding his work as member of the Stakeholder Advisory Committee.

Jerry Crawford, New Castle, Virginia spoke regarding the retrieval law.

Carrie Crawford, New Castle, Virginia spoke regarding the hunting with hound study and the selection of members on the Stakeholders Advisory Committee.

Este Fisher, Mt. Crawford, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding the right to retrieve law and the lack of Conservation Police Officers and their pay.

The Chairman stated for the record the Law Enforcement received a pay increase earlier the year.

Charles Montgomery, Buchanan, Virginia, President of the Virginia Bear Hunters Association, spoke regarding his experiences regarding hunting with hounds and he also thanked the Board for their work.

Robert N. Ferrer, Milford, Virginia, who represented the 28 mounted fox clubs in Virginia, spoke regarding the sport of mounted fox hunting in Virginia.

James H. Massie, Madison Heights, Virginia, who represented the Seminole Coon Hunters Club, spoke regarding the right to retrieve law.

James Booker, Gladys, Virginia, spoke regarding the work of the Stakeholders Advisory Committee, right to retrieve law and training season.

Reg Cook, LaCrosse, Virginia, who represented the Mecklenburg Hunting Alliance, spoke regarding the failure to publicize positives of public safety and economic impact as it relates to hound hunting.

J. R. Blankenbaker, Sr., Stanley, Virginia, spoke regarding the hunting with hounds study, the right to retrieve law and “lining the road”.

The Chairman reminded the audience to be respectful of those making remarks and everyone has 3 minutes to give their remarks.

H. K. Burch, Powhatan, Virginia, who represented the Virginia Dog Hunting Alliance, spoke on hunting with hounds and the technical report

Bobby Smith, Fairfield, Virginia, spoke regarding the abuse of his property by bear hunters.

Tom Evans, Richmond, Virginia, who represented the Deer Hunters Association, State Fox Hunters Association and Houndsmen & Sporting Dog Association, spoke regarding the hunting with hound study not reaching the stated goal.

Whit Clement, Richmond, Virginia, Attorney for Hunton and Williams who represented the Virginia Foxhound Club, spoke regarding the Technical Report and material used to compile the report.

Dean Testerman, Marion, Virginia, who represented the Southwest Virginia Coon Hunters Federation, spoke regarding regulatory issues: additional raccoon chase season (June and July); chase season in the National Forest lands.

Floyd Smith, Sr., Goochland, Virginia, spoke against the Hunting with Hounds Study.

Ashby Nuckols, Louisa, Virginia, who represented the Louisa County Coon Hunters Association, spoke regarding the enforcement of the right to retrieve law.

Al Collins, Bowling Green, Virginia, withdrew his request to speak.

Robert L. Kelley, Sr., Mechanicsville, Virginia, who represented the Landowner's Hunt Club and the Rivers Bend Hunt Club withdrew his request to speak.

Daphne Nachminovitch, Norfolk, Virginia, who represented PETA, spoke regarding the treatment of dogs used for hunting.

Ann Church, Vienna, Virginia, who represented the U. S. Human Society, spoke regarding the practices of hound hunting and the mistreatment of hounds.

Robin Starr, Richmond, Virginia, who represented the Richmond SPCA, withdrew her request to speak.

Jacob Hudson, who represented the Timberwolf Hunt Club, spoke regarding the preservation of the tradition of hunting with hounds. There are four (4) generations of hunters in his club.

Jim Hackett spoke regarding his experiences while serving as a member of the Stakeholder Advisory Committee and the final report. He stated that it was an "eye opening experience."

The Chairman thanked everyone for their attendance and their remarks given today.

The Chairman called for comments from the Board.

Mr. Railey said that when the study began he stated that there were two differences of opinion – (1) hunting with hounds will soon be over in five years and (2) we can be proactive in continuing the preservation of the sport. To say that he would be part of a conspiracy to not support the study would be a lie. The Board voted for the study even though it is not perfect but it does establish the support for hound hunting in the Commonwealth. He encouraged everyone to put their differences aside and work towards finding a solution to preserve the sport.

Mr. Burton said that when the members of the Board were appointed by the Governor they became a civil servant. The Board supports the preservation of wildlife and natural resources in Virginia. There are real issues that need to be addressed and everyone needs to work together to bring resolution to the problems.

Mr. Hazel said thanked Mr. Railey for his remarks and continues his support towards finding a resolution.

Mr. Hill stated that as we come to a conclusion to hearing the reports today that there has been a lot of misinformation passed and refers to it as "truth by rigorous assertion – if you say it a lot then it must be true". We need to be very careful when presenting or responding to information regarding the study.

The Chairman thanked everyone for taking time to attend today.

On behalf of the Board, the Chairman gave the following instruction to the Director and the staff:

The Director will have the staff evaluate the eleven (11) strategies and identify those of an administrative nature, of a regulatory nature, or of a legislative nature. For strategies of an administrative nature, they should be addressed by the Director and the appropriate staff. For strategies of a regulatory nature, they should be incorporated into the current regulatory review process, for the purpose of soliciting public input and developing staff recommendations for the Board to consider as part of the hunting and trapping regulations cycle. For strategies that require legislation, the Board and the Director will work with Secretary of Natural Resources, the House and Senate Natural Resource Committees, and the Legislative Sportsmen's Caucus for potential General Assembly action.

The Chairman called for a five (5) minute recess.

Committee Reports: The Chairman called upon Mr. Tom Stroup, Committee Chairman, who reported on the activities of the **Finance, Audit and Compliance Committee** Meeting on September 16, 2008. The final report of the APA Audit has been received. Budget reduction issues have been addressed by the Director and the staff and Mr. Stroup thanked everyone for their work on this issue. Mr. Stroup called upon Mr. Ray Davis to give the financial report. Mr. Davis stated the report covers the 1st quarter of the current fiscal year.

Mr. Stroup noted for the record the next meeting will be held on December 4, 2008 at 5:30 pm - not November 20th as stated in the minutes of the September 16th meeting.

Mr. Hill thanked Mr. Stroup for his report.

The Chairman called upon Dr. Greer, Committee Chairman, who reported on the activities of the **Education, Planning and Outreach Committee** meeting held on September 16, 2008. Dr. Greer thanked Mr. Charlie Sledd for his assistance in preparing for the September Meeting. The purpose of the September meeting was to conduct the Board Governance Manual Three-Year Review and Evaluation. An updated copy of the manual was sent to the Committee for their review and reflects the amendments that have already been approved by the Board, and also incorporates the changes that have been necessitated by legislative actions during the 2006, 2007, and 2008 General Assembly Sessions. No changes have been made that would alter the overall tone and direction set forth in the manual that the Board adopted in December 2005. **Dr. Greer presented the revisions of the Board Governance Manual as recommended by the Committee to the full Board for review with a motion that final approval be given by the Board during the February 26, 2009. Dr. Greer made the motion that the Board accept the changes. Motion seconded by Ms. Crumley. Ayes: Hill, Greer, Stroup, Hazel, Crumley, Pollard, Yates, Burton, Railey, Kozuch.**

The Chairman thanked Dr. Greer for his report.

The Chairman called upon Mr. Railey, Committee Chairman, who reported on the activities on the **Wildlife and Boat Committee** meeting held on October 8, 2008 at 9:30am. The committee heard updates on the Proposed Parasail Regulation that the Board adopted this morning; Boater Safety Education Law Outreach; Fisheries Division Capital Projects and the Hunting with Hounds Study (which was presented to us this morning). The committee also received a

summary report on the Hunting and Trapping Regulatory Issues. Mr. Chris Burkett provided an update on the National Wildlife Federation and the Virginia Conservation Network. During this presentation, Mr. Burkett reminded the committee of the Climate Change Workshop that will be held at the Wakefield 4-H Center.

The Quail Action Plan presentation has been carried over to the February 5, 2009 committee meeting.

Mr. Railey stated the 2009 Wildlife and Boat Committee Meetings dates have been set: February 5, May 11 and June 15.

The Chairman thanked Mr. Railey for his report and called for any additional comments from the Board.

Mr. Yates gave a report on his visit with Mr. Doug Hensley, Member of the Kentucky Department of Fish and Wildlife Resources Commission regarding the Elk Restoration Program. In 1996, Kentucky launched an Elk Restoration Program in eastern Kentucky and have stocked approximately 1500 animals. This year Kentucky has received approximately thirty-seven thousand applications for elk hunting this year, with applications coming from every state but Hawaii. Mr. Yates stated as a result of the stocking program in eastern Kentucky, Virginia now has a small elk herd. Initially, the Virginia Department of Game and Inland Fisheries was very concerned about the possible spread of Chronic Wasting Disease (CWD) in Virginia as a result of the stocking program in Kentucky. Two incubation periods have been completed without CWD. Mr. Yates stated he would like for the agency to explore the opportunity to build an elk herd in two-three counties in Southwest Virginia where surface mining is dominant. The Elk Foundation sponsored the Kentucky Program and it is very successful. Mr. Yates stated that he would support not taking elk on a deer tag after this season. By building an elk herd in Virginia, it would provide additional revenue for the agency and provide big game hunting for the Commonwealth.

Mr. Burton has also met with the Rocky Mount Elk Foundation regarding the establishment of an elk herd in Virginia.

Mr. Duncan stated he spoke with Mr. Yates regarding the establishment of an elk herd in Virginia. Mr. Duncan has also conducted conversations with the Rocky Mountain Elk Foundation and he is intrigued by the program in Eastern Kentucky. It is a legitimate program that we do need to explore and there have been concerns in the past. Mr. Duncan has asked the staff to survey the areas to see how many elk are in the Southwestern part of the state. Mr. Ellis said this would now become an issue for discussion during the regulatory period. Mr. Duncan said it is an opportunity we need to explore. Kentucky has agreed to help the agency with the initiative.

Mr. Ellis stated this issue was identified in the public meetings held in the area. Mr. Ellis indicated this would be a change in Board's and Division's philosophy on Elk especially considering the possible damage to crops and the spreading of CWD. Additional staff will be needed if the elk program is established for planning and management. Ms. Crumley asked Mr. Ellis if he thought the Elk Foundation be able to provide some funding to assist with the project. Mr. Ellis responded that it might be a possibility. Mr. Burton added that if there needs to be contact with the Elk Foundation to let him know.

The Chairman thanked Mr. Yates for his report.

Approval of the 2009 Meeting Schedule: The Chairman stated the proposed 2009 Meeting Scheduled has been distributed to the Board for their review and comments. **The Chairman called for the motion to approve the meeting schedule as presented. Mr. Railey made the motion to approve the schedule as submitted. Motion seconded by Mr. Hazel. Ayes: Hill, Greer, Hazel, Pollard, Yates, Burton, Crumley, Kozuch, Railey and Stroup.**

Director's Report: The Chairman called upon Mr. Bob Duncan to give his report. Mr. Duncan introduced Mr. Larry Hart who is the Director of Capital Improvements and Facilities. Mr. Duncan provided a briefing on the agency efforts at the October 4th Virginia Tech Football Homecoming Game which focused on promotion of the apprentice hunting license program and the recruitment efforts of law enforcement division. The agency received a lot of positive feedback on this event. Mr. Duncan commended Lee Walker and Julia Dixon on the recent article regarding the benefits of hunting. This article was distributed nationally and internationally.

The Chairman thanked Mr. Duncan for his report.

Chairman's Remarks: Mr. Hill met with the Secretary of Natural Resources for his quarterly meeting and received many compliments on the operations of the agency and the increased communications. Mr. Hill provided the Secretary a briefing on the Agency's response to Hurricane Gustov (31 CPO's responding) and Hurricane Ike (21 CPO's responding). A discussion was held on the relocation of DGIF Headquarters. Six applications have been received in response to the relocation. Mr. Hazel will continue to work with staff to move this project forward. Mr. Hill also held discussions on budget issues, hunting with hounds study and other issues.

The Chairman thanked the Staff and Conservation Police Officers for their detail and efforts for today's meeting.

Mr. Kozuch departed the meeting at 12:51pm.

At 12:51, The Chairman called for the motion to go into closed session. Mr. Hazel made the following motion:

Mr. Chairman, I move that the Board go into a closed session 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:

Possible property acquisitions in Botetourt County, Rockbridge County and Sussex County.

And 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.

Motion seconded by Mr. Stroup. Ayes. Hill, Greer, Railey, Crumley, Burton, Yates, Pollard, Hazel, and Stroup.

At 1:53 pm, The Chairman called for the Certification of the Closed Session. Mr. Hazel made the following certification:

**Whereas, the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded voted 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 the conformity with the 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, an 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: Ms. Crumley. Ayes: Hill, Greer, Railey, Crumley, Burton, Yates, Pollard, Hazel, and Stroup.

The Chairman called for any motions resulting from the Closed Session.

Dr. Greer made the following motion: I move that the Board authorize the Director to proceed toward acquiring approximately ±610 acres of land in Sussex County, Virginia and such acquisition shall be according to the applicable state procedures and subject to the availability of grant funds. Motion seconded by: Stroup. Ayes: Hill, Greer, Railey, Crumley, Burton, Yates, Pollard, Hazel, and Stroup.

Ms. Crumley made the following motion: I move that the Board authorize the Director to proceed toward acquiring ±4,800 acres of land in Rockbridge and Botetourt Counties, Virginia, and such acquisitions shall be according to applicable state procedures and subject to the availability of grant funds. Motion seconded by: Burton. AYES: Greer, Railey, Crumley, Burton, Yates, Pollard, Hazel, and Stroup. (For the record of this motion, Mr. C. T. Hill, Board Chairman, did not participate in this vote regarding this piece of property.)

Mr. Hazel announced the next meeting of the Quail Council would be held on December 11, 2008. Letters will be sent to the Council Members.

Mr. Duncan stated to the Board that he is looking into the possibility of reconstituting the DGIF Advisory Committee. An update will be provided at the next meeting.

The Chairman called for any additional business or comments. Hearing none, the Chairman announced the next meeting date: February 26, 2009.

The meeting was adjourned at 1:58pm

Respectfully submitted,

Beth B. Drewery
Board Secretary