

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

February 27, 2009, 9:00am

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

The Chairman welcomed everyone and called the meeting to order at 9:00am. The Mission Statement was read into the record by Ms. Crumley and the Pledge of Allegiance was led by Mr. Hazel. Following the Pledge of Allegiance, Mr. Duncan introduced a new Agency Video produced by Mr. Ron Messina of the Information and Education staff. On behalf of the Board, the Chairman thanked Mr. Duncan, Mr. Messina, and staff for a job well done and stated the Video provides a great reflection of the Agency Mission. The Chairman noted for the record that a quorum was present for today’s meeting and a closed session will be called during today’s meeting.

Mr. Bob Duncan recognized and introduced Mr. Joe Maroon, Director, Department of Conservation and Recreation and Mr. Ken Carter of the USDA, Natural Resources Conservation Service.

Recognition of Employees and Others: The Chairman called upon Mr. Bob Duncan for the Recognition of Employees. Mr. Bob Ellis, Director of the Wildlife Division, recognized Mr. Jimmy Christian for his receiving the “Wildlife Manager of the Year” Award from the Virginia Chapter of the National Wild Turkey Federation.

Mr. Bob Ellis, Director of the Wildlife Division, recognized Mr. Nelson Lafon, Deer Project Leader, for his receiving the “Henry S. Mosby Professional Wildlife” Award from the Virginia Chapter of the Wildlife Society.

On behalf of the Board, the Chairman congratulated both gentlemen on their awards.

Public Comment – Non – Agenda Items: The Chairman stated for the record that he had not received any request from the Public for Comment-Non-Agenda Items.

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 October 23, 2008 meeting minutes: **Mr. Hazel made the following motion: Mr. Chairman, I move the minutes be approved as submitted. Motion seconded by Mr. Stroup. Ayes: Pollard, Crumley, Hill, Hazel, Yates, Burton, Montgomery, Greer and Stroup.**

Mr. Railey arrived at approximately 10:00am.

Approval of the Revised Board Governance Manual – Final Action: The Chairman called upon Mr. Charlie Sledd to present the motion to approve the Revised Board Governance Manual.

Mr. Sledd stated that at its meeting on September 16, 2008, the Education, Planning, and Outreach Committee received a report regarding the required Three-Year Review and Evaluation of the Board Governance Manual. An updated copy of the Manual was provided to the Committee and reflects the amendments that have already been approved by the Board, and also incorporated the changes that have been necessitated by the legislative actions during the 2006, 2007, and 2008 General Assembly Sessions. No changes were made that would alter the overall tone and direction set forth in the manual that the Board adopted in December 2005.

The Committee passed a motion to present the updated Board Governance Manual to the Full Board at the October 23, 2008 Board Meeting. At the 10/23/08 meeting, the Board received a report from the Education, Planning, and Outreach Committee and voted to accept the changes. Pursuant to the Governance Manual, it may be amended by a majority vote of the Board as long as the proposed amendment is provided to the Board at its preceding, regular meeting (which was the action that took place at the October 23, 2008 Board meeting).

Dr. Greer made the following motion: Mr. Chairman, I move the Board approve the proposed amendments to the Board Governance Manual that have resulted from the 3 year review and evaluation and to adopt the manual as final. Motion Seconded by Mr. Hazel. Ayes: Hill, Greer, Pollard, Railey, Burton, Montgomery, Yates, Stroup, Hazel and Crumley.

The Chairman thanked the EPO Committee and staff for a job well done.

Presentation of the Quail Action Plan: The Chairman called upon Mr. Bob Ellis, Wildlife Division Director to present the Quail Action Plan. Mr. Ellis gave the following presentation:

At the January 2008 Board Meeting, members of the Director's Quail Focus Group presented a resolution recommending that the department and the Board place the highest priority on the restoration of wild quail populations and promote the sport of bobwhite quail hunting of both wild and preserve birds including the development of the Quail Action Plan. Since the approval of the resolution by the Board, Wildlife Division Staff have been drafting the Northern Bobwhite Quail Action Plan for Virginia. A draft plan was prepared in July 2008 and opened for public comment. Eleven comments were received on the web page regarding the plan. Each comment was answered and edits made where appropriate in the text. The final draft of the Quail Action Plan was sent to you in your Board package for today's meeting. Also included in the packet are the accomplishments that have been made toward the objectives in the plan by our staff and our cooperating partners. The results of the various quail population trend surveys conducted in 2007 and 2008 were also enclosed in your package. The Board adopted the resolution during the January 2008 meeting. Funding and Education is important for the implementation of the 5 year plan.

The six goals of the Plan include: (1) Generate new funding mechanisms to support quail restoration; (2) Educate the Public on the status of the Quail and other Early Succession Wildlife Species; (3) Improve quail populations in their primary range in Virginia; (4) Establish Quail and Early Succession Wildlife Focus Areas; (5) Increase statewide recreation related to quail and (6) Provide Quail Management Demonstration Areas.

Mr. Ellis noted some of the major accomplishments of the staff and Partners of the Plan beginning February 2008-January 2009.

Department and Partner's Accomplishments

**Related to Quail Action Plan
February 2008 – January 2009**

- Developed the Draft QAP, with review from major partners and citizens.
- Held organizational meeting to create the Virginia Quail Council (VQC). The VQC is composed of natural resource, utility, university, and NGO organizations that manage natural resources in Virginia.
- Developed and have received numerous signatures on the Memorandum of Agreement concerning partner participation with the QAP.
- Completed survey and technical report on Virginia farm owners in 5 geographic clusters (5000 total) (available upon request to all partners).
- Held 2nd meeting of the VQC (45 attendees – 22 organizations, many committed to serve on sub-committees to address issues).
- Completed developing a comprehensive website for quail managers. On line as of this report www.dgif.virginia.gov/quail/.
- Selected and began developing demonstration areas on Amelia and Powhatan WMAs, New Kent Forestry Center, and Fulfillment Farms (Wildlife Foundation of Virginia site, Albemarle).
- Completed the Upland Gamebird Trail Guide and it is in the February VW and on the Department's web site.
- Selected proposed Quail Focus Areas and management team leaders.
- Inventoried and redistributed DGIF quail management literature. In conjunction with NRCS and CFSA – USDA senior staff conducted 4 fall "Wildlife Rallies" (October 22, 23, 29 and 30 to over the entire state, attended by an average of 50 conservation personnel from all agencies). The QAP and State Wildlife Action Plan were discussed in detail at all these rallies.
- Received commitment from USDA – NRCS senior staff to increase funding levels for early-succession habitat under the WHIP program (at their suggestion, their support has, is and will continue to be, crucial to the success of the QAP, as will that of FSA, SWCDs, VDOF and all partners).
- To further focus cost-share program efforts, have planned meetings with USDA, SWCD, DOF and other staff in Halifax and Sussex Counties to discuss promotion of the CP-33 Buffers for Bobwhites program (February).
- Partner USDA agency staff have updated conservation job sheets related to early-succession habitat management, and cost-share programs.
- Worked with Missouri DNR to obtain permission to reprint 300 comprehensive quail management DVDs, now available for staff, personnel from other agencies and private landowners.
- The Virginia Department of Forestry has established a Prescribed Fire Council, to promote the wise use of prescribed burning in Virginia.
- Completed survey of commercial hunting preserves willing to offer free, lottery style, youth or special bird hunts.
- Developed a comprehensive quail management guidebook for DGIF staff, presented to staff in October and purchased USB drives for all staff and pre-loaded them with comprehensive quail publications and presentations.
- Re-advertised AEP and Dominion ROW habitat programs
- Developed a comprehensive report on quail release systems and use.
- Remained engaged in the bio-fuels community.

- I & E staff have developed new, eye catching, “Quail Banners” for use in agency displays at events such as the Outdoor Sportsmen’s Show, Salem Sportsmen’s Show, Wildlife Rallies.
- Through the Conservation Management Institute, developed the VQC listserv to foster communication with the VQC members (88 contacts on the list so far).
- Updated lists of seed suppliers and burning contractors.
- Reprinted 1,000 copies of Pine management brochure until a new, updated version can be created.
- Purchased state of the art food plot books for all staff.
- Completed herbicide application and preliminary vegetation analysis on all sites of the Amelia Oak Savanna Pilot Research project.
- Completed quail covey surveys on demonstration sites.
- Completed quail, rabbit and squirrel status report for staff and public.
- Met with Division of Mines, Minerals and Energy in Southwest Virginia with coal company representatives to discuss quail and grouse management on mine reclamation sites (October 21st, 2008). Included personnel from DMLR, VDOF, QF, Division of Gas and Oil, Alpha Natural Resources, the Ruffed Grouse Society, and D.R. Allen and Associates.
- Participating in a quail disease study, via University of Georgia and SCWDS focused on coccidiosis presence, severity and varieties in wild quail throughout the southeast (Virginia QU members are helping collect samples this hunting season) with interest from researchers at Virginia Tech to expand the study.

Mr. Ellis thanked Mr. Gary Norman and Mr. Marc Puckett for their assistance with the Plan. The staff is working within its budget but additional funding will be needed to continue to implement the plan.

Mr. Ellis introduced the members of the Virginia Quail Council who were in attendance at the meeting: Mr. Joe Maroon and Mr. Rick Meyers representing the Department of Conservation and Recreation; Mr. Steve Capel, representing the American Woodcock Initiative, WMI; Mr. Lanny Woolfolk and Mr. Keith Toler, representing Quail Unlimited, Mr. Hudson Reese, Landowner, Halifax County, Mr. Ken Carter, representing USDA, Natural Resources Conservation Service and Alan Bishop representing the Department of Mines, Minerals and Energy. Committees have been formed within the Council to help implement the Goals and Objectives of the Plan.

Following the presentation of the Quail Action Plan, Mr. Ellis and Mr. Hill presented Mr. Ken Carter, Assistant State Conservationist, a “Certificate of Recognition” from the Agency for his 30+ years of service with the USDA, Natural Resources Conservation Service. On behalf of the Natural Resources Conservation Service, Mr. Ken Carter signed onto the MOU for the NRCS. The Chairman and Director thanked Mr. Carter for his contributions and service to the Agency.

The Chairman called for comments from the Board on the Plan and then the Board will hear Public Comments.

Mr. Hazel referenced his attendance at a Quail Focus Group (GFQ) meeting regarding the Draft Plan. During the meeting, a discussion was held on some of the language included in the Plan (See Page 8 of the Plan). Mr. Hazel asked staff if the plan had been amended to reflect these changes. Mr. Ellis indicated language had been removed on Page 8 as discussed at the QFG meeting.

Mr. Yates commended the staff on a job well done. Mr. Yates asked about the direct involvement of the Agency to manage our land to develop Quail Habitat since our partners have been asked to provide resources for implementation of the Plan. Mr. Ellis stated two of the demonstration areas are on our Wildlife Management Areas – Amelia and Powhatan. Timber Management is practiced on the other Wildlife Management Areas. Mr. Hazel stated during the past 10 years the previous plans have not been successful due to the lack of resources. Federal Dollars are being left on the table because the acreage goals are not being met. Mr. Hazel encouraged the Agency, Landowners and Organizations to meet the acreage goals.

Mr. Burton commended the staff on their efforts and encouraged training and education for landowners to make them aware of funding through NRCS programs. It is our responsibility as a Board and Agency to implement and fund this plan. Mr. Burton also stated that we need to implement the plan correctly and finish the Plan as presented today.

Mr. Hill reviewed the statistics on the previous plans.

The Chairman called for Public Comments on the Quail Action Plan:

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, If you are representing a group and if so the name of the group represented; Are your comments for or against the proposals; other.

Mr. Leon Turner, Fincastle, Virginia, who represented the Tri-County Forestry and Wildlife Association spoke regarding Quail.

Mr. Lanny Woolfolk, Bumpass, Virginia, who represented the Central Virginia Chapter of Quail Unlimited, spoke for the Quail Action Plan.

Mr. Steve Capel, Powhatan, Virginia, who represented the Appalachian Woodcock Initiative, spoke for Quail Plan and the Appalachian Woodcock Initiative.

Ms. Catharine W. Tucker spoke regarding the Quail Action Plan.

Mr. Keith Toler, who represented the Virginia Quail Unlimited Chapter, spoke for the Quail Action Plan.

The Chairman called upon Mr. Yates for further comment. Mr. Yates reminded the Board and staff of the reasons that previous plans had not been successful and the mission of the Agency to maintain optimum populations of all species. Adequate funding and staff are critical to the implementation of the plan (See Page 19 of the Plan for Budget Outline). Mr. Yates presented the following motion:

Mr. Chairman, I hereby move the Board endorse the Quail Action Plan and approve the Plan as presented by staff and further move that DGIF fully fund the Quail Action Plan as outlined on Pages 19 -21 of the Plan from DGIF's present revenue stream beginning with the next budget cycle. Motion Seconded by Mr. Hazel.

The Chairman called for discussion on the motion.

Mr. Montgomery: Fully endorses the plan but asked the Director if the Agency can accomplish in the next budget cycle. The Director responded that he felt reasonably sure that the Agency could fund. Mr. Duncan asked the Board to approve funding for the plan on a yearly basis.

Mr. Yates stated he would be willing to amend the budget next year. He also stated the Board and staff is either going forward with the plan or not.

Mr. Burton stated that if the Board did not commit to the long term plan that not much could be accomplished in just one year. Mr. Burton requested the Mr. Yates not amend his motion and it needs to be a priority.

Mr. Montgomery recommended the motion remain and if necessary the Director and Staff will need to present a solid case on why they cannot complete the plan and the allocation of resources.

Mr. Yates withdrew his original motion and restated his motion to read: I hereby move the Board **approve** the Quail Action Plan as presented by staff. I further move that DGIF fully fund the Quail Action Plan as outlined on pages 19-21 of the Plan from DGIF present revenue streams beginning with the next budget cycle. Mr. Duncan stated he did not have a problem with the motion as presented but would not limit the motion to present revenue streams. Mr. Duncan indicated that he would be presenting to the Board later today additional funding sources in the future.

Mr. Yates amended the restated motion to read present revenue streams or any other revenue streams that come forward. The Chairman and Mr. Hazel recommended the motion just read **“fully funded.”** Amendment Seconded by Mr. Burton.

The Chairman called for additional comment on the amended motion: Ms. Pollard suggested that the funding be made a priority instead of fully funded based on other special projects of the Agency. Mr. Yates stated he was not willing to make that amendment. Mr. Hazel stated that it would be naive for everyone to think that Agency programs would not be impacted by the Approval of funding for this plan. It is appropriate for this Board to move the resources to begin the implementation of this plan and also the protection of other small game species.

The Chairman called for the vote on the restated motion as amended: Ayes: Hill, Stroup, Railey, Crumley, Burton, Montgomery, Yates, Hazel, Greer. Opposed: Pollard

Review of Preliminary Staff Recommendations for the 2009-2010 Hunting and Trapping Regulation Amendments: The Chairman called upon Mr. Duncan and Mr. Ellis to present the Staff Recommendations. The Chairman stated all of the regulations would be presented followed by Board comment and Public Comment. Following the Comment Period, the Board will then vote on each set of regulations as presented.

Mr. Bob Ellis presented the Staff Recommendations for the 2009-2010 Hunting and Trapping Regulation Amendments. Mr. Ellis outlined the current regulation process:

Issue Scoping Period
Issue Public Discussion Period

September –October 2008
November 4, 2008-Jan 5, 2009

During the Regulation Proposal Comment Period, public meetings will be held in all five of the DGIF Regional Areas. The proposed schedule and locations are:

Region 1

March 25 – Franklin, VA.

March 26 – Warsaw, VA.

Region 2

March 24 – Farmville, VA

April 1 – Chatham, VA.

Region 3

March 24 – Abingdon, VA

March 31 – Christiansburg, VA

Region 4

March 23 – Woodstock, VA

March 26 – Buffalo Gap, VA

Region 5

March 23 – Warrenton, VA

March 24 – Richmond, VA.

The staff will recommend to the Board during the presentation that these locations and days be approved.

The Wildlife Staff adopted these principles in developing the staff's proposed recommendations:

- Resource First
- Utilize best science in decision making
- Achieve population objectives
- Consider biological, sociological, economical, political and enforcement impacts
- Maximize hunting recreation
- Equitable distribution of recreation
- Simplify regulations

Mr. Ellis presented the Hunting and Trapping Regulation Recommendations for the 2009 and 2010 Seasons:

DEER

Deer - Firearms

4VAC 15-90-21 Four-week open season; certain cities, towns, and counties or parts there of

Recommendation: Remove Pittsylvania County west of the Norfolk Southern Railroad from the 4-week firearms deer season so that the county will have a uniform 7-week season.

Rationale:

Request from Pittsylvania County Board of Supervisors for better deer control
Legislation introduced to emphasize the need for this change
Provide additional recreational opportunity for deer hunters in western Pittsylvania

Deer-Archery

4 VAC15-90-70 Bow and arrow hunting

Recommendation:

Remove Pittsylvania County west of the Norfolk Southern Railroad from the late archery season
Allow for archery hunters with a muzzle loading license to possess a muzzleloading gun when
and where the early special archery season overlaps the early special muzzleloading season

Rationale:

Late archery season is no longer applicable with change to 7-week firearms season

Hunters requested the opportunity to carry both weapons as there are times when deer occur at
distances that re move conducive to one type of weapon than the other.

Reduces confusion

Deer – Muzzleloading

4 VAC15-90-80 Muzzleloading gun hunting

Recommendation:

Remove Pittsylvania County west of the Norfolk Southern Railroad from the late muzzleloading
season

Change either-sex deer hunting day during the early muzzleloadng season from the 2nd Monday to
the 2nd Saturday – West of the Blue Ridge (WBR)

4 VAC 15-90-80 Muzzleloading gun hunting

Recommendation:

Increase either-sex deer hunting days on private lands WBR during the early muzzleloading
season in Carroll, Grayson, Montgomery, Scott counties

Increase either-sex deer hunting days on private lands WBR during the late muzzleloading season
in Carroll, Grayson, and Montgomery counties

Increase either-sex deer hunting days on private and public lands WBR during the late
muzzleloading season in Dickenson (north of Route 83) and Wise Counties

Rationale:

Increased either-sex deer hunting days in SW to meet Deer Plan objectives

4 VAC 15-90-80 Muzzleloading gun hunting

Recommendation:

Reduce either-sex hunting days on public lands during the early and late muzzleloading seasons in 14 counties WBR

Reduce either-sex deer hunting days on private lands during the early and late muzzleloading seasons in western Rockingham county

Rationale:

Reduce either-sex hunting days due to concerns for public land deer populations

4VAC 15-90-90 Bag limit, bonus deer permits, special antlerless provision for youth hunters, and earn a buck

Recommendation:

Change the antlered buck bag limit from 1 to 2 during the early muzzleloading season west of the Blue Ridge Mountains and on national forest lands in Amherst, Bedford, and Nelson counties

Rationale:

Deer hunters WBR preferred a 2 buck bag limit in the 2006-07 Hunter Survey

With the current 1 buck bag limit a hunter harvesting a buck on the first day would not be able to hunt again until either-sex deer hunting day

DEER –Non Regulatory Recommendation: Bonus Deer Permit

Recommendation: Increase the number of antlerless tags from 2 to 6 on each set of bonus permits while keeping the price at \$18 and retaining all other requirements and provisions

Rationale:

Increase the harvest of antlerless deer on private properties and facilitate specific landowner objectives by locally reducing deer populations and associated deer-related damage

Mr. Ellis stated the hunters would gain tags by approving this recommendation. The Chairman called upon Mr. Duncan for further comment. Mr. Duncan stated since this is a non-regulatory recommendation, he asked the Board to consider the increase of tags but not approve the \$18 price. The idea of the recommendation is to increase the number of tags since there is not an immediate need to raise the cost. Mr. Montgomery asked for clarification from Mr. Duncan: If the Board was to approve this recommendation, we would approve the number of tags not the price? Mr. Duncan indicated that was correct.

Deer-Firearms

4-VAC 15-90-91 General Firearms season either-sex deer hunting days

Recommendation:

Recommending either sex-deer hunting days:

Increase in 48 counties or cities

Increase on certain WMAs and state forests

Reduce on public lands in 19 counties WBR

Reduce on private lands in western Rockingham County

Rationale:

Either-sex deer hunting days are used to achieve population goals outlined in Virginia's Deer Management Plan

BEAR

4 VAC 15-50-70 Bow and arrow hunting

Recommendation:

Allow 2 weeks to the statewide archery bear season

Allow for archery hunters with a muzzleloading license to possess a muzzleloading gun when and where the early special archery season overlaps the early special muzzleloading season

Rationale:

Reduce confusion and simplify regulations for archers by having bear and deer season run concurrently

4 VAC 15-50-71 Muzzleloading gun hunting

Recommendation:

Add 17 counties to the muzzleloading season

Increase the muzzleloading season from 4 to 12 days in 37 counties and cities

Increase muzzleloading season from 4 days to 6 days in the remaining counties and cities with bear muzzleloader hunting

Rationale:

Public interest in additional bear muzzleloader hunting opportunities

One of several measures to address population growth in the state

Bear - Firearms

4 VAC 15-50-10 Open season; Six-week season

Recommendation: Add 34 Counties and localities to the 6-week general firearms season

4 VAC 15-50-20 Open season; Two –week season

Recommendation: Add certain public lands and portions of counties to the 6-week general firearms season

4 VAC 15-21 (NEW) Open season; Six-day season

Recommendation: Establish a 6-day firearms season in 20 counties

4 VAC 15-22 (NEW) September open season; Six-day season

Recommendation: Establish a 6-day firearms season in late September for 9 counties

A brief discussion was held between the Board and staff regarding the new six-day season recommendation. The Chairman indicated further discussion would be held following the completion of the presentation of the recommendations.

Rationale:

These recommendations provide measures to address population growth and/or increase bear hunting opportunities and make methods of take consistent between bear and deer seasons.

4 VAC 15-50-110 Use of dogs in hunting bear

Recommendation:

Align the localities that allow the use of dogs for hunting bear with those that allow the use of dogs for hunting deer.

Clarify portions of Roanoke County closed to hound hunting for bears.

Rationale:

Provide consistency in the use of dogs for hunting deer and bear in eastern Virginia

Correct language that was excluded from the Virginia Register

4VAC 15-20-120 Bear hound training season

Recommendation:

Remove the final week of the December training season in 4 counties in Southside Virginia
Remove the final week of the August-September training season in 9 counties in western Virginia
Make weapons possession language consistent with other training season regulations

Rationale:

This recommendation would remove the portion of the current training seasons which overlap the recommended firearms seasons.

TURKEY

4 VAC 15-240-81 Validating tags and checking turkey by licensee

4 VAC 15-240-91 Checking turkey by persons exempt from license requirement or holding a license authorization number

Recommendation: Require spring gobbler hunters to check their harvest via the phone or online checking systems

Rationale:

Provide harvest data in a more timely fashion
62% of check stations register ≤ 5 birds during spring season
Substantial cost savings

SMALL GAME

4 VAC 15-230-21 Spring season for gray and red squirrel on certain wildlife management areas

4 VAC 15-230-61 Spring season for fox squirrel on certain wildlife management areas

Recommendation:

Add private lands to the June squirrel season and open additional WMAs

Rationale:

Request to expand June squirrel season to private land
Increase recreational opportunity

FOX SQUIRREL

4 VAC 15-230-60 Open season; first Saturday in September through January 31

Recommendation: Open 6 additional counties to Fox squirrel hunting

Rationale:

Populations continue to expand into new areas along east slope of the Blue Ridge
Public interest in opening new areas to hunting for fox squirrels

FURBEARERS and TRAPPING

Otter

4 VAC 15-170-21 Open season for trapping

Recommendation: Establish uniform otter trapping season in all counties west of the Blue Ridge Mountains

Rationale:

Otter populations are growing and expanding WBR
Additional recreational opportunities for trappers
Additional data on otter population growth and expansion

Raccoon

4 VAC 15-210-20 Chasing: Open season counties west of Route 29

Recommendation: Provide training season on public lands in Southwest Virginia from the 2nd Saturday in August through the last Saturday in September

Rationale:

Public interest to provide additional raccoon chase opportunities in Southwest Virginia
No biological concerns as bear hound training season is already open.

Trapping

4 VAC 15-40- 210 Restricted use of certain steel foothold traps

Recommendations:

Prohibit the use of foothold traps with teeth on the jaws
Clarify that foothold traps with a jaw spread exceeding 6 ½ inches can not be set on land

Rationale:

Current regulation only prohibits use “above-ground”
Modern trap improvements (padded and laminated jaws) mitigate the need for teeth on traps
Tooth traps are not on the list of trapping BMP’s

Trapping (continued)

4VAC 15-40-170 Marking of traps by person setting

Recommendation: Provide trappers with the option of using trap tags with a permanent ID number instead of name and address

Rationale:

Code allows traps to be marked with a permanent ID number
Current regulation only allows use of name and address
Make regulation consistent with Code of Virginia

4 VAC 15-40-195 (new) Visiting completely submerged, body-gripping traps

Recommendation: Permit checking of completely submerged body-gripping traps once every 72 hours

Rationale:

Code authorizes Department to allow a longer interval between trap visitations for completely submerged, body-gripping traps
Currently allowed for USDA and nuisance control work

Sealing Pelts

4 VAC 15-70-50 Bobcat Pelts to be sealed before sale, etc.

4 VAC 15-170-30 Otter Pelts to be sealed before sale, etc.

Recommendation: Eliminate requirement to seal pelts when they are shipped out-of state to be tanned for personal use

Rationale:

Pelts need sealed with CITES tag to be shipped out-of-state for any reason
Seals complicate tanning process
Will not violate CITES requirements

GENERAL REGULATIONS

4 VAC 15-40-60 Possession of weapons in certain locations during closed season

Recommendations:

Include crossbow as a legal weapon and define a “loaded crossbow”
Update the definition of a “loaded” muzzleloader

Rationale:

Crossbow never added to regulation when made a legal weapon in 2005
Update definition of loaded weapon to reflect technological advances

FIREARMS

4 VAC 15-270-80 Shotgun shell capacity for non-migratory game and migratory game birds

Recommendation: Allow use of unplugged shotguns for crow hunting

Rationale:

HB 2309 enabled DGIF to change the requirements for shell capacity in shotguns

Shell capacity was changed for resident species in 2007

Public interest to use unplugged shotguns for crow hunting

Federal crow hunting laws do not address shell capacity in shotguns and allows states to regulate

4 VAC 15-270-20 Rifles prohibited in hunting bear and deer in certain counties and cities

Recommendation: Remove Suffolk from the list of localities where the use of rifles is prohibited for the hunting of bear and deer

Rationale: City Council has requested the Department to remove the City of Suffolk from this regulation

4 VAC 15-270-20 Rifles prohibited in hunting bear and deer in certain counties and cities

Recommended language of amendment: Except as otherwise provided in **4 VAC 15-270-30** of the chapter or by local ordinances, it shall be unlawful to use a rifle of any caliber for the hunting of bear and deer in the counties of Chesterfield, Isle of Wight, New Kent, Southampton, and Sussex and in the cities City of Chesapeake and Suffolk ~~(that portion formerly Nansemond County)~~; however, nothing in this section shall prohibit the use of muzzleloading gun, as described in **4 VAC 15-90-80 F**, for hunting deer during the late special muzzleloading deer season in the City of Chesapeake.

Following the presentation of the Staff Recommendations, Mr. Duncan called the Board's attention to an issue that had resulted in legislation during the recent General Assembly Session; the issue is regarding the legal use of .22-250 and .223 caliber rifles for deer hunting. The Department had several discussions with the patron of the legislation and it was introduced as HB 2282 this session. However, the bill was not reported by the House Committee on Agriculture, Chesapeake and Natural Resources and did not advance during the session. There continues to be several individuals who continue to write the Board and the Staff requesting a change to this regulation and some have expressed their opinion that the Agency is discriminating against them for disallowing these weapons for hunting deer. Mr. Duncan wanted to be clear that there is no recommendation by the Staff to change this regulation to allow the use of these caliber rifles for deer hunting, and further wanted the Board to be aware of the issue based on the recent legislation introduced.

The Chairman called upon Mr. Hazel for comment and clarification of the process for amending and approving the staff recommendations. Mr. Hazel stated that if the Board wants to amend a recommendation of staff, today is the day to do this and when they come back to the Board in June, the Board will only be able to vote up or down on what is advertised. Is that Correct? Mr. Duncan responded that was correct.

Mr. Yates commented on the 3 Bear regulation changes that would allow more bow, muzzleloader and firearms to increase the taking of bear. Is this excessive? Mr. Ellis stated the staff is confident this is not excessive. The Chairman stated that is not unusual to see a Bear

every day when hunting in Charlotte County. Mr. Yates stated the concern was that if the regulations were implemented it may decrease the population.

Ms. Crumley stated she was disappointed to see that a Youth Deer Day was not a proposal and she proposed a Youth Deer Hunting Day for the last Saturday in September. We need to let everyone know the Board is very serious about involving the youth and keeping them involved. The Chairman stated in reviewing the Public Comments there was strong support for this proposal. Mr. Ellis stated the staff is aware of the support but felt the Youth Day would have less than adequate effect than the mentoring and the Apprentice hunting license programs already in place. Mr. Ellis made reference to an earlier recommendation regarding the antlerless regulation for youth during the firearms season. The day that is favored is the First Saturday before Archery Season Opens. Mr. Ellis would like to include this question in a future Annual Hunter Survey.

Mr. Yates inquired about the different regulation for Coon Hunting where the East of the Blue Ridge season is longer than the West of the Blue Ridge training season. Mr. Ellis stated it was. Mr. Yates wanted to know why? Mr. Ellis said the Eastern Coon Hunters approached the staff requesting a year round chase season. At the time, The Western Coon Hunters had not made the request.

The Chairman called upon Mr. Denny Quaiff. The Chairman asked Mr. Quaiff if the current Virginia Deer Hunters Association's survey included a question on a youth deer hunting day? Mr. Quaiff stated the current survey that is out but has not been published yet did not have a question regarding a youth hunting day but a prior survey did. He did not have the results with him today but supported Ms. Crumley's proposal regarding the addition of a youth hunting day.

Mr. Montgomery wanted to know if it was possible to add the proposal today for advertisement and then come back for Board Review.

Mr. Burton wanted to know if it would be the Saturday before General Firearms season opened to allow Youth? Mr. Ellis stated it would be the Saturday before Archery season in September. Mr. Burton said it would be preferable to put it further in the season. September is usually warm and kids do not like to hunt in hot weather. Mr. Ellis said he believed that all of the other Saturdays were taken.

The Chairman wanted to know if it was the consensus of the Board to advertise the youth hunting day? Mr. Montgomery wanted to know if the Board needed to specify the exact day? The Chairman indicated that was correct. Mr. Ellis noted that it was also National Hunting and Fishing Day. Ms. Crumley noted that is was very appropriate.

Mr. Railey wanted to know if the Board would be allowed to propose amendments following public comment. The Chairman stated that was correct.

The Chairman thanked Mr. Ellis and the Wildlife Staff for their presentation and called for Public Comments.

Public Comments

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, If you are representing a group and if so, the name of the group represented; Are your comments for or against the proposals; other.

Mr. Kirby Burch, Powhatan, Virginia spoke for staff recommendations.

Mr. Ken Landgraf, Roanoke Virginia, who represented the George Washington and Jefferson National Forest, spoke regarding his concerns on game regulations.

Mr. Alvin B. Estep, Fulks Run, Virginia, who represented the Western Virginia Deer Hunters Association, spoke for deer hunting.

Mr. Keith Wilt, Bergton, Virginia, who represented the Quality Deer Management Association, spoke regarding a Special Youth-only White-tailed Deer Hunting Day.

Ms. Shelley Aly, Broadway, Virginia, spoke for and against deer in Western Rockbridge County and the National Forest.

Mr. Doyle Ritchie, Fulks Run, Virginia spoke both for and against deer in the National Forest in the western part of the state.

Mr. Charles I. Montgomery, Buchanan, Virginia, President of the Virginia Bear Hunters Association, spoke regarding the Virginia Bear Hunters Association.

Mr. David Steger, Catawba, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding the bear.

Mr. Wayne Ball, Raven, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding the extended Training season Fox, Bear to the first two weeks of August for Bear Hound Training.

Mr. Steve Nicely, Clifton Forge, Virginia, who represented the Virginia Bear Hunters Association, spoke regarding the bear laws.

Ms. Carrie Crawford, New Castle, Virginia, spoke regarding bear hunting.

Mr. Jim Maxwell, Fincastle, Virginia, spoke regarding bear.

Mr. Larry Mustard, Tazewell, Virginia, who represented the Virginia Bear Hunters Association spoke for bear hunting.

Mr. Este Fisher, Mt. Crawford, Virginia, who represented the Virginia Bear Hunters Association, spoke for a Special Bear Hunting License.

Mr. Scott C. Barras, Mosely, Virginia, who represented the USDA-Wildlife Services, spoke for the bear regulations.

Mr. Warren Radford, Radford, Virginia, spoke regarding the bear.

Mr. Richard Sprinkle, Buchanan, Virginia, spoke for and against the bear regulation.

Mr. Steve Fritton spoke regarding Fall Turkey Hunting.

Mr. Robin Clark, who represented the Virginia State Chapter of the National Wild Turkey Federation, spoke regarding the wild turkey regulations

Mr. Mike Perdue, Bent Mountain, Virginia, who represented the Virginia Trappers Association, spoke regarding the 72 hour trap check for submerged body grip traps and raising the snares to 24" above ground.

Mr. Phil Audibert, Gordonsville, Virginia, spoke regarding the reinstatement to the agenda - live trapping of fox.

Mr. David Perdue, Somerset, Virginia, spoke for the live trapping of red fox.

Mr. Donald S. Skelly, Somerset, Virginia, who represented the Keswick Hunt Club, spoke for the proposals for fox trapping in Louisa, Madison, Orange and Albemarle.

Mr. Peter Martin, Rapidan, Virginia, who represented the Keswick Hunt Club and the Bull Run Hunt Club, spoke against the live trapping of red fox.

Mr. Tony Gammell, Keswick, Virginia, spoke regarding the live trapping of foxes.

Mr. W. Rogers, Roswell, Virginia, spoke against the live trapping of foxes.

Mr. Andrew Lynn, Keswick, Virginia, who represented the Keswick Hunt Club, spoke against the live trapping of red fox.

Mr. Larry Jenkins, Orange, Virginia, who represented the Keswick Hunt Club, spoke in for live fox trapping.

Mr. Mike Perdue, Bent Mountain, Virginia, who represented the Virginia Trappers Association, spoke against toothed traps and asked to postpone decision on placing this issue out for comment.

Ms. Charlotte Tieken, Somerset, Virginia, who represented the Keswick Foxhounds Hunt Club, spoke regarding live fox trapping.

Mr. Stephen E. Colvin, Barboursville, Virginia, spoke regarding fox trapping.

Mr. Winston C. Marshall, Powhatan, Virginia, spoke on the topic of staff recommendations for 3-day check submerged conibear traps; traps with teeth. On his form, Mr. Marshall noted he was for the 3-day check and against the traps with teeth.

Mr. Paul Beek, Petersburg, Virginia, who represented the Virginia Muzzle Loading Rifle Association, spoke for the Traditional Muzzle Loading Season at the end of January.

The Chairman stated during the last 30 minutes, the Board has heard comments about the issue of mounted fox hunters, trappers, and fox pens and the constituency that we have there on that issue are the landowners, trappers, fox pen owners, mounted fox hunters and quite frankly the local elected representatives. The Board might be able to help put together a coalition to form some solutions or compromises to the issue. The Board has received letters from the Board of Supervisors that do not support banning trapping. The Board has conflicting messages from every one of these groups. The Board is aware that a

coalition meeting has been held but the Board does not understand why the constituents cannot meet and find a solution that is the best for everybody. The Chairman posed the question “How do we move beyond where we are today?” The Chairman called for additional comments from other Board Members. Mr. Hazel stated that he concurred with the Chairman’s comments. Mr. Hazel stated during a meeting in Madison, he met with some of the mounted fox hunters to discuss this issue. Mr. Hazel also noted that as recently as this week, he met with DGIF Staff to discuss the issue. The Board will continue to look at the issue. Mr. Hazel stated just because there is not something there this year does not mean that you (referring to fox hunters, landowners, etc.) does not mean that staff is not addressing the issue –they are. Mr. Hazel agreed with the Chairman’s comments regarding that continuing to focus on this issue to find a compromise together is the appropriate way to go.

Mr. Duncan stated that he was concerned about the issue and does not disagree with the Board’s assessment. Mr. Duncan suggested or asked Mr. Ellis if there was something that could be done of a non-regulatory nature to allow some time to work with the affected constituents. The focus would be on the fox hound training enclosure where we have training permit conditions. The areas are specified where foxes can be trapped. Mr. Duncan suggested that it may be that some compromises can be made by identifying certain areas not broadcast areas but certain areas that are non-regulatory to find a long term solution. Mr. Duncan provided a brief history regarding the issue. Mr. Ellis stated he is willing to meet with all of the parties to find a solution. Mr. Montgomery wanted to know if today was the first time that the staff had heard of any type of compromise to the issue. Mr. Ellis stated that was correct. Mr. Montgomery stated that as a Board Member, he has not heard a consensus or recommendation from staff today that he would be in a position to take action. Mr. Montgomery encouraged staff to find a solution. The Chairman stated the Board fully understood the economic impact of these issues. They are not confused on any of that, but the Board does have competing data on how many foxes have been trapped, how, where, etc. Everyone has their own figures. The Chairman’s request to the groups represented today and DGIF Staff was to meet to find some type of solution or compromise to these issues. The Board has not received anything on this subject that they will take action on today. The Director asked the Chairman if he would direct the Director and staff to work to that end, they will be glad to. The Chairman stated that he had just done so. The Director thanked him. There were additional comments from the Audience. Mr. Stroup asked for a modification to what has been discussed regarding a time line for staff to present a solution and report back to the Board. Mr. Hazel asked if the staff could have everything ready by August? Mr. Ellis requested of the Board to allow staff to come back with their recommendations in October.

The Chairman thanked everyone for their comments and written work. The Board fully understands your compassion for the sport.

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

Ms. Ann Church, who represented the Humane Society of US, spoke for the Hound Hunting Recommendations.

Mr. Mark Crain, Leesburg, Virginia, who represented the Northern Virginia Chapter of Delta Waterfowl, spoke regarding the continued and expanded opportunities for Waterfowl Hunting.

Mr. Bernie Marczyk, who represented Ducks Unlimited, spoke regarding the Dyke Marsh Hunting legislation.

Mr. Todd Cocker, Richmond, Virginia, who represented the Virginia Waterfowler's Association, spoke regarding Dyke Marsh.

Mr. W. F. Wade, Spotsylvania, Virginia, who represented Waterfowl, USA, L O. C. S. Chapter, spoke regarding Waterfowl - Dyke Marsh.

Mr. Hazel made the following comments: Thank you Mr. Chairman, I joined staff at the meeting held in Fairfax back in the summer. Mr. Hazel noted that he has had additional meetings with individuals involved on both sides of the issue in Fairfax County and has taken a boat ride to look at the DGIF buoys as well as blinds. It is important for the Board to understand that there are two issues: (1) the blinds that we (DGIF) control (there are 10 blinds) off of Dyke Marsh and (2) riparian blinds that continue on down the Potomac River and we have been trying to pay attention to that. Mr. Hazel has made it clear to some of the people of Dyke Marsh that if we can mitigate some of these issues we will, but it is not our mission as we saw earlier today by the reading of the mission statement to stop hunting opportunities for people in Virginia. The main point Mr. Hazel wanted to make today is to point out and also for it to be covered in the minutes of the meeting since this issue was discussed at the October Board meeting as well. That as a direct result of engaging in these discussions, meeting with both sides of the issue in Fairfax County, we did engage with dialogue with the National Park Service. We did check the buoys that DGIF has control of located off of Dyke Marsh and four buoys were within the boundary of Dyke Marsh and we moved those boundaries outside of Dyke Marsh and kept all the buoys in the river and did not eliminate any. When dialogue continued with the staff here, they voluntarily went and moved the DGIF buoys and moved them to the correct area. Those are the same types of issues that staff continues to work on but by the same token, Mr. Hazel reminded his duck hunting friends in that area that he has seen floating duck blinds tied up on the islands of Dyke Marsh and not on our buoys. We have to police ourselves and if you see a blind not on the game department buoy it is up to all of us to make sure we are compliant with our own rules to make it that much harder for criticism. Mr. Hazel encouraged staff to continue to work on the issue. The Chairman thanked Mr. Hazel for his remarks.

The Chairman recalled Mr. Ellis back to the podium to proceed with any recommendation for amendments from the Board.

Deer

Mr. Railey made the motion for the bonus tags, proposed as a rider for the counties of Southampton, Sussex, Surry and Greensville where the deer population was abundant that one of the bonus tags be for a buck deer provided you buy the bonus tags prior to the first day of October. Mr. Railey noted it would add substantial revenue and would not hurt the deer population. Mr. Montgomery asked for clarification. This would be advertised for public comment, but not for regulation. Mr. Hazel wanted to know if the Board could direct Mr. Duncan to implement. Mr. Ellis was advised by staff that this recommendation could be added under the Bag limit regulation. Mr. Montgomery seconded the motion since it was being published for public comment. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

Bear

With regards to the proposed Bear Regulations, Mr. Hazel made the following amendment: The Board strike the following recommendation to 4 VAC 15-50-22, the new 6 day September firearms season. Motion Seconded by Ms. Crumley.

The Chairman confirmed with staff that originally there was support for this proposed regulation. The consensus from public comment is there is no support at this time. Mr. Ellis noted the objectives of the Bear Plan are not being met in that area and staff would like to propose some type of recommendation for that area to meet the goals of the plan. (muzzleloading or firearms season).

Mr. Yates requested staff work with the constituents to obtain a consensus on the issue before bringing it back. Any resolutions would need to be advertised today.

Mr. Hazel wanted to know if some of the same population the Wildlife staff has concerns over included in 4 VAC 15-20-21 which is the new One-week Firearms season in Tidewater? or are they two different issues. Mr. Ellis indicated right now the issue is with the Western Portion of the state.

Mr. Montgomery asked for clarification: Right now there is a motion and a second to eliminate the new 6 day September firearms season? Discussion on the motion has occurred. If in fact the motion is approved, will staff have an option to present alternatives to this regulation and meet the advertisement guidelines today? The Chairman and staff agreed that would be possible. Mr. Hazel stated a solution would be needed today.

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

Mr. Yates called the Chairman's attention to the two other Bear regulations that were still outstanding that the Board received comment on today: (1) the two -week August Bear training season: Is there any reason why the Board should not support this recommendation: Mr. Ellis stated the Forest Service would have some concern about this but there is no real reason why the Board could not approve the proposal for advertisement

Ms. Crumley stated that she would like for the Board to advertise a Bear stamp: \$25 for residents and \$150 for non residents. Motion seconded by Mr. Hazel. The Chairman called for discussion on the motion. The Chairman asked the AG if the Board could take this action. The AG stated he would have to check the legality of the recommendation. Mr. Stroup amended the motion to read: subject to review of the Attorney General. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

Mr. Hazel, Mr. Chairman I have another issue regarding Bear. Mr. Hazel pointed out to his Board colleagues that during the General Assembly, he received several comments regarding 4 VAC 15-50-21 (Southside). In reviewing public comments, he did not see where any members of the legislature had presented written comment but Mr. Hazel did express their concerns.

Mr. Railey wanted to know if they can hound hunt and bear hunt the same season. Mr. Ellis stated they could.

Turkey

The Chairman called for amendments to the Turkey Regulations. Ms. Crumley would like for the Board to advertise adding an extra day to the early two week turkey season –the extra Saturday at the end. Motion seconded by Mr. Hazel. Discussion; Mr. Ellis noted it will overlap the opening day of muzzleloading correct. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel, and Yates.

After review of the Public Meeting Schedule, Ms. Crumley requested a meeting day for the Roanoke Area. Mr. Ellis noted that these meetings have been poorly attended by the Public. Mr. Hazel stated he had attended in meetings in his area and other areas where the attendance was also low. The Chairman directed staff to locate a day and provide follow-up information to Ms. Crumley.

The Chairman called for revisions and amendments to the regulations by the Board. Upon completion of the revisions, the Board will then take action to approve the regulations as presented for advertisement.

The Chairman called for a motion to approve the meeting schedule as amended with a date to be added for the Roanoke Area. Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board accepts the public meeting schedule as amended and presented by staff. Motion seconded by Mr. Stroup. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Hazel, Stroup and Yates.

Deer

**4 VAC 15-90-21 four –week open season
4 VAC 15-90-70 Bow and arrow hunting
4 VAC 15-90-80 Muzzleloading gun hunting
4 VAC 15-90-90 Bag Limit (with amendments)
4 VAC 15-90-91 General firearms either-sex deer hunting days
Addition of the Youth Hunting Day**

The Chairman called for the motion: Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for deer as presented by staff with amendments for the bonus tag and the addition of the youth hunting day. Motion Seconded by Mr. Railey. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Hazel, Stroup and Yates.

Bear

- 4 VAC 15-50-10 Open season generally
- 4 VAC 15-20-20 Two-week firearms season
- 4 VAC 15-20-21 (new) One-week firearms season
- 4 ~~VAC 15-20-22 (new) September firearms season~~ (See motion and discussion and vote to remove from package – see draft pages 19 and 20)
- 4 VAC 15-50-70 Bow and arrow hunting
- 4 VAC 15-50-71 Muzzleloading gun hunting
- 4 VAC 15-50-110 Use of dogs in hunting bear
- 4 VAC 15-50-120 Bear Hound training season
- * Addition of a Bear License pending review of the Attorney General.

The Chairman called for the motion. Mr. Montgomery recommended the Board defer any actions until recommendations from the staff be presented. The Chairman noted for the public the only adjustment expected after lunch will be an adjustment to 4 VAC 15-20-22 which will be removed.

Turkey

- 4 VAC 15-240-81 Validating tag by licensed hunter
- 4 VAC 15-240-91 Checking turkeys by licensed exempt hunter
- *Additional Fall Turkey Hunting Day – the first Saturday in November

The Chairman called for the motion. Ms. Crumley made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for turkey as presented by staff with adjustment for the addition of the First Saturday in November. Motion Seconded by Mr. Stroup. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

Small Game

- 4 VAC 15-230-21 Spring season gray and red squirrels
- 4 VAC 15-230-61 Spring season Fox squirrels
- 4 VAC 15-230-60 Open season generally; Fox squirrel

The Chairman called for the motion. Mr. Stroup made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for small game as presented by staff. Motion Seconded by Ms. Crumley. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

Furbearer and Trapping

- 4 VAC 15-170-21 Otter trapping season
- 4 VAC 15-210-20 Raccoon chase season
- 4 VAC 15-40-210 Restricted use of foothold traps (with amendments)
- 4 VAC 15-40-170 Marking of traps
- 4 VAC 15-40-195 (new) Checking of traps
- 4 VAC 15-70-50 Sealing bobcat pelts
- 4 VAC 15-170-30 Sealing otter pelts

Mr. Hazel wanted to know if the Board did not recommend 4 VAC 15- 40-210 restricted use of foothold traps. Mr. Burton stated that when the staff proposes recommendations they need to work closely with the Trappers Association to make sure the regulation meets their needs. Mr. Ellis stated he thought the Trappers Association was in favor of the recommendation. A further discussion occurred between Mr. Burton and the Wildlife Staff. Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for furbearers and trapping as presented by staff with amendments as discussed related to 4 VAC 15-40-210 restricted use of foothold traps. Motion Seconded by Mr. Railey. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

General Regulations

- 4 VAC 15-40-60 Possession of weapons in certain locations during closed season

The Chairman called for the motion: Ms. Crumley made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for general regulations as presented by staff. Motion seconded by Mr. Montgomery. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

Firearms

- 4 VAC 15-270-80 Shotgun shell capacity for non-migratory game and migratory game birds
- 4 VAC 15-270-20 Rifles prohibited in hunting bear and deer in certain counties and cities

Mr. Hazel wanted an amendment to paragraph B, 4 VAC 15-270-80 that states it is unlawful to hunt migratory game birds to include quail. Mr. Ellis stated that he thought it would cause confusion. Mr. Hazel stated he would withdraw his request.

The Chairman called for the motion: Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for firearms as presented by staff. Motion seconded by Mr. Stroup. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

This concludes the Wildlife presentations for the day. The Chairman thanked the Board and Staff for their efforts today.

The Chairman stated the Board would adjourn for lunch and called for the Closed Session Motion.

At 1:45pm, The Chairman called for the motion to go into closed session. Mr. Montgomery made the following motion:

Mr. Chairman,

I move that the Board go into a closed meeting 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 Rockbridge and Botetourt Counties, Sussex County, Caroline County, and a possible property transaction regarding the Headquarters relocation.

And pursuant to Section 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel requiring the provision of legal advice by such counsel specifically pertaining to probable litigation on an issue that has developed in the Coursey Springs Hatchery Renovation Project.

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. This part of the closed meeting will be attended only by members of the Board and the Executive Director. However, pursuant to §2.2-3712(F) of the Code of Virginia, the Board requests members of the Management Study Team from the North Highland Company (Mr. Rodney Willett, Mr. Peter Benda, and Mr. Derrick Strand) and the Titan Group (Ms. Alison Miller) to attend because it believes that their presence will reasonably aid the Board in its consideration of the topics that re the subject of this part of the closed meeting. Motion Seconded by Mr. Yates. Ayes: Hill, Greer, Pollard, Railey, Burton, Crumley, Montgomery, Stroup, Hazel and Yates.

The Chairman stated the following items will be addressed upon completion of the closed session: Committee Reports, General Assembly Update, Director's Report and the Chairman's Report. The Board will

At 3:32pm, 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 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 or considered by the Board. Certification Seconded by Mr. Yates. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Dr. Greer departed at 12:01 pm; Mr. John Montgomery departed at 2:00pm and Mr. Ward Burton departed at 3:15 pm.

The Chairman called for actions from the Closed Session.

Ms. Crumley made the following motion: Mr. Chairman, I move that the Board authorize the Director to acquire ± 4,400 Acres of land in Rockbridge and Botetourt Counties, Virginia, and such acquisition shall be according to applicable state procedures and subject to the availability of grant funds. Motion Seconded by Mr. Railey. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Mr. Hazel made the following motion: Mr. Chairman, I move that the Board authorize the Director to acquire approximately ± 2,500 acres of land in Caroline County, Virginia, and such acquisition shall be according to the applicable state procedures and subject to the availability of grant funds. Motion Seconded by Ms. Crumley. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Mr. Railey made the following motion: Mr. Chairman, I move that the Board authorize the Director to acquire approximately ± 2,200 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 Mr. Hazel. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Mr. Hazel made the following motion: Mr. Chairman, I move that the Board authorize the Director and staff to proceed on solicitation of detailed stage proposals related to the relocation of the Virginia Department of Game and Inland Fisheries Headquarters, or the Closure and relocation of the Broad Street Headquarters, according to the applicable state laws and procedures. Motion Seconded by Mr. Stroup. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

The Chairman asked Mr. Ellis if they came to a resolution on the bear issue with the Virginia Bear Hunters Association. Mr. Ellis stated that they did not come up with any resolution on the issue. Mr. Ellis stated when the staff began the initial dialogue with the Virginia Bear Hunters Association to reduce the bear population, it was suggested to add a Saturday to the Firearms season. The season currently starts on Monday. The recommendation for public discussion is to move back to a Saturday and make up the difference with hound hunting to increase the harvest. Staff will continue to work with the Virginia Bear Hunters Association.

Mr. Hazel made the motion as recommended by staff and to include the change from Monday to Saturday. Motion seconded by Mr. Stroup. Ayes: Hill, Hazel, Railey, Crumley, Stroup and Yates.

Mr. Ellis stated 4 VAC 15-50-120 Bear hound training season will be amended because of the removal of the 6 day firearm season.

Mr. Ellis requested clarification on the Bear Stamp. The Chairman stated the Board had agreed to advertise.

Mr. Hazel made the following motion. Mr. Chairman, I move the staff's recommendation and amendment to 4 VAC 15-50-120. Motion Seconded by Ms. Crumley. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Mr. Ellis asked for one more clarification on the August Chase Season that the Board was not proposing an August 1st start. It was indicated they were not. Mr. Ellis stated that completed his report.

The Chairman called for the Committee Reports.

In Dr. Greer's absence, the Chairman called upon Ms. Crumley to present the **Education, Planning and Outreach Committee Report**. Ms. Crumley asked Mr. Charlie Sledd to present the results of the annual Board Policy Review. During the EPO Committee Meetings in December and February, the Committee conducted the annual review of Board Policies as required in the Board Governance Manual. Today, we present the only change, which is in the General Policy for Agency Outreach. **The words "habitat and" have been added to the policy so that it now reads wildlife and fisheries *habitat and* management.**

The Chairman called for the motion. Ms. Crumley made the following motion: Mr. Chairman, I hereby move the Board approve the amendment to the General Policy for Agency Outreach as presented by Staff. Motion Seconded by Mr. Hazel. Ayes: Hill, Railey, Crumley, Stroup, Hazel and Yates.

Mr. Hazel noted for the record that Mr. Sledd did an outstanding job for the Agency this year during the General Assembly. Mr. Hazel and Mr. Sledd also thanked Mr. Bob Duncan for his excellent work during the General Assembly.

2009 General Assembly Update: The Chairman called upon Mr. Charlie Sledd to present the 2009 General Assembly Update. Mr. Sledd gave the following presentation: The Agency had an active lead on 26 bills and these have been posted to the Agency Web site. Ten bills have passed and two of those are agency bills for this session - Special Conservation Police Officers and the Wildlife Violator Compact. Six bills have been signed by the Governor and are part of the *Acts of Assembly*. Four bills are pending the Governor's signature and two of those are the Agency Bills. There are two bills which will require subsequent Board Action: **HB 1901** which is a property conveyance relative to the Cavalier Wildlife Management Area in Chesapeake. The bill language authorizes the Board (with other stipulations) to address the property conveyance as a part of a property boundary correction. The other bill that will require Board action is **HB 2281** which is the Wildlife Violator Compact. This bill gives the Board the authority to promulgate regulations that deal with the Compact, and also places the actual language of the Compact in the Code of Virginia. Law Enforcement will review this for possible future regulations by the Board.

Mr. Sledd also noted that the budget bill amendments did not have any impact on the Agency's operating appropriation or revenue transfers.

The Chairman thanked Mr. Sledd for his report.

The Chairman returned to the Committee Reports. The Chairman called upon Mr. Stroup to present the **Finance, Audit and Compliance Committee Report**. Mr. Stroup reported the Finance, Audit and Compliance Committee met on December 4, 2008 and then again on February 17, 2009. Mr. Stroup reported the Agency has been active in managing the revenue shortfall. Mr. Duncan will present the Financial Report. Mr. Bob Duncan presented the Financial Report for January, 2009. Watercraft Sales and Use Tax revenue is still in a downward trend due to the economy (gas, loss of jobs, etc.). License sales are showing a slight increase. The Chairman thanked Mr. Duncan for his report.

Mr. Stroup stated he had attended the Dept. of Accounts, Quality Assurance Group to review the findings of their recent audit. The Agency is in compliance with their accounting policies and procedures. There were 6 items that were identified as minor.

Mr. Stroup reported that Mr. John Allen, the Internal Auditor, will be responsible for conducting the IT Security Audit.

During the recent Finance Committee Meeting, Mr. Lee Walker presented the Media Services Report. Mr. Walker included the expenditures and returns on such projects as the Lapsed Angler Program, Apprentice Hunting License Program, Special Offers to purchase the Va. Wildlife magazine and calendar, etc. Mr. Stroup requested this information be prepared and forwarded to the Board for their review.

The Chairman thanked Mr. Stroup for his report.

The Chairman called upon Ms. Crumley to complete the **Education, Planning and Outreach Committee Report**. Ms. Crumley reported during the February 5, 2009 meeting, the Committee approved the minutes of their December 15, 2008 meeting; received updates on the Agency Management Study and conducted the review of Board Polices. Ms. Crumley called upon Mr. Charlie Sledd to give an overview on the draft of the Board's strategic vision statement.

Draft Board Strategic Vision
February 5, 2009
Education, Planning & Outreach Committee

- **The Board of Game and Inland Fisheries will** excel in providing the necessary governance, guidance, direction, and **financial** oversight for the Department of Game and Inland Fisheries to be the leader in **professionally** managing Virginia's wildlife and its habitat and ensuring that future generations have the opportunity to **safely** enjoy **diverse** hunting, fishing, boating, and wildlife recreation.

The Committee will review again during the April Board Meeting. Mr. Yates requested this information be forwarded to the Board Members prior to the April Meeting.

The Chairman called upon Mr. Ellis for the **Wildlife and Boat Committee Report**. Mr. Ellis stated that in the interest of time, he would like to defer the Chronic Wasting Disease Report for the April Board Meeting.

Directors Report: The Chairman called upon Mr. Duncan for his report. Mr. Duncan stated he had attended the 32nd Southeast Deer Study Meeting in Roanoke. Mr. Duncan expressed his

sincere thanks to Mr. Bob Ellis and Co-Chairman Dave Steffen, Matt Knox and Nelson Lafon for a job well done.

The Agency held a Continuity of Operations Plan (COOP) Tabletop exercise on February 10, 2009. Participants were the Senior Staff, COOP Team Members and representatives from VITA. Representatives from the Virginia Port Authority and the Department of Forestry served as evaluators. The objectives of the Exercise were to:

- Familiarize participants with the Agency COOP Plan
- Determine cross-over needs among essential functions.
- Update the COOP Plan for April 1st deadline
- Meet Executive Order 44.

Mr. Duncan expressed his sincere thanks to Mr. Larry Hart and Mr. David Whitehurst for their review of the stimulus package.

Mr. Duncan also announced that on Saturday, February 28th, the Agency will host the 1st Annual National Archery in the Schools Program Competition in Fishersville. There are approximately 300 school children that will participate in the program.

The Chairman thanked Mr. Duncan for his report.

Chairman's Report: The Chairman stated during the April Board Meeting, the Nominations Committee slate for the 2009-2010 Chairman and Vice-Chairman will be presented.

Additional Business: Mr. Yates stated he would like to invite Mr. Ledford from the Elk Federation and a representative from Kentucky to attend the April Board Meeting to discuss the Elk Herd Program in Kentucky.

The Chairman announced the next meeting would be held on April 7, 2009. The meeting was adjourned at 4:14pm.

Respectfully submitted,

Beth B. Drewery
Board Secretary