

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

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

Present: Mr. J. Brent Clarke, III, Chairman, Mr. F. Scott Reed, Jr., Vice-Chairman, Ms. Lisa Caruso, Mr. Ben Davenport, Mr. James W. Hazel, Mr. Randy Kozuch, Mr. Hugh Palmer, Mr. Leon Turner, and Mr. Charles Yates; **Absent:** Mr. Curtis Dixon Colgate and Mr. Garry Gray; **Executive Director:** Mr. Robert “Bob” W. Duncan; **Senior Leadership Team:** Dr. Joice Conyers, Mr. Tom Gelozin Mr. Larry Hart, Mr. Lee Walker, Colonel Dabney “Dee” Watts and Mr. David Whitehurst; **Legal Counsel:** Ms. Elizabeth Andrews.

[\(Listen: Welcome, Call to Order, and Introduction of New Board Members\)](#)

The Chairman welcomed everyone and noted for the record that a quorum was present for the meeting. Mr. Hazel led the Pledge of Allegiance and Mr. Yates read the Mission Statement into the record. The Chairman announced that a closed meeting would be held during the meeting.

The Chairman introduced the new Board Members: Mr. Ben Davenport, Mr. Garry Gray and Mr. Hugh Palmer. The Chairman thanked the previous Board members for their service to the Board and Agency.

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

Recognition of Employees and Others: [\(Listen\)](#) The Director introduced a 4 minute video and interview with Dr. Pat Robertson on the 75th Anniversary of the Wildlife & Sport Fish Restoration Program (video on file with Agency Outreach Division). The Director thanked Mr. Lee Walker, Mr. Ron Messina and Ms. Virginia Shepherd for their work on the video.

Mr. Bob Duncan recognized Mr. Gary Martel for his 35 years of service and dedication to the Commonwealth and the Agency. Mr. Martel is the current Deputy Director of the Wildlife Resources Bureau.

Colonel Dabney “Dee” Watts will recognize the following Officers for their 40 years of service and dedication to the Commonwealth and the Agency.

- Special Agent in Charge
- Sergeant Karl Martin
- Officer Kenneth David Skinner

The Chairman and Director congratulated the Officers and Mr. Martel on their accomplishments and thank them for their service and dedication to the Commonwealth and the Agency.

Public Comments Non-Agenda Items: [\(Listen\)](#) The Chairman called for Public Comments Non-Agenda Items. Hearing none, the Chairman moved forward with the remaining agenda items.

Approval of the January 31, 2012 Meeting Minutes: ([Listen](#)) The minutes of the January 31, 2012 meeting have been distributed and posted to the website for review. The Chairman called for a motion to approve the minutes of the meeting as presented. Mr. Hazel made the following motion: Mr. Chairman, I hereby move the minutes of the January 31, 2012 meeting be approved as submitted. Mr. Reed noted for the record that he made the motion to send a position letter to support Mr. Colgate's letter of opposition with reference to SB30-368#1s and 369#1s. Mr. Reed does not believe he could or did second the motion.

The Chairman asked for an amendment to the motion to approve the minutes. Mr. Hazel made the motion that the minutes of the January 31, 2012 meeting be approved as amended. **Motion Seconded by: Ms. Caruso**

The minutes of the January 31, 2012 have been amended to read that Mr. Hazel seconded the motion made by Mr. Reed to forward a letter of support to SB to Senator Stosch.

Committee Reports: ([Listen](#)) The Chairman called for Committee Reports.

Mr. Kozuch, Chairman of the **Nominations Committee** reported on their selection as Chairman and Vice –Chairman for 2012-2013. The Committee submits the names of Mr. Scott Reed as Chairman and Mr. Curtis Dixon Colgate as Vice-Chairman for consideration by the Board.

The Board Chairman thanked Mr. Kozuch for his report. During the June 12, 2012 Board, Meeting, the Board will elect its new officers for both positions from the candidates nominated. The election is by majority vote.

The Chairman called for a motion. Mr. Turner made the following motion: Mr. Chairman, I hereby move the Board accept the names of Mr. Reed for Chairman and Mr. Colgate as Vice-Chairman. Motion Seconded by Mr. Yates. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Mr. James W. Hazel, Chairman of the **Education, Planning and Outreach Committee** reported on the following items requiring Board action from April 2, 2012 meeting:

- ❖ **New Board Member Orientation**
- ❖ **DGIF Board Workshop**
- ❖ **Board Policies** –Completed the review of the Policies as required in the Board Governance Manual. The Committee adopted the Policies as presented with no changes.
- ❖ **Committee Charters**
Mr. Hazel called for a motion for the Board to reaffirm the **Education, Planning and Outreach Charter** as recommended by the Committee. **Motion Seconded by: Mr. Reed. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner, Yates.**

Mr. Hazel presented the **Finance, Audit and Compliance Charter**. Mr. Hazel stated the Committee recommends striking the requirement that one member of the Finance, Audit and Compliance Committee be designated as a “Financial Expert” for the Committee. **Mr. Hazel called for a motion to adopt the Finance, Audit and Compliance Charter as amended striking the language designated one Committee member as a “Financial Expert”. Motion seconded by Ms. Caruso.**

The Board Chairman stated that he would support the motion as presented but would like **to amend Mr. Hazel's motion to strike the language in the composition of the Committee "to serve staggered three year terms. To achieve staggered terms the initial appointment for this committee shall have one member's term expire in one year, at least one member's term expire in two years and at least one member's term expire in three years."**

Mr. Clarke made an amended motion to strike "to serve staggered three year terms. To achieve staggered terms the initial appointment for this committee shall have one member's term expire in one year, at least one member's term expire in two years and at least one member's term expire in three years." Motion Seconded by Mr. Reed. Mr. Hazel called for discussion. Mr. Turner referred to the last sentence in the Composition of the Committee: "One of the members shall be appointed to Chair the committee." Mr. Turner moved to amend for add for clarification "One of the members be shall be appointed to Chair the Committee by the Chairman of the Board." Motion Seconded by: Mr. Reed.

Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board adopt the Charter as amended. Motion Seconded by Turner. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner, Yates.

Mr. Hazel presented the **Wildlife and Boat Committee Charter** changes as recommended by the Committee. Mr. Hazel presented the following amendments to the Charter: (1) change title of the Committee from Wildlife and Boat Committee to Wildlife, Boat and Law Enforcement Committee; (2) Composition of the Committee: Under the Code of Virginia, a Motor Boat Committee is required and is comprised of 3 members. The EPO Committee is recommending an amendment to the composition – not less than 3 members and no more than 5 members.

Mr. Hazel made the following motion: Mr. Chairman, I hereby move that the Board adopt the amendment to the Wildlife and Boat Committee Charter changing the name of the Committee to the Wildlife, Boat and Law Enforcement Committee; and the Composition of the Committee remain in place. Motion Seconded by Ms. Caruso. The Board Chairman called for discussion. Mr. Reed requested the name change be reflected in the purpose. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

❖ **Governance Manual** – Mr. Hazel stated under the requirements of the Board Governance Manual the Board is required to conduct a three year review which is now due. A copy of the Manual with the suggested revisions was mailed to each Board Member for review. The EPO Committee will review the manual during their next Committee meeting held on May 16, 2012. Board members are requested to submit changes/comments to him prior to the May 16th meeting.

❖ The Chairman called on Mr. Lee Walker to provide the Board with an update on the Apprentice Hunting License Update and the National Shooting Sports Foundation Grant Update.

The Board Chairman thanked Mr. Hazel and Staff for their reports.

On behalf of Mr. Curtis Colgate, Chairman of the **Finance Audit and Compliance Committee**, Mr. Reed presented the Committee report from the meeting held on April 3, 2012 meeting. Mr. Reed called on Mr. Tom Gelozin to present the FY2012 YTD February Financial Summary.

The Board Chairman thanked Mr. Reed and Staff for their reports.

Following the Committee Reports, the Board Chairman called for a 10 minute break.

The Chairman called the meeting back to order and Ms. Caruso, Chairman of the **Wildlife and Boat Committee** reported on the activities of the March 28, 2012 meeting. Ms. Caruso called on the Wildlife Resources Bureau Staff to present proposed regulation amendments for Fisheries, Wildlife Diversity, Boating and ADA (Americans Disabilities Act).

A discussion was held by the Board, Executive Director and staff on the proposed regulation amendments presented and called for public comment.

Public Comments:

Jason Whitlock, Mechanicsville, Virginia, spoke regarding the Bow Fishing Regulation change. Marika Byrd, Richmond, Virginia, spoke regarding the proposed ADA regulation amendment.

The Chairman thanked him for his comments and attendance.

The Chairman also called for comment on the each of the regulation amendments as presented by staff. Hearing none, he called for motions on the proposed regulation amendments as presented.

Ms. Caruso made the following motion: Mr. Chairman: I hereby move that the Board propose the fish regulation amendments as presented. Motion seconded by Yates. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Ms. Caruso made the following motion: Mr. Chairman, I hereby move that the Board propose the wildlife diversity regulation amendments as presented. Motion seconded by Mr. Reed. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Ms. Caruso made the following motion: Mr. Chairman, I move that the Board propose the amendments to 4 VAC 15 as presented by staff. Motion seconded by Mr. Reed. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Ms. Caruso made the following motion: Mr. Chairman, I move that the Board propose the Regulation amendment for 4 VAC 15-20-100 as presented by staff. Motion seconded by Mr. Reed. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Mr. Hart presented 2 land matters located in Washington County and the City of Virginia Beach for consideration by the Board. A discussion was held by the Board, Director and Staff. The Board Chairman called for motions.

Ms. Caruso made the following motion: Mr. Chairman, I move that the Board of Game and Inland Fisheries authorize the Director to proceed to acquire approximately 2.3 acres in Washington County and that such authorization be according to state procedures. Motion

seconded by Mr. Reed. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Ms. Caruso made the following motion: Mr. Chairman, I move that the Board of Game and Inland Fisheries authorize the Director to proceed to acquire an approximately 82-acre conservation easement in the City of Virginia Beach, and that such authorization be according to state procedures. Motion seconded by Mr. Yates. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner, Yates.

[\(Listen: Closed Meeting Motion\)](#)

The Board Chairman amended the agenda and called for a motion to move into a Closed Session Meeting. Mr. Davenport made the following motion:

*Closed Meeting Motion
April 10, 2012*

Mr. Chairman,

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

The performance of the Director.

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

The sale of the headquarters property in the City of Richmond and the property in Hanover County; purchase of property in Hanover County; and exchange property, easements and services in Wythe County.

Motion Seconded by: Mr. Hazel. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

[\(Listen: Certification of Closed Session and Motions Resulting from Closed Session\)](#)

At 1:34pm, the Chairman called on Mr. Hazel for the Certification of the Closed Meeting. Mr. Hazel made the following certification:

*Certification of Closed Meeting
April 10, 2012*

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

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

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

The Chairman called on the Board Secretary to conduct a recorded voice vote:

- ❖ **Yates - Aye**
- ❖ **Clarke - Aye**
- ❖ **Caruso - Aye**
- ❖ **Turner - Aye**
- ❖ **Palmer - Aye**
- ❖ **Davenport - Aye**
- ❖ **Reed - Aye**
- ❖ **Hazel - Aye**
- ❖ **Kozuch - Aye**

The Chairman called on Mr. Davenport for motions resulting from the closed session meeting.

Mr. Davenport made the following motion: Mr. Chairman, I move that the Board authorize the Director to continue the discussions concerning a proposed exchange property, easements and services in Wythe County. Motion seconded by: Mr. Hazel. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Mr. Davenport made the following motion: Mr. Chairman, I move that the Board authorize the Director to sell or trade for value approximately 5.7 acres in Hanover County and the approximately 8.1 acre headquarters campus on West Broad Street in Richmond, and apply the proceeds toward the new headquarters. The transfers shall be according to applicable state procedures. Motion seconded by: Mr. Hazel. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

Mr. Davenport made the following motion: Mr. Chairman, I move that the Board authorize the Director to purchase approximately 15.3 acres in Hanover County for the site of the new headquarters. The acquisition shall be according to applicable state procedures. Motion seconded by Mr. Hazel. Ayes: Caruso, Clarke, Davenport, Hazel, Kozuch, Palmer, Reed, Turner and Yates.

The Chairman called on Ms. Caruso. Ms. Caruso noted for the record an update on the Elk Restoration and Quail Plan were placed on the Agenda in error. Mr. Ellis will be glad to provide updates to the Board as requested.

Director's Report: ([Listen](#)) The Chairman called on the Director for his report. The Director reported on the following items:

- ❖ Outdoor Writers Association Meeting
- ❖ State Forestry Meeting

- ❖ Youth Turkey Day
- ❖ Vic Thomas Hatchery Update
- ❖ Douthat State Park Trout License Sales (DGIF/DMV Partnership)
- ❖ 2012 Outdoor Sportsman's Show
- ❖ 2012 General Assembly Follow-up items

The Chairman thanked the Director for his report.

Chairman's Report: ([Listen](#)) The Chairman and Secretary Domenech conducted an unannounced visit to a Foxhound Training Pen operation. They found the visit to be very informative. The Chairman thanked Colonel Watts for coordinating this outing.

The Chairman attended the Bull Run Rocky Mountain Elk Chapter Dinner and thanked Mr. Ellis for providing information for his speech.

The Chairman reported on the 2nd Annual Reston Kids Fishing Day and thanked everyone involved in this event.

([Listen: Additional Business, Next Meeting, and Adjournment](#))

The Chairman called for additional business/comment from the Board. Hearing none, the Chairman announced the next meeting will be held on June 12, 2012 beginning at 9:00am in the Board Room.

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

Respectfully submitted,
/s/Beth B. Drewery, Board Secretary
Board of Game and Inland Fisheries