

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA**

MARCH 27, 2007, 9:00am

Present: John Montgomery, Chairman, Sherry Smith Crumley, Vice-Chairman, C. Marshall Davison, Richard E. Railey, Jr., Ward Burton, Charles S. Yates, James W. Hazel, Dr. William T. Greer, Jr., and Thomas A. Stroup, C. T. Hill; **Absent:** Randy Kozuch; **Legal Counsel:** Roger Chaffe; Director: J. Carlton Courter, III; **Senior Staff:** Mike Bise, Raymond E. Davis, Bob Duncan, Gary Martel, Charlie Sledd, David Whitehurst and Virgil Kopf.

Chairman Montgomery called the meeting to order at 9:00 am. The Mission Statement was read into the record and Major Steve Pike lead the Pledge of Allegiance to the Flag. A quorum was present.

Public Comments, Non-Agenda Items: Chairman Montgomery provided an opportunity for members of the public to comment on non-agenda items. Speakers representing groups were requested to limit their remarks to five minutes. Individuals were requested to limit remarks to three minutes.

Mr. Steve Trant, Simpson Sales Co., Disputanta, Virginia, made a presentation on the new muzzleloader being manufactured by Connecticut Valley Arms (CVA). On behalf of CVA, he made a formal request to have the new muzzleloader, The Electra ARC Mangnum, approved for use as a legal means of hunting in Virginia during the specific muzzleloading seasons. The Board requested staff to review and provide an update at the next meeting.

Mr. Bruce Dungan, Union Hall, Virginia, Immediate Past President of the Smith Mountain Lake Association. Today, Mr. Dungan will be representing the Virginia Safe Boating Alliance. The Safe Boating Alliance was created for the specific purpose of working with the Department of Game and Inland Fisheries to request the General Assembly to approve some type of required Boater Education. The Alliance looks forward to working with the Agency to form the new regulations in accordance with the new law. Mr. Montgomery thanked him for his remarks.

Mr. Charles Grymes, Manassas, Virginia, representing the Prince William Conservation Alliance. Mr. Grymes spoke regarding Merrimac Farms. Mr. Grymes stated that they are looking forward to working with the Board and the Agency on forming a partnership in converting the 300 acre property from a potential housing development to a wildlife management area.

Mr. Dean Miller, Colonial Heights, Virginia, spoke regarding wildlife watching. He said that he had really enjoyed watching the Eagle's nest located at the Norfolk Botanical Gardens. Mr. Montgomery thanked him for his remarks and thanked the staff for making it possible to view the hatching on line.

Mr. Lawrence L. Moise, III, Assistant County Attorney for Buchanan County, Virginia, spoke regarding the Board's consideration of supporting of Buchanan County's Elk Control Ordinance. Mr. Montgomery thanked him for his remarks.

Mr. Ed Clark, President of the Wildlife Center of Virginia, Waynesboro, Virginia spoke regarding the activities of the Center. This year the Wildlife Center will celebrate its 25th Anniversary. Mr. Clark invited the Agency and the Board to visit the center. Mr. Clark also extended an invitation to attend the 25th Anniversary Celebration. Mr. Montgomery extended congratulations on the anniversary of the center.

Mr. Melvin Jacks, West Point, Virginia thanked the Board and Staff for the follow-up on the deer being killed on the road in the Staunton Area. Mr. Montgomery thanked him for his remarks.

Mr. John McBride, Manassas, Virginia, is the attorney representing the owners of the Merrimac Farms. Mr. McBride stated that on behalf of the owners of Merrimac Farms, they looked forward to working with the Board and Staff towards accomplishing the objectives of Merrimac Farms. Mr. Montgomery thanked him for his remarks.

Recognition of Employees and Others: Mr. Montgomery recognized Mr. Courter to introduce the recipients of awards.

Gary Martel, Director of the Fisheries Division, recognized Mr. Tom Gunter who received the Virginia Chapter American Fisheries Society's Eugene Surber Professional. Mr. Gunter has spent 29 years in the fisheries department performing many tasks and assignments over the years. On behalf of the Agency, Mr. Martel extended his congratulations to Mr. Gunter on his many accomplishments and his dedication to the Agency. Mr. Martel also announced that Mr. Gunter will be retiring this year.

Colonel Mike Bise, Law Enforcement Division, recognized the Officers following officers who have recently been promoted to the ranks of:

Sergeant: Steve Bullman, Middle Shenandoah Valley
Jerry Jones, Lower Shenandoah Valley
Ronnie Warren, Upper Shenandoah Valley
Bryan Young, Roanoke Area
Scott Naff, Wytheville Area

Lieutenant: Rich Goszka, Staff Lieutenant, Fredericksburg
Rex Hill, Staff Lieutenant, Marion
Kevin Clarke, Staff Lieutenant, Verona
Anthony Fisher, Staff Lieutenant, Forest
Ken Conger, Staff Lieutenant, Williamsburg

Captain: Joseph Pajic, Fredericksburg
Clark Greene, Marion

David Whitehurst, Director of the Wildlife Diversity Division recognized the employees for an award received from the national Teaming With Wildlife coalition for "best Outreach Programs" at the Fly-In in Washington, DC, February 2007.

The award was presented for the Department's production on the Wildlife Action Plan video featuring Adrienne Young, the overview of the Wildlife Action Plan printed in the February 2007 issue of Virginia Wildlife magazine, and the BeWildVirginia.org Web site developed to feature Virginia's Plan. These products were developed by DGIF employees Ron Messina, Lee Walker, Emily Pels, Carol Kushlak, Julia Dixon, David Murr, Becky Gwynn and Susan Watson; contractors Karen Terwilliger, Lillie Gilbert and Vickie Shufer; and retired DGIF employee Mel White. Mr. Ron Messina accepted the award on behalf of the group.

The national Teaming With Wildlife coalition, comprised of more than 5,000 organizations and agencies from across the country, sponsors an annual "Fly-In" each winter to provide coalition members with an opportunity to talk with their Congressional delegations about State Wildlife Grants, Wildlife Action Plans, and other related topics.

Mr. Montgomery thanked all of those recognized for their good work.

Meeting Minutes: The minutes of the December 12, 2006 meeting have been posted to the Web, and copies were included in the Board member's briefing materials. Chairman Montgomery called for any additions, changes, corrections, deletions, alterations, modifications. **As there were none, Ms. Crumley moved, seconded by Mr. Railey, passed unanimously in a show of hands vote to approve the minutes of the**

December 12, 2006 Board meeting as written. Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.

Goodall Easement: The Board heard a proposal from Mr. John Daniel who represents the Goodall Family. The presentation was on revisions to the easement of 1100 acres currently held by DGIF and the possible conservation of an additional 900 acres. The Board recommended the staff continue to meet with the Goodall Family on possible resolution on the easements and provide a recommendation at the July Board Meeting.

The Chairman called for a 10 minute break.

Committee Reports: Education, Planning and Outreach Committee: Ms. Crumley reported that the Education, Planning and Outreach Committee met on March 13, 2007. In accordance with the Governance Manual, The committee has reviewed the current Board Policies and does not recommend any changes. The committee does recommend a new policy:

Real Property Conveyances.

The area of concern: Administrative Policies

Authority is Code §29.103 and Code §29.109.

Purpose: The purpose of this policy is to confer certain powers of the Board on the Director regarding certain real estate matters to achieve administrative efficiencies. Policy: By its resolution, adopting this policy, the Board of Game and Inland Fisheries hereby delegates to the Director of the Game and Inland Fisheries the authority to convey interest in land and water through minor land leases, easements and contracts. For purposes of this policy only, as to lands owned by the Board, " minor land leases, easement and contracts" shall include public utility easements, leases, licenses or similar minor arrangements covering access to lands, water, administrative facilities, antenna sites and boat landings. The Director shall sign instruments of conveyance on behalf of the Board, and shall report on a regular basis to the Board or a committee thereof, as the Board may from time to time direct, but no less than once a year, a summary of such conveyances.

It is the policy of the Board of Game and Inland Fisheries that all such conveyances shall be compatible with the mission of the Department. The Board further requires that such conveyances shall be carried out by the Director according to all applicable laws, regulations, policies, and procedures.

The Governance Manual contains obsolete language in the last paragraph on page 30 and the first paragraph on page 31. The staff recommends this language be deleted or amended.

The staff recommends the adoption of this policy: Real Property Conveyances and to amend the Board Governance Manual by deleting the last paragraph on page 30 and the first paragraph on page 31.

The Board asked the staff if this policy gives the Director the authority to convey fee interest. The staff stated that it does not.

A motion was made by Mr. Hazel that the Board of Game and Inland Fisheries adopt the staff's recommendation relevant to Real Property Conveyances and to amend the Board Governance Manual by deleting the last paragraph on page 30 and the first paragraph on page 31 as indicated on the screen. Motion seconded by Yates. Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley Hazel, Stroup, Hill and Yates. The vote was unanimous by show of hands.

Ms. Crumley recognized the staff for a legislative update. The staff presented a legislative update on bills affecting the Board and the Agency during the 2007 General Assembly. Twenty-three of the thirty-six bills affecting the Agency and Board passed during the session.

The staff indicated that the following bills are of particular importance to the Board and will need post-session follow-up and/or action.

HB 2019 allows the agency to accept Waterfowl Blind Applications electronically and a system will have to be developed by staff to accept these applications.

HB 2031 calls for the Board to promulgate regulations applicable to the commercial operations of parasail operators. This bill becomes effective July 1, 2007 and the staff is currently working to have these regulations considered during the upcoming regulatory cycle.

HB 2308 requires the Board to develop, through regulations, model ordinances for hunting with firearms; a locality may adopt any of the model ordinances developed by the Board. Staff indicated that model ordinances are intended to bring consistency to local firearms hunting ordinances. The Board will work with the staff to prepare these regulations and staff expects to work with the locality organizations (i.e Virginia Association of Counties, Virginia Municipal League, etc.) for input into the draft ordinances and regulations.

HB 2309 authorizes the Board to change the shotgun shell capacity through regulations.

SB 882 establishes a policy that there will be no net loss of public lands that are available for hunting in Virginia (Powers and Duties of the Board). Following the effective date of the bill (July 1, 2007), staff indicated that the Board may wish to take its own formal action to address this policy statement and would then include that in the Governance Manual.

HB 1981 authorizes the Board, beginning July 1, 2007, to adjust nonresident license fees by no more than \$50.00; any revision cannot be done any more frequently than once every three years. With this bill, the Committee was made aware that after July 1 it will have the authority to adjust the cost of nonresident licenses, even though the Board just concluded a complete revision of licenses fees last year.

HB 3118 and SB 883 were the Freedom of Information (FOIA) bills regarding the agency. These bills were referred to the FOIA Advisory Council and staff is to provide an update at the next committee meeting.

HB 1627 and SB1241 are the boater education bills. As detailed in the legislation, staff will be working with the boating community in the development of Board regulations to implement the many aspects of the education requirement. These regulations must be in place by July 1, 2008. Staff will be working on a timeline of having the regulations ready for Board presentation at its meeting in January 2008.

HB 1867 was to change the name of "Game Warden" to "Conservation Police Officer". This was approved during the 2007 General Assembly.

There were two budget amendments that have an impact on the Agency. Both amendments earmark watercraft sales and use tax dollars for a particular use.

HB 2021 provides for the crossbow license to be included into the youth and Sportsman's combo licenses. Staff indicated that the Board should consider adjusting the cost of the Sportsman's license to reflect this inclusion, possibly as an agenda item for the July board meeting. The adjustment would be \$17.00 increase (current price of the crossbow license) and would increase the cost of the Sportsman's license to \$119.00, up from the current \$102.00. This increase is consistent with the Code.

In preparation for this increase, the staff makes the following recommendation that the Board approve the revised the increased cost of the Sportsman's license to 119.00.

A motion was made by Mr. Davison to revise the cost of the Sportsman's Hunting and Fishing Licenses from the current price of \$102.00 to the new price of \$119.00 to reflect the inclusion of the \$17.00 crossbow license at that this price change is effective July 1, 2007. Motion seconded by Mr. Hazel. The vote was by unanimous show of hands (Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel).

The committee also received an update on the strategic planning process and this will be presented as part of the budget submission.

Our next meeting will be May 8, 2007 at 3:30pm.

This concludes our report. Mr. Montgomery thanked Ms. Crumley for her report.

Finance, Audit and Compliance Committee: Mr. Hill reported that the Finance, Audit and Compliance Committee met on February 13, 2007 and the minutes have been posted to the Web Site. A quorum was not present at this meeting due to inclement weather, therefore, the Committee made a motion for the Board to approve the minutes of the November 14, 2006 meeting as submitted. **Motion made by Mr. Hill and seconded unanimously by the members of the Finance, Audit and Compliance Committee (Hill, Stroup, Davison Crumley and Greer) to approve the November 14, 2006 meeting minutes as submitted.**

The Staff provided an update on the budget. The Staff will present the draft budget at the next committee meeting. The Board asked the Staff for examples of needed capital improvements. The Staff provided the following examples: dams, fish hatcheries, revising property boundaries, and general maintenance, etc.

The committee reported that during the next meeting the staff will make a presentation on the compensation challenges for the Agency.

This concludes our report. The next committee meeting will be May 8, 2007 at 5:30pm.

Mr. Hazel noted for the record - under capital improvements - The Agency recently entered into a contract with a company called Angler Environmental. Angler Environmental is affiliated with Angler Construction in which he is a partner. He is not a financial partner in Angler Environmental.

Wildlife and Boat Committee: Mr. Hazel reported that the Committee met on March 12, 2007 and approved the minutes of the Committee's August 21, 2006 meeting and the December 7, 2006 meeting. The majority of the March 12, 2007 meeting pertained to the staff's concepts for preliminary regulations. These will be presented later in this report by the staff members. In addition to the concepts for preliminary regulations, the committee also reviewed the Deer Management Plan (2006-2015) which is the blue print for the regulations. **The committee asked the Board to endorse the plan as a working document to guide them in the regulation cycle. Motion made by Mr. Hazel and seconded by Mr. Railey to adopt the plan. Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley, Hazel, Stroup, Hill and Yates**

The staff presented to the committee a report on the update on the George Washington National Forest Management Plan. The staff is currently participating in the update of the plan and the Board is encouraged to participate in the meetings. An item of particular interest and relevant to the Board is that the Agency currently owns approximately 200,000 acres of our own. The staff also stated to the Committee that would soon begin work on a forest management plan for the Department's Wildlife Management Areas.

The committee has also received an update on Sunday Hunting Survey. The committee recommended to the Board that this item be kept in the committee as a regular work item

for the following year and provide regular briefings to the Board. The Board approved for the committee to continue to work on this issue.

This concludes the report. The next meeting will on May 8, 2007 at 1:30.

Nominating Committee: Mr. Stroup reported that the Nominating Committee met on March 27, 2007. The Committee recommends the following slate of officers for the 2007 Board of Game and Inland Fisheries: The Committee submits the name of Jimmy Hazel as Chairman and the name of Richard Railey as Vice-Chairman. The Board will vote on these nominations at the June meeting.

Mr. Montgomery thanked the Committees and the Staff for all of their hard work.

Regulation Comments: The Board recognized the staff to provide a brief background for the Regulation Review and Amendment Process.

During 2007, the Board is conducting its Periodic Regulation Review and Amendment Process, in which it addresses and considers possible amendments to all state regulations governing wildlife, hunting, trapping, fishing, and boating administered by DGIF, to take effect in January, March and July 2008. Today, staff will present its Preliminary Recommendations for regulation amendments, to be followed by public comment. The Board will propose regulation amendments at its July 17 meeting, and final action on regulation amendments occurs at the October 16 meeting.

After the background and review, the staff presented to the Board the following concepts for Preliminary Recommendations for regulation or amendments.

Boating Issues:

The staff indicated that no changes had been anticipated during this regulatory cycle for the boating regulations. However, **HB 2031** from the 2007 General Assembly Session will require the Board to promulgate regulations applicable to the commercial operations of parasail operators. While the bill does not become effective before July 1, 2007, the staff is currently working to have these regulations considered during the upcoming regulatory cycle.

Staff also provided information to the Board about amendments for two regulations (4VAC 15-20-200 and 4-VAC 15-30-5) that pertain to the permits program and permitting. Both are technical housekeeping type issues.

The staff presented the following Hunting and Trapping (Wildlife) concepts for preliminary regulations:

DEER Concepts

(1) Address deer population objectives through antlerless deer harvest.

Staff consideration: Consider changes to the number of antlerless deer days of hunting in each county based on deer plan objectives.

(2) Western Rockingham County public and private land declining deer populations

Staff consideration:

- Consider changes to the firearms deer season in western Rockingham County, such as reducing private land either-sex days west of an identifiable geographic boundary (e.g. road, stream), reducing public land either-sex days, and aligning either-sex days on public and adjacent private lands.
- Consider non-regulatory approaches, such as educational efforts among multiple stakeholders in the area and continued cooperation with the U. S. Forest Service to increase habitat management activities.

(3) Northern Virginia additional deer harvest needs:

Staff consideration:

- Consider alternative season structures and strategies to increase the antlerless harvest, such as extending the late antlerless-only firearms season, establishing an early antlerless-only firearms season, instituting a requirement to harvest an antlerless deer before harvesting a second antlered deer (e. g., earn-a-buck), removing daily antlerless bag limits, and establishing an allowance for antlered deer mistaken for antlerless deer during antlerless-only seasons.
- Consider non-regulatory approaches, such as educational efforts among multiple stakeholders in the area and reducing the price of bonus antlerless tags.

(4) Bedford County area additional deer harvest needs.

Staff consideration:

- Consider alternative season structures and strategies to increase the antlerless harvest, such as extending the late antlerless-only firearms season, establishing an early antlerless-only firearms season, instituting a requirement to harvest an antlerless deer before harvesting a second antlered deer (e.g. earn-a-buck), removing daily antlerless bag limits, and establishing an allowance for antlered deer mistaken for antlerless deer during antlerless-only seasons.
- Consider non-regulatory approaches, such as educational efforts among multiple stakeholders in the area and reducing the price of bonus antlerless tags.

(5) Late muzzleloader season in eastern Suffolk

Staff Consideration: Consider including Suffolk City east of the Dismal Swamp line in the late muzzleloader deer season.

BEAR Concepts

Streamlining bear checking procedures.

Staff consideration: Consider changes to bear-checking procedures that are cost effective, provide additional hunter convenience, and maintain the integrity of data necessary for management needs. These changes may involve regulatory proposals, to could simply entail a modification of existing checking processes.

TURKEY Concepts

(1) Change in he timing of fall turkey season

Staff consideration: Consider a change in the timing of the last segment of the late fall turkey season by starting one week earlier and ending on week earlier.

(2) Opening fall turkey season in counties currently closed.

Staff consideration: Consider providing a 2-week fall season in counties currently closed to fall hunting.

TRAPPING AND BURBEARERS Concepts

(1) Clarify Maximum Jaw Spread Restrictions for Foot-Hold Traps

Staff Consideration: Consider clarifying regulation by specifying that the maximum spread be measured to the inside of the jaw.

(2) Streamlining Checking and Tagging Requirements for Bobcats and Otters.

Staff consideration: Consider removing the requirement for sealing bobcats that are tanned or mounted but continue to require sealing all of bobcat and otter fur bought, sold, traded, bartered, or transported out of state. Set up an electronic check-in system (internet and phone) for hunters and trappers who would prefer this method, but also continue "hard checking" with current CITES tag report forms. Checking would be mandatory so that the Department would continue to get complete harvest information (including animals that are not required to be sealed).

(3) Use of Electronic Calls on National Forest

Staff consideration: Consider removing the restriction of using electronic calls for coyotes and bobcats on National Forest lands.

(4) Shooting Pistol or Rifle over Public Inland Waters

Staff consideration: Consider allowing trappers to carry and use a small caliber firearm to dispatch trapped animals in public waters.

(5) Foxhound training preserves

Staff consideration: Consider allowing coyotes to be stocked in fox hound training preserves that meet certain fencing and size criteria.

General Wildlife Issues

(1) The use of non-toxic shot for rails, snipe, gallinules, moorhens and mergansers.

Staff consideration: Consider including rails (Clapper, King, Sora, and Virginia), snipe, moorhens and gallinules and specify mergansers to the list of species requiring the use of non-toxic shot for hunting.

(2) The prohibition of captive-reared mallard releases except as permitted.

Staff consideration:

- Consider prohibiting the release of captive reared mallards into the wild unless specifically allowed by department regulation or permit.
- Consider the release of captive reared mallards only on shooting preserves permitted for tower shoots.

(3) Shotgun shell capacity for hunting non migratory and migratory game.

- Consider removing the requirement to have shotguns plugged to a 3 shell capacity for hunting of non-migratory game.
- Consider authorizing the Board to allow unplugged shotguns for the taking of resident gees and snow geese as prescribed in Federal regulations.

Public Comments:

Charles Wilkinson, Maiden, North Carolina spoke on behalf of the Poplar Camp Fox Pen. He stated that issues regarding coyotes were addressed in the regulation presentation.

Ronnie Lambrich, Brightwood, Virginia spoke on behalf of the Virginia State Chapter of the National Wild Turkey Federation (NWTf) regarding Fall Turkey Season. He is also the President of the State Chapter. As a state chapter, they would support the recommendation of the realignment of the fall season but based on scientific evidence they would not be in favor of returning to a longer season.

R. Marvin, Burrell, Fredericksburg, Virginia, spoke regarding turkey hunting in the fall.

Hyland F. Fowler, Jr., Ashland, Virginia spoke regarding Rabbit Hunting season. He would like for the small game committee to consider extending the rabbit season through the end of February. This will create more opportunities for those who enjoy rabbit hunting.

Charles Montgomery, Buchanan, Virginia spoke on behalf of the Virginia Bear Hunters Association. Mr. Montgomery serves as the Vice President of the Association. The association is requesting an additional chase season; hunting season; reciprocal hunting licenses with adjoining states and also they have some suggestions on helping the staff deal with nuisance bears.

Jeff McDermott, Gloucester, Virginia, spoke on behalf of the citizens of Gloucester County regarding hound hunting. The Board stated to Mr. McDermott that legislation was introduced and considered during the 2007 General Assembly regarding this issue indirectly.

Carroll Dickenson, Broadway, Virginia spoke on behalf of the Shenandoah Valley Sportsman's Alliance regarding the Deer Management Plan. On behalf of the Alliance, he thanked the staff for the Deer Management Plan.

Dudley Melton, Chesapeake Virginia, spoke on behalf of the Jack Mountain Bow Hunters regarding squirrel season being open statewide from September 2nd-January 31st.

Jerry Pangle, Edinburg, Virginia, spoke regarding the use of snares in trapping. He has trapped extensively for 44 years. Most surrounding states have this control. He would like to see the height raised.

Bryan Nelson, Shenandoah, Virginia, President of the Virginia Trappers Association spoke on behalf of the Association regarding two trapping regulation changes. First is the current regulation addressing the body gripping trap in excess of 7 inches to be completely submerged. The second issue deals with snares and cable stops. The Virginia Trappers Association Board has met and asks the Board to consider raising the height to 24 inches to the top of the loop and the addition of a mandatory stop on the cable. The Association looks forward to working with the staff and thanked them for their hard work on these issues.

Mr. Montgomery thanked everyone for their attendance at the meeting and for their remarks. This concludes the public comments on the Hunting and Trapping (wildlife) concepts for proposed preliminary regulations.

The staff presented the following Fisheries concepts for preliminary regulation:

(1) Walleye minimum size on Middle Fork Holston and South Fork Holston rivers.
Staff consideration: Establish a "No walleye less than 18 inches" regulation in the Middle Fork Holston and South Fork Holston rivers. This would protect the walleye

population in South Holston Reservoir during the annual spawning run and eliminate the need to define the boundary between the reservoir and the rivers for the purpose of enforcing the existing minimum length limit.

(2) Demarcation lines for "No possession (catch and release only)" of American shad and Hickory shad.

Staff consideration: Correct the "No possession (catch and release only)" demarcation lines for American shad and hickory shad by adding "above Harvell Dam" after "Appomattox River" and adding "and the Mattaponi River" after Pamunkey River.

(3) Demarcation line on the Rappahannock River for "No possession (catch and release only)" of anadromous (coastal) alewife and blueback herring.

Staff consideration: Modify the regulation demarcation line for anadromous (coastal) alewife and blueback herring on the Rappahannock River by adding "the remnants of" before "Embrey Dam." By making this read "the remnants of Embrey Dam," it will establish that the north and south shore abutments (historic remnants left after dam removal) now mark the regulation demarcation line.

(4) Releasing (culling) trout that have been creeled.

Staff consideration: Amend the general trout creel limit and Urban Fishing Program regulations to clarify that once trout are caught and taken into possession by an angler, these trout become part of that angler's daily creel and cannot be released (culled).

Fisheries continued:

(5) Artificial lure with single hook definition for special regulation trout waters.

Staff consideration: Add language to the Artificial Lure definition to clarify that a multiple number of single-hooked artificial lures, such as dropper flies, fished in a series, may be used in single-hooked artificial lure only, special regulation trout waters.

(6) Jackson River special regulation trout section.

Staff consideration: Remove the special trout regulation section of the Jackson River from the "16-inch minimum size (no trout less than 16 inches), 2 trout/day, only artificial lures with single hooks" special regulation trout streams (4 VAC 15-330-120) and add it to the existing special Jackson River regulation (4 VAC 15-330-171), in order to make it legal to use multiple-hooked artificial lures on this portion of stream.

(7) Fishing with bow and arrow

Staff consideration: Add the word "common" to go with "carp", add northern snakehead to the list of fish that can be taken with a bow and arrow, and remove "crossbows" from the prohibited type of bows and arrows that can be used for fishing.

There were no public comments regarding these concepts.

The staff presented the following Wildlife Diversity concepts for preliminary regulation:

(1) Ban on the sale, etc. of turtles under a specific size

Staff consideration: Establish a new regulation, similar in intent to 4 VAC 15-260-30, that notes that a violation of this federal law and corresponding regulations related to the sale, holding for sale, or offering for any other type of commercial or public distribution constitutes a violation of state regulation.

(2) Liberation of Certain Captively -Held Native Fish and Wildlife

Staff consideration: Allow for liberation of native nongame fishes, amphibians, and reptiles that were collected within the Commonwealth under certain conditions. These conditions may include captivity limited to a 30-day period; animals to be liberated at the site of capture; animals to be housed separately from other wild-caught and domestic animals; and euthanasia of animals that are symptomatic of disease or illness or have sustained a life-threatening injury. This regulation would not apply to "naturalized species" of reptiles and amphibians or natives species of reptiles and amphibians captured outside of the Commonwealth of Virginia or state and federally listed species. All existing regulations will continue to apply.

(3) Threatened and endangered species - Additions/changes to the list of state listed endangered and threatened wildlife species.

Staff consideration:

- Addition of the pistolgrip mussel (*Tritogonia verrucosa*) as stated threatened, due primarily to substantial declines in population numbers in the past 30 years (this species is known only from the mainstem New River)
- Addition of the Big Sandy crayfish (*Cambarus veteranus*) as state endangered, due primarily to its extremely limited distribution in Virginia (Russell Fork-Dickenson County and Levisa Fork-Buchanan County) and sensitivity to impacts from coal mining and sewage-related discharges;
- Update the current list, changing the name of the state threatened Tippecanoe darter (*Etheostoma Tippecanoe*) to the golden darter (*Etheostoma denoncourti*), resulting from a change by taxonomist.

(4) Possession of wildlife - "grandfather" provisions for certain wildlife.

Staff consideration: Implementation of a permit mechanism to allow the continued possession of animals held on or before June 30, 2006, that are no longer allowed to be collected without a permit and allow for the transfer of animals of these four species that are no longer wanted to another location.

(5) Updates to Virginia's List of Native and Naturalized Species

Staff consideration: Update reference to the list of "Native and Naturalized Fauna of Virginia" in regulation to reflect current information.

There were no public comments regarding the Wildlife Diversity concepts for proposed preliminary regulations.

Chairman's Remarks: Mr. Montgomery stated the Director was confirmed by unanimous vote by the General Assembly. He has conducted his quarterly meeting as required by the APA Audit and the Governance Manual. Several state agencies including DGIF are included in the capital improvement requirements for Dam Safety. This is due to reclassification of the dams based primarily on the down stream of the development of the dam. It is not the actual failure of the dam but the exposure in the event of a failure. Our capital improvement cost for dams is approximately \$20 million. Mr. Montgomery attended the Hunter Education Instructor Course at Holiday Lake. The instructors and volunteers expressed their sincere thanks to the Staff and Board. They also appreciated the Director attending a previous course. On behalf of the entire Board, Mr. Montgomery wished Ward Burton a safe Nextel Cup Season.

Director's Remarks: Mr. Courter announced that the Education and Information Unit would soon announce the new Deputy Director. Ms. Belle Harding will be retiring on March 30th and she will be recognized at a later date for her service and dedication to the Board and Agency. The Agency is working diligently to help the Governor achieve his land conservation goal. Mr. Courter has visited Merrimac Farms in Prince William County and it has tremendous potential. He has attended the Virginia Deer Hunters Association Board Meeting; Greater Richmond Chapter of Ducks Unlimited Banquet; the Youth Trout Day in Madison County and met John Ross who is the Virginia president of Trout Unlimited. Mr. Ross also discussed the Trout in the Classroom Project. He attended the Smith Mountain Lake Association Meeting in regards to the new boating safety regulations. He visited the Lands End Refuge in Northern Neck. In addition to these meetings, Mr. Courter met with Wade Teague of Quail Unlimited. Senior Staff is working on an interim strategic plan for this year and a more extensive plan will be presented next year. He attended the Agency Heads Meeting with the Secretary of Natural Resources in Martinsville. Mr. Courter would like to form a Quail Focus Group. The group would look at preserving the small game. The committee would be appointed by the director.

Mr. Courter reminded everyone of the Outdoor Writers Association Conference in Roanoke. The dates are June 15-19, 2007. The Board will be receiving invitations to attend opening night of the conference. The staff will be participating in the conference.

Mr. Courter recognized staff to report on Captial Improvements. The Rice property dedication will be June 4th at 2:00 pm.

The Agency will be hosting the 2008 SOBA Conference (States Organization for Boating Access). Additional information will be provided at a later date.

The staff recommended the acquisition of +490 acres at Paint Bank Hatchery and +134 acres at the Wytheville Hatchery to continue trout production for recreational fishing in Virginia. The hatcheries are being conveyed to DGIF by the US Fish and Wildlife Service. They have been operated by DGIF under a Memorandum of Agreement since 1983. All improvements, personal property, easements, leases and water rights associated with hatchery operations will be conveyed to DGIF. The purchase price of the hatcheries is zero. The operational cost of the hatcheries are included in the budget.

Ms. Crumley made the following motion: I move that the Board authorize the director to proceed to acquire the Paint Bank and Wytheville Hatcheries, and such acquisition shall be according to the applicable state procedures. Motion seconded. Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.

Angler Environmental, the contractor for the reconstruction of Upper and Lower Powhatan Lakes has started preparations on site for the project. They are currently conducting site surveys and will be mobilizing to the site by April 1, 2007.

At 1:08 Mr. Hazel made the following motion to go into a closed session: I move that the Board go into a closes 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 Director's performance. Motion moved and seconded. Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.

At 1:57 Mr. Hazel made the following certification on behalf of the Board: I certify that: Whereas, the Board of Game and Inland Fisheries ahs convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia of 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 Fame 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. Certification approved: Ayes: Davison, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.

There being no further business the meeting was adjourned. The next meeting will be held on June 5, 2007.

Respectfully submitted,

Beth B. Drewery
Board Secretary