

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

March 2, 2010, 9:00am

Present: Mr. Charles S. Yates, Chairman, Mr. James W. Hazel, Vice-Chairman, Ms. Mary Louisa Pollard, Mr. Ward Burton, Ms. Sherry Crumley, Mr. John Montgomery, Jr., Mr. F. Scott Reed, Jr., Mr. J. Brent Clarke, III and Mr. Richard Railey, Jr.; **Absent:** Mr. Randy Kozuch and Dr. William T. Greer, Jr.; **Executive Director:** Mr. Robert “Bob” W. Duncan; **Chief Operating Officer:** Mr. Matt Koch; **Senior Leadership Team:** Mr. Charlie Sledd, Dr. Joice Conyers, Mr. Ray Davis, Mr. Larry Hart and Mr. David Whitehurst; **Asst. Attorney General:** Ms. Elizabeth Andrews.

The Chairman welcomed everyone and called the meeting to order at 9:00am and also noted for the record that a quorum was present for today’s meeting. A closed session will be held during the meeting today. The Chairman called upon Mr. Bob Duncan for a special comment.

Mr. Duncan announced the death of Mr. Sam Hamilton, Director of the USFWS. Mr. Duncan asked for a moment of silence to honor Mr. Hamilton’s contribution to protecting, promoting, and propagating wildlife and its habitat.

The Chairman welcomed the Honorable Doug Domenech, Secretary of Natural Resources; Mr. Jim McVey, Chairman of the Wildlife Foundation of Virginia and Ms. Jenny West, Executive Director of the Wildlife Foundation of Virginia; Mr. Dan Rolince, Resident Agent in-Charge for the Richmond District of the US Fish and Wildlife Service and Ms. Elizabeth Andrews, the Agency’s new representative from the Office of the Attorney General.

The Chairman called upon Mr. Brent Clarke to have the Mission Statement read into the record and recognized Peer Group 1 of the Agency’s Leadership Development Program to lead the Pledge of Allegiance. The Fellows of this group are: Mr. John Copeland, Ms. Carol Heiser, Mr. David Dodson, Mr. Steve Sutphin and Mr. Glen Akins.

The Chairman called upon Mr. Bob Duncan to introduce the Honorable Doug Domenech, Secretary of Natural Resources. Mr. Duncan gave the following introduction: Secretary Domenech has served in many positions throughout his career. Most recently, Secretary Domenech served as the Acting Deputy Assistant Secretary of Insular Affairs where he managed U. S. relations with seven areas including US Territories of the Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands and US Freely Associated States of Palau, Federated States of Micronesia, and the Marshall Island. Policy issues addressed in this role included energy, security, economic development and health. He was also appointed to the U. S. Department of Interior in July 2001 as Deputy Director of External and Intergovernmental Affairs. From November 2001-2005, Secretary Domenech served as White House Liaison to the Interior Department where he was responsible for appointments to 140 federal boards and commissions as well as communications with White House and Cabinet personnel. From 2005-2009 he served as Deputy Chief of Staff to the Secretary of Interior where he was the number two staff position in the Office of the Secretary. In this position he worked with senior managers for all nine Interior Bureaus, had senior oversight of the US/UNESCO World Heritage Program administered by the United Nations, and oversaw the Interior Crisis Action Team. Secretary

Domenech received his Bachelors of Science in Forestry and Wildlife Management and Industrial Forest Engineering Operations from Virginia Tech. Mr. Duncan welcomed the Secretary.

Secretary Doug Domenech provided additional background on himself. He spoke of his many senior leadership positions in the U.S. Department of Interior during the Bush Administration. The Department of Interior is the nation's principle Conservation, Energy and Science Agency responsible for one-fifth of the land in the United States and 1.76 billion acres of the outer continental shelf. Secretary Domenech spoke on many of his experiences during his tenure with the Department of Interior and his work with Mr. Sam Hamilton.

The Secretary was born in Georgia into a military family and they moved to Richmond in 1972. He graduated from Midlothian High School and earned a degree in Forestry and Wildlife Management from Virginia Tech.

Secretary Domenech said he was looking forward to working with everyone in the future.

On behalf of the Board, the Chairman thanked the Secretary for his attendance at the meeting today.

Public Comment Non-agenda Items: The Chairman called for Public Comments, Non-agenda items. The Chairman noted for the record the need to limit individual comment to 3 minutes and comments supporting a group to 5 minutes. The Chairman reminded everyone wishing to make a comment to move to the podium so all comments can be made a part of the record and to please start with their name and city.

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; Whether or not you are representing a group and, if so, the name of the group represented; Are your comments for or against the proposals; other.

Mr. Floyd F. Smith, Goochland, Virginia, spoke regarding trapping.

Mr. Donald Wright, Virginia Beach Virginia, who represented VirginiaHunters.com, spoke regarding the lengthening of deer season.

The Chairman thanked Mr. Smith and Mr. Wright for their comments and attendance during today's meeting.

Recognition of Employees and Others: The Chairman called upon Mr. Bob Duncan for a special presentation and staff recognitions.

The Director presented Mr. Roger Chaffe a Certificate of Appreciation for his service to the Board and Agency. Mr. Chaffe recently retired after 31 years of service with the Attorney Generals Office. Mr. Chaffe stated he had enjoyed working with the Board and the Agency. Mr. Chaffe introduced Ms. Elizabeth Andrews, who will serve as the new legal counsel for the Agency.

The Director introduced Mr. Dan Rolince, Resident Agent-in Charge for the Richmond District of the U. S. Fish and Wildlife Service. Dan follows Rick Perry, who retired last fall, into this position. Dan's work area covers four states, and the District of Columbia, nine offices, seven

agents, three wildlife inspectors and four support staff. After college, Dan was a Navy helicopter pilot and later served as an FBI Agent before transferring to the USFWS. Prior to his promotion, Dan served five years working out of the Service's Richmond office. On behalf of the Board and Agency, the Chairman welcomed Mr. Rolince. Mr. Rolince stated he looked forward to continuing his working relationship with the agency.

The Director called upon Mr. Charlie Sledd to introduce the video piece for the 2010 Virginia Association of Broadcasters (VAB) partnership. Under the Non-Commercial Sustaining Announcements Program, the Department partners with the VAB for a statewide television and radio outreach campaign. The 2010 message focuses on awareness of the boating safety education compliance requirement. Following the viewing of the video, Mr. Sledd recognized Ms. Amy Samuels, her daughter Kiala (who appears in the video) and son Landon for the time they volunteered to help in the video footage. Mr. Sledd called Kiala forward to meet the Chairman and Director and to present her with a copy of the video.

Mr. Charlie Sledd recognized Ms. Donna Cook for over 2,000 hours of volunteer service as a Boating Safety Education Instructor. This past year, Ms Cook has logged almost 300 hours and taught nearly 450 students. In total, she has over 2,000 hours of volunteer serve and has taught over 1,800 boating safety students. Mr. Sledd presented Ms. Cook with a weather station in recognition of her service to the program as a Volunteer Boating Safety Education Instructor and promoting Boating Safety in Virginia.

The Director noted that Colonel Dee Watts was on leave and called upon Major Mike Clarke from the Law Enforcement Division to announce the Conservation Police Officer of the Year.

Major Clarke announced the recipient of this year's Conservation Police Officer of the Year Award: CPO Dan Hall. Officer Hall serves the Smyth County area. Mr. Hall said he had always wanted to be a "Game Warden" and thanked his wife for her support. Officer Hall received a standing ovation.

Major Clarke called upon Captain Ron Henry to present several awards from his region.

Captain Henry recognized CPO Greg Funkhouser who was selected as the National Wild Turkey Federation's (NWTF) Officer of the Year. Officer Funkhouser was selected by the State Chapter and then at the NWTF Convention in Nashville, Tennessee, he was selected nationally from a field of officers from all the other states. Officer Funkhouser is the 3rd DGIF Officer who has earned this award. The Director noted that Captain Henry was the first Virginia recipient followed by Officer Chris Thomas. Officer Funkhouser stated it was an honor and privilege to work for this agency and it was an honor to be the 3rd recipient of this award for the Agency.

Captain Henry presented Life Saving Awards to CPO's Brandon Harris and Mark VanDyke. These two officers were able to revive and save the life of an eight year old girl who had gone under the water, had no pulse and was not breathing when they arrived on scene at Buggs Island Lake. The two Officers gave credit to their Agency training in reviving and saving this little girl's life.

The Chairman and Director congratulated everyone on their awards and service to the Agency.

The Director called the Board's attention to the list of Agency Service Awards in their books. These awards were presented to the staff by their respective supervisor and division director. Congratulations to all.

The Chairman called for comments from the Board. Mr. Burton stated the Conservation Police Officers are dedicated to the Agency and the Commonwealth of Virginia. Their service goes well beyond a 9am-5pm job.

Presentation – Wildlife Foundation/DGIF Partnership: The Chairman called upon Mr. Bob Duncan to give a brief presentation on the Wildlife Foundation/DGIF Partnership Agreement. Mr. Duncan gave the following presentation on the Wildlife Foundation of Virginia (WVF):

The Wildlife Foundation of Virginia was formed in 1997 as a tax exempt nonprofit corporation for the purpose of pursuing funds, property, and gifts for the benefit of the Department. The Foundation has worked with conservation donors and partners to raise and effectively support conservation projects and activities in Virginia. The Foundation's Board is comprised of business and community leaders which share the Agency's passion of the outdoors.

The purpose of the partnership is to develop enhanced fundraising opportunities to implement high priority projects for managing fish, wildlife, habitats, hunting, fishing, boating, and outdoor education opportunities in Virginia. The Foundation will enhance the mission of DGIF through: seeking financial support from private, philanthropic and other sources; managing and administering gifts, grants, etc; establishing grant criteria; assuring funds are appropriately expended; and sponsoring education and public awareness programs to support creative conservation efforts.

The Agency's contribution in this partnership will be the technical expertise, project management, assistance in fundraising and Board participation. This relationship will provide supplemental funding of the Department and serve as a catalyst to ensure both the long-term protection of Virginia's conservation heritage and the provision of outdoor opportunities for future generations.

Nearly every state has an associated foundation which supports state fish and wildlife agencies. By adopting this best practice, DGIF is now ready to become part of this progressive, innovative and leading group of states through establishing a formal agreement with the Wildlife Foundation of Virginia.

The Director introduced Mr. Jim McVey and Ms. Jenny West of the Wildlife Foundation of Virginia. He then recommended to the Chairman that the Board and the Wildlife Foundation enter into this partnership.

The Chairman called for discussion and comments on the presentation. Ms. Crumley said as a former Board Member of the Wildlife Foundation, she was pleased the Foundation and Board would be entering into this partnership. Ms. Crumley commended Mr. McVey and Ms. West for their leadership of the Foundation.

Hearing no further comment the Chairman called for a motion for the Board to adopt the Memorandum of Understanding (MOU) as presented.

Ms. Crumley made the following motion: Mr. Chairman, In accordance with subsections 3,7, 8,9, 11 and 12 of §29.1-103 (Powers and Duties of the Board) of the Code of Virginia, I hereby move that the Board approve the Memorandum of Understanding between the Department and the Wildlife Foundation of Virginia and that the Board Chairman sign the MOU to execute

such approval. Mr. Hazel stated he too was a former Board Member of the Wildlife Foundation and was pleased to be moving forward with the partnership. Motion Seconded by Mr. Hazel. Ayes: Yates, Hazel, Pollard, Burton, Crumley, Montgomery, Reed, Clarke and Railey.

The Chairman invited Mr. McVey forward to formally sign this document. (A copy of this document is available upon request)

The Chairman thanked Mr. McVey and stated that on behalf of the Board, he was looking forward to working with everyone in the future.

Approval of October 22, 2009 Meeting Minutes. The Chairman stated the minutes of the October 22, 2009 meeting were distributed for review and posted to the Web Site. He called for discussion and approval of the October 22, 2009 meeting minutes. **Mr. Montgomery made the following motion: Mr. Chairman, I hereby move the minutes be adopted as presented. Motion Seconded by Ms. Pollard. Ayes: Yates, Hazel, Crumley, Burton, Pollard, Reed, Railey, Montgomery and Clarke.**

Issues and Concepts Identified for 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process. The Chairman called upon the Director to introduce Mr. Gary Martel, the Fisheries Director within the Bureau of Wildlife Resources, who led the presentation on the Issues and Concepts Identified for 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process.

Mr. Martel gave a brief overview and timeline of the Issues and Concepts for the 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process:

- **September 1 through November 30, 2009** – scoping period for staff and public views/input on fishing, boating and wildlife diversity regulation issues; **
 - **March 2, 2010 Meeting** – staff presents the regulatory issues/concepts identified during the scoping period to the Board for its consideration and modification as desired; **
 - **60 Day Public Comment Period on Regulatory Issues and Concepts:** **
 - **June 8, 2010 Board Meeting** – staff presents proposal-stage recommendations and the Board proposes regulation amendments; **
 - **60 Day Public Comment period on Board-Proposed Regulations** – public meetings may be scheduled at appropriate locations depending on subject matter and interest: **
 - **October 5, 2010 Board Meeting** – staff presents its final recommendations and the Board deliberates and adopts final regulation amendments; **
 - **January 1, 2011** – effective date of Board adopted regulation amendments, unless otherwise specified by the Board.
- **indicates public comment/input opportunity

The Chairman called upon Mr. Hazel for comment regarding the scoping period outline. Mr. Hazel asked for clarification on the submission of issues. Mr. Martel stated during this period issues can be submitted other than the ones already identified.

Mr. Martel presented the Fishing Issues and Concepts:

Issue # 1 - Creel and Length

Sport Fish Creel (Harvest) and Length Limits to Improve Fisheries

Background: Creel and length limits are management tools to improve angling opportunities by spreading catch and harvest to more anglers, reducing harvest of selected sizes of fish, or increasing catch rates of quality or trophy-sized fish.

Staff is considering the following to address this issue:

- Staunton River smallmouth bass – Establish a “no bass less than 20 inches, only 1 per day longer than 20 inches” regulation, to take advantage of the rivers potential to produce higher catch rates of trophy smallmouth bass.
- Smith Mountain Lake striped bass – Adjust the current “no striped bass from 26 to 36 inches seasonal protected slot limit during October 1 - May 31” regulation to November 1 - May 31, to reduce release mortality during October.
- Buggs Island (Kerr) Reservoir striped/hybrid striped bass – Include hybrid striped bass along with striped bass in the current seasonal protected limits regulation, to help avoid confusion between striped bass and hybrids and help enforcement of this regulation.
- Walleye statewide – Establish a statewide “no walleye less than 18 inches” regulation to protect stocked walleye so they can grow to a larger size before they can be harvested.
- New River walleye – Establish a “no walleye 19 to 28 inches, only 2 walleye per day from February 1 – May 31” regulation from Claytor Dam up to Buck Dam to protect unique strain, female walleye during spawning.
- American shad in the Roanoke River drainage – Prohibit harvest of American shad from lakes Gaston and Buggs Island (Kerr), and the Dan and Staunton Rivers to protect stocked shad of the multi-state/federal restoration effort.
- Blue catfish: the only 1 per day longer than 32 inches regulation – Public input is wanted concerning this regulation, in response to criticism from commercial fisherman.

Issue # 2 – Trout

Expand Trout Fishing Diversity and Opportunity

Background: Working in cooperation with and through partnerships with fishing organizations and the private sector, DGIF has been able to open public access to and provide management of a number of trout stream sections. Many of these opportunities have resulted in special regulation trout fishing areas that provide exceptional fishing and great diversity to Virginia’s nationally recognized program.

Staff is considering the following to address this issue:

- Smith River, Henry County – Remove the special regulation (16-inch minimum, 2 per day, only single hook artificial lures) section and add a “no brown trout 10 to 24 inches, only 1 brown trout per day longer than 24 inches” regulation to 31 miles of river downstream of Philpott Dam, to improve the trophy oriented brown trout fishery and

preserve the harvest oriented rainbow trout fishery. The aggregate (combined rainbow, brown, and brook trout) daily creel limit shall be the statewide 6 trout per day.

- South River near Waynesboro – Add a section of this river to the “no trout less than 16 inches, 2 trout per day, only single hook artificial lures” special regulation waters.
- Mill Creek, Town of Narrows and Jefferson National Forest, Giles County – Add a section of this stream to the “no trout less than 9 inches, only single hook artificial lures” special regulation waters.
- Spring Run, Bath County; Venrick Run, Wythe County; and Brumley Creek, Washington County - Add a section of these streams to the “catch and release, only single hook artificial lures” special regulation waters.
- Hardware River, Fluvanna County – Extend the Delayed Harvest (catch and release Oct. 1 – May 31; trout may be harvested June 1 – Sept. 30) special regulation section for this stream from 2.6 to 3.0 miles.
- Jackson River, below Gathright Dam, Allegheny County – To improve the quality of the trout fishery downstream of Gathright Dam, change the regulation from the current “no trout less than 12 inches, 4 trout per day” to a “no rainbow trout 12 to 16 inches, no brown trout less than 20 inches, 4 trout per day only 1 of 4 can be a brown trout”.

Issue # 3 – Clarification & Non-game Fish Harvest

Clarify, Update, or Eliminate Regulations for Special Areas and Methods to Take Nongame Fish

Background: There are a few special area regulations and a number of regulations for older, traditional methods to take nongame fish (like trot lines, jugs, gigs, etc.) that periodically need to be re-evaluated to see if these regulations should be edited, updated, or eliminated to properly manage and protect fish populations and the diversity of angling opportunities.

Staff is considering the following to address this issue:

- Eliminate the striped bass special regulation Witcher Creek (Cedar Creek) area of Smith Mountain Lake; striped bass no longer congregate in this area during spawning and are no longer susceptible to snagging with artificial lures.
- Add the James River to waters exempt from needing a National Forest Permit, so that DGIF can officially document this exemption, which is how this has been enforced all along.
- Make it unlawful to use SCUBA (Self-Contained Underwater Breathing Apparatus) to take fish, eliminating the taking a large numbers of fish (particularly catfish from New River) during cold water periods (this is an issue brought forward by Law Enforcement).
- Add restrictions to jug fishing (including the use of swim noodle style “jugs”) to help avoid wanton waste of fish, avoid conflicts with other anglers and boaters, and improve

law enforcement. Specifically, under consideration is a 70 per day limit on the number that can be fished and a requirement that all jugs must be marked and attended (within sight) at all times while fishing.

- Eliminate the obsolete method of dulling and noosing to take suckers in Highland County.

The Chairman thanked Mr. Martel for his presentation.

Mr. Gary Martel introduced Mr. Tom Guess to present the 2010 Boating Issues and Concepts. Mr. Guess gave the following presentation:

Public Comments from DGIF Website
Scoping Period Sep 1 – Nov 30, 2009

- Received 25 total comments:
 - 12 comments would require legislative action – such as:
 - Requiring children under the age of 13 to wear a lifejacket (4 comments)
 - No wake speed, no wake zones, and slacken speed (5 comments)
 - Abandoned vessels (2 comments)
 - Repeal 29.1-735.2
 - 7 comments were regulatory
 - Review visual distress signal requirements to be sure they mirror USCG (1 comment)
 - Remove requirement to register vessels with trolling motors (1 comment)
 - Make Virginia's requirement for USCG Approved Type IV throwables same as USCG (1 comment)
 - Comments regarding internet courses (5 comments)
 - 4 comments regarding DGIF procedure
 - allow watercraft dealers to get Optional Boating Ed. Cards (1 comment)
 - let boat operators “just take a test” to meet BSECR (1 comment)
 - allow sailing on Lake Shenandoah (1 comment)
 - have more classroom courses available (1 comment)
 - 1 comment regarding US Marine Corps Base Quantico, Lunga Lake Reservoir
 - 1 additional comment was an email SPAM

The issues presented below will bring current Boating Regulations and Boating Education requirements into conformity with Coast Guard Regulations.

Issue # 1 - Regulatory Markers and Aids to Navigation

Background: The U. S. Coast Guard has standard specifications for aids to navigation and regulatory markers. Through review, it was discovered that the specifications set forth in the Virginia Administrative Code differed from the Coast Guard.

Staff is considering the following to address this issue:

- Regulatory Markers and aids to navigation – Changing the requirement of the orange bands on regulatory markers and buoys from 3 inches wide to 2 inches wide.

Issue # 2 – Standard Whistle and Horn Signals Regulatory Markers and Aids to Navigation

Background: The U. S. Coast Guard has standard specifications for aids to navigation and regulatory markers. Through review, it was discovered that the specifications set forth in the Virginia Administrative Code differed from the Coast Guard.

Staff is considering the following to address this issue:

- Regulatory Markers and aids to navigation – Changing the requirement of the orange bands on regulatory markers and buoys from 3 inches wide to 2 inches wide.

Issue # 2 – Standard Whistle and Horn Signals Standard Whistle and Horn Signals

Background: The U. S. Coast Guard has standard specifications for whistle and horn signals as prescribed in the Navigation Rules (Inland – International) COMDINST 16672.2D, Rule 33. Vessels of 12 meters (39.4') or more in length shall be outfitted with a whistle and bell. Through review, it was discovered that the specifications set forth in the Virginia Administrative Code differed from the Coast Guard.

Staff is considering the following to address this issue:

- Standard whistle and horn signal – Removing the requirement for vessels less than 12 meters (39.4') or less from carry a bell and only requiring a whistle as per the Navigation Rules.

Issue # 3 – Provisions for Compliance and Minimum Standards for Boating Safety Education Course Competency

Background: There is ambiguity as to the intent of the meaning of “valid” as it pertains to a person who possesses a valid license to operate a vessel issued to maritime personnel by the United States Coast Guard or a marine certificate issued by the Canadian government or possesses a Canadian Pleasure Craft Operator's Card. There is further confusion on the part of recreational boaters that are non-residents of Virginia as to whether they are in compliance with this section.

Staff is considering the following to address this issue.

- Better defining the term “valid”
- Addressing non-residents so that it is less confusing for the recreational boating public

There is no fiscal impact for DGIF in changing these regulations.

The Chairman thanked Mr. Guess for his report.

Mr. Tom Guess introduced Ms. Becky Gwynn to present the Issues and Concepts for Wildlife Diversity. Ms. Gwynn gave the following presentation:

The Wildlife Diversity issues and concepts focused on those wildlife species that are not hunted, trapped or fished for. About 90% of Virginia's wildlife species fall into this category, which includes frogs, snakes, songbirds, freshwater mussels, and much more.

During the public scoping period that occurred last fall, the Department did not receive any comments or suggestions from the public regarding these topics. The issues and concepts were developed by Department staff specialists.

Continuing Threat of Nonindigenous (Exotic) Species

Background: Exotic species contribute more to the decline of native wildlife populations than any other threat except habitat loss. Impacts range from direct competition for food, water, and cover to the introduction of disease and outright displacement.

The General Assembly and this Board have taken actions in the past to limit the harmful impacts of certain exotic species to Virginia's wildlife. Such actions have included the development of a list of animals identified as "predatory or undesirable" and conditions under which individuals could possess such animals in the state. Prior Board actions have included adding species to the list and tightening up the conditions.

Staff is considering the following to address this issue:

- Add the group of species known as African dwarf frogs to the list of predatory and undesirable species.

Threatened and Endangered Species

Background: During the past 25 years, Virginia has experienced remarkable pressures on native wildlife and the habitats that support them, resulting primarily from an increasingly changing landscape. Habitat destruction, fragmentation, and degradation are the single most significant threat to Virginia's wildlife resources.

Along with these landscape changes, many wildlife populations are impacted by illegal collection for personal possession and for the pet trade; by predation, competition, and/or displacement by other species; and by pollutants.

In some instances, these wildlife populations and the habitats in which they live have been so significantly impacted that they require more targeted protection and conservation efforts to prevent them from extirpation or extinction. Scientists within and outside of DGIF periodically review the status of all wildlife in the state to determine whether or not these additional targeted protections are warranted for any species, achieved primarily by including the species on the state list of endangered and threatened wildlife.

Staff is considering the following to address this issue:

- Add the West Virginia flying squirrel as “endangered” to state list of endangered and threatened species
- Re-adopt the federal list of endangered & threatened species to ensure consistency between the respective state and federal lists.
- Eliminate the definition of “special concern” because of redundancy with other conservation planning efforts and resulting confusion.

Collection, Sale & Possession of Wildlife

Background: Many local wildlife populations are impacted by the collection of animals for personal use and illegally for the pet trade, or by the unintended transfer of individuals between watersheds or other natural communities across the state. Collections of several species of amphibians and reptiles have decimated local populations around the state. Unintended transfers have actually resulted in the introduction of species into areas they did not previously occur, impacting local populations through competition, displacement, and predation.

In 1990, the Virginia General Assembly enacted legislation that considerably tightened individual and commercial taking, possession, and sale of wildlife without authorization from the Board. In 1992, the Board adopted a broad array of regulations that permitted, among other things, individual possession limits of specific nongame wildlife, with the intent of preventing further declines and hopefully precluding formal listing on the state list of endangered and threatened species.

Staff is considering the following to address this issue:

- Reduce the daily recreational bag limit for snapping turtles from 15 to 5, consistent with personal possession limits for other reptiles and amphibians
- Eliminate the current loophole that allows for bartering of native and naturalized wildlife
- Implement a statewide prohibition on the collection of freshwater mussels
- Allow the unlimited collection statewide of Asian clams

Native & Naturalized Species

Background: In 1991, the Board adopted a list of species identified as “native and naturalized” in the Commonwealth. This list is used in regulations pertaining to the collection, holding, etc., of wildlife. Periodic updates and readoption of the list are required to reflect changes in nomenclature and updated knowledge of the wildlife species occurring in Virginia.

Staff is considering the following to address this issue:

- Update the date reference of the list in regulation to reflect current information.

Falconry

Background: Over the past three years, the U.S. Fish and Wildlife Service has adopted new and updated regulations for falconry, expanding opportunities for falconry. Virginia falconry regulations are now inconsistent with updated federal regulations and do not allow for the full opportunities provided for in federal regulation.

Additionally, the Department has been advised that the U.S. Fish and Wildlife Service is intending to withdraw from the regulation of falconry by January 1, 2014. By this date, every state that wants to allow falconry must adopt regulations that meet the requirements and standards of the current federal regulations at a minimum. If the state adopts such regulations and receives certification from the U.S. Fish and Wildlife Service to that effect, then the Service will no longer require federal falconry permits in that state after January 1, 2014. If the state fails to adopt compliant regulations, though, then the Service will cease issuing permits and disallow falconry in that state as of January 1, 2014.

Staff is considering the following to address this issue:

- Update the state falconry regulations for improved consistency with federal regulations and reduced confusion amongst the falconry community
- Expand opportunities to take falcons from the wild

Possession, transportation, and release of wildlife by authorized people.

Background: Animals shelters on some urban areas are currently receiving, temporarily confining and euthanizing wildlife received from the public, commercial nuisance animal permittees, and local animal control agencies. Current regulation does not specifically authorize animal shelters to perform these services. Furthermore, current regulation does not authorize the public to legally transport nuisance wildlife to these facilities. Although county, city and town animal control officers can legally euthanize wildlife, it's unclear whether or not this authority can be transferred to contracted animal shelters.

Although these animal shelters are providing a valuable public service by humanely euthanizing nuisance wildlife, current protocol and legal authorization by the Board, DGIF, and the Virginia Department of Agriculture and Consumer Services (which permits these facilities) are not adequate for continuing this function in the future.

Staff is considering the following to address this issue:

- Provide specific authorization to animals shelters and similar facilities to receive, hold and euthanize wildlife in certain conditions
- Provide authority for public to transport wildlife to these facilities in certain conditions

The Chairman thanked everyone for their presentations and called for comments and questions from the Board.

The Chairman called upon Mr. Hazel for a question regarding the African frog mentioned earlier in the Wildlife Diversity presentation. Mr. Hazel asked if there is a parallel effort at the Federal level to restrict introduction of these frogs or is it solely a state issue. Ms. Gwynn stated the US Fish and Wildlife Service and the US Department of Agriculture are looking to address these issues. Ms Gwynn cited the example of the Northern Snakehead fish and the importation of that

animal and the ban. The states have a responsibility of regulating these types of issues at a state and local level. Mr. Hazel thanked Ms. Gwynn for her response.

The Chairman called upon Mr. Scott Reed for a question and clarification regarding the daily bag limit of snapping turtles. Ms. Gwynn stated the rationale is that there is a current permit in place for the commercial collection for snapping turtles. Under the regulation there is a daily personal limit of 15 because it impacts the species.

The Chairman called upon Mr. Montgomery for a question regarding the Boating issues. Mr. Montgomery stated under the Boat License Issue “regarding any license would be sufficient”. Does a person ever lose their license? Mr. Guess stated in most cases for a Captain’s license people will let their license expire at the end of 5 years. The only way to lose your license is to commit a serious violation where the Coast Guard actually revokes your license. Mr. Montgomery requested further clarification on the “validation” to avoid a loophole in the regulation.

Mr. Hazel asked Mr. Martel if the weather has impacted the trout stocking. Mr. Martel stated stocking has been delayed due to snow but has not affected the number of trout raised. As a result, there are more trout in the hatcheries. All stocking will be completed and will go forward – bigger fish and more fish.

The Chairman called upon Mr. Burton for a question regarding Boating issues specifically the use of whistles and horns. Mr. Burton asked Mr. Guess to clarify the current regulation requiring a whistle on a boat 12ft and longer. Mr. Guess stated if the vessel is less than 12 meters in length you are required to have a whistle and a bell. Vessels 12-20 meters require a whistle and a sounding device.

Mr. Burton asked for clarification on boating education course requirements for non-residents. Mr. Guess stated it is based on the state-of-residence requirement.

The Chairman thanked everyone for their presentations and confirmed the scope of activities of the Agency.

At 11:12 am, the Chairman called for a brief recess. At 11:22am the Chairman called the meeting back to order.

Wildlife Violator Compact Regulation-Final Action: The Chairman called upon the Director to introduce Major Mike Clark from the Law Enforcement Division to present the Wildlife Violator Compact Regulation for Final Action. Major Clark gave a brief review of the Wildlife Violator Compact Regulation presented for final action. Major Clark presented the public comments received on the regulation. During the October 22, 2009 Board Meeting, the Law Enforcement Division presented the proposed regulation amendment.

During the Public Comment Period from January 19-February 18, 2010, a total of 19 comments were received. Major Clark broke down the total number in the following categories: Support = 15, Conditional Support = 2 and Do Not Support = 2. Following Major Clark’s presentation the Chairman called for Comments from the Board.

The Chairman called upon Mr. Reed for a comment and question. Mr. Reed wanted to know when comments are submitted does the Agency prepare a response? The Chairman referred to the Director for a response. The Director stated that normally responses are not given during

public comment period for proposed regulations and staff recommendations to regulation changes. The Director stated he would review the specific public comment for which Mr. Reed thought a separate response was warranted due to the author's request for information. Mr. Reed and the Director will work together on this issue.

The Chairman called upon Mr. Railey for comment. Mr. Railey stated he supported the idea, however, the Compact does not address the suspension and appeals process. The Chairman asked Major Clark for comments on the violation. Major Clark said he would defer to the Attorney General's Office for guidance. A further discussion was held by Mr. Railey and Major Clark.

The Chairman stated based on the number of states who are members of the Compact, if there was a flaw in the Compact, it would have been seen by now. Major Clark stated regulation authorizes the Director to establish certain procedures that are allowable under the Compact. These would be one of the issues due to various laws in different states.

The Director commended the Law Enforcement Division on this Compact.

A discussion was held between the Chairman, Board, Director and Major Clark regarding the appeals process.

The Chairman called upon Mr. Montgomery for comment. Mr. Montgomery stated further clarification was needed on Item 9 before voting on this regulation. Mr. Railey stated he supported the compact but was in agreement with Mr. Montgomery that further clarification was needed.

The Chairman called upon Mr. Hazel for his comments. Mr. Hazel asked the Chairman if the Board was under a timeline to approve the compact. The Chairman responded the Board was not under a timeline. Mr. Hazel suggested due to the number of questions and concerns expressed that this item be carried forward to the April Board Meeting.

The Chairman called upon Mr. Burton for a report on this topic. Mr. Burton, Chairman of the Wildlife and Boat Committee stated this item was presented at the Wildlife and Boat Committee Meeting and it is the Committee's recommendation that the Board approve the regulation as presented. Mr. Burton said that in most states licenses are revoked or suspended for major offenses. He stated the Compact should be approved as is. The Chairman asked Mr. Burton if there were any objections to carry this item over to the next meeting. Mr. Burton said he did not have any objections to carry this over to the next meeting.

Mr. Montgomery will work with the Director and staff for further clarifications.

Mr. Hazel also requested that the Director and Staff present a list of convictions where a person's license would be suspended under this compact.

Mr. Sledd provided additional information that by carrying this item forward to the next meeting, another round of newspaper advertisements will be needed.

Due to the discussion held by the Chairman, Board and Staff, the Chairman requested this item be carried forward to the April Board Meeting.

The Chairman thanked Major Clark for his presentation.

2010 General Assembly Update: The Chairman called upon Mr. Charlie Sledd to provide an update on the 2010 General Assembly. Mr. Sledd reported that twenty-five (25) bills of significance to the Agency and the Board have been posted to the DGIF website list. Of the twenty-five, six (6) are agency bills (HB 373, HB 487, HB 801, HB 1218; SB 289 and SB 575). So far, 14 of the 25 bills remain active – 11 House bills and 3 Senate bills. Ten (10) of these 14 bills have passed both the House and Senate. Mr. Sledd also noted that there were six (6) bills this session that relate to license fees.

The Chairman called upon the Director for comments.

The Director provided information to the Board regarding SB 668 introduced by Senator Ralph Northam. This bill is intended to conform Virginia's licensing of saltwater anglers with the rule issued by the National Marine Fisheries Service regarding the new federal registry requirements. Compliance with the federal requirement would exempt saltwater anglers in Virginia from the need for a separate Federal registration (at a cost of \$15-\$25 beginning in 2011). The Director wanted the Board to be aware that this bill had passed the Senate, but had been amended in the House in such a way that it would not achieve compliance with the federal registry requirement. Should anglers in Virginia have to purchase the federal registration, that would have an impact on an estimated 20,000 anglers fishing with a freshwater fishing license for anadromous species in tidal waters. The Director called on Gary Martel to answer additional questions. Mr. Martel provided additional information, and informed the Board that the registry was effective January 1 of this year (at no cost) and that there was a link provided on our web-page. He also mentioned the financial benefit in increased federal aid dollars of the individual license option over a registry (however either option is preferable to non-compliance).

The Chairman, Mr. Hazel and the Director thanked Mr. Sledd for his work during the current legislative session.

Committee Reports: The Chairman called upon Mr. John Montgomery, Committee Chair of the **Finance, Audit and Compliance Committee** to report on the activities of the December 2, 2009 and the January 21, 2010 Committee Meetings. Mr. Montgomery referred the Board to the minutes of the December and January Meetings. The Agency has received very favorable audit reports both from the Federal Government and from the Internal Auditor. Mr. Montgomery commended the Director and staff on receiving such favorable reports. Mr. Montgomery also called the Board attention to the Quarterly Media services reports found in the minutes. Mr. Montgomery said he was constantly amazed by all of the Outreach activities taking place in the agency (calendar, magazine and exhibits). Mr. Montgomery also noted the presentation the Committee received from Mr. Matt Koch on Workforce Productivity. The Committee also received a report on the use of the Small Purchase Charge Card program for the Agency. The program continues to be a success.

The Chairman thanked Mr. Montgomery, the Director and staff on their work. The Chairman read the letter received from the US Fish and Wildlife Service commending the Agency for their perfect audit score. (This letter is available upon request). The Chairman distributed this letter to the Board. The Chairman commended the Board, Director and staff for their success.

The Chairman called upon Mr. Ward Burton, Committee Chair of the **Wildlife and Boat Committee** to report on the activities of the February 16, 2010 meeting. Mr. Burton reported the Committee met on Tuesday, February 16, 2010 and everyone was present. Several guests were present during this meeting: Mr. Wilmer Stoneman of the Farm Bureau, Mr. Scott Barnes and Ms. Cromwell from the US Department of Agriculture were in attendance. We had several

agenda items, most of which have been discussed here today. The Wildlife and Boat Committee heard a presentation from Mr. Nelson Lafon, Deer Project Leader regarding the CWD response efforts. The Department staff in conjunction with personnel from other states and other federal agencies have identified important issues and established timelines to develop recommendations to contain and manage this disease in Virginia. Final recommendations should be completed by April 1st and will be presented during the April 20th Board Meeting. Mr. Bob Ellis presented an update on the Elk Restoration Plan and at this time I would like to call on Mr. Ellis to update us on the plan.

Mr. Ellis thanked Mr. Burton and gave the following presentation on where the Agency is now with the Elk Restoration and Management Plan. Before beginning, Mr. Ellis reported that all of our CWD samples were tested and only one tested positive. The CWD response team is working on strategies that will be brought forward to the Board at the April meeting to deal with this disease that is located in Frederick County. Mr. Ellis said he just wanted the Board to know staff is working hard to develop the response plan and the good news of only one positive test sample.

Mr. Ellis stated the he presented an outline for a draft Elk Restoration and Management Plan in Virginia at the October meeting. The Board approved the draft outline and instructed the Director to have staff move forward with a draft plan. Following the October Board Meeting, a committee was formed to draft the plan. Mr. Ellis called the Board's attention to the list of Committee Members listed below:

Elk Plan Committee

The Committee Members are:

- Johnny Wills (District Wildlife Biologist) Co-Chair
- Allen Boynton (Wildlife Regional Manager) Co-Chair
- Dave Steffen (Forest Game Program Manager)
- Matt Knox (Deer Project Leader)
- Nelson Lafon (Deer Project Leader)
- Al Bourgeois (District Wildlife Biologist)
- Jeff Trollinger (Watchable Wildlife Manager)
- Jamie Davis (CPO Sergeant)
- Ricky Salyers (CPO)
- Tom Hampton (District Fisheries Biologist)

Committee Support Members. They are:

- Cale Godfrey (Wildlife Assistant Director)
- Coren Jagnow (Human Dimensions Specialist)
- Lee Walker (Communications Manager)
- Julia Dixon (Media Relations Specialist)
- Dave Morton (GIS Manager)
- Kendell Ryan (GIS Specialist)

Mr. Ellis noted that several of the staff members listed have also been busy preparing the CWD response plan.

Since the October 22, 2009, Committee members visited with the Kentucky Wildlife Staff on October 25-26. The staff went to Hazard County, Kentucky to meet with the Kentucky wildlife staff to gain first hand knowledge of their Elk Restoration Program. The Kentucky program has been in existence for approximately 13 years.

Mr. Ellis noted the success of any plan is to include major stakeholders. One of the major stakeholders in the plan is the Virginia Farm Bureau. A meeting with Farm Bureau members was held in Abingdon on December 10th and the meeting was to cover the draft plan. This meeting also allowed members of the Farm Bureau to express their concerns regarding the plan.

On January 20th, Mr. Johnny Mills and Mr. Allen Boynton met with the Virginia Mining Association. There were 13 representatives from the Association at this meeting. Staff presented the draft plan and how they could be involved in the Elk Restoration Project.

Also in January 25-26, the staff and Committee took a field trip to look at Kentucky's Elk Restoration Habitat and sites.

During the months of January and February, the committee worked on sections of the plan.

Mr. Ellis noted the list of accomplishments:

- Met with KYDWF
- Met with two important stakeholder groups
- Discussed Federal Aid funding with USFWS
 - Adopt a plan format that will qualify as a NEPA document
 - Plan will present different management options
 - Plan will discuss environmental effects
 - Plan will receive public comment
- Sections of plan drafted for review by committee

Mr. Ellis noted the list of accomplishments includes management options that were not presented in the original draft plan presented in October. If the plan goes forward, as a NEPA Document implementing these options will make the program available for Pittman Roberts grant funding.

A rough draft of the plan has been completed. Mr. Ellis reviewed the time line below for future steps in moving the plan forward to make sure it meets the stakeholder's requests and includes some of their input into the plan.

March -April

- Meet with key stakeholder groups to make sure concerns have been identified in draft plan
 - VA Farm Bureau
 - VA Mining Association
 - US Forest Service
 - Rocky Mountain Elk Foundation (Regional biologist left RMEF, replacement not to be filled until June)

May

- Committee final review of draft and forward to Richmond admin for review

July

- Draft plan presented to Board at July Board meeting
- Draft Plan, if approved, distributed for Public Comment
- Public input meetings held in SW Virginia (July , August)

October

- Final plan recommended to Board at the October Board meeting.

Mr. Ellis indicated everyone is aware of the plan and are following the progression. Mr. Ellis wants to make sure adequate time and review of the plan are given to ensure a successful program.

This concludes my remarks and will be glad to answer any questions.

The Chairman thanked Mr. Ellis and indicated he was aware of discussion needed on the time line but called for questions and comments from the Board.

The Chairman called upon Mr. Clarke for comment. Mr. Clarke wanted to know how the proposed action in October ties into how we are going to deal with the harvesting of Elk. Mr. Clarke said he did not want to see his self back here in October trying to amend a regulation that has already been published where people are working that assumption and the have a change after deer season opens. Mr. Clarke requested thoughts on how to deal with this issue prior to October and if this has not been discussed or decided, could there be some, please?

The Chairman responded that some discussion has been conducted on that item. If the Board decides it wants to amend the regulation concerning taking elk on a deer tag, this would need to be completed before the regulation book was printed. It would be a special regulation. The Chairman noted the other option is to just let the plan proceed since there were no elk killed this season. The Chairman thanked Mr. Clarke for his question.

The Chairman called upon Mr. Hazel for comment. Mr. Hazel said with regard to the 4 stakeholder groups listed, three are pretty familiar including the Farm Bureau where Wilmer Stoneman is a faithful participant at our meetings. Mr. Hazel asked what the specific role was regarding the Virginia Mining Association. Is it the coal operators, land owners, exactly what is the membership of the Association? Mr. Ellis stated they were representatives of the various coal companies in the area. Mr. Ellis deferred to the Chairman for further clarification, but the objective was to bring the major coal companies to the table for input because staff feels these companies might have land suitable for elk restoration. The Chairman stated the group represents a good cross section of the mining industry both surface and non-surface owners owned mining companies. The companies that are engaged in disturbing the surface frequently have control or are bonded and permitted on the surface. This gives them the a big input into what happens on the surface which also means they are very important to the plan since they are being considered for one of the restoration areas. Mr. Hazel thanked everyone for their comments.

The Chairman called upon Ms. Crumley for comment. Ms. Crumley stated two weeks ago, she met with Mr. David Allen, CEO of the Rocky Mountain Elk Foundation, and two members of his senior staff. They are very excited that the Board is considering the reintroduction of elk. Mr. Allen and staff indicated to Ms. Crumley they are more than willing to provide any assistance and to spend money in Virginia.

The Chairman stated the same comments were expressed during the Blue Ridge Chapter of the Federation where he and Ms. Crumley had the opportunity to attend.

The Chairman called upon Mr. Burton for his suggestion regarding the timeline. Mr. Burton made the following comments: Given that many of the same department personnel are needed to address both the CWD Response and the development of the Elk Restoration and Management Plan, the Wildlife and Boat Committee supports the process as outline in **Mr. Ellis' presentation. The Committee is certainly opened to further comment on the timeline.**

The Chairman stated he had suggested the timeline for approval be moved to such that we could take action on the plan in August since the Board does not meet in September and October creates some issues including the Board member in particular. The Chairman stated when the timeline was discussed, it was a timeline shorter than the one presented. The Chairman suggested to the Board at taking a look at the draft plan on June 8th and then allow the 60 days for public comment, then take action on the plan in August. The Chairman asked Mr. Ellis if that created any significant problems for him and his staff? Mr. Ellis responded that it does not cause any problems. Mr. Ellis noted during the June Board Meeting, the agency budget will be presented; staffs recommendations for Fisheries, Boating and Wildlife Diversity. Mr. Ellis stated they will be able to have the draft plan read for final action at the August meeting, where the Board will also have the Waterfowl regulations and the wildlife scoping issues, which the Director will cover in his remarks later.

Ms. Crumley stated she had a motion if he would like for her to present it at this time. The Chairman stated he was ready for the motion and provided the following comment. If the Board takes action in August, then we have sent a signal our intent before deer season/regular hunting season begins perhaps this will create less confusion.

The Chairman called upon the Director for comment. The Director asked a clarifying question of Mr. Ellis to explain that if the Board adopts a June presentation of the draft plan, and the August timeframe to adopt everything in total, what would happen in between. Mr. Ellis stated during this time period, staff would travel down to Southwest Virginia and conduct public hearings on the plan, the plan would be place on the agency website and various avenues for public comment. We would receive public comment and return in August considering any comments and revisions and present the final draft to the Board in August. The Director had one last question for Mr. Ellis. Mr. Ellis would there be of the different groups you are currently working with like Wilmer's organization and others, Will there be any additional organizational meetings between now and the development of the draft in June. Mr. Ellis responded yes that is part of it. Staff will meet with them sometime in March-April. The Staff will also meet with County Administrators. The Chairman once again noted very little difference in the time line.

The Chairman called on Ms. Crumley for the motion Ms. Crumley made the following motion: Mr. Chairman, I move that the Board amend the staff's timeline to have the draft plan presented at the June 9th board meeting followed by a public comment period in the months of June and July and the final plan to be presented at the August 17th board meeting. Motion Seconded by Mr. Hazel. Ayes: Yates, Hazel, Pollard, Burton, Crumley, Montgomery, Reed, Clarke and Railey.

The Chairman thanked Mr. Ellis and staff for their outstanding work.

Mr. Burton said he had one more item. We also discussed the need to review permit conditions related to Foxhound Training Preserves. Staff will be working with the newly formed Foxhound Training Preserve Operators Association and other affected stakeholders to address the various issues. This concludes my report.

The Chairman called upon Mr. Jimmy Hazel, Committee Chair of the **Education, Planning and Outreach Committee** to report on the activities of the March 1, 2010 Meeting. Mr. Hazel stated the EPO committee met on March 1st and a quorum was present for the meeting. There were a number of items on the agenda such as the legislative report and the Boating Safety Video which

have already been covered today by the full Board so further discussion on these two items is not needed. With regards to the Boating Safety Video, Mr. Hazel said a discussion was held with Mr. Lee Walker on the cost. Mr. Walker indicated the cost was \$100,000 and the return on the investment is guaranteed to be at least 2/1 in the value of TV and radio air time because of the partnership formed with the Virginia Association of Broadcasters. Many Virginians will hear and see this message within the next few months.

Mr. Hazel stated there was a non-agenda presentation given by Ms. Carol Heiser on the National Archery in the Schools Program Tournament recently held in Fishersville. Three hundred students participated and 22 teams competed. Mr. Hazel noted this topic might also be covered in the Directors report but the highlight of the tournament was the student who shot a Robin Hood during a practice session. Mr. Hazel thanked Mr. Clarke for his attendance during the competition. This program is a huge success and just continues to grow. Mr. Hazel noted the volunteers who helped make the tournament a success. Sponsors such as Greentop, National Shooting Sports Foundation, Wilcox Tackle, National Wild Turkey Federation, and National Archery in the Schools Program also played a large part in the tournament. These sponsors will become more important as the program grows.

Mr. Hazel continued with one action item for today. The Committee is tasked by the Board Governance manual to annually review Board Policies to determine if any revisions are needed and just as important, to affirm that the review has been done. The Committee has completed this task and the motion from the EPO committee to the full board is that we have reviewed all existing policies and we do not recommend any changes. Mr. Hazel stated he would put this in the form of a motion. The Chairman called for a second. Motion seconded by Mr. Railey. Ayes: Yates, Hazel, Pollard, Burton, Crumley, Montgomery, Reed, Clarke and Railey

The Committee also received an update on the Lapsed Angler program. The program is currently in its third year and it producing good results. The Agency will submit an application to the National Shooting Sports Foundation for approximately \$75,000 to continue with the Lapsed Hunter Program. An update will be provided in the fall.

The Committee also held a closed session regarding the director's performance evaluation document which will be presented to the Board at a later date.

The Chairman thanked Mr. Hazel for his report.

The Chairman called upon Ms. Mary Louisa Pollard, Committee Chair of the **Nominating Committee** to report on the activities of the March 2, 2010 Meeting. Ms. Pollard reported the Nominating Committee met this morning. The Committee would like to propose Mr. Jimmy Hazel as Chair and Mr. Ward Burton as Vice Chair for 2010-2011 Fiscal Year.

Mrs. Pollard thanked the current Chairman for his service.

The Chairman thanked Ms. Pollard for her report.

Director's Report: The Chairman called upon the Director for his report. The Director gave the following report:

The Director said in addition to the other staff recognitions today it was certainly a pleasure to introduce our new Human Resource Director, Dr. Joice Conyers. Dr. Conyers has been introduced to all of the Committees and it is a delight to have her join us today.

Dr. Joice Conyers has twenty-three years of state service. Prior to coming to DGIF, Joice served as the human resource director at the State Council of Higher Education for Virginia. She has served on numerous statewide initiatives that included the appointment to serve on the Governor's Operational Review team designed to develop and analyze a statewide Return-to-Work policy and guidelines; co-authored a strategic plan and implementation model for the P-16 Council; co-authored a report to the Governor and General Assembly regarding the status of Virginia's secondary and post-secondary schools; and provided leadership and expertise in enterprise-wide reengineering and re-solutioning of business processes commonly used across the Executive Branch of government (Virginia Enterprise Application Program). Joice is a 1997 graduate of Leadership Metro Richmond, a 30 year-old leadership development and community service program that seeks to harness the shared passion of emerging and establishing leader to serve the community. She also serves on the board of the Commonwealth Manages Association. She is a past Council member of the Virginia Alternative Dispute Resolution Council. During Joice's career, she has worked in all major functional areas of human resources. She has served on statewide task forces responsible for the development and revision of statewide policies and procedures.

Joice has a master's degree in human resource management from American University. She has a PH.D in public policy, specializing in educational policy.

Since arriving here, Dr. Conyers has already made many contributions to the Agency.

The Director noted fish stocking will begin next week at Coursey Springs. Ms. Crumley asked Mr. Martel to let her know when the tanks would be filled so she could visit the hatchery.

The Director thanked Mr. Hazel for his report on the National Archery in the Schools Program/Tournament. The Director noted there three categories for student competition: Elementary, Middle and High School. The Elementary School winning team was Northside Elementary from Roanoke; Middle School inning team: Chickahomny Middle School, Hanover and the High School Winning team: Wariwick High School, Newport News.

The Director gave a brief overview of the 2011-2012 Hunting and Trapping Regulation Process. The Wildlife Division has proposed a process of the upcoming 2011-2012 hunting and trapping regulation review. Due to the interest of time, the director did not cover the entire schedule and process. The timing of this process is designed to avoid overlap of key process components with the completion of the fishing, boating, and wildlife diversity regulation process and insure that the 2011-2012 hunting and trapping digest is ready for distribution by July 1, 2011. May 1 – July 23, 2010 begins the scoping period for staff and public input on hunting and trapping regulation issues. During the 1st Regulatory Board Meeting of 2011, staff will present recommended regulation amendments to the Board at which time the Board proposes the regulation amendments. During the 2nd regulatory Board Meeting of 2011 staff will make final recommendations on proposed regulations; Board adopts final regulation amendments. July 2, 2011 will be the effective date for Board adopted regulations. The Hunting and Trapping Digest will be available for public distribution.

The Director thanked Ms. Karen Holson, Ms. Carol Heiser, Julia Dixon, Mr. Clarke and a whole host of others participating in this NASP tournament.

The Director stated he wanted the Board to be aware that the Agency continued our active involvement and support of the Sportsman's Caucus that met each Thursday morning during the session from 7-7:30am. It is an early morning and a short time for educating them on our issues and concerns, but what a fantastic investment of our efforts. Mr. Hazel, Mr. Clarke and Mr. Reed have all attended meeting of the Caucus and many of our senior members have participated in meetings. Charlie and I are regulars. Matt has been there and David Whitehurst, Bob Ellis and Gary Martel have shared information as well. In fact, we have presented many topical items to the members, including:

- Deer population and vehicle collision data
- Harvest data
- CWD action plan
- Quail update
- Impact of proposed license legislation

This last item led to the recognition of the Caucus members that our future revenue is very much impacted by well-intentioned decisions they make that have long-term financial impact to our Agency. In fact, they have asked us to come back to them to share our top-3 concerns with them.

We are finalizing the report, but will capture items that impact these 3 areas:

1. Lifetime licenses (stair-stepped fee structure and specific licenses are unsustainable)
2. Exemptions (increasing numbers of hunters and anglers are not paying to play)
3. License structure (increasing Board authority/autonomy and raising any statutory increase limits)

We continue to be present at all Caucus meetings and welcomed this offer of theirs to better understand the license environment in which we live with an eye toward affecting helpful legislation in next year's session. We invited all Board members to join us at the Caucus meetings as their schedule permitted.

The Director noted the Agency was successful in acquiring the entrances to two caves in Tazewell County that are significant bat hibernacula. The caves have gates on them that prevent people from getting in while allowing the bats to cross. The Agency acquired an easement to the cave entrances in 1985. The parcels that contain the entrances total 3 acres. They were acquired by the Cave Conservancy of the Virginias and donated to the Agency.

The Director reported the Agency has received notification in late January that is was awarded nearly \$4 million in new federal funding by the National Marine Fisheries Service for endangered species conservation for Sea Turtles. The project is a three-year effort to enhance conservation and management of sea turtles in the Chesapeake Bay and Virginia's ocean waters. The Agency was eligible to compete for these grants because it has recently implemented a cooperative agreement with the National Oceanic and Atmospheric Administration-National Main Fisheries Serve. This agreement guides collaboration in federal endangered species conservation, but the focus in on marine endangered species (marine mammals, sea turtles, a few fish). Ruth Botttcher and Ray Fernald deserve the credit for their tremendous efforts to develop this document on our behalf. NOAA anticipated having \$12 million available in FFY2010 for this grant program. That agency received 35 proposals totaling more than \$25 million in requests for federal funds. The

competition was tight, and we are pleased that we were able to officer such a compelling project proposal

The Director thanked everyone involved in obtaining this grant.

The Director reported on the harvest data; Deer harvest remains constant 256,000 animals; bear harvest up exactly 100 more animals taken and the previous year and the fall turkey kill was 1% over what it was the past year.

Mr. Chairman this completes my report. The Chairman thanked the Director for his report.

The Chairman called upon Mr. Hazel for comment. Mr. Hazel asked about the status of the current Bear Management Plan that is either up for expiration or review. Mr. Ellis stated staff is in the process of beginning revisions to the plan. Staff will be working with the Responsive Management Group to conduct surveys and meetings with stakeholder groups to bring back some ideas of what we might see as changes to the 2011 hunting season.

The Director brought forth one more item for his report. As you will recall, when Colonel Massengill was the director, the Agency entered into a conservation easement with the City of Fredericksburg on over 4,000 acres of land. There is some activity regarding planning with the easement. The Director called upon Mr. David Whitehurst for a brief update. Mr. Whitehurst stated in 2009, the City of Fredericksburg received money from the National Park Service Grant and contracted with the Friends of the Rappahannock to conduct a management study for the property. Mr. Ron Hughes is the agency representative. In April of 2009, the agency provided extensive comments. The comments focused on additional access to both public waters and to property; increased hunting, fishing, trapping and wildlife viewing opportunities; better marking of the property to allow our officers to better control abuse issues that were occurring. The Agency has had very little participation in this planning process. Mr. Hughes only attended one or two meetings.

In early February, 2010, Friends of the Rappahannock released the draft study and gave very short notice on the public input meeting. The Agency had four or five people at the meeting and the comment period is two weeks. A number of our constituent groups were notified by agency staff and they attended this public input meeting. The Agency is currently preparing comments that will be submitted tomorrow (March 3rd) to the Friends of the Rappahannock and the City of Fredericksburg. The plans include lots of restrictions.

The Chairman called for comments from the Board.

The Chairman called upon Mr. Hazel for comment. Mr. Hazel stated during the course of the year, he has heard from several duck hunters who were concerned that once the easement was enter into there would be a move by other groups to completely shut down duck hunting along the Rappahannock River. I hope the draft does not go that far. Mr. Whitehurst indicated that it almost does. Mr. Hazel believes that knowing exactly what the Agency Comments are but the comments need to be as strong as possible. He is willing to send his own comments as a Board Member, if you will give me address, about the need for the continuation of access and purposes of duck hunting on the Rappahannock River.

Mr. Clarke wanted to know if “our” comments are public information. Mr. Whitehurst indicated they were. Mr. Clarke wanted to know if they were posted on the website because he is receiving the same calls that he believes Mr. Hazel is receiving. Mr. Clarke said it was important for the

constituents that are asking us to “carrying the water” so to speak they know the Board is addressing their concerns. Mr. Clarke said he would encourage the Agency to make those comments public as broad as possible so the waterfowl hunters know he and Mr. Hazel tried to influence the decision the best that we know how to do so. Mr. Whitehurst said that could certainly be done but the comments have to be in to meet their deadline tomorrow. Mr. Whitehurst said he would be glad to share the draft comment with Mr. Clarke and he would provide Mr. Hazel with the address. Mr. Hazel wanted to know if the comments could be emailed and a strong letter to follow the comments was not acceptable. Mr. Whitehurst has contacted city officials in Fredericksburg and will be transmitting our comments to them.

Mrs. Crumley wanted to know if the Board needed to submit a formal statement to that effect. The Chairman stated he was not sure but they could if they wanted to.

The Chairman called upon Mr. Duncan for further comment. Mr. Chairman the reason I wanted to bring this to your attention today to make you aware that our comments were not being received in the spirit in which they were being offered. I asked David to not only prepare our comments to be sent to the group who is doing the planning but to the City of Fredericksburg as well. The Director indicated his transmittal letter to the City Manager will indicate that we have concerns; the Agency did not enter into this conservation easement holding operation in order to have our people disenfranchised from this 4800 acres. It is not just waterfowl hunters but the trappers, etc. Mr. Duncan is researching the easement commitment. In answer to Ms. Crumley’s question, the Board can certainly prepare a statement, but Mr. Duncan promised the Board is actively involved in this issue. Mr. Whitehurst indicated the draft management plan will go back to the City Council where they will deal with directly through comment or will send it back to the planning commission. There will be future opportunities for comments.

The Chairman called upon Mr. Montgomery for comment. Mr. Montgomery stated because the plan will go back to the governing board, he suggested that is where the Board focus their comments. Mr. Montgomery also said it was interesting that we have been asked to “police” the easement but the folks whom we serve are being “policed out” of the easement. It will be hard to support that effort going forward if we are being asked to keep our constituents out of the operation.

The Chairman called upon Mr. Burton for comment. Mr. Burton said he is familiar with easements, easement language and the easement process through his foundation. I would like to add that if we are the sub-holder of this easement, we will not be the sub-holder if the plan is to discontinue hunting, fishing and trapping of any kind. My suggestion is we back out of this easement. Mr. Whitehurst stated he has spoken with Mr. Hart and that it would be difficult to back out of the easement. Mr. Burton said these issues were not there when the Agency agreed to be the sub-holder of the easement. Mr. Burton told Mr. Whitehurst the Agency could back out of anything if new stipulations are added to the easement. Mr. Whitehurst said in the package the language of the easement was included.

The Chairman called upon Mr. Hazel for further comment. Mr. Hazel stated he attended the meeting with Colonel Massengill, the Mayor and representatives for our conservation minded partners in this effort. This issue was raised from the very first day that If DGIF was to be a conservation partner in this effort to preserve this land, DGIF constituents would be permitted to use the River for and the lands adjacent to the river in the manner in which they had been previously. With that in mind Mr. Chairman, I would like to make the following motion: I move the Board direct the Director to communicate to the right entity to comment as called for in the public comment period currently open regarding the use of

the easement and what is currently allowed; and the Director on behalf of the Board express very strongly the concern that the Board has about any effort to prevent the use by any DGIF constituencies, whether it be hunting, trapping or fishing along this easement. The Chairman asked Mr. Hazel for a motion. Mr. Hazel indicated that was his motion. The Chairman called for a second on the motion. Motion Seconded by Ms. Crumley. Ayes: Yates, Hazel, Pollard, Burton, Crumley, Montgomery, Reed, Clarke and Railey.

The Chairman thanked the Director for this report.

Chairman's Remarks. The Chairman reference an article he read in the *American Hunter* concerning Elk. Virginia was included in the magazine article.

The Chairman said he attended the very nice reception held last night sponsored by the Wildlife Foundation of Virginia. A number of Board members were in attendance.

The Chairman called for comment from the Board on the electronic transmission of Board packages which occurred for the first time with this current package for the meeting. Mr. Yates said he thought it was a great idea and has received positive feed back. Mr. Yates commended Beth and the staff for outstanding job.

Mr. Railey said he printed his own copy so he did not need the information provided to him upon his arrival today.

Ms. Pollard particularly feels the Power Point presentations do not need to be included in the hard copy package.

The Chairman shared his desire for the Board to take a more proactive stance when it comes to promoting the Agency and its legislative agenda. He felt that a supervisory board has an obligation to take a lead role in educating both legislative and executive branch members and wanted to put a structure in place to allow this proactive strategy.

The Chairman stated in accordance with the Board Governance Manual, he would like to establish an Ad Hoc Committee to work with staff on legislative issues. The Chairman appointed Mr. Jimmy Hazel, Chairman, Mr. Brent Clarke, Mr. Scott Reed and Ms. Crumley to serve on the Committee.

At 1:36pm The Chairman called for the Closed Session Motion. Mr. Reed made the following motion:

Mr. Chairman,

I hereby move that the Board of Game and Inland Fisheries 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, appointee, or employees of the Department of Game and Inland Fisheries specifically regarding:

The performance of the Director.

And

Pursuant to Section 2.2-3711.A.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:

A possible property transaction regarding the headquarters relocation and possible acquisition of property in Caroline County. Motion seconded by Mr. Railey. Ayes: Yates, Hazel, Pollard, Burton, Crumley, Montgomery, Reed, Clarke and Railey.

At 2:52 pm, the Chairman called for the Certification of the Closed Session Meeting. Mr. Reed made the following certification:

WHEREAS, the Board of Game and Inland Fisheries has convened a closed meeting on this date pursuant to an affirmative recorded 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 stated if you agreed with the Certification, please raise your right hand. There was no opposition to the certification.

The Chairman called upon Mr. Hazel for comment. Mr. Hazel stated it had been brought to his attention by staff that the legislative process is already in the Charter of the EPO Committee. So instead of appointing an Ad Hoc Legislative Committee, we may want to reconsider and continue to have our legislative discussions within the EPO Committee structure, of which he is currently Chair. Mr. Hazel continued that regardless of whether we go that route or if we do move forward with the Ad Hoc Committee, now is the time for the Board to start its efforts on identifying any legislative ideas it wants to investigate. Mr. Hazel reminded the Board of the next meeting date of May 6th set for the EPO Committee. Mr. Hazel will follow up with everyone in an email. The Chairman thanked Mr. Hazel for calling this to his attention and rescinded his action to appoint the Ad Hoc Committee and indicated that legislative issues would continue to be addressed in the EPO Committee.

The Chairman called for additional comments and/or business. Hearing none, the Chairman announced the next Board Meeting would be held on April 20, 2010 at 9:00am. The meeting was adjourned at 2:55pm.

Respectfully submitted,

Beth B. Drewery, Board Secretary
Board of Game and Inland Fisheries