

**BOARD OF GAME AND INLAND FISHERIES  
4000 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230**

**JANUARY 22, 2008, 9:00am**

**Present:** James W. Hazel, Chairman, Richard E. Railey, Vice-Chairman, Mary Louisa Pollard, Dr. William T. Greer, John W. Montgomery, Jr., Ward Burton, Sherry S. Crumley, C. T. Hill, Randy J. Kozuch, Charles S. Yates, Thomas A. Stroup; Acting Director: G. Mike Bise; Legal Counsel: Roger Chaffe; Senior Staff: Ray Davis, Gary Martel, Dr. Virgil Kopf, Ray Davis, Colonel Dabney (Dee) Watts, David Whitehurst, Bob Duncan, Charlie Sledd and John Moore.

The Chairman called the meeting to order at 9:00am and the Mission Statement was read into the minutes. The Fourth Basic Law Enforcement Recruit Class led the Pledge of Allegiance to the Flag. The Chairman thanked the Recruits for their participation in today's meeting and for their service as a future Conservation Police Officers.

**Public Comments Non-Agenda Items:** The Chairman stated those who had registered to speak on agenda items would be recognized during those portions of the meeting. The Chairman invoked the following rule: If you are representing a group you have 5 minutes and if you are speaking as an individual you have 3 minutes.

**Steve Trant, Disputanta, Virginia,** spoke on behalf of the Simpson Sales Company and as the manufacturer's representative for CVA (Connecticut Valley Arms). Mr. Trant made a formal request to have CVA's new muzzleloader, the Electra ARC Magnum, approved for use as a legal means of hunting in Virginia during the 2008 Muzzle loading Seasons. Mr. Trant stated this muzzleloader is available throughout the Commonwealth.

The Chairman stated that he remembers the request from a previous meeting and at that time the regulation process had begun and he would work with staff reference Mr. Trant's request.

The Chairman recognized Mr. Bob Duncan of the Wildlife Division. Mr. Duncan stated that the staff did not have any objection to Mr. Trant's request and suggested that the Board approve the drafting of a regulation for advertisement. Mr. Duncan further indicated that staff would draft the regulation in such a way as to remove any reference to type of ignition, thus allowing the regulation to cover any future developments in ignition technology.

**Recognition of Employees and Others:** The Chairman called on Mike Bise, Acting Director, to recognize employees receiving special recognition.

Mr. Bise called upon Colonel Dee Watts of the Law Enforcement Division. Colonel Watts recognized Officer Richard Howald. Officer Howald administered CPR to an

individual who collapsed and became unresponsive. CPR revived the individual, who was transported to the hospital. Officer Howald was presented the Life Saving Medal.

**Quail Focus Group Update:** The Chairman recognized The Honorable Linwood Holton, Former Governor of Virginia and Charles McDaniel, Former DGIF Board Chairman to present an update and resolution of the Quail Focus Group. They were joined by Russell Garrison also a member of the group.

Governor Holton stated he was pleased to serve on the focus group and to be able to express his personal concern over the decreasing population of bobwhite quail. The Focus group prepared and submitted the following resolution for adoption by the Board:

### **Quail Focus Group Resolution**

**Resolution to highly recommend that the Board and Department of Game and Inland Fisheries place the highest priority on the restoration of wild quail populations and promote the sport of Bobwhite Quail hunting both wild and preserve birds including the development of a Bobwhite Quail Action Plan encompassing management, research, education, outreach, coordination (Utility & Power Company, DOF, Timber, VDOT, etc.) and specifically addressing environmental and other factors limiting quail numbers; and establishing official habitats to demonstrate the effectiveness of habitat management.**

The purpose of the plan is to demonstrate to the General Assembly, to farmers and the general population that the bobwhite quail is not lost. It can be restored through habitats and Mr. McDaniel will cover this process in his presentation. The focus group feels that the Board should authorize the Agency to create a Bobwhite Quail Action Plan that will specifically include habitat demonstration projects on land either owned by the Agency or available for Agency use to begin this project.

The Chairman thanked Governor Holton for his remarks.

The Chairman recognized Mr. Charlie McDaniel, former DGIF Board Chairman and member of the Quail Focus group for his remarks.

Mr. McDaniel stated that he was in full support of the implementation of the Bobwhite Quail Action Plan. Mr. McDaniel recommended the agency offer courses to teach people how to establish the proper habitat environment for the bobwhite quail. Mr. McDaniel encouraged the agency to heighten the awareness of quail hunting and explore the economic impact of the sport for Virginia.

The Chairman thanked Mr. McDaniel for his remarks.

The Chairman recognized Mr. Russell Garrison, former DGIF Board Member and member of the Quail Focus Group.

Mr. Garrison stated that the recent drought impacted the habitat for Quail. Mr. Garrison suggested the agency work with power companies to establish quail habitat on their property and also to work with the farmers to plant crops that will draw quail for feeding and hunting.

The Chairman thanked Mr. Garrison for his remarks.

The Chairman called for public comments regarding the Quail Focus Group Update.

**Public Comments:**

**Mr. Keith Toler, Mechanicsville, Virginia**, spoke on behalf of the State Council of Quail Unlimited. Mr. Toler is the State Council Chairman for the organization. Mr. Toler stated several quail studies have been conducted in the past and agrees that a Quail Action Plan is needed. He also agrees that the agency should demonstrate creating a good quail habitat on public properties (state forest, wildlife management areas and power companies) to start the process. This will increase the public's awareness of quail preservation. Mr. Toler suggested identifying additional funding sources such as federal programs to help offset the cost of establishing or continuing the use of these habitats. Mr. Toler said he has enjoyed working with the focus group and looking forward to continuing the partnership between Quail Unlimited and DGIF to make this program a success.

**Mr. Lanny Woolfolk, Bumpass, Virginia** represented the Central Virginia Chapter of Quail Unlimited and serves as the Chairman of the Chapter. Mr. Woolfolk stated that he agreed with the statements of the gentlemen who spoke before him. He encouraged the Board and the agency to reproduce the quail resource management book titled "***Beyond the Food Patch***". Mr. Woolfolk stated the Central Virginia Chapter of Quail Unlimited is looking forward to continuing their partnership with the Board and the agency.

The Chairman thanked Mr. Toler and Mr. Woolfolk for their work and participation on the Focus Group and looks forward to a continued partnership with Quail Unlimited both at the state level and local level.

Mr. Hill is also serving on this Focus Group and expressed his sincere appreciation to everyone who has participated in this group. He encourages the participation of working with both the public and private sectors to increase the quail population and their habitat.

Mr. Yates echoed Mr. Hill's remarks and stated the agency should "lead by example". Mr. Yates stated the agency should conduct 2 or more demonstration projects in our wildlife management areas for quail recovery and have a management plan for all of our (DGIF Areas) forest property for quail habitat. Mr. Yates encouraged the staff to work with the Department of Forestry to establish a Quail Action Plan to be implemented in their forest lands.

The Chairman thanked Mr. Hill and Mr. Yates for their remarks and work on the focus group.

Mr. Montgomery asked if there was a time line for the plan. The Chairman stated that had not been determined. Mr. Montgomery stated that several people had made reference to the use of land owned by the power companies. Mr. Montgomery stated that the agency is asked for input during public hearings when locations of power lines are determined. During the SCC (State Corporation Commission) hearings would be a good time to work with the companies to establish quail habitats.

The Chairman thanked Mr. Montgomery for his remarks and encouraged the current members of the focus group to stay active in the process if the plan is approved by the Board.

Melvin Jacks spoke about his experience of having quail on his farm.

Mrs. Pollard thanked the focus group for their work.

The staff stated they had attended all of the meetings held by the group and the decrease of bobwhite quail is a statewide problem. The staff recommended the adoption of the plan and is prepared to dedicate the appropriate staff to focus on the development of the plan.

There being no additional discussion on the issue, the Chairman called for a motion and vote to adopt the resolution submitted by the Quail Focus Group.

**Mr. C. T. Hill made the following motion: Mr. Chairman, I hereby move that the Board adopt the resolution as presented by the Quail Focus Group. Motion seconded by Mr. Yates. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

**Update on the Hound Hunting Study:** The Chairman called upon the staff and Dr. Steve McMullin and research associate Sara Kozlowski with Virginia Tech to provide an update on the Hound Hunting in Virginia Study. They presented the findings from the recently completed focus group meetings.

Dr. McMullin and Ms. Kozlowski presented the following information to the Board:

After series of Focus Group Meetings: the **Preliminary Summary** was presented:

360 people invited to attend focus group meetings  
16 focus group meetings held from October-December  
157 individuals attended a meeting

**Stakeholder groups:**

Deer Hound Hunters  
Bear Hound Hunters

Fox Hound Hunters  
Raccoon Hound Hunters  
Miscellaneous Hound Hunters  
Private Landowners  
Corporate/NGO/government Landowners  
Law Enforcement Officials  
Non-hound Hunters  
Non-consumptive Recreationists

**All focus groups said:**

The tradition of hound hunting should be continued.

Landownership in rural Virginia is changing and land is being increasingly fragmented by development, reducing access for all types of hunting.

New rural Virginia residents don't always understand or appreciate the hunting culture, including hound hunting.

The actions of a few hound hunters are reflecting poorly on all hunters; however, these actions appear to be serious and disturbing to landowners, non-consumptive recreationists, non-hound, and hound hunters alike.

**Hound Hunters said:**

They are passionate about hound hunting; they can hardly imagine hunting without hounds.

Working with the hounds is an integral component of their hunting experience, often more important than the kill.

Hound hunters' value sharing the experience with older and younger generations, friends, and family.

**Non-hound Hunters said:**

They are just as passionate as hound hunters about hunting as well as stewardship of wildlife habitat.

Non-hound hunters enjoy spending quiet time in the woods, imparting family and community traditions to young people, and the challenge of pursuing game.

Many of them had experienced conflicts with hound hunters who disrupted still hunting experiences.

**Landowners said:**

They are not against hound hunting, but do feel strongly about private property rights.

They perceived that abuse of the right-to-retrieve, exploitation of loopholes in game laws, and unsafe hunting practices are worthy of further examination and should be addressed.

**Non-consumptive Recreationists said:**

That the most important issues to address during this process include humane treatment of hounds, displaced hounds, and fair chase.

**Project Timeline:****July 2007:**

Board of Game and Inland Fisheries approves process (completed)

**July-October 2007:**

VDGIF and Virginia Tech, acting as a facilitator, identify key stakeholders (completed)

**November 2007-January 2008:**

Focus groups, survey, written comments, etc., will identify major public concerns. The technical committee will develop background information and to support the stakeholder advisory committee.

Virginia Tech personnel facilitated 16 focus groups in November and December. Summaries of each as well as overall summary of the entire focus group process are being prepared. Summaries will be distributed to focus group participants and made available on the DGIF web site.

Virginia Tech researchers are conducting a content analysis of written (email and letters) correspondence received by the DGIF and Virginia Tech from interested stakeholders.

Virginia Tech researchers will be conducting an on-line survey through the DGIF web site to gather additional information about issues and understand viewpoints of various stakeholder groups.

**February –October 2008:**

Facilitate dialogue within and between the stakeholder advisory and technical committees. Release interim reports for more public review and input into the proposed strategies. Hold at least three open public meetings at different locations around the Commonwealth.

Stakeholder Advisory Committee (SAC) members will be selected by VDGIF and Virginia Tech. The SAC should have representatives from the following stakeholder groups: deer hound hunters, bear hound hunters, mounted fox hound hunters, raccoon hound hunters, and rabbit hound hunters, private landowner, corporation/NGO/government landowner, non-hound hunter, and animal welfare. The specific number of individuals from each group will be determined by VDGIF and Virginia Tech.

The SAC will have its initial, introductory meeting in February; subsequent meetings will be held throughout the spring and summer.

Open public meetings will be held during the summer to provide an opportunity for stakeholders and interested parties to review the recommendations of the SAC.

**October 2008:**

Final recommendations to achieve the overall hound hunting goal, as stated above will be made to the Board of Game and Inland Fisheries.

The Chairman thanked Dr. McMullin for his presentation. The Chairman asked if representatives from the timber and paper companies attend the corporate focus group meetings. Dr. McMullin stated there was a good representation at the meeting.

A discussion was held by Dr. McMullin and the Board on the information included in the survey posted on the web site.

The Board stated there were no preconceived notions about the outcome of the study and they fully supported the openness of the study.

There being no further discussion, the Chairman called for public comments:

**Floyd F. Smith Sr., Goochland, Virginia**, spoke regarding dogs and license.

**William T. Goodman, Jr., Louisa, Virginia** spoke in support of fox pens and fox running.

The Chairman stated that members of the General Assembly are very aware of the Hound Hunting Study and fox pen issues. He and the senior staff members made a presentation at the Sportsman's Caucus.

The Chairman stated that it is the goal of the Board and the Agency is to turn this from an adversarial issue to a cooperative effort of all.

Mr. Railey said he supported the study and the outcome of the study is to preserve the sport and tradition of hound hunting.

**Wildlife Regulation:** The Chairman called upon the Wildlife Division Staff to present the Wildlife Regulation changes for Regulation **4 VAC 15-270-50**.

The Wildlife Division made the following presentation:

The Wildlife Division was notified late in the cycle about a regulation that needed to be rescinded. Staff was unable to carry it forward at that time.

**4 VAC 15-270-50** addresses the prohibition of certain firearm use in Northumberland Co. The Northumberland county administrator contacted the department and indicated that the regulation was no longer needed and was causing confusion with the hunters in the county since the regulation indicates shotguns with slugs are prohibited when in fact 2 years ago they allowed the use of slugs. The department has listed the firearms ordinances correctly in the digest; however; the regulation has not been amended. Since firearm ordinances are enacted by the counties and the department subsequently lists them in the digest, **staff is recommending rescinding the entire regulation.**

**4-VAC 15-270-50 Game: Firearms. Use of certain firearms prohibited in Northumberland County.**

**Summary: The recommendation is to rescind the regulation prohibiting the use of high velocity, long range-rifles, shotguns loaded with slugs and pistols or revolvers of a larger caliber than 22 rim-fire for hunting in Northumberland County.**

**Recommended language of amendments:**

~~**4 VAC 15-270-50. Game: Firearms. Use of certain firearms prohibited in Northumberland County.**~~

~~**It shall be unlawful to use high velocity, long range rifles, shotguns loaded with slugs and pistols or revolvers of a larger caliber than 22 rim-fire for hunting in Northumberland County.**~~

Staff recommends the Board propose the amendment as presented. If approved, the proposal will be published in the Virginia Register, newspapers statewide, and on the Department's web page.

**The Chairman called for comments on the proposed regulation change. Hearing no comments, the Chairman called for the motion.**



**Mrs. Crumley made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendment for 4 VAC 15-270-50 as presented by staff. Motion seconded by: Mr. Railey. Ayes: Pollard, Yates, Hazel, Greer, Montgomery Railey, Burton, Crumley, Hill, Kozuch, Stroup.**

**Boating Safety Education Regulations:** The Boating Safety Unit staff presented the following proposed Boating Safety Education Regulations for review and approval for advertisement by the Board.

## **CHAPTER 410**

### **WATERCRAFT: BOATING SAFETY EDUCATION**

- 4 VAC 15-410-10. Application.
- 4 VAC 15-410-20. Definitions.
- 4 VAC 15-410-30. Compliance Schedule and Phase-In Provisions.
- 4 VAC 15-410-40. Provisions for Compliance and Minimum Standards for Boating Safety Education Course Competency.
- 4 VAC 15-410-50. Boating Safety Education Course Provider Requirements.
- 4 VAC 15-410-60. Boating Safety Education Course Availability.
- 4 VAC 15-410-70. Boating Safety Education Course Certificates.
- 4 VAC 15-410-80. Recordkeeping and Student Records.
- 4 VAC 15-410-90. Instructor Certification.
- 4 VAC 15-410-100. Provisions for Open-Book Tests for Classroom Courses.
- 4 VAC 15-410-110. Equivalency Exam Criteria.
- 4 VAC 15-410-120. Requirements for Motorboat Rental and Leasing Businesses and the Dockside Safety Checklist Program.
- 4 VAC 15-410-130. Temporary Operator's Certificate.
- 4 VAC 15-410-140. Optional Virginia Boater Education Card.
- 4 VAC 15-410-150. Fees.
- 4 VAC 15-410-160. Penalties.

#### **4 VAC 15-410-10. Application.**

This chapter applies to all operators of a motorboat with a motor of 10 horsepower or greater or personal watercraft on the public waters of the Commonwealth. However, the provisions of this chapter shall not apply to law enforcement officers while they are engaged in the performance of their official duties.

#### **4 VAC 15-410-20. Definitions.**

As used in this chapter, unless the context clearly requires a different meaning, the following words and terms shall have the following meanings:

“Approved Course Provider” is any individual, business, or organization that instructs or provides a boating safety education course approved by the National Association of State Boating Law Administrators and accepted by the Department. An approved course provider shall have executed a valid cooperative agreement with the Department.

“Board” means the Board of Game and Inland Fisheries.

“Boating Safety Education Course” means a course offered in the classroom, through the internet, or through an electronic format such as CD-ROM that provides a course content and test questions that have been reviewed and approved by the National Association of State Boating Law Administrators in accordance with the National Boating Education Standards and accepted by the Department. A boating safety education course shall include no less than 50 test questions which shall include at least 10 test questions specific about Virginia boating laws.

“Department” means the Department of Game and Inland Fisheries.

“Dockside Safety Checklist” means a document provided by the Department that consists of selected facts about Virginia boating laws and safe boat operation that a rental or livery agent or motorboat leasing business is required to present to those who rent or lease a motorboat. The Dockside Safety Checklist must be read and checked by the person operating the motorboat before the boat can be rented/leased and operated.

“Equivalency Exam” means a written examination that is developed by the Department to test the knowledge of information included in the curriculum of a boating safety education course (may also be referred to as a challenge exam). The equivalency exam is intended to provide experienced and knowledgeable boaters with the opportunity to meet the boating safety education compliance requirement set forth in Code of Virginia § 29.1-735.2 without having to take and successfully complete a boating safety education course. The equivalency exam shall be comprised of no less than 75 or more than 100 test questions, shall include no less than 25 questions specific about Virginia boating laws, and shall be proctored by an individual(s) specifically designated by the Department. A minimum score of at least 70 percent shall be considered passing.

“Motorboat” means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion and for this chapter shall mean with a motor of 10 horsepower or greater.

“NASBLA” means the National Association of State Boating Law Administrators.

“NASBLA Approved Course” means a boating safety education course that has been reviewed and approved by NASBLA.

“Onboard Direct Supervision” as referenced in Code of Virginia § 29.1-735.2.B.6 and 9 occurs when a person maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motorboat from the operator of a

motorboat. A person who is water skiing, or is in the cabin of a motorboat and not at the helm/wheel is not considered to be in direct supervision.

“Operate” means to navigate or otherwise control the movement of a motorboat or vessel.

“Optional Virginia Boater Education Card” means a card authorized for issuance by the Department to persons who can show that they have met the minimum standard of boating safety education course competency or 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.

“Personal Watercraft” means a motorboat less than sixteen feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.

“Proctored” means that the written equivalency exam has been administered under the direct supervision of (i) a designated member of the United States Coast Guard Auxiliary or the United States Power Squadrons®, (ii) a designated Department employee, or (iii) an individual who has been approved for such purpose by the Department.

“Temporary Operator’s Certificate” means a nonrenewable document issued with the certificate of number for the motorboat, if the boat is new or was sold with a transfer of ownership. A temporary operator’s certificate shall be issued only by the Department, by any person authorized by the Director to act as an agent to issue a certificate of number pursuant to Code of Virginia § 29.1-706, or by a license agent of the Department authorized to issue a temporary registration certificate for a motorboat. A temporary operator’s certificate shall allow the owner(s) to operate a motorboat with a motor of 10 horsepower or greater or personal watercraft in Virginia for 90 days.

“Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

“Waters of the Commonwealth” means any public waters within the territorial limits of the Commonwealth.

#### **4 VAC 15-410-30. Compliance Schedule and Phase-In Provisions.**

The requirements for boating safety education shall be phased-in according to the following provisions:

1. Personal watercraft operators 20 years of age or younger shall meet the requirements by July 1, 2009;

2. Personal watercraft operators 35 years of age or younger shall meet the requirements by July 1, 2010;
3. Personal watercraft operators 50 years of age or younger and motorboat operators 20 years of age or younger shall meet the requirements by July 1, 2011;
4. All personal watercraft operators, regardless of age, and motorboat operators 30 years of age or younger shall meet the requirements by July 1, 2012;
5. Motorboat operators 40 years of age or younger shall meet the requirements by July 1, 2013;
6. Motorboat operators 45 years of age or younger shall meet the requirements by July 1, 2014;
7. Motorboat operators 50 years of age or younger shall meet the requirements by July 1, 2015;
8. All motorboat operators, regardless of age, shall meet the requirements by July 1, 2016.

**4 VAC 15-410-40. Provisions for Compliance and Minimum Standards for Boating Safety Education Course Competency.**

A. A person shall be considered in compliance with the requirements for boating safety education if he meets one or more of the following provisions pursuant to Code of Virginia § 29.1-735.2.B.1-9:

1. Completes and passes a boating safety education course;
2. Passes an equivalency exam;
3. 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;
4. Possesses a temporary operator's certificate;
5. Possesses a rental or lease agreement from a motorboat rental or leasing business, which lists the person as the authorized operator of the motorboat;
6. Operates the motorboat under onboard direct supervision of a person who meets the requirements of this section;

7. Is a non-resident, is temporarily using the waters of Virginia for a period not to exceed 90 days, and meets any applicable boating safety education requirements of the state of residency, or possesses a Canadian Pleasure Craft Operator's Card;

8. Has assumed operation of the motorboat due to the illness or physical impairment of the initial operator, and is returning the motorboat to shore in order to provide assistance or care for the operator;

9. Is registered as a commercial fisherman pursuant to Code of Virginia § 28.2-241 or is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's boat.

B. The minimum standards for boating safety education course competency required by the Department are:

1. Successful completion of a classroom boating safety education course in person and a passing score of at least 70 percent on a written test administered **closed-book** at the conclusion of the course by the designated course instructor(s) or other designated course assistant; or

2. Successful completion of a classroom boating safety education course in person and a passing score of at least 90 percent on a written test administered **open-book** at the conclusion of the course by the designated course instructor(s) or other designated course assistant; or

3. Successful completion of a boating safety education course offered through the Internet or through an electronic format such as CD-ROM and a passing score of at least 90 percent on a self-test administered in conjunction with the course material; or

4. A score of at least 70 percent on a proctored equivalency exam.

#### **4 VAC 15-410-50. Boating Safety Education Course Provider Requirements.**

A. Any individual, business, or organization that instructs or provides a boating safety education course shall execute a cooperative agreement with the Department. It shall be the responsibility of the State Boating Law Administrator to develop and execute such agreements. A list of approved course providers and boating safety education courses shall be kept by the Department and made available to the public. Such list does not constitute any endorsement of any course or course provider by the Department or the Board. Any approved course provider for a classroom-based course shall be prepared, upon advanced request, to make reasonable arrangements for students with a hearing impairment.

B. As of January 1, 2009, boating safety education courses offered through the Internet shall:

1. Be approved by NASBLA for course content and accepted by the Department;
  2. Be provided only by an approved course provider who has executed a valid cooperative agreement with the Department. Such agreements may be amended at any time by the Department and may be cancelled with thirty (30) days notice upon failure of the course provider to comply with the terms and conditions of the agreement or its amendments;
  3. Be formatted and made available to the student only in instructional/training modules;
  4. Consist of no less than five (5) instructional/training modules with each module having no less than ten (10) test questions, randomly drawn from a pool of no less than 15 questions;
  5. Allow for the student to advance through the modules only in a sequential, chronological order and only upon successful completion of the test questions for the module. Successful completion shall be by a score of at least 90 percent correct on the test questions;
  6. Be designed so that the student must spend at least 6 hours of active involvement in completing the course. Completing the course shall include familiarization with the course material, completion of any review questions, and completion of the test questions. The course design shall also include the provision of at least fifty (50) separate web pages of course content and material for presentation to the student. Active involvement shall require the student to click on a “Next” or “Forward” button to progress through the course material;
  7. Be designed so that the test for each module allows the student one (1) retake of all incorrectly answered question(s). Prior to the retake of a missed question(s), the student shall be directed back to the course material applicable to that question(s) for additional review of the material. The retake question(s) shall be different from the original missed question(s), but shall apply to the same subject matter as the original question(s). If the one-time retake of a missed question(s) does not result in the student receiving a passing score of 90 percent for the questions for that module, the student shall be directed to repeat the entire module.
  8. Be designed to promote the active learning of boating safety knowledge and not the simple completion of an end-of-course test.
- C. Any material and/or products to be used by an approved course provider that make reference to the Department must be approved by the Department, through the State Boating Law Administrator, before publishing and/or distribution to the public.
- D. Any fees charged by a course provider are set by the course provider, but must be clearly communicated to the student prior to taking the course.

#### **4 VAC 15-410-60. Boating Safety Education Course Availability.**

A. The Department shall coordinate with the United States Coast Guard Auxiliary, the United States Power Squadrons, and any other approved course provider so that classroom-based boating safety education courses are available across the Commonwealth throughout the year.

B. The Department shall coordinate with approved course providers of internet-based courses so that courses developed and offered in accordance with 4 VAC 15-410-50 subsection B are available.

C. The Department shall make testing opportunities for the proctored equivalency exam available on a statewide basis throughout the year.

#### **4 VAC 15-410-70. Boating Safety Education Course Certificates.**

A. Upon successful completion of a boating safety education course, the approved course provider shall provide the student with a course certificate and/or pocket-size card. At a minimum, such certificate/card shall include the student's name and date of birth, the issuance date, the name of the course, and indication of NASBLA course approval and acceptance by the Department. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide a record to the Department of those students issued a course certificate and/or pocket-size card. Upon request by the student and subject to verification of successful course completion, it shall be the responsibility of each approved course provider to issue duplicate certificates/cards.

B. Upon successful completion of the proctored equivalency exam, the Department shall issue a completion certificate and/or card which shall include the person's name, date of birth, and the issuance date. Upon request by the person to whom the certificate/card was originally issued and subject to verification of successful completion, the Department shall issue a duplicate certificate/card.

#### **4 VAC 15-410-80. Recordkeeping and Student Records**

A. The Department shall maintain a database of all students successfully completing the Department's classroom-based boating safety education course and all persons successfully completing the equivalency exam. Such database shall include, but not be limited to, student name, address, date of birth, course/equivalency exam completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider for other classroom-based boating safety education courses shall provide a record to the Department of those students successfully completing such course and the Department may add this information to the student database. A change in student address will be made only upon receipt of a written request from the affected student.

B. Each approved course provider for boating safety education courses offered over the Internet or through an electronic format such as CD-ROM shall maintain a database of all students successfully completing such course. The database shall include, but not be limited to, student name, address, date of birth, course completion date, and the specific name of the course. On a schedule and in a manner mutually agreed to through a cooperative agreement, each approved course provider shall provide a record to the Department of those students successfully completing their course. Such record shall include the database information referenced in this section. It shall be the responsibility of each approved course provider to ensure that reasonable measures, such as the Payment Card Industry (PCI) data security measures, are taken to protect any acquired student data. Further, such data shall not be sold or otherwise used in any way except for the student's own completion of a boating safety education course and issuance of course completion documents.

#### **4 VAC 15-410-90. Instructor Certification.**

A. To be certified as a boating safety education course instructor for the Department's classroom-based boating safety education course, a person shall have successfully completed a classroom-based boating safety education course and be certified as an instructor by the United States Coast Guard Auxiliary, or the United States Power Squadrons, or the National Safe Boating Council, or another certification program accepted by the Department.

B. Applicants for certified instructor shall submit an application to the Department on a form and in a manner determined by the State Boating Law Administrator. At a minimum, the application shall include:

1. The applicant's name;
2. The applicant's street address;
3. The applicant's telephone number;
4. The applicant's e-mail address, if any;
5. Information describing the applicant's experience and training in

boating safety and seamanship and proof of completion of a NASBLA approved boating safety education course; and

6. Any other information deemed necessary after review of the initial application.

C. Applicants may be required to submit a written consent for a criminal history background check in a manner determined by the Law Enforcement Division of the Department.

#### **4 VAC 15-410-100. Provisions for Open-Book Tests for Classroom Courses.**

A. A boating safety education course offered in a classroom setting by either the Department or an approved course provider shall offer the student the option of taking the end-of-course exam either closed-book or open-book. The minimum standards for



boating safety education course competency shall be as provided for in 4 VAC 15-410-40 subsections B.1 and 2.

B. In taking the exam open-book, the student may use the course text, instructor handouts, any related course material, and any personal notes taken during the class instruction to assist in the completion of the exam. The exam must be completed in a single session with a time limit not to exceed two (2) hours.

**4 VAC 15-410-110. Equivalency Exam Criteria.**

A. The Department shall develop and make available a written equivalency exam to test the knowledge of information included in the curriculum of a boating safety education course. Such exam shall provide experienced and knowledgeable boaters with the opportunity to meet the boating safety education compliance requirement set forth in § 29.1-735.2 of the Code of Virginia without having to take and successfully complete a boating safety education course.

B. The equivalency exam shall be proctored by an individual(s) specifically designated by the Department. The use of reference materials shall not be allowed while the exam is being administered and the exam shall be completed in a single session with a time limit not to exceed three (3) hours.

C. The equivalency exam shall be comprised of no less than 75 or more than 100 exam questions and a minimum score of at least 70 percent shall be considered passing. Upon successful completion, an exam certificate and/or card shall be issued to the person completing the exam.

**4 VAC 15-410-120. Requirements for Motorboat Rental and Leasing Businesses and the Dockside Safety Checklist Program.**

A. Any person, business, or organization that provides a motorboat with a motor of 10 horsepower or greater or personal watercraft for rent or lease shall provide the rental/lease boat operator with a Dockside Safety Checklist provided by the Department. Other persons authorized to operate such boat shall also be provided with the Dockside Safety Checklist.

B. A Dockside Safety Checklist shall consist of selected facts about Virginia boating laws and safe boat operation.

C. The authorized operator(s) of the rental/leased boat shall review and initial each item in the Dockside Safety Checklist before they may operate the boat being rented or leased.

D. The Dockside Safety Checklist for the authorized operator(s) shall be retained on board the boat being rented or leased, along with the rental or lease agreement from the motorboat rental or leasing business, when the boat is being operated.

E. Any person who presents documentation that he has met the minimum standards for boating safety education course competency in accordance with 4 VAC 15-410-40 subsection B or 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 shall be exempt from the Dockside Safety Checklist requirements.

F. Pursuant to § 29.1-735.2.B.6 of the Code of Virginia, a person may be allowed to operate the rented/leased boat without completing the Dockside Safety Checklist as long as he is operating under the onboard direct supervision of a person (i) who has completed the Dockside Safety Checklist or (ii) who is otherwise exempt from the Dockside Safety Checklist requirement.

#### **4 VAC 15-410-130. Temporary Operator's Certificate.**

A. The registered owner(s) of a motorboat or personal watercraft, if the boat is new or was sold with a transfer of ownership, shall be issued with the certificate of number for the motorboat or personal watercraft a temporary operator's certificate that shall allow the owner(s) to operate such boat in Virginia for 90 days.

B. A temporary operator's certificate shall be issued by the Department, by any person authorized by the Director to act as an agent to issue a certificate of number pursuant to Code of Virginia § 29.1-706, or by a license agent of the Department authorized to issue a temporary registration certificate for a motorboat. A temporary operator's certificate shall not be renewable.

#### **4 VAC 15-410-140. Optional Virginia Boater Education Card.**

A. The Department may establish an optional Virginia Boater Education Card for issuance to persons who can show that they have met the minimum standard of boating safety education course competency or 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.

B. To obtain an optional Virginia Boater Education Card, a person must provide to the Department (i) a completed application on a form provided by the Department. The application shall require the applicant's name, current mailing address, and date of birth. The applicant must also sign a statement declaring that statements made on the form are true and correct and that all documents submitted with the form are true and correct copies of documents issued to the applicant. Incomplete applications will be returned to the applicant; (ii) a copy of the documentation (such as the boating safety education course completion certificate/wallet card or equivalency exam completion certificate/card) that indicates that the minimum standards for boating safety education course competency have been met. Such documents must contain the name of the individual applying for the Virginia Boater Education Card. The Department may

require the applicant to provide the original document in the event that the copy submitted with the application is illegible or if the authenticity of the copy is not certain.

C. Upon receipt by the applicant, the optional Virginia Boater Education Card will serve in lieu of any other certificates or cards that have been issued to the bearer as a result of meeting the minimum standards for boating safety education course competency. As such, the Virginia Boater Education Card will not be transferable or revocable and will have no expiration date.

D. A person may apply, on a form provided by the Department, for a replacement Virginia Boater Education Card. A replacement card may be issued if the original card is lost, stolen or destroyed, if misinformation is printed on the card, or if the bearer has legally changed their name. The application shall include an affidavit stating the circumstances that led to the need for replacement of the original card.

#### **4 VAC 15-410-150. Fees.**

A. Pursuant to Code of Virginia § 29.1-735.2 subsection E, the Board may establish fees for boating safety courses and certificates provided by the Department. Such fees shall not exceed the cost of giving such instruction for each person participating in and receiving the instruction.

B. The Department shall not charge a fee for the provision of its state course for basic boating education delivered in a conventional classroom setting.

C. Fees charged by an approved course provider for boating safety education courses are set by the course provider, but must be clearly communicated to the student prior to taking the course.

D. The fee for issuance of an optional Virginia Boater Education Card, which will serve in lieu of a previously-obtained boating safety education course certificate/card, shall be \$10. The fee for a replacement card shall be \$8.

#### **4 VAC 15-410-160. Penalties.**

As provided for in §§ 29.1-735.2.H and 29.1-748.B of the Code of Virginia, any person who violates any provision of this chapter shall be subject to a civil penalty of \$100. All civil penalties assessed under this chapter shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701 of the Code of Virginia.

#### **Statutory Authority**

**§§ 29.1-735.2 and 29.1-748 of the Code of Virginia.**

The staff stated there are currently 250,000 boats registered in Virginia and approximately 6,000 students currently taking a boating safety course. There are approximately 40 states that have some type of mandatory boater education requirement.

After a brief discussion between the Board and staff, the Chairman called for public comments on the regulation.

**Public Comment:**

Mr. Bruce Dungan, Union Hall, Virginia represented Smith Mountain Lake Association and the Virginia Safe Boating Alliance. Mr. Dungan spoke in favor of the Boating Education Regulation.

The Chairman thanked Mr. Dungan for his remarks. There being no further discussion, the Chairman called for the motion to approve the regulation for advertisement.

**Mr. Stroup made the following motion: Mr. Chairman, I hereby move that the Board propose the boating safety education regulations as recommended by staff. Motion seconded: Mr. Montgomery. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

**Lake Frederick MOU:** The Chairman recognized Mr. James Adams Capital Programs Section to present the Memorandum of Agreement (MOA) between the Board of Game and Inland Fisheries and Oxbridge Development at Shenandoah LC (assignee to Dogwood Development Group LLC, and JasBo, Inc. and Fred L. Glaize, III).

The MOA was approved by the Board at its July 19, 2001 meeting during which a public hearing on the proposed action was held and DGIF was authorized to enter the agreement subject to the requirement that the developer furnish DGIF a \$1million performance bond. The MOA sets forth expectations of cooperation on Lake Frederick between the developer and the Department including the following benefits: measures for lake protection and water quality management, an improved public access road to Lake Frederick from Rte. 522/340; property enhancements and improvements to include the construction of a concession/restroom building on DGIF land (plans to be approved by DGIF), trail development for improved fishing and viewing access along lake shoreline and fishing piers available for use by the public; the conveyance to DGIF of an additional 50' conservarsation area along the shoreline of Lake Frederick as a conservation easement ( in addition to the existing 50' from the lake's shoreline); all activities are to be carried out at no cost to DGIF.

Staff recommends that the amended MOU be approved by the Board. The revisions to the MOA include:

- in lieu of the 50' conservation easement area in Section 2 of the MOA, the developer will convey the area in fee to DGIF;

- to set forth time periods within which the actions agreed to under the MOA will be carried out, specifically the land exchange, the floodway easement, and the fee conveyance of the additional 50' area offset from DGIF's boundary around Lake Frederick; and
- to establish a Bond reduction schedule over time as phases of development are completed and required elements of the agreement are satisfied (Section 17 of the MOA).

After a discussion between the staff and the Board, the Chairman called for the motion to approve the first amendment to the 2001 MOU.

**Mr. Montgomery made the following motion: I move that the Board approve the First Amendment to the 2001 MOA as presented and further authorize the Director, with advice of Counsel, to approve and execute such other non-substantive documentation as may be appropriate to implement the settlement as proposed and according to applicable state procedures. Motion Seconded: Ms. Crumley. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

**The staff presented a second recommendation to acquire the additional 50 feet.**

**Mr. Montgomery made the following motion: I move that the Board authorize the Director to proceed to acquire approximately 45 acres of land in Frederick County, Virginia, and such acquisition shall be compatible with our mission and according to the applicable state procedures. Motion Seconded by: Mr. Yates. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

**Approval of October and November Minutes:** The Chairman called for discussion and approval of the October and November Minutes. Mr. Hill moved that the minutes be approved as submitted. Motion seconded by: Dr. Greer. Ms. Crumley stated that a correction was needed to the October Minutes to reflect the correct spelling of **Secretary Bryant's name found on draft page 21 of draft page 24. It read Secretary Bryan should read "Bryant". Minutes were approved with corrections. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

**Committee Reports:** The Chairman recognized Mr. C. T. Hill, Chairman of the Finance Committee for his report. The Finance, Audit and Compliance committee met on January 7, 2008 at 5:30pm. Dr. Virgil Kopf presented the budget report through December 2007. Items covered during the January meeting were the Small Purchase Charge Card purchases and the media services report. The *Outdoors Report* continues to be very popular and subscriptions continue to increase.

Mr. Hill asked Mike Bise, Acting Director, to present the Conservation Police Officer Compensation package to the Board for approval as recommended by the Finance, Audit and Compliance Committee.

Mr. Bise made the following presentation: The Law Enforcement Division currently has 150 sworn officers and there are currently 12 localities without Conservation Police Officers. The recommendation made to the Finance committee was an internal alignment of salary plus an across the board increase for all sworn officers. By approving this package, it would make the division more competitive during recruitment and help in retention efforts of the current staff. Areas for cost saving within the division were identified to provide funding of this package. Mr. Bise thanked the Board and staff for their help in the process.

**Mr. Hill made the following recommendation on behalf of the Finance, Audit and Compliance Committee: The recommendation is for an internal alignment of salary plus an across the board \$2,000 increase for all sworn officers. The approximate total of the package is \$620,000. Motion Seconded by Ward Burton. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

The Chairman has briefed the members of the 2008 General Assembly and Secretary Bryant on this compensation package as presented today.

Mr. Hill also presented the Overview of the Proposed Organizational Program Alignment Study for the Agency. This will be a tool used to develop the strategic plan and for budget purposes in the coming years.

**The Chairman called for a motion for the Board to approve the Alignment Study. Mr. Hill made the motion on behalf of the Finance, Audit and Compliance Committee that the Board approve the Alignment Study and have Staff to begin the process to obtain an outside vendor to begin this process as soon as possible. Motion Seconded by: Mr. Stroup. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

The Chairman stated there is a proposed \$50million bond package for public land acquisitions. The agency was not specifically named in the original bond package. An amendment has been added to the bond package that specifically names DGIF. Ms. Jenny West of the Virginia Wildlife Foundation was recognized for her work on this package and amendment. The Chairman thanked her and the members of the Foundation for all of their hard work.

The Chairman recognized Mr. Richard E. Railey, Jr., Chairman of the Education, Planning and Outreach Committee. The committee met on January 22, 2008 at 8:00am. Mr. Railey presented the following information on behalf of the committee:

Mr. Railey presented the following change to the Board Governance Manual:

**The Manual currently reads:**

The purpose for the Wildlife and Boat Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources to draft recommendations and/or policies addressing those needs for consideration by the entire Board. This Committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

**Recommended Change:**

The purpose for the Wildlife and Boat Committee is to evaluate the long-term needs of the Commonwealth's wildlife and boating resources and to draft recommendations and/or policies addressing those needs for consideration by the entire board *and to serve as the Motorboat Committee in accordance with §29.1-701 of the Code of Virginia.* This committee will also assess the needs, desires, and impacts of the users of these resources and provide guidance to the full Board as described above.

**Mr. Railey made the motion to have the language presented included in the Board Governance Manual. Motion Seconded by Ms. Crumley. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

Mr. Railey presented the following change to the Education, Planning and Outreach Committee Charter to specify that the meeting schedule is on a fiscal year basis.

**The Meeting section of the Charter currently states:**

The Committee is to meet at least four (4) times each year, with additional meetings deemed as necessary by the Committee. The Chair may request the Director to have Department staff members be present at meetings of the Committee to provide information and/or expertise regarding the business matters, issues, and discussion topics of the Committee.

**The recommended change:**

The Committee is to meet at least four (4) times each fiscal year, with additional meetings as deemed necessary by the Committee. The Chair may request the Director to have Department staff members be present at meetings of the Committee to provide information and/or expertise regarding the business matters, issues, and discussion topics of the Committee.

**Mr. Railey made the motion to have the language change in the Charter as presented. Motion Seconded: Mr. Stroup. Ayes: Pollard, Yates, Hazel, Geer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

Mr. Railey stated that in accordance with the Board Governance Manual, the Education Planning Committee has reviewed the Board Policies and recommends the current policies remain in effect with no changes at this time. Mr. Railey made the motion to have the current polices remain in effect with no changes. Motion Seconded by Ms. Pollard. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.

Mr. Railey also presented the **Direct Marketing Program for Lapsed Anglers**. The Recreational Boating and Fishing Foundation has designed a program to help agencies capture anglers with expired licenses and to remind them of the annual renewal process. The Recreational Boating and Fishing Foundation would provide the initial start up fee of \$25,000 and the Agency will be responsible for a match of \$25,000. **After discussion, Mr. Railey made the motion the Board adopt this program. Motion Seconded by Mr. Stroup. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill Kozuch and Stroup.**

The Chairman thanked Mr. Railey for his report.

The Chairman recognized Mr. John Montgomery, Chairman of the Wildlife and Boat Committee. Mr. Montgomery stated the Committee has not met since the November meeting and a future meeting date is to be determined.

**Director's Report:** The Chairman recognized Mike Bise, Acting Director for his report. Mr. Bise indicated several staff members would be assisting with his report.

The Wildlife Division staff presented an update on the Chronic Wasting Disease (CWD) Surveillance. The Staff also reviewed the captive deer movement regulation.

Mr. James Adams provided an update on the Goodall property issues and a presentation on the Hopyard Landing.

The Chairman stated for the record that for the purposes of this presentation, he would ask the Vice-Chairman, Richard Railey to preside over this portion of the meeting due to family involvement with Hopyard Landing.

Mr. Adams stated that DGIF learned that the Goodall family had granted two Conservation Easements to The Nature Conservancy. One of the easements is on the same property that the Board holds the hunting and fishing easements rights and the second easement is on the adjacent property; these two easements total approximately 2000 acres. In a call to John Daniels, the Goodall family attorney, he acknowledged that the Board easement is the primary easement and that in any dispute the Board easement would prevail. Mr. Daniels asked if there was any interest to enter in to an agreement



between parties in an effort to make complimentary statements between the easements and to state to the public and to the owners the hunting and fishing rights. Mr. Daniels will send to Mr. Adams copies of the Conservation Easements recently granted to TNC and a draft agreement for the Board to consider. The Board requested Mr. Adams to keep them informed of the status.

Mr. Adams provided the following land acquisition brief on the Hopyard Boat Landing located in King George County, Virginia. The agency received the following letter from Mr. R Bryan David, County Administrator:

James C. Adams  
Capital Programs Director  
Va. Department of Game and Inland Fisheries  
P. O. Box 11104  
Richmond, Virginia 23230

Re: Hopyard Boat Landing  
King George County, Virginia  
Tax Map 23 (3), Parcel A4

Dear Mr. Adams:

At its October 16, 2007, meeting the King George County Board of Supervisors voted unanimously to authorize the King George County Administrator to write the Virginia Department of Game and Inland Fisheries with its interest to gift Hopyard Boat Ramp property to DGIF and also work with DGIF on the transfer of title. Enclosed is an excerpt of the minutes from the Board of Supervisor's meeting held on October 16, 2007.

We look forward to working with DGIF on this project and if you have any questions, please contact me.

Respectfully,  
R Bryan David,  
County Administrator

Mr. Adams made the following presentation:

**Acquisition Brief  
Hopyard Landing  
King George County, Virginia**

**Description and Characteristics**

**Property Description**

This is a fully developed boating access facility on the Rappahannock River. The site was proffered by the Hazel Land Companies, Inc. to the County. The facility has a single launch lane, a courtesy pier, and asphalted access road with turning radius, 14/vehicle/trailer parking spaces, and 15 vehicle parking spaces. Several features of the site are not consistent with DGIF standards; the Department has the resources to address,

**Compatibility of Acquisition**

The Department was approached by the developer and County to accept this landing as a gift for DGIF operation and maintenance. The site acquisition would compliment river travel; it is located 19 miles downstream from City Dock at Fredericksburg and 35 miles upstream from Carters Warf Landing in Richmond County.

**Access**

The facility is located on Old Wharf Road off Route 607.

**Financial Aspects:**

**Description:** ~4.7333 acres  
King George County

**Purpose:** Boating Access Facility

**Estimated Value:** ~2,500,000

**Asking Price:** Gift

**Financial Aspects (Continued):**

<b>Appraisal Cost:</b>	<b>\$1,500.00</b>
<b>Boundary Survey</b>	<b>\$4,800.00</b>
<b>Legal Fees:</b>	<b>\$1,500.00</b>
<b>Site Inspection:</b>	<b>\$1,200.00</b>
<b>(Environmental)</b>	
<b>Title Insurance and Closing Services</b>	<b>\$1,000.00</b>
<hr/>	
<b>Total Cost:</b>	<b>\$10,000.00</b>

The staff recommends the acquisition of the Hopyard Boat Ramp Landing. This acquisition supports the Department’s public boating access mission.

The Vice-Chairman called for discussion. Hearing no discussion, the Vice-Chairman called for the motion:

**Ms. Crumley made the following motion: I move that the Board authorize the Director to proceed to acquire approximately 4.73 acres of land in King George County, Virginia, and such acquisition shall be compatible with our mission and according to applicable state procedures. Motion Seconded by: Dr. Greer. Ayes: Pollard, Yates, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup. Mr. Hazel abstained from the vote.**

The Director recognized Charlie Sledd to provide the Board with a report on the 2008 General Assembly legislative update. This information is currently available on the agency web site.

Mr. Bise stated he and Ward Burton met with the newly formed Virginia Hunter Education Association. One of the issues discussed was the apprentice hunter license bill. They are in full support of the bill. Also discussed was the possible merging of the GUIDE program and the Hunter Education Program. By combining these 2 programs, it will increase the mentoring of young people who are interested in hunting. Mr. Bise and Mr. Burton are working with the Wildlife Division and the Law Enforcement Division to move this program forward.

Mr. Bise also stated the Complementary Workforce Program currently has approximately 270 people volunteering. Region 4 Volunteers are actively stocking trout, and their contributions have relieved the CPO's from this duty. The volunteers have assisted with the staffing of agency exhibits and the next phase of the program is specific job and training task (permitting, etc.).

The Chairman thanked Mr. Bise for his remarks.

**Chairman's Remarks:** The Chairman stated the red hats at each member's seat were from the ground breaking ceremony of the Bass Pro Shop that will be located in Hanover, Virginia. He, the Acting Director and DGIF senior staff attended the ceremony.

The Chairman presented the draft of the Nomination Committee Charter. **After review the Chairman called for a motion to approve the Charter. Mr. Stroup made the motion to adopt the charter. Motion Seconded by: Mr. Yates. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.**

The Chairman announced the Agency has closed the deal on obtaining Merrimac Farms. Thanks to all who helped make this purchase a success.

The Chairman and senior staff continues to meet with the members of the General Assembly on a regular basis and they also participate in the Sportsman's' Caucus meetings held on thursday mornings.

The Chairman thanked Mr. Mike Bise for stepping in on short notice to serve as Acting Director of the agency.

The Chairman stated later in the meeting the Board will go into closed session to discuss the director's position. He also stated that an announcement would not be made today on the Board's selection to fill this position.

At 12:53pm, Mr. Railey made the following motion:

***Mr. Chairman,***

***I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specifically regarding the Acting Director's performance and the position of the Director. Motion seconded by: Mr. Montgomery. Ayes: Pollard, Yates, Hazel, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch and Stroup.***

**Mr. Greer and Mr. Montgomery departed the closed session at 2:00 pm. Mr. Kozuch departed the closed session at 4:15 pm.**

***At 4:51, Mr. Railey made the following Certification of the Closed Session Meeting:***

***I hereby certify that 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 a meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (1) 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 (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Motion seconded by Ms. Crumley. Ayes: Crumley, Hill, Stroup, Hazel, Railey, Pollard, Burton and Yates.***

The Chairman thanked the staff for their continued support given to the Board.

The Chairman presented the revised 2008 Meeting schedule. Mr. Railey made the motion to approve the revised schedule as presented. Ms. Crumley seconded. Ayes: Crumley, Hill, Stroup, Hazel, Railey, Pollard, Burton and Yates.

There being no further business, the meeting was adjourned at 4:54pm. The next meeting will be April 1, 2008.

Respectfully submitted,

Beth B. Drewery  
Board Secretary