

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

**AUGUST 22, 2006, 9: 00 A.M.**

**PRESENT:** John W. Montgomery, Jr., Chairman, Sherry Smith Crumley, Vice Chairman, C. Marshall Davison, Richard E. Railey, Jr. (left 11:00 a.m.), Ward Burton, C. T. Hill, Charles Yates (left at lunch), Thomas A. Stroup, Jimmy Hazel, **ABSENT:** William T. Greer, Jr. and Randy Kozuch (schedule conflicts); **LEGAL COUNSEL:** Roger Chaffe, **INTERIM DIRECTOR:** Colonel W. Gerald Massengill, **SENIOR STAFF:** Mike Bise, Ray Davis, Bob Duncan, Gary Martel, Charlie Sledd and David Whitehurst

At 9:00 a.m., Chairman Montgomery called the meeting to order and welcomed visitors. Mr. Hill read the agency's mission statement into the record and Colonel Mike Bise led the Pledge of Allegiance to the Flag.

A quorum was present. Mr. Montgomery announced that the Board would hold its closed session during its lunch break. . Dr. William T. Greer, Jr. representing the Second Congressional District and Richard E. Railey, Jr., representing the Fourth Congressional District were congratulated on their reappointment to the Board.

**1. Atlantic Rivers for Excellence Partnership:** Dr. Tom Huff, Vice Provost for Life Sciences, Virginia Commonwealth University was recognized. Dr. Huff introduced Don Gehring, Vice President for Government Relations, Dr. Leonard Smock, Director of the Rice Center and Mark Smith, Assistant Vice President for Government Relations for Virginia Commonwealth University.

Using PowerPoint, Dr. Huff presented an overview of The Atlantic Rivers Center, a national initiative that includes the VCU Rice Center. The VCU Rice Center and the U. S. Fish and Wildlife Service have already entered The Atlantic Rivers Center partnership. Partnership agreements are being developed between the Department of Game and Inland Fisheries and Charles City County for The Atlantic Rivers Center. Programmatic activities are underway for The Atlantic Rivers Center.

The five elements of the Mission of The Atlantic Rivers Center are Research, Education, Sustainable Management Practice, Public Health, and Heritage and Culture. University research and educational work will be conducted at the Center.

The Rice Center was donated to the University by Inger and Walter Rice on October 23, 2000. The Department of Game and Inland Fisheries will have a regional headquarters facility at the Center, and an existing, jointly owned pier research facility (DGIF and VCU).

The Board was asked if it approved the proposed partnership in principle. The Board asked staff to continue to work on this project with VCU.

The Board confirmed that work performed at The Center has been budgeted by the Department, but any future commitments will have to be brought to the Board for approval.

**2. Public Comment, Non-Agenda Items:** An opportunity was provided for the public to comment to the Board on topics that had not been announced on the meeting agenda. Speakers were requested to limit their comments to three minutes. Those representing groups were requested to limit their comments to five minutes.

**Joe Hicks, Clarksville, Virginia:** Mr. Hicks stated that he is a trophy catfish angler. He provided a handout to the Board with a listing of approximately 35 individuals that supported his views.

Mr. Hicks expressed support for the use of gill nets to collect gizzard shad. He felt that the gill net is preferable to and safer to use than a cast net, which he felt is useful if you know the location of the target species.

Mr. Hicks stated that several of the individuals listed had indicated that they have been told by law enforcement that they are illegally using the gill net. He asked for regulatory clarification regarding the legal use of the gill net. He also asked the Board for a stay of enforcement until a regulatory solution is found between DGIF and the Virginia Marine Resources Commission (VMRC).

**Tom Powers, Poquoson, Virginia** stated that he is a member of the VMRC Fisheries Management Advisory Committee that is composed of 12 commercial and recreational fishermen and two associate commissioners, and it advises the Commission on finfish related issues that are under the jurisdiction of VMRC. Mr. Powers commented on the use of gill nets and similar gear for the harvest of nongame species in rivers below the fall line. He indicated that the Committee has been told by VMRC that it is not clear which agency has regulatory authority for gizzard shad. He added that the Committee had been told by VMRC that DGIF's enforcement staff would be informing anglers that the harvest of nongame species other than catfish and stripped bass above the tidal fall line with non hook and line gear is illegal.

Mr. Powers raised a concern for which agency has regulatory authority for specific species and asked for the agencies to formulate a compromise to allow for the continued harvest of nongame species with non hook and line gear licensed by VMRC and further provide clarification through the regulatory process. He also asked for clarification regarding the appropriate use of gill nets by recreational fishermen. He indicated that at an upcoming meeting of the Fisheries Management Advisory Committee, he intends to propose regulatory changes to apply to recreational use of gill nets above the boundary line between the recreational tidal and inland water licenses. Specifically they plan to seek regulation change to reduce the length of gill nets from 100 yards to 100 feet; only allow 60 minutes of soak time, only allow nets to be in the water between one-half hour before sunrise and sunset; reiterate the confiscation of unattended recreational license gill nets as required in regulation, determine an upriver boundary above which gill nets will not be allowed especially during the shad and stripped bass spawning runs, and that appropriate research be conducted to address the problem of by-catch that will be based on science. He asked the Board to direct enforcement staff to discontinue the practice of

informing anglers that the harvest of nongame species with VMRC permitted gear is illegal until regulatory clarification has been enacted and implemented.

Gary Martel was asked to provide clarification. He indicated that DGIF staff has been working with legal counsel for VMRC and DGIF to address the concerns. They have received an opinion that gill nets are legal to the fall line, but the fresh water versus marine fish issue was identified. It is opinion of counsel that they are not legal. Staff continues to work on the issue and plans to advance recommendations for regulatory change at the October 17, 2006 meeting. Mr. Martel indicated that the increased use of gill nets needs to be addressed.

**John Green, Richmond Virginia** expressed concern over the recent fee increase in the senior citizen licenses, which went from \$1.00 plus the license agent fee to \$6.00 plus the license agent fee. The \$5.00 increase was implemented by the Board in accordance with enabling legislation. He asked the Board to address his concern for the fee increase.

**Carroll Dickenson, Broadway, Virginia, representing the Shenandoah Valley Sportsman's Alliance**, expressed concern for the declining deer population in western Virginia. The Alliance has been meeting with staff and he presented to the Board a copy of a resolution passed by the Rockingham County Board of Supervisors requesting the appropriate federal and state bodies to assist in efforts to enhance the quality and quantity of deer in western Rockingham County and to migrate the county's deer population primarily onto the public lands away from county farms and residential communities using appropriate management practices.

Mr. Dickenson added that the Alliance has met with Department staff (Jay Jeffreys) at the request of Secretary Bryant. They hope to jointly continue efforts to identify the cause of the deer population decline.

**Robert Woolfolk, Bumpass, Virginia** declined the invitation to speak when recognized.

**3. Recognition of Employees and Others:** Bob Duncan presented a plaque to **Jim Cline, Land Use Program Manager for the Virginia Department of Transportation's (VDOT) Assets Management Section** for cooperation shown in collecting deer samples for chronic wasting disease testing from the counties in northern Virginia that were included in the identified surveillance area. The plaque read, "The Department of Game and Inland Fisheries hereby bestows this certificate of appreciation upon the Virginia Department of Transportation in recognition and appreciation of the Virginia Department of Transportation for the outstanding support of our chronic wasting disease surveillance programs during 2005. Chronic wasting disease is a potentially significant threat to white-tail deer populations in the Commonwealth, and early detection is critical to the successful management of the disease. Virginia Department of Transportation's exemplary service was vital to the success of the chronic wasting disease surveillance program during 2005." Mr. Duncan noted that VDOT's assistance was critical to the Department's chronic wasting disease monitoring efforts in 2005. Mr. Cline was thanked for his personal contributions to this effort.

Mr. Cline was accompanied by Don West, also with the Virginia Department of Transportation.

David Whitehurst requested Ray Fernald and Brian Watson, employees in the Wildlife Diversity Division to come forward. They were recognized for their dedication and commitment to identifying a method to successfully eradicate a zebra mussel population from an open water impoundment, a first time achievement.

Mr. Whitehurst presented these two employees with a Wildlife Diversity Division certificate that read, "The Department of Game and Inland Fisheries bestows this certificate of appreciation upon Brian T. Watson and Raymond T. Fernald in recognition and appreciation of your successful efforts to eradicate an established population of zebra mussels, an invasive, exotic species that posed a very real threat to our natural resources and to our economy from a large open body of water in Prince William County, accomplishing what no other state in the nation or no other entity in the world has been able to do."

Mike Bise recognized Crystal Weidman, Carol Kushlak, Jeff Decker and Timmy Tucker and Todd Daniels of the Virginia Department of Transportation for the work they did to develop an educational campaign to enhance boating safety awareness known as "Lake Watch". The project was accomplished primarily with grant funds. The Virginia Department of Transportation assisted with the posting of the Lake Watch signs in the vicinity of Smith Mountain Lake. The effort has been recognized for its excellence.

**4. Minutes of June 20, 2006 Meeting.** The minutes of the June 20, 2006 meeting have been posted on the Web and copies were included in the meeting briefing materials. Chairman Montgomery called for corrections or additions to the minutes. As there were none, **Mr. Hill moved, seconded by Ms. Crumley, passed unanimously in a show of hands vote, to approve the minutes as written: Ayes: Davison, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel**

**6. Migratory Waterfowl Seasons:** Using PowerPoint, Bob Duncan presented the following federal framework and staff recommendations for the 2006-2007 migratory waterfowl seasons. Department staff held a public input meeting on August 1. Six additional comments received after August 1 was shared with the Board. The final federal framework has not been finalized and staff asked and the Board authorized staff to adjust the approved seasons to conform to final framework requirements. The three changes in the federal framework for 2006 include: the canvasback duck will be allowed for take for the entire season (one per day), the bag limit for hooded mergansers has increased from one bird to two, and the Back Bay season has been extended from 15 to 30 days and the bag limit has increased from one to two birds.

**Federal Framework—General Duck Season:** The framework allows for a three-way split season with no zones. The outside dates for general duck seasons are September 23, 2006 through January 28, 2007, with a season of no more than 60 hunting days plus two consecutive youth waterfowl hunting days outside of the general duck season, with a daily bag limit of 6 ducks, and may include no more than 4 mallards (only two of which may be hen mallards), 2 scaup, 4 scoters, 2 wood ducks, 2 redheads, 1 black duck, 1 mottled duck, 1 fulvous whistling duck, 1 pintail, and 1 canvasback. The possession limit is twice the daily bag limit. The season is closed on Harlequin ducks. Shooting hours are one-half hour before sunrise until sunset daily.

The framework provides an option to include mergansers in the general duck bag or leave them as a separate bag. If left in the general duck bag, the restriction of two hooded mergansers applies.

**Merganser Seasons:** Option A provides for a 60-hunting days season (September 23, 2006 through January 28, 2007) with a daily bag limit of five birds, of which only two birds may be a hooded merganser (10 in possession, only four of which may be hooded mergansers). Option B would include mergansers in the general duck bag.

**Special Sea Duck Season (in sea duck zone), Scoter, Long-Tailed Duck, and Eider:** A 107-hunting day season is allowed between September 15, 2006 and January 28, 2007, with a bag limit of seven birds daily (14 in possession), but may include no more than four scoters (eight in possession).

**Coot, Gallinule and Moorhen: Coot:** The framework allows for a 60-hunting day season between September 23, 2006 and January 28, 2007, with a bag limit of 15 birds daily (30 in possession).

**Gallinule/Moorhen:** The framework allows for 70-hunting days between September 1, 2006 and January 28, 2007, with a bag limit of 15 daily (30 in possession).

**Canada Goose (Western Zone):** The regular season up to 40 hunting days, may be held between November 15, 2006 and January 14, 2007. The extended season dates are January 15, 2007 through February 15, 2007. The bag limit is two per day through January 14, five per day from January 15 through February 15.

**Atlantic Population Zone:** A two-way split season, up to 45 hunting days in length, may be held between November 15, 2006 and January 31, 2007. The bag limit is two per day.

The framework allows for a season to be held on Back Bay during the last 30 days of Virginia's Atlantic Population Zone Season (no zones). The bag limit is two geese per day.

The Back Bay hunt area includes the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shores of North Landing River and the marshes adjacent thereto, and on and along the shores of Binson Inlet Lake (formerly known as Lake Tecumseh) and Red Wing Lake and the marshes adjacent thereto.

**Snow Goose and Atlantic Brant Seasons: Snow Goose:** A three-way split season is allowed (up to 107 hunting days) between October 1, 2006 and March 10, 2007, with a bag limit of 15 birds daily (no possession limit).

**Atlantic Brant:** A two-way split season (up to 30 hunting days) may be held between September 30, 2006 and January 31, 2007. The bag limit is two birds daily, four in possession.

**Tundra Swan Season:** Virginia's Department of Game and Inland Fisheries may issue no more than 600 permits to holders of a valid Virginia hunting license. States must obtain harvest and hunter participation data. A 90-day hunting season may be selected between October 1, 2006 and January 31, 2007, with a bag limit of one bird per permittee per season. Permit conditions must be observed by permittees.

**Falconry:** The framework provides for a season of 107-hawking days, not to exceed three segments in any extended season outside the regulation season, between September 1, 2006 and March 10, 2007. The bag limit is three daily (six in possession). Federal Law prohibits falconry for waterfowl on Sunday.

**Staff Recommendations: General Duck Seasons:** Staff recommended a 60-hunting day season, plus one youth waterfowl hunting day. The first segment is October 5-9 (black duck closed). The Youth Waterfowl Hunting Day is October 21. The second segment is November 18 through December 2, 2006. The third segment is December 9, 2006 through January 27, 2007. The daily bag limit is five ducks, which may include no more than four mallards (which may include no more than two hen mallards), two scaup, four scoters, two wood ducks, two redheads, one pintail, one mottled duck, one fulvous whistling duck, one canvasback, and one black duck (except closed during October 5-9). The season is closed on Harlequin duck. The possession limit is twice the daily bag limit. Unless otherwise noted, shooting hours are one-half hour before sunrise until sunset daily.

**Merganser Season:** Staff recommended Option A to coincide with the general duck season. The bag limit is five birds daily, of which only two birds may be hooded mergansers (10 in possession, only four of which may be hooded mergansers).

**Special Sea Duck Season: (Scoter, long-tailed duck, and eider):** The proposed season dates were October 5, 2006 through January 27, 2007, with a bag limit of seven birds daily (14 in possession) but may include no more than four scoters (eight in possession). The Sea Duck Zone are those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following areas: the ocean waters of Virginia, the tidal waters of Northampton and Accomack counties, and the Chesapeake Bay and each of its tributaries up to the first highway bridge. Back Bay and its tributaries are not included in the Sea Duck Zone. The season provides for 107 hunting days.

**Coot, Merganser, Gallinule and Moorhen seasons: Coot:** Staff recommended that the coot season coincide with the general duck season, (60 hunting days) with a bag limit of 15 birds daily (30 in possession).

**Gallinule/Moorhen:** Staff recommended that the gallinule/moorhen season (70 days) coincide with the general duck season, with a bag limit of 15 daily (30 in possession).

**Canada Goose Season, western zone:** A two-way regular season was recommended (November 18-December 2, 2006 and December 14, 2006 through January 13, 2007. The extended season dates are January 15 through February 15, 2007. The bag limit is two geese per

day from November 18 through December 2, 2006 and December 14, 2006 through January 13, 2007. The bag limit is five geese per day from January 15 through February 15, 2007.

**Atlantic Population Zone:** Season dates are November 18 through December 2, 2006 and December 22, 2006 through January 27, 2007 (45 days), with a bag limit of two geese per day.

**Back Bay:** The season dates are December 25, 2006 through January 27, 2007, with a bag limit of two geese per day. DGIF will be required to collect feather samples to determine if the birds are resident or migratory.

**Snow Goose and Atlantic Brant Seasons: Snow Goose:** A two-way split, 107-hunting days season was recommended, (November 1 through December 2, 2006 and December 9, 2006 through March 10, 2007). The bag limit is 15 birds daily, no possession limit.

**Atlantic Brant** season dates recommended are December 25, 2006 through January 27, 2007, with a bag limit of two birds daily, four in possession.

**Tundra Swan:** Season dates recommended are December 1, 2006 through January 31, 2007. The hunt area is all counties and portions of counties lying east of U.S. Route I-95 and south of the Prince William/Stafford County line in Chopawamsic Creek at Quantico Marine Corps Base. The Department of Game and Inland Fisheries may issue no more than 600 permits to holders of valid Virginia hunting licenses. The bag limit is one bird per permittee. All permit conditions must be obeyed.

DGIF is required to obtain hunter participation and harvest information to offer this Tundra swan hunting season. Hunters are required to complete the accompanying tundra swan hunt questionnaire and return it to the address listed on the questionnaire at the end of the hunt. Those who fail to return a completed questionnaire by February 15, 2007 are ineligible for future drawings.

**Falconry:** Staff recommended a season of 107-hawking days, with no combination of falconry and firearms hunting to exceed 107 days for any species. The bag limit is three daily. Season dates will coincide with other migratory waterfowl seasons for Virginia.

**Ducks, Mergansers, Coots, Moorhens and Gallinules:** Season dates of October 5-9, and November 18, 2006 through February 28, 2007 were recommended.

**Canada Goose** season dates recommended are November 18, 2006 through February 17, 2007.

A two-way split **Snow Goose and Brant** season was recommended for falconry (November 1 through December 2, 2006 and December 9, 2006 through March 10, 2007).

An opportunity was provided for the Board to discuss the framework and staff recommendations.

Chairman Montgomery called for public comment on the framework and staff recommendations for the migratory waterfowl seasons for 2006-2007.

**Robert Woolfolk, Bumpass, Virginia** indicated that he agreed with staff recommendations.

**John Green, Richmond, Virginia** commented that geese numbers have grown to a nuisance level and extraordinary measures need to be implemented to restrict their impact on citizens and events.

**Mr. Hazel moved, seconded by Mr. Davison, passed unanimously in a show of hands vote, to approve staff recommendations for migratory waterfowl seasons for 2006-2007. Ayes: Hazel, Davison, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup**

Chairman Montgomery called for a break at 10:25 a.m. and the meeting reconvened at 10:37 a.m.

**7. Committee Reports: Education, Planning and Outreach Committee:** Ms. Crumley reported that the Education, Planning and Outreach Committee met on August 21, 2006, and all members were in attendance. The Committee recommended that the Board amend its Governance Manual pertaining to the requirements for new Board member orientation. The Committee recommended extending the time from 45 to 90 days and proposed language to read, "The Board orientation will be in conjunction with the earliest scheduled Board meeting after the appointments are announced, or within 90 days." Ms. Crumley noted if the Board approved this recommended change, the Education Committee would need to amend its Charter to reflect it. Mr. Hazel noted for the record that an extensive orientation manual would immediately be distributed to new Board members for their review prior to the scheduled Board meeting.

**Ms. Crumley moved, seconded by Mr. Hazel, passed unanimously in a show of hands vote, to amend the Governance Manual as recommended by the Education, Planning and Outreach Committee. Ayes: Hazel, Crumley, Davison, Montgomery, Railey, Burton, Hill, Yates, Stroup**

Ms. Crumley noted staff will send the required Freedom of Information and Conflict of Interest Act materials to new Board members within two weeks of appointment, as required by statute. The orientation manual will also be sent to the members prior to the first scheduled Board meeting.

Charlie Sledd presented the Department's five legislative proposals for the 2007 General Assembly session: (1) Give the Board the authority to adjust the non-resident and lifetime license fees by more than the current \$5.00 increment. Staff suggested \$10.00 increments per license, but the Education, Planning and Outreach Committee requested increasing the fee authority by as much as \$100.00 per non-resident license and up to \$50.00 per lifetime license. (2) To add the crossbow license to the sportsman and youth combo licenses, (3) to add the National Forest stamp to the good for one year from date of purchase category, (4) to address the inconsistency between DUI and BUI arrest violations, and (5) to change state statute to allow for the automation of the waterfowl blind license/permit process.



For the record Mr. Sledd was requested to clarify the rationale for the authority to raise non-resident license fees by as much as \$100.00 which would address the lack of reciprocal concerns the Board has for fees being charged Virginia citizens that go out-of-state to hunt. Many of the out-of-state license fees far exceed the fees charged by Virginia to non-residents.

**Mr. Davison moved, seconded by Mr. Hazel, passed unanimously in a show of hands vote, for the Board to authorize staff to submit the above five legislative proposals to the Secretary of Natural Resources for consideration for inclusion in the Secretariat's legislative package. Ayes: Davison, Hazel, Montgomery, Railey, Burton, Crumley, Hill, Yates, and Stroup**

Ms. Crumley reported that the Education, Planning and Outreach Committee agreed to delay the strategic planning process until the new director is hired.

The Committee approved the proposed performance measurement evaluation instrument for the director, and they heard a report on the reorganization of the communication function for the Department. Mr. Montgomery noted for the record that the Director's Performance Evaluation Instrument will be presented to the full Board for action at a future meeting.

David Whitehurst presented an overview on the reorganization of the Information and Education Unit, which has been moved to a function of the Wildlife Diversity Division, effective August 1, 2006. He shared information with the Board on the issues and the priorities for the Unit, and indicated work is needed to rebuild and re-establish the credibility of the agency by being professional and focusing on the mission of the agency, being proactive instead of reactive and by communicating with constituents.

Mr. Whitehurst noted that staff is considering design changes to the Department's Web site that have to conform to Virginia Information Technology Agency requirements. The site is updated daily, and audio clips of the Board meeting will be added. The written minutes will remain the official record of the meetings.

Video streaming is being considered, along with a newsletter that will be distributed electronically and manually and will be similar to the past Outdoor Report.

The Information and Education Unit is working to increase its visibility by marking its vehicles and equipment. Other marketing opportunities will be explored through partnerships and perhaps by conducting opinion surveys of the public and agency employees. Opportunities are also being considered for media outreach activities and events.

The Board discussed the proposal presented, and Mr. Hill asked for an estimate on when guidance will be provided to employees on the heightened outreach efforts. Mr. Whitehurst indicated that it will be several months out. An assistant director needs to be hired for the Information and Education Unit to guide the effort. Staff was encouraged to anticipate any funding needs for the effort in advance.

**Finance, Audit and Compliance Committee:** Mr. Hill reported that the Committee met on July 18, 2006. A quorum was present. The Committee heard a preliminary year-end report.

Virgil Kopf was requested to present the year-end financial report. He indicated that the overall income for FY 2006 was \$59 million (approximately \$9 million more than 2005, but \$6 million of that amount was from the Treasury Loan for Featherfin). Overall net revenue was \$2.5 million more than 2005, including \$769,000 more in transfer funds (watercraft sales and use tax). The agency collected \$1.3 million more in federal funds than it did in 2005. In 2006, the game protection fund collected \$1 million more than 2005, but hunting license revenue was down by approximately \$250,000. Fishing license revenue was up approximately \$640,000. The boat and nongame funds were down, but the nongame fund decline was attributed to money collected and returned because it was not needed for the zebra mussel eradication effort. Overall expenditures for 2006 were \$47 million. Overall, the agency was 3.7% under budget for FY 06. Because of increased operating costs, the agency's cash balances were down by \$5.2 million due to the acquisition of the Cavalier and Featherfin Wildlife Management Areas.

The Committee reviewed the results of the recent Audit and noted that the issue of the orientation manual has now been addressed along with a performance management plan for the director. The Department continues to explore opportunities to share an internal audit function with other state agencies. Additionally, the Department is now undergoing a decentralized review for disbursement compliance.

At the July 18, 2006 Committee meeting, staff provided a briefing on the HB 38 effort.

The Small Purchase Credit Card Committee met, and it is felt that the process is effective. Compliance with credit card use is improving.

The next meeting of the Finance, Audit and Compliance Committee is September 19, 2006, beginning at 7:00 p.m.

**Search Committee:** In the absence of Dr. Greer, Mr. Hazel presented the Search Committee report. The Committee has reviewed the applications received for the vacant director's position. Carol Rauschberg from the Department of Human Resources Management was thanked for her assistance throughout the search process for the new director.

The Search Committee plans to conduct its first round of interviews on September 10, 2006, beginning at 8:00 a.m. The Search Committee asked the Board to schedule a meeting (October 1, 2006) to conduct the second round of interviews.

**Mr. Hazel moved, second by Ms. Crumley, passed unanimously in a show of hands vote to schedule a Board meeting for October 1, 2006, beginning at 10:00 a.m. for the purpose of conducting the second round of interviews for the vacant director's position. Ayes: Hazel, Crumley, Davison, Montgomery, Railey, Burton, Hill, Yates and Stroup**

**Wildlife and Boat Committee:** Mr. Hazel reported that the Wildlife and Boat Committee met on August 21, and all members were present. The Committee reviewed its proposed charter and

asked for the Board's approval of the Wildlife and Boat Committee Charter. A copy of the proposed Charter was presented to all members for review. **Mr. Hazel moved, seconded by Ms. Crumley, passed unanimously in a show of hands vote, that the Board approve the Wildlife and Boat Committee charter. Ayes: Hazel, Crumley, Davison, Montgomery, Burton, Hill, Stroup and Yates**

The Committee heard a preliminary discussion on the migratory waterfowl seasons framework and staff recommendations.

Staff presented an overview of the mallard release area (MRA) permit procedures. Four operations are currently permitted in Virginia. There is concern from staff regarding disease potential and enforcement issues. It is felt that the mallard release areas may not be the most effective mechanism for providing increased waterfowl recreational opportunities. Staff recommended to the Board that a moratorium be placed on any future mallard release areas. The existing areas will be allowed to continue to operate.

**Mr. Hazel moved, seconded by Ms. Crumley, passed unanimously in a show of hands vote that the Board place a moratorium on the issuance of any new mallard release area shooting preserve permits and further staff was instructed to modify current permit conditions for the operation of MRAs and Tower Shoot mallard releases, where appropriate, in order to safeguard Virginia's natural waterfowl populations. Ayes: Hazel, Crumley, Burton, Davison, Montgomery, Yates, Hill and Stroup**

The Wildlife and Boat Committee also heard a staff briefing on the Sunday hunting issue in Virginia. Available survey data was dated, but a majority of responders on the old surveys opposed Sunday hunting.

The Wildlife and Boat Committee was advised that the Board approved a Sunday Hunting resolution at its May 6, 1999 meeting that notes that Sunday hunting remains a legislative matter and those interested in Sunday hunting were directed to share their concerns with the members of the legislature.

The Committee agreed to ask the agency's interim director to continue to work with staff, using its internal capabilities, to update survey data on Sunday hunting. It is anticipated that the Department will complete its survey before the 2007 General Assembly session convenes. North Carolina is currently conducting a Sunday hunting survey that was at the request of the Governor and the state's legislature.

Mr. Duncan reported that 41 states allow Sunday hunting and of the remaining nine, five allow some type of hunting on Sunday. Four states do not allow any type of hunting on Sunday (Maine, Delaware, Connecticut and North Carolina). Staff also confirmed that the prohibition on hunting on Sunday is a social rather than a biological issue.

Department staff will first conduct a hunter survey on preferences regarding Sunday hunting. Based on the outcome of that survey, a broader survey may be conducted on the economic impact of Sunday hunting and to obtain the views of the general public.

Mr. Yates commented that at some point, the Board will need to take a stand on the Sunday hunting issue. He felt that it is now time for the Board to address the issue more aggressively.

Ms. Crumley encouraged staff to identify some alternative funding sources for its planned survey work. Mr. Hazel asked staff to provide a copy of its Power Point presentation on the Sunday hunting issue to all members of the Board.

Mr. Hazel reported that regulatory changes will be presented to the Board for its review at the October 17 meeting that will deal with the disease issue. Mr. Duncan recognized Wilmer Stoneman with the Virginia Farm Bureau, and noted that Mr. Stoneman worked with the General Assembly to enact legislation the Department needed regarding the authority to deal with wildlife disease issues.

Mike Bise also presented a briefing at the Committee meeting on the data obtained thus far on the use of radar for enforcement purposes on bodies of water in Virginia.

Mr. Montgomery noted for the record that meeting notices are posted on the Agency's Web site along with the minutes of meetings. He encouraged the public to use this tool to keep abreast of Board activities.

**8. Meeting Schedule:** A proposed 2007 meeting schedule was distributed to Board members in the briefing materials. The 2007 proposed dates were March 27, June 5, July 17, August 21, October 16 and January 28, 2008.

**Mr. Hill moved, seconded by Mr. Davison, passed unanimously in a show of hands vote to approve the 2007 Board meeting schedule as presented. Ayes: Hill, Davison, Montgomery, Burton, Crumley, Yates, Stroup and Hazel**

**9. Director's Report:** Colonel Massengill requested Mike Bise to report on staffing within the Law Enforcement Division, specifically addressing the request to consider two game wardens per county. He reported that the Division's turnover rate over the last five years has been at 7.5% (64 officers left for retirement or attrition). The current budget staffing level is 190, with 175 officers now working. Additionally, recruitment is underway for the third game warden academy (20 officers).

Recently, the Division reallocated some supervisory positions, in which 24 sergeants were designated as game warden senior officers. Thirty-three former lieutenants have been re-designated as sergeants (first line supervisors). First line supervisors are expected to spend time in the field with their officers. Three of the sergeant levels have been abolished, and the positions are being reallocated at the game warden level. This will improve the supervisory to subordinate level.

The two vacant hunter education positions are being recruited at the game warden level but are being designated as specialists. State Code mandates that the Department have six fulltime hunter education positions.

The selection process for five regional staff lieutenants is near finalization. These positions will be used to relieve supervisors' administrative work and assist with media communications. When these changes are finalized, the supervisors to subordinate ratio should be 1:7.

Colonel Bise indicated that 42 additional officers will be needed to assign two game wardens per county. Cost would be approximately \$49,359 per year per new officer. These costs would grow every year. Initial start up equipment costs would be at least \$37,000 per new officer. The total cost to reach a goal of two officers per county would be approximately \$3.6 million. Approximately \$2.1 million of this amount would be a recurring cost for personnel. To achieve this goal, 20 new officers would have to be hired per year for the next five years.

Staff evaluated the statewide staffing pattern for Law and identified 21 factors that were felt to contribute to the workload of the average field game warden. Law also feels that its efforts need to be enhanced on agency-owned lands.

Staff recommended assigning officers based on workload by using the model developed that identified the 21 factors and the weights given to each element.

Virgil Kopf reported that license sales at the recent Outdoor Show increased by 11% over past years. Since July 1, over 154,000 licenses have been sold. Over 19,000 licenses have been sold over the Internet portal. Over 4,000 archery licenses have been sold, and approximately 2000 crossbow licenses.

Colonel Massengill reported that applications have been received for the Board Secretary position, and the pool has been screened. Interviews will be scheduled once an interview panel has been assembled.

Colonel Massengill thanked David Whitehurst and Charlie Sledd for their cooperation in bringing about the recent reorganization effort that has been accomplished using existing resources. The effort capitalizes on Mr. Whitehurst's overall knowledge of the agency and Mr. Sledd's expansive knowledge of boating issues.

Colonel Massengill reported that the Department is reassessing its wildlife rehabilitation program and permitting requirements for rehabbers. An internal workgroup was formed, and input is being solicited from current rehabbers on proposed changes.

Mike Bise provided an overview of the process used to select the new Law Enforcement Division Major. As required by state statute, only internal applicants could apply for the position.

The hiring process considered the candidates' experience, education, training, and career progression at all levels. An outside testing instrument was then administered to the final applicants, and it was totally controlled and evaluated outside of the agency. An in-depth interview was conducted by a panel consisting of Colonel Bise, New Kent County Sheriff

Wakey Howard and Gary Martel, Fisheries Division Director. The process was then validated by the Department's Human Resources Management section.

Colonel Bise introduced Captain Dabney "Dee" Watts, the new Operations Major. Captain Watts was the Region V manager.

**Chairman's Remarks:** Chairman Montgomery recognized Sherry Smith Crumley for her many accomplishments while serving as Board Chairman over the past 15 months. During her chairmanship, the Agency and the Board obtained two new wildlife management areas, renovations were completed at the King and Queen Fish Hatchery, the point of sale program was initiated along with Find Game, the new Law Enforcement Colonel was hired, a second class graduated from the Game Warden Academy, the Law Enforcement Division was realigned to correspond to traditional law enforcement units, and many others. The Board developed its Governance Manual and Code of Ethics also.

After receiving a standing ovation, a plaque was presented to Ms. Crumley that read: "Sherry Smith Crumley, Board of Game and Inland Fisheries Chairman, March 24, 2005 through June 30, 2006. In recognition of your outstanding service and achievement."

Chairman Montgomery stated that goals for the Board and Agency during the upcoming year include: hiring a new Director, continue to expand opportunities for hunters, anglers and wildlife enthusiasts, including the Sunday hunting issue, and to expand partnership opportunities, among others. A strategic plan needs to be undertaken when the new director is hired. Also, the Board and staff were requested to look for ways to improve internal and external communications.

As Chairman, Mr. Montgomery indicated that he plans to be at DGIF each Tuesday morning from 8:00 a.m. to 9:00 a.m. to hear concerns and work with staff on issues.

The Board will meet on October 1, 2006 to conduct the final round of interviews for the new director and on October 17, 2006 to consider regulation proposals and conduct general administrative matters.

**Closed Session:** In open session at 12:45 p.m., **Mr. Davison moved, seconded by Mr. Stroup, passed unanimously in a show of hands vote that the Board go into a closed meeting pursuant to § 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for public purpose, or of the disposition of publicly held real property with respect to presenting a change to a previously approved property acquisition in the County of Bath at the Coursey Springs Hatchery, and further, pursuant to § 2.2-3711.A.1 of the Code of Virginia for the discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries, specifically regarding the performance of the interim director. Ayes: Davison, Hazel, Burton, Montgomery, Crumley, Hill, Yates and Stroup**

In open session at 2:37 p.m., **Mr. Davison certified, passed unanimously in a show of hands vote that whereas the Board of Game and Inland Fisheries had 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 § 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 (i) 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 (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Ayes: Davison, Hazel, Burton, Montgomery, Crumley, Hill and Stroup

**Lands End Easement:** Deb VanDuzee presented a proposal to the Board to allow the Director to enter into a utility easement for the Lands End Wildlife Management Area after the request has been fully approved by the Department of General Services.

**Ms. Crumley moved, seconded by Mr. Hill, passed unanimously in a show of hand vote, that the Board authorize the Director to execute the utility easement for the Lands End Tract in King George County, Virginia. Ayes: Crumley, Hill, Montgomery, Burton, Hill, Stroup, Hazel**

**Mr. Hazel moved, seconded by Mr. Burton, passed unanimously in a show of hands vote that the Board authorize staff to proceed with the acquisition of the Bath County lands that were discussed during the closed session. Ayes: Hazel, Hill, Burton, Montgomery, Crumley, Davison and Stroup**

**Adjournment:** As there was no further business, the meeting was adjourned at 2:44 p.m.

Respectfully submitted,

Belle Harding  
Board Secretary