

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

March 20 & 21, 2013

March 20, 2013
1:00 pm

Present: Mr. F. Scott Reed, Jr., Chairman, Mr. Curtis Dixon Colgate, Vice-Chairman, Ms. Lisa Caruso, Mr. J. Brent Clarke, III, Mr. Ben Davenport, Mr. Hugh C. Palmer, Mr. Leon O. Turner, Sr., Mr. David Bernhardt, Mr. Vaughn Groves; **Absent:** Mr. Jimmy Hazel, Mr. Garry Gray; **Executive Director:** Robert W. "Bob" Duncan; **Chief Operating Officer:** Mr. Matt Koch, **Attorney General Office:** Ms. Elizabeth Andrews
Senior Leadership Team: Mr. David Whitehurst, Colonel Dabney "Dee" Watts.

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Mr. David Bernhardt arrived at 1:15 pm.

The Chairman welcomed everyone and noted for the record that a quorum was present for the meeting. Ms. Caruso read the mission statement and Colonel Dabney "Dee" Watts led the Pledge of Allegiance. The Chairman recognized several guests in the audience: Former Board members, Mr. Russell Garrison and Ms. Catherine Tucker; Delegate Matt Farris; Former Delegate Watkins Abbitt; Sara Benghauser from the Office of the Secretary of Natural Resources and Marty Farber, Senior Research Associate with Legislative Services.

The Chairman called on Director Bob Duncan to introduce staff.

Mr. Mike Fies gave a background/history of Foxhound Training Preserves.

Mr. Scott Klopfer, Director of Conservation Management Institute at Virginia Tech, spoke on the activity and experience of foxes during an independent study involving a specific foxhound training preserve.

Mr. David Whitehurst, Director of the Bureau of Wildlife Resources, presented Staff recommendations for regulatory amendments concerning Foxhound Training Preserves.

Following the presentations, discussion was held by the Board, Director, and staff. The Chairman thanked Mr. Fies, Mr. Klopfer, and Mr. Whitehurst for their presentations.

The Chairman shared some conceptual ideas received independently from Board members since Staff recommendations were published and shared with the public and Board on March 5, 2013.

The Chairman called for a 5 minute break. After the break the Chairman continued the meeting.

Public Comments (Agenda Items): The Chairman called for public comments. The Chairman called attention to the need to limit individual comments to 3 minutes and comments on behalf of an

organization to 5 minutes. The Chairman also reminded everyone wishing to make a comment to move to the podium, state their name, and where they are from so all comments could be made a part of the record.

- Ms. Laura Donahue from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Lynne Rhode from Goochland, Virginia spoke regarding foxhound training preserves.
- Mr. Ed Clark from Waynesboro, Virginia spoke regarding foxhound training preserves.
- Mr. Kent Stein from Norfolk, Virginia spoke regarding foxhound training preserves.
- Ms. Robin Starr from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Nadine Rich spoke regarding foxhound training preserves.
- Mr. Charles Pool from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Amy Taylor from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Robyn Schnellenberger spoke regarding foxhound training preserves.
- Ms. Valerie Ackerman from Spotsylvania, Virginia spoke regarding foxhound training preserves.
- Ma. Jacqui Carrington from Williamsburg, Virginia spoke regarding foxhound training preserves.
- Mr. Ed Deitsch from Springfield, Virginia spoke regarding foxhound training preserves.
- Mr. Ronald Dombrowski from Chester, Virginia spoke regarding foxhound training preserves.
- Mr. Eric Fagerholm from Monclair, Virginia spoke regarding foxhound training preserves.
- Mr. Randy Brooks from Stafford, Virginia spoke regarding foxhound training preserves.
- Ms. Kimbra Kincheloe from Spotsylvania, Virginia spoke regarding foxhound training preserves.
- Ms. Margaret Lynch from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Eleanor Matano from Charlottesville, Virginia spoke regarding foxhound training preserves.
- Ms. Debra Bertok spoke regarding foxhound training preserves.
- Ms. Gayle Randol from Richmond, Virginia spoke regarding foxhound training preserves.
- Ms. Amy Rockey from Chesterfield, Virginia spoke regarding foxhound training preserves.
- Mr. Steve Colvin from Barboursville, Virginia spoke regarding foxhound training preserves.
- Mr. Charles Allen from Dillwyn, Virginia spoke regarding foxhound training preserves.
- Mr. Russell Garrison from Colonial Heights, Virginia spoke regarding foxhound training preserves.
- Mr. Watkins Abbitt from Appomattox, Virginia spoke regarding foxhound training preserves.
- Delegate Matt Fariss spoke regarding foxhound training preserves.
- Mr. Davy Hackett from Appomattox, Virginia spoke regarding foxhound training preserves.
- Mr. John Austin spoke regarding foxhound training preserves.
- Mr. Michele Taylor from LaCrosse, Virginia spoke regarding foxhound training preserves.
- Mr. Jim Hackett from Disputanta, Virginia spoke regarding foxhound training preserves.
- Mr. Allan Bishop from Rockville, Virginia spoke regarding foxhound training preserves.
- Mrs. Polly Smith from St. Stephens Church, Virginia spoke regarding foxhound training preserves.
- Dr. Robert Smith from St. Stephens Church, Virginia spoke regarding foxhound training preserves
- Mr. Steve Morton from Aylett, Virginia spoke regarding foxhound training preserves.
- Mr. James Massie, III, from Madison Heights, Virginia spoke regarding foxhound training preserves.
- Mr. David Buchanan from Chase City, Virginia spoke regarding foxhound training preserves.
- Mr. John Tucker from Richmond, Virginia spoke regarding foxhound training preserves.
- Mr. Junior Hylton spoke regarding foxhound training preserves.
- Mr. John Morse from Chesapeake, Virginia spoke regarding foxhound training preserves.

- Ms. Beverly Morris from Carson, Virginia spoke regarding foxhound training preserves.
- Mr. Roy Meishbors from Rustburg, Virginia spoke regarding foxhound training preserves.
- Mr. Phillip Colbert from Hurt, Virginia spoke regarding foxhound training preserves.
- Mr. Chuck Ellsworth from Richmond, Virginia spoke regarding foxhound training preserves.
- Mr. James Osborne from Gretna, Virginia spoke regarding foxhound training preserves.

The Chairman thanked everyone for their comments and their attendance at the meeting.

Mr. Ben Davenport made the motion for the Board to propose amendments to the foxhound training preserve regulations as they appeared in the Staff Recommendations on Foxhound Training Preserves. The motion was seconded. The Chairman called for Board discussion and several amendments were proposed, discussed, and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation with 4 amendments to:

- Remove the rabies vaccination requirements for individuals,
- Add more specificity on the means for certifying acreage for foxhound training preserves under 150 total acres,
- Prohibit cash or monetary prizes to participants of a field trial, and ~~the~~
- Add authority for the Executive Director to grant a variance to a permit condition while still ensuring the purpose of the requirement is satisfied.

The Board voted to propose amendments to the foxhound training preserve regulations in the form of Staff Recommendations as amended by the Board. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

The Chairman reiterated the many avenues the public will be able to use to comment on the proposed regulations during the 60-day public comment period from April 2 – May 31.

The Chairman recessed the meeting until 9:00 am on Thursday morning, March 21, 2013.

March 21, 2013

9:00 am

Present: Mr. F. Scott Reed, Jr. Chairman, Mr. Curtis Dixon Colgate, Vice-Chairman, Mr. Jimmy Hazel, Ms. Lisa Caruso, Mr. Ben Davenport, Mr. Brent Clarke, Mr. Leon Turner, Mr. Hugh Palmer, Mr. David Bernhardt, Mr. Vaughn Groves, **Absent:** Mr. Garry Gray; **Executive Director:** Mr. Robert “Bob” Duncan; **Chief Operating Officer:** Mr. Matt Koch; **Senior Leadership Team:** Mr. David Whitehurst, Colonel Dabney “Dee” Watts, Mr. Tom Gelozin, Mr. Larry Hart; **Attorney General’s Office:** Ms. Elizabeth Andrews.

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

Recognitions of Employees and Others:

The Director introduced Ms. Kathy Funk and Mr. Leon Boyd from the Rocky Mountain Elk Foundation who presented the Board with a framed picture of elk and a plaque thanking the Board for all the work that the Department of Game and Inland Fisheries has done to bring elk back into Virginia.

The Director asked Mr. Matt Koch to recognize the year anniversary of a new partnership ~~between~~ between the Agency and the Department of Motor Vehicles (DMV). Mr. Koch recognized Ms. Dorita Adams (DGIF) and Ms. Kathy Aebischer (DMV) for their leadership of the partnership that the two departments have formed to improve customer convenience.

The Chairman and the Director thanked Ms. Adams, Ms. Aebischer, and their broader teams for the significant success on this project.

Public Comments (Non-Agenda Items):

The Chairman announced that he had not received any requests from the public to speak on Non-Agenda Items.

Approval of the January 29, 2013 Board Meeting Minutes: The minutes of the January 29, 2013 meeting have been distributed and posted to the website for review. The Chairman called for a motion to approve the January 29, 2013 minutes as presented. Mr. Colgate made the following motion: "Mr. Chairman, I hereby move the minutes be approved as presented." Motion was seconded by Mr. Hazel. Ayes: Hazel, Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves.

Committee Meeting Reports:

Wildlife, Boat and Law Enforcement Committee: Mr. Turner, Chairman of the Wildlife, Boat, and Law Enforcement Committee, reported on the activities of the March 12, 2013 Committee Meeting.

Staff recommendations for Wildlife Regulations were presented by Mr. Bob Ellis.

The Chairman thanked Mr. Ellis for his presentation and thanked all the staff for their hours that went into the preparation.

The Chairman called for a 10 minute break. Following the break the Chairman continued with the meeting.

Public Comments (Agenda Items): The Chairman called for public comments on Agenda Items and called attention to the need to limit individual comments to 3 minutes and comments to support a group to 5 minutes and to come to the podium and state your name and where you are from.

- Mr. Denny Quaiff from Chesterfield, Virginia spoke regarding Deer.
- Mr. David Wood from Greensboro, NC spoke regarding Deer.
- Mr. Keith Wilt from Bergton, Virginia spoke regarding APR's.
- Mr. Wilmer Stoneman from Richmond, Virginia spoke regarding Deer.
- Mr. Aloysius Heil from Culpeper, Virginia spoke regarding Bear Hound Training.
- Mr. Wayne Thacker from Bumpass, Virginia spoke regarding Elk.
- Mr. Kirby Burch from Powhatan, Virginia spoke regarding Bear and Youth Hunting.

- Mr. David Steger from Catawba, Virginia spoke regarding Youth Bear Day.
- Mr. Steve Nicely from Clifton Forge, Virginia spoke regarding Youth Hunting.
- Mr. Hunter Thrasher from Buchanan, Virginia spoke regarding Southside Bear Chase.
- Mr. Richard Sprinkle from Buchanan, Virginia spoke regarding Youth Bear Day.
- Mr. Jon Trees from Warm Springs, Virginia spoke regarding Bear Hunting in Bath County.
- Mr. Jim Cridlin from Jonesville, Virginia spoke regarding Raccoon Hunting.
- Mr. Donald Cook from Jetersville, Virginia spoke regarding extending Squirrel season.
- Mr. James McGee from Sutherland, Virginia spoke regarding extending Squirrel season.
- Mr. Barney Bolter from Mecklenburg County spoke regarding Bearhound Training season.
- Mr. Steve Covin from Barboursville, Virginia spoke regarding Trapping.
- Mr. Steve Fritton from Mechanicsville, Virginia spoke regarding Turkey season.
- Mr. Terry Colley of Vansant, Virginia spoke regarding training beagles after dark.
- Mr. Kenneth Carter of Henrico, Virginia spoke regarding Treestand Safety.
- Mr. Gene Evans from Danville, Virginia spoke regarding Blaze Orange.
- Mr. Rickey Horn from Grundy, Virginia spoke regarding Feeding.
- Mr. Leon Boyd from Vansant, Virginia spoke regarding Elk.
- Ms. Kathy Funk from Greenville, Virginia spoke regarding Elk.

Following all comments the Chairman thanked everyone for their comments and their attendance and interest at today's meeting.

Motions to propose regulations were entertained by species/sub-category.

Deer

Mr. Clarke made the motion to propose Staff Recommendations for amendments to Deer regulations. Ms. Caruso seconded the motion and a discussion was held. Board amendments to staff recommendations were considered and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation on Deer with the following Board-approved amendments to:

- Add another month (April) of archery season in a portion of northern Virginia,
- Adjust Chesterfield and King George either-sex deer hunting days Restrict the hunting of elk in the counties adjacent to the elk restoration area in Buchanan, Dickenson, and Wise counties,
- Adjust Campbell County to offer 7 weeks of either - sex deer hunting, and

The Board voted to propose Staff Recommendations for Deer as amended by the Board for public comment. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Bear

Mr. Turner made the motion to propose Staff Recommendations for amendments to Bear regulations. Mr. Clarke seconded the motion and a discussion was held. Board amendments to staff recommendations were considered and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation on Bear with the following Board-approved amendments to:

- Offer a ~~Adjusted~~ Youth and Apprentice hunter Bear Hunting Day offerings,
- Add two weeks in September to the bear hound training season ~~just the bear season~~ in select counties

The Board voted to propose Staff Recommendations for Bear as amended by the Board for public comment. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Turkey

Mr. Turner made the motion to propose Staff Recommendations for amendments to Turkey regulations. Ms. Caruso seconded the motion and a discussion was held. Board amendments to staff recommendations were considered and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation on Turkey with the following Board-approved amendment to: The Board voted to propose Staff Recommendations for Turkey as amended by the Board for public comment. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Squirrel

Mr. Colgate made the motion to propose Staff Recommendations for amendments to Squirrel regulations. Ms. Caruso seconded the motion and a discussion was held. Board amendments to staff recommendations were considered and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation on Squirrels with the following Board-approved amendment to:

- Extend the season for grey squirrels to the end of February.

The Board voted to propose Staff Recommendations for Squirrels as amended by the Board for public comment. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Furbearer and Trapping

Mr. Turner made the motion to propose Staff Recommendations for amendments to Furbearer and Trapping regulations. Mr. Clarke seconded the motion and a discussion was held. Board amendments to staff recommendations were considered and approved or not approved. A final vote was held on the original motion to propose Staff Recommendation on Furbearer and Trapping with the following Board-approved amendment to:

- Add the word “intentionally” to a portion of the trapping regulations involving placing traps near an animal carcass.

The Board voted to propose Staff Recommendations for Furbearer and Trapping as amended by the Board for public comment. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Waterfowl

Mr. Turner made the motion to propose Staff Recommendations for amendments to Waterfowl regulations. Mr. Clarke seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

General

Mr. Turner made the motion to propose Staff Recommendations for amendments to General regulations. Ms. Caruso seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Non-Resident One Day Fishing License and Daily Use Fishing Area

Mr. Turner made the motion to propose Staff Recommendations for amendments to Trip License and Daily Use Fishing Area regulations. Mr. Colgate seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Eel Pot

Mr. Turner made the motion to propose Staff Recommendations for amendments to Eel Pot regulations. Mr. Clarke seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Firearms

Mr. Turner made the motion to propose Staff Recommendations for amendments to Firearms regulations. Mr. Colgate seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Permit

Mr. Turner made the motion to propose Staff Recommendations for amendments to Permit regulations. Mr. Colgate seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Regulation Reform

Mr. Turner made the motion to propose Staff Recommendations for amendments to Regulation Reform regulations. Ms. Caruso seconded the motion and a discussion was held. Ayes: Caruso, Colgate, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None.

Rabbit Dog Training

Mr. Davenport made the motion to propose the extension of rabbit dog training periods in select areas from sunrise to midnight. Mr. Reed seconded the motion and a discussion was held. Ayes: Caruso, Davenport, Reed, Clarke, Turner, Palmer, Bernhardt, Groves. Nays: None. Absent: Colgate.

Closed Session: The Chairman called for a motion to move into a Closed Meeting.

Mr. Clarke made the following motion:

Closed Meeting Motion March 21, 2013

Mr. Chairman,

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

- **The performance of the Director**

Furthermore, pursuant to Section 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the Board, specifically regarding:

- **The South River**

This closed meeting will be attended only by member of the Board. However, pursuant to Section 2.2-3712 (F), the Board requests counsel, the Department Director, the Bureau Director, and the Bureau's Aquatics Manager for Region IV to also attend this meeting, as it believes their presence will reasonably aid the Board in its consideration of topics that are the subject of the meeting.

It was seconded by Mr. Turner. A vote was taken, Ayes: Hazel, Caruso, Davenport, Colgate, Reed, Clarke, Turner, Palmer, Bernhardt, Groves.

The Board reconvened at 2:25 pm.

Mr. Groves moved the following Certification.

**Certification of Closed Meeting
March 21, 2013**

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

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

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

The Board Secretary conducted the following voice call vote:

*Hazel - Aye
Caruso - Aye
Davenport - Aye
Colgate - Aye
Reed - Aye
Clarke - Aye
Turner - Aye
Palmer - Aye
Bernhardt - Aye
Groves - Aye*

The Chairman reversed the last 2 committees and asked the EPO Committee to give their report.

Education, Planning, and Outreach Committee: Ms. Caruso, Chairwoman of the Education, Planning, and Outreach Committee reported on the February 26, 2013 Committee meeting. The Board Workshop will be on May 21, 2013 at 2:00 pm.

Ryan Brown gave a Legislative Update for the 2013 General Assembly Session.

Finance, Audit, and Compliance Committee: Mr. Colgate, Chairman of the Finance, Audit, and Compliance Committee, reported on the activities of the February 26, 2013 Committee meeting.

Ms. Joi Williams gave an update on the FY13 Mid-Year Financials.

Nominations Committee Report: Mr. Brent Clarke, Chairman of the Nominations Committee reported on the Nominations Committee activities of the March 12, 2013. A motion was made by Mr. Clarke and seconded by Mr. Hazel to nominate Mr. Curtis Dixon Colgate as Chairman and Mr. Ben Davenport as Vice-Chair for the FY 14 Board.

The Chairman and Director thanked Staff and Board members for their presentations and reports.

Director's Report: The Director reported on the following items:

Lake Burton Access Road has been completed.
Announced the Quail Forever Banquet in Halifax on 3/23/13

The Chairman thanked the Director for his report.

Chairman's Report: The Chairman thanked everyone for attending the day and half Board meeting and again thanked Staff members for their efforts and hard work on the presentations.

Ms. Caruso departed at 4:28 pm.

Additional Business/Comments: The Chairman called for additional comments and /or business of the Board. Hearing none, the Chairman announced the next meeting date.

Next Meeting Date: The next meeting date is June 13, 2013 at 9:00 am.

Adjournment: The Chairman called for a motion to adjourn at 4:32 pm. Mr. Colgate made the motion and Mr. Clarke seconded the motion.