

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

August 10, 2009, 10:00am

Present: Mr. Ward Burton, Committee Chairman, Ms. Sherry Crumley; **Director:** Mr. Robert “Bob” W. Duncan; **Senior Staff:** Matt Koch, Charlie Sledd, David Whitehurst, Bob Ellis, Gary Martel, Larry Hart and Lee Walker.

The Chairman welcomed everyone in attendance and called the meeting to order at 10:00am. A quorum was present for this meeting.

Approval of Minutes: The minutes of the June 25, 2009 meeting have been posted on the Website and copies were distributed to the Committee members for review. Mr. Burton made the motion the minutes be approved as submitted. Ms. Crumley seconded the motion.

2009-2010 Periodic Regulation Review and Amendment Process for Fisheries, Boating and Wildlife Diversity. Mr. Gary Martel gave the following presentation:

The cycle for considering and adopting amendments to the fishing, boating and wildlife diversity regulations will take place during 2009 and 2010. Staff from fisheries, wildlife diversity, and boating safety has prepared a recommended process schedule for this amendment cycle and will present this process to the Board for discussion and approval. Mr. Martel presented the following recommendation:

Recommended Schedule for 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process

**** indicates public comment/input opportunity**

September 1 through November 30, 2009 – Scoping period for staff and public Views/input on fishing, boating and wildlife diversity regulation issues;**

First Board Meeting of 2010 (date to be established) – staff presents the regulatory Issues/concepts identified during the scoping period to the Board for its consideration and Modification as desired;**

60 Day Public Comment Period on Regulatory Issues and Concepts; **

Second Regulatory Board Meeting of 2010 Process (96 or more days after first Board Meeting of 2010) – staff presents proposal –stage recommendations and the Board proposes regulation amendments; **

60 Day Public Comment Period on Board-Proposed Regulations – public meetings may be scheduled at appropriate locations depending on subject matter interest;**

Third Regulatory Board Meeting of 2010 Process (96 or more days after second regulatory Board meeting) – staff presents its final recommendations and the Board deliberates and adopts final regulation amendments; **

January 1, 2011 – effective date of Board adopted regulation amendments, unless otherwise specified by the Board.

A discussion was held by the Committee and staff on possible hot button topics and the first phase of the Boat Ed requirement. Mr. Martel indicated to the Committee that Staff would be recommending to the full Board they adopt this regulation amendment process schedule. The Chairman thanked Mr. Martel for his presentation.

Review of Waterfowl Season Frameworks and Staff Recommendations: Mr. Bob Ellis, Wildlife Division Director gave the following presentation:

For all migratory waterfowl, the U. S. Fish and Wildlife Service provide the season bag limit frameworks within which the Department may select certain options. The frameworks and bag limit for the 2000-10 waterfowl seasons are similar to last year with a few exceptions. Most notable changes are in the bag limit for Canvasback, Scaup, and Brant and changes in the frameworks for Canada Geese and Light geese. Canvasback bag limit has gone from a closed season last year to an open season with a 1 bird bag limit for the entire season this year and Scaup going from a split season and bag limit last year to a full 60 day season 2 bird bag limit this year. The Brandt season and bag limit also changed from a 60 days and 3 birds to 50 days and 2 birds. A couple of changes related to goose season frameworks are also proposed for this year which include the zoning of the state into 3 zones instead of 2 zones for Canada geese and the establishment of a light goose (snow goose) Conservation Order Season in the eastern part of the state that will extend the snow goose season to the end of March. Overall duck and goose numbers and habitat conditions in the breeding areas were good to excellent. However a late spring in northern Canada did effect the production of migrant Canada geese.

These changes and the overall status of waterfowl populations and habitat conditions and the Federal waterfowl season frameworks were discussed at a public input meeting held on August 3, 2009 at the department's headquarters. Nineteen individuals attended the public meeting and provided input on their preferences for season and bag limits within the given frameworks. In addition, comments were received by email and phone.

Mr. Ellis noted habitat conditions for the Mid-Continent are have improved from 2008. In the Eastern Breeding Areas, weather/habitat conditions were generally more stable than the Prairies; conditions in 2009 were generally favorable; ample precipitation created good habitat conditions although cool temperatures delayed spring in some areas; duck productions are expected to be good to above average and the Migrant Canada goose production expected to be poor.

For Virginia, the mild winter and ample rainfall were favorable for nesting but a cool spring delayed nesting 1-2 weeks. The overall production is expected to be similar to last year which is about average.

Species Restrictions are for: canvasback, scaup, pintail, back duck, redhead and wood duck.

Ms. Crumley inquired about the Youth Hunting Day this year. Mr. Ellis indicated that the Guidelines for the proposed Youth Day include:

1. States may select 2 days per duck-hunting zone, designated as “Youth Waterfowl Hunting Days,” in addition to their regular duck seasons.
2. The 2 days must be consecutive hunting days and held outside of any regular duck season on a weekend, holiday, or other non-school days when youth hunters would have the maximum opportunity to participate.
3. The days could be held up to 14 days before or after any regular duck season frameworks or within any split of a regular duck season.
4. The daily bag limit is the same as that allowed in the regular season and Includes ducks, mergansers, coots, moorhens, gallinules, 2 Canada goose and 1 tundra swan (if the youth possesses a tundra swan permit). Flyaway species restrictions remain in effect.
5. Youth hunters must be 15 years of age or younger. Youth 12 years of and older will need a valid Virginia state hunting license.
6. A licensed adult at least 18 years of age or older must accompany the youth hunter into the field. This adult may not duck hunt, but may participated in the other open seasons.

Mr. Ellis indicated work continues with the Flyaway Council to get permission for 2 non consecutive youth hunting days since Virginia does not have Sunday Hunting.

2009 Preliminary Federal Frameworks

Duck Season

Federal Framework:

Outside Dates: September 26 – January 31
Season Length: 60 days; plus 2 Youth Waterfowl Hunt Days
Bag Limit: Daily Bag limit of 6 ducks and may include no more than 4 mallards (only 2 hens), 4 scoters, 3 wood ducks, 2 redheads, 2 scaup, 1 canvasback, 1 black duck, 1 pintail, 1 Mottled duck, and 1 fulvous whistling duck, Closed Season on Harlequin duck. The possession limit is twice the daily bag limit.

Split Season Options: 3-way split season, not zones.

Shooting Hours: 1/2 –hour before sunrise until sunset daily.

Staff Recommendations:

Season Dates: October 8-12 (Black Duck closed)
October 24 (Youth Day)
November 21 – Dec. 5
Dec. 12 – Jan. 30

Bag Limit: Daily Bag limit of 5 ducks and may include no more than 4 mallards (only 2 can be hen mallards), 4 scoters, 3 wood ducks, 2 redheads, 2 scaup, 1 pintail, 1 black duck (except closed Oct. 8 – Oct. 12), 1 canvasback, 1 mottled duck, and 1 fulvous whistling duck.

MERGANSERS

Federal Framework:

Option A:

Season Length: 60 days
Outside Dates: September 26 – January 31
Bag Limit: 5 birds daily, only 2 hooded merganser (10 in possession, only 4 hooded mergansers)

Option B:

Mergansers included in the general duck bag (limit on hooded mergansers applies)

Staff Recommendation:

Option A:

Season Dates: To coincide with general duck season
Bag limit: 5 birds daily, of which only 2 birds may be a hooded merganser (10 in possession, only 4 of which may be hooded mergansers)

COOT, GALLINULE & MOORHEN SEASONS

Federal Frameworks:

Coot:

Season Length: 60 hunting days
Outside Date: September 26-January 31
Bag Limit: 15 birds daily (30 in possession).

Gallinule/Moorhen:

Season Length: 70 hunting days
Outside Date: September 26 – January 31
Bag Limit: 15 daily (30 in possession)

Staff Recommendations:

Coot:

Season Dates: To coincide with general duck season
Bag Limit: 15 daily (30 in possession)

Gallinule/Moorhen

Season Dates: To coincide with general duck season
Bag Limit: 15 daily (30 in possession)

SEA DUCK SEASON IN SEA DUCK ZONE*

Sea Ducks – (Scotter, long-tailed duck, and Eider)

Season Length: 107 hunting days
Outside Dates: September 15 – January 31
Bag Limit: 7 birds per day (14 in possession), but may include no more than 4 scoters (8 in possession)

- **Sea Duck Zone:** Those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following area: 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.

CANADA GOOSE SEASON

Federal Frameworks:

ATLANTIC POPULATION ZONE:

Season Length: 45 hunting days
Outside Dates: November 15 – January 31
Bag Limit: 2 birds daily (4 in possession)

SOUTHERN JAMES BAY POPULATION ZONE:

Outside Dates and Season Length:
Regular Season: November 15 – January 14 (up to 40 hunting days)
Extended Season: January 15 – February 15
Bag Limit: 3 per day through January 14
5 per day from January 15 to February 15

RESIDENT POPULATION ZONE:

Outside Dates: November 15 – March 10
Season Length: 80 hunting days
Bag Limit: 5 birds daily (10 in possession)

Staff Recommendations:

ATLANTIC POPULATION ZONE: (AP)

Season Dates: November 21 – December 5
December 25 – January 30
Bag Limit: 2 geese per day
Shooting Hours: ½ hour before sunrise until sunset daily

SOUTHERN JAMES BAY POPULATION ZONE (SJBZ)

Season Dates:

Regular Season: November 21 – December 5 3 geese/day
 December 15 – January 14 3 geese/day

Extended Season: January 15 – February 13 5 geese/day

Shooting Hours: ½ hour before sunrise until sunset daily

RESIDENT POPULATION ZONE (RP)

Season Dates: November 21 – December 5
 December 12 – February 27

Bag Limit: 5 birds daily (10 in possession)

Shooting Hours: ½ hour before sunrise until sunset daily

LIGHT GOOSE SEASON

Federal Framework:

Season Length: 107 hunting days
Outside Dates: October 1 – March 10
Split Season Option: 3-way split season
Bag Limit: 15 birds daily (no possession limit)

Staff Recommendations:

Season Dates: October 8 – January 30
Bag Limit: 15 birds daily (no possession limit)

LIGHT GOOSE CONSERVATION ORDER SEASON

Federal Framework:

Outside Dates: When no other seasons are open
Bag Limit: No daily or possession limit
Special Hunting Methods: Electronic calls, unplugged shotguns and extended shooting hours to one-half hour after sunset only in areas and at times when other waterfowl season are closed.
Special Requirements: States participating the Conservation Order Season are required to monitor hunter participation, effort, and success.

Staff Recommendation:

Conservation Order Season Zone: The same as AP Canada Goose Zone – The area east of the Stafford/King George County line from the Potomac River south to the Rappahannock River, then west along the Stafford County line to Interstate 95, then south along I-95 to

Route 460 in Petersburg, then southeast along Route 460 to Route 32 in the City of Suffolk, then south to the North Carolina border.

Season dates: February 1 – March 27
Bag Limit: No daily or possession limit
Special Hunting Methods: Electronic calls, unplugged shotguns and extended shooting hours to one-half hour after sunset
Special Requirements: Hunters participating in the Conservation Order Season
Must register on line and obtain a harvest report from and Return to report from back to the department within two weeks following the close of the season.

ATLANTIC BRANT

Federal Framework:

Atlantic Brant:
Season Length: 50 hunting days
Outside Dates: September 26 – January 31
Split Season Option: 2-way split season
Bag Limit: 2 birds daily (4 in possession)

Staff Recommendations:

Atlantic Brant:
Season Dates: November 21 – November 28
December 12 – January 30

Bag Limit: 2 birds daily (4 in possession)

TUNDRA SWAN

Federal Framework:

Tundra Swan

Season Length:

90 hunting days

Outside Dates:

October 1 – January 31

State agency may issue up to 600 permits in Virginia and must obtain harvest and hunter participation data. Each permittee is authorized to take one (1) tundra swan per season.

Bag Limit:

One per permittee per season.

Staff Recommendations:

Tundra Swan

Season Dates:

December 1 – January 30

Bag Limit:

One per permittee per season

Hunt Area:

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.

Note: VDGIF will issue no more than 600 swan hunting permits to holders of a valid Virginia hunting license. Only hunters with a valid 2009-2010 tundra swan hunting permit issued by VDGIF shall be authorized to hunt tundra swans. Each permittee will be authorized to take one tundra swan during the season. Swan hunting permits are non transferable and are valid for use only by the person to whom issued. Permits must be in the immediate possession of the permittee while swan-hunting. Immediately at the time and place of kill, successful hunters must cancel their swan-hunting permit by permanently recording the month and day of kill and by attaching it to the swan as instructed on the permit. The VDGIF is required to obtain hunter participation and harvest information to offer this Tundra Swan hunting season. Hunter is required to complete the accompanying tundra swan hunt questionnaire and return to the address listed on the questionnaire at the end of your hunt. Those who fail to return a completed questionnaire by February 15, 2010 are ineligible for future drawings.

FALCONRY

Federal Framework:

Season Length: 107 hawking days
Not to exceed three segments in any extended season outside
The regular season.

Outside Dates: September 1 – March 10

Bag Limit: 3 daily (6 in possession)

Note: Federal Law does not permit Falconry for waterfowl on
Sunday.

Staff Recommendations:

Season Length: 107 hawking days
No combination of falconry and firearms hunting can exceed
107 days for any species.

Bag Limit: 3 daily (6 in possession)

Season Dates: Recommended dates based on adoption of preceding
proposals; if amended, staff requests permission to calculate
permissible dates for each species within the allowable
federal framework.

DUCKS, MERGANSERS, COOTS, MOORHENS and GALLINULES:

Season Dates: October 8 – 12
November 21 – February 20

Canada Goose:
Season Dates: November 21 – February 20

Brant and Snow Goose:
Season Dates: October 8 – January 30

Mr. Ellis indicated to the Committee the staff would be recommending adoption of these Waterfowl Seasons and Bag Limits as recommended. The Chairman thanked Mr. Ellis for his report.

Mr. Duncan thanked Mr. Ellis and the Wildlife Staff for their participation on the Flyaway Council and the presentation today.

Mr. Whitehurst thanked the Director and Committee for allowing the Wildlife staff to attend Flyaway Council Meetings during tough economic times in Virginia.

A member of the public was present but declined comment.

Discussion on Elk Reintroduction in Virginia: The Chairman called upon Mr. Ducan and the Wildlife Staff for this presentation. Mr. Duncan led the discussion on Elk Reintroduction in Virginia. As recently as the 1960's there were elk in Virginia with herds in the Dismal/No Business area of Bland County and the Peaks of Otter in Bedford and Botetourt Counties. However, these herds were eliminated by landowners due to crop damage concerns. During the past 12-15 years, interest in restoring elk in Virginia has occurred and a feasibility study has been conducted by Virginia Tech. In the Virginia Tech study, Highland and Bath Counties were identified as a possible reintroduction location. While interest in restoring elk in Virginia increased (currently elk have been allowed to be harvested on a deer license. Mr. Ellis shared statistics that 7 elk have been harvested in the past 5 years) and elk restoration occurred in Kentucky along the Virginia border, there was a lot of concern related the growing incidence of Chronic Wasting Disease (CWD) across North American and how the potential introduction of CWD in Virginia would impact the white-tailed deer population. In identifying how other states have approached elk restoration or the presence of elk within the state, West Virginia has chosen to take a passive approach to managing elk. Kentucky has actively restored elk, considers their program to be very successful, and will issue 1,000 hunting permits this year. Tennessee has made some efforts to restore elk and would like to stock more elk but has had some difficulty in locating elk for restocking purposes.

Mr. Burton stated that discussions on reintroducing elk to Virginia have been occurring over the last 12 years. Mr. Burton stated he believes that the concern of spreading disease has been somewhat removed and there is an opportunity for the Agency to begin the restocking process in Western Virginia to provide an economic stimulus package for the Commonwealth. Mr. Burton stated the Board has a very strong interest in pursuing this opportunity and promoting the Quail Plan. Mr. Burton encouraged the staff to continue to work with the Board and landowners in positive ways through surveys and by placing a moratorium on elk hunting in Virginia.

Mr. Ellis thanked Mr. Burton for his comments and stated the staff is willing to work with the Board on investigating the potential for restoring elk in the coal field region of Southwest Virginia. The staff will continue to work with landowners in the prospective areas and develop a list of resources needed to develop an operational stocking and herding plan. Some of the questions that still need to be answered are: how many elk and what areas of Southwest Virginia would be considered acceptable for reintroduction. Mr. Ellis stated that CWD is still a concern and indicated staff would be able to develop a plan internally. The plan would be an operational plan similar to those states that already have successful plans in place. Mr. Ellis also noted that the new hunting regulations are in place for this year and if a moratorium on the hunting of elk was desired for the upcoming season, it would take a special Board action to in act the moratorium.

Mr. Duncan stated that as the agency goes forward in investigating the potential for restoring elk in Virginia the budget will need to be considered. How will the plan be funded? We are experiencing difficult economic time and we have begun a major effort in the Quail Action Plan. Moving forward with an effort to restore elk would require careful budget consideration. Mr. Duncan stated there are non-governmental organizations and conservation organizations willing to help the agency fund some of the current projects but still requires staff time.

Mr. Ellis stated guidance is still needed from the Committee and the full Board on what direction to take – the 3 coal field counties that have been identified as a test site but what about adjoining counties as elk disperse following reintroduction. Mr. Burton requested Mr. Ellis to prepare a

summary of resources, staff time and cost estimates, etc. to be presented to the Board so they can better understand the process needed to implement the stocking process. An operational plan cannot be ready until early next year but a summary sheet could be ready by the October Meeting. Mr. Duncan stated some discussion and direction should be held during the Board Meeting next week as Mr. Yates will not be attending the October Board Meeting due to a previous commitment. Mr. Duncan stated the focus should be on the 3 coal field counties that have already been identified. Mr. Whitehurst asked for clarification on the request. Will there be a discussion by the full board on the location and the development of a plan?

Ms. Crumley stated she had received direction by Mr. Yates, Chairman of the Board for her to ensure two things were accomplished during today's meeting: (1) have the Wildlife and Boat Committee recommend a moratorium be placed on killing Elk in Virginia wherever they are located and (2) take to the Board the implementation of an Elk Plan after receiving an agreement from local government. The Board Chairman has already made contact and expects to begin receiving letters from the respective localities within the next month in favor of the reintroduction of elk.

Mr. Burton asked Ms. Crumley if staff would contact the designated localities to see if they are in support. Ms. Crumley stated that if the Board votes in favor of the reintroduction of Elk, then the staff would present the operational plan to the Board. Mr. Burton wanted to know how much staff time would be needed. Mr. Ellis stated a committee would be formed from Wildlife, Wildlife Diversity and Law Enforcement and representatives from the affected localities. A process could be prepared by October.

Ms. Crumley wanted to know if contact has been made with the Rocky Mountain Elk Foundation. The staff continues to work with the foundation. Mr. Duncan stated representatives from the foundation will be present at the meeting next week.

If a moratorium on elk hunting is to be advanced, the moratorium needs to be advertised to the public for comment. The proposed regulation change would need to be approved at the August board meeting. Rather than a regulation change, Mr. Sledd indicated the Board might consider a resolution to encourage hunters to refrain from harvesting elk in Virginia. Mr. Sledd indicated that caution should be taken when considering a potential regulation change outside of the normal regulation process. Mr. Duncan stated the staff was sensitive to making a regulation change outside of the normal regulation cycle and that such a precedent might have future implications.

Ms. Crumley stated she supported both sides of the argument of elk stocking but supports a moratorium on elk hunting in Virginia.

After further discussion, the Committee requested Mr. Ellis and staff to present a motion for the Committee to recommend to the full board a moratorium on the killing of elk except for sick deer.

The Chairman thanked Mr. Duncan and the Wildlife Staff for their work on this issue.

Update on Issues with Dick Cross WMA Field Trial Course. Mr. Rick Bush provided the Committee with an update on the Dick Cross Wildlife Management Area Field Trial Course. Mr. Burton and Staff have conducted conversations and received correspondence from Ms. Martha Greenlee regarding this issue. A past and future Field Trialers' Contribution List has been distributed to the Wildlife Staff.

Field trials are permitted on Dick Cross, Phelps, Chickahominy, Amelia Wildlife Management Areas and improvements have been made to each of these. About 25 field trials are held annually and the Amelia WMA is ½ hour course that occupies 200 or more acres. The Dick Cross and Phelps WMA's feature 1 hour courses and each occupies about 500 acres.

Mr. Bush provided additional information on the specifics of the Dick Cross WMA: the course occupies about 500 acres; 200 acres are open; in order to maintain, 75-100 acres should be mowed annually; there is a 67 acre hay lease contribution; currently clubs using the facility pay approximately \$3,000 or more annually for mowing and to mitigate mowing, the agency has used prescribed burning and herbicides. Some of the challenges are: large-scale mowing is generally not a habitat enhancement; no justification for charging PR project; substantial staff and resource shortage in all Regions and especially in Region 2.

Annual habitat tasks conducted by staff that would compliment the course include: manage dove hunting fields within the field trial course; plan mulching for quail habitat improvement as part of the course; hay and farming leases within the course boundaries and use herbicides and fire to maintain open areas. The agency encourages the Field Trial Clubs to participate in work days. Ms Greenlee has enjoyed working with the Wildlife staff and looks forward to working with them in the future.

Mr. Burton asked Mr. Bush exactly what the agency wanted the Field Trailers to do. Mr. Bush indicated that mowing at the current level is adequate, but more involvement in the future would be welcome.

Mr. Burton thanked Mr. Bush for his report.

Additional Business/Comments: Mr. Burton asked for a status on the Hunting with Hound Study. Mr. Ellis indicated that some of the recommendations would need to go before the General Assembly. Proposed legislation has not been submitted to the General Assembly and due to the economic climate, we might not submit any legislation during the 2010 Session. Mr. Ellis indicated that one of the recommendation was educating hunters in Virginia. Mr. Bush will be working with the Agency Outreach Division on this effort. Mr. Burton encourage the staff to discuss the 4 outstanding issues from the study.

Mr. Burton stated his foundation has located grants that might be available to help fund some of the Quail Action Plan. He directed Mr. Whitehurst to work with staff to locate partners to obtain some of this funding. Mr. Burton requested this list by the end of the week. (August 14).

Mr. Burton met with John Ross of Trout Unlimited to begin the Trout in the Class room in Halifax County.

Ms. Crumley inquired about the blanket youth permit and if it was available on line. Mr. Sledd indicated that the information is better to be received by letterhead. Is there any advertising to promote this initiative. The Agency Outreach division is working on this information.

Mr. Duncan stated that he, Mr. Yates and Matt Koch completed a site visit to Coursey Springs Hatchery. Mr. Duncan and Mr. Martel will meet with the Tennessee Wildlife Resources Agency on agency imitative

Mr. Whitehurst gave an update on the Boy Scout Jamboree and the leak at Burke Lake.

Mr. Burton thanked everyone for their attendance and called for a motion to adjourn. Ms. Crumley second the motion the meeting was adjourned at 1:00pm.

Respectfully submitted,

Beth B. Drewery
Board Secretary