

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

October 21, 2009, 10:00am

Present: Mr. Ward Burton, Committee Chairman, Ms. Sherry Crumley and Mr. Scott Reed;
Director: Mr. Robert “Bob” W. Duncan; **Chief Operations Officer:** Mr. Matt Koch; **Senior Leadership Team:** Ray Davis, Larry Hart, Larry Harizanoff, Charlie Sledd, Colonel Dabney “Dee” Watts and David Whitehurst.

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 August 10, 2009 meeting have been posed on the Website and copies were distributed to the Committee members for review. **The Chairman called for a motion to approve the minutes as submitted. Ms. Crumley made the motion to approve the minutes of the August 10, 2009 meeting. Motion seconded by Mr. Reed. Ayes: Burton, Crumley and Reed.**

Climate Change Adaptation Strategy: The Chairman called upon Mr. David Whitehurst to introduce Mr. Chris Burkett, Wildlife Action Plan Coordinator. Mr. Burkett gave the following presentation:

**Virginia’s Strategy for Safeguarding Species of Greatest Conservation
Need from the Effects of Climate Change**

Virginia’s Wildlife Action Plan was completed in 2005 and has been endorsed by the Board of Game and Inland Fisheries. The plan describes how we can keep species from becoming endangered. The action plan mentions climate change as a threat for a few species, but doesn’t discuss it thoroughly and does not provide real direction on what to do about climate change.

The National Wildlife Federation received a grant in 2008 from the Wildlife Conservation Society to assist Virginia, Florida, and Washington to develop adaptation strategies to supplement Wildlife Action Plans. The agency partners in this development process were Ms. Austin Kane, National Wildlife Federation; Mr. Nathan Lott and Ms. Dan Roberts, Virginia Conservation Network.

Two goals of the planning process were: (1) identify things we can do today to begin addressing climate change and (2) building the foundation for 2015 when the Wildlife Action plan is scheduled to be updates. Stakeholder workshops were held and the first draft strategy was distributed in June 2009 to all the participants and others. After all of the comments were received, a final strategy was developed.

The three main strategies are: (1) conserve species and habitats; (2) address data and modeling needs and (3) outreach. Actions to address each of these strategies have also been developed:

Species and Habitats - Actions

Conserve/Restore Native Habitats
Initiate process to conserve habitat connectivity
Revise Virginia's Endangered Species Act
New Public/Private Resources
Captive Breed/Population Augmentation

Data and Modeling – Actions

Climate modeling and vulnerability assessment
Public Attitude Polling
Ecosystem Toolkit

Outreach - Actions

Communications Plan
Local Action Summaries

The next steps are to: (1) work with the Department's Advisory Council and (2) work with Government and Academic Partners.

The proposed strategy was developed with significant stakeholder input and will help us take advantage of climate related opportunities. These strategies will also help promote actions using proven techniques and technologies. It is the staff's recommendation that the Wildlife and Boat Committee advance this document, *Virginia's Strategy to Safeguard Species of Greatest Conservation Need from the Effects of Climate Change*, to the full Board and recommend the Board's endorsement of the document and associated efforts as recommended by staff. Mr. Burton called for the motion. A discussion was held by the Committee and staff. The Chairman thanked Mr. Whitehurst and Mr. Burkett for their report. . **Mr. Burton called for the motion. Ms. Crumley made the following motion: Mr. Chairman, I hereby move that the Wildlife and Committee advance the document, *Virginia's Strategy to Safeguard Species of Greatest Conservation Need from the Effects of Climate Change*, to the full Board and recommend the Board's endorsement of the document and associated efforts as recommended by staff. Motion Seconded by Mr. Reed. Ayes: Burton, Reed and Crumley.**

Fisheries, Diversity and Boating Regulation Process Update: The Chairman called upon Mr. Gary Martel for an update on the Fisheries, Diversity and Boating Regulation Process. Mr. Martel gave a brief overview of the recommended schedule for the 2010 Fishing, Boating, and Wildlife Diversity Regulation Review and Amendment Process adopted by the Board during the August 18, 2009 Meeting.

The Agency is currently in the scoping period of the regulation process for Fishing, Boating and Wildlife Diversity regulation changes. This phase began on September 1 and ends on November 30th, and involves general public and staff input on what areas should be considered for change by the Board. The staff will present the public input summary and make recommendations for issues and concepts to the Board at the first Board meeting 2010. The responses to date have been fairly light in comparison to the input on Wildlife. This is due, in part, to not allowing comment on

comments which had occurred in the past and led to disagreements among constituents and confusion over what the Board was proposing or asking for. As of this morning, we have had

- 35 comments on Fishing (several on management)
- 14 on Boating
- 25 on Wildlife Diversity (all of which are related to hunting, which is not being covered in this cycle). The staff is looking at the language used on the web and they may change for better clarification.

Mr. Martel also provided the Committee an update on the Coursey Springs Hatchery.

A discussion was held by the Committee and Staff. The Chairman thanked Mr. Martel for his report.

Wildlife Violator Compact: The Chairman called upon Colonel Dee Watts for his presentation on the Wildlife Violator Compact. Colonel Watts gave the following presentation:

Wildlife Violator Compact

Virginia currently does not have a mechanism to identify habitual wildlife violators from other states, or deny a license to persons who have had their privilege or right suspended in other states. Though it is recommended that member states honor all license suspensions of other compact members, Virginia would retain the ability to regulate which suspensions would be honored. License revocations have been shown to be a great deterrent to would-be wildlife law violators. By extending the possibility of license revocation to all member states would increase the value of this deterrent exponentially.

Colonel Watts provided the Committee with a few statistics:

- 31 states are currently members of the compact
- 4 more are in the process of joining
- Virginia is 1 of only 15 non-member states
- All states, except West Virginia, contiguous to Virginia are members of the compact or are in the process of joining
- Increased potential for Virginia to be a hunting destination for non-resident wildlife violators who are suspended in their home states.

The mobility of many wildlife violators necessitates interstate cooperation and communication in order to protect and manage our wildlife resources for the benefit of Virginia's residents and visitors. This compact will provide DGIF and established mechanism to accomplish this communication and cooperation. It assures non-residents person receiving citations for certain wildlife violations in participating states the same treatment accorded residents. The benefits to the Commonwealth are:

- Virginia residents who may commit wildlife violations in other member states equivalent to Class 1 or 2 misdemeanors would be released on a summons instead of being physically arrested and taken before a magistrate for bonding
- It increases the efficiency of Virginia's conservation police officers by permitting them to release non-resident hunters who commit Class 1 or 2 misdemeanors in

Virginia on a summons instead of spending several hours on physical arrest procedures.

The provisions of this address the same issues and parallels the processes related to driver's license privileges and suspensions pursuant to Title 46.2 of the *Code of Virginia*. There are no additional costs for personnel or equipment to participate in the compact. Participation by the Agency is voluntary and we could withdraw at any time. There are no background checks associated with the compact. Member states simply share existing databases of persons whose hunting licenses have been suspended for egregious wildlife law violations.

4 VAC 15-500-10

The Wildlife Violator Compact

1. These regulations are adopted pursuant to authority granted to the Board of Game and Inland Fisheries under §29.1-103(17) and §29.1-530 of the *Code of Virginia*.
2. Definitions used herein, unless the contrary is clearly indicated, are those used in §29.1-530.5 of the *Code of Virginia*, the Wildlife Violator Compact (herein referred to as the Compact).
3. In accordance with Article VII of the Compact, the Board hereby authorizes the Director (the Director) of the Department of Game and Inland Fisheries (the Department) to appoint the Commonwealth's representative to the Board of Compact Administrators. Such appointment shall be consistent with and subject to the aforesaid provisions of the Compact and such representative shall serve at the pleasure of the Director.
4. In accordance with Article IV of the Compact, upon receipt from a participating state of a report of the conviction in that state of a resident of the Commonwealth, the Department shall enter such conviction in its records and such conviction shall be treated as though it had occurred in the Commonwealth and therefore as a violation of Board's applicable regulations for purposes of suspension of license privileges.
5. In accordance with Article IV of the Compact, upon receipt from a participating state of a report of the failure of a resident of the Commonwealth to comply with the terms of a citation issued by that state, the Department shall notify such a person of that report in accordance with the procedures set forth below and shall initiate a proceeding to suspend any applicable licenses issued to such person by the Board until the Department has received satisfactory evidence of compliance with the terms of such citation. (There was some question that Item #5 is a duplicate of Item #4; additional review has indicated that it is not and it should remain in the proposed regulation.)
6. In accordance with Article V of the Compact, upon receipt from a participating state of a report of the suspension of license privileges of a resident of the Commonwealth issued by that state, the Department shall notify such person of that report in accordance with the procedures set forth below and shall initiate a proceeding to suspend any applicable licenses issued to such person by the Board until the Department has received satisfactory evidence that such suspension has been terminated.
7. Upon receipt of a report pursuant to Section 4, 5 or 6 above, the Director or his designee shall provide notice thereof to the resident of the Commonwealth who is the subject of such report. Such notice shall advise such person of the contents of the notice and of any action which the Department proposes to take in response thereto.

8. The person who is the subject of such notice shall be provided an opportunity to request within 30 days from the date of such notice an opportunity to contest the Department's proposed action by requesting an informal fact finding conference to be conducted by a representative of the Department designated by the Director. Although such proceedings are exempt from the requirements of the Administrative Process Act, (§§2.2-4000, et seq. of the *Code of Virginia*) as provided by §2.24002(A) (3) thereof, the Department shall to the extent practicable afford such persons seeking an informal fact finding conference the rights provided under §2.24019 of the *Code of Virginia*. Those include but are not limited to the right to receive reasonable notice as described in Section 7 above and the right to appear in person or by counsel before the designated representative of the Department. However, no discovery shall be conducted and no subpoenas shall be issued as part of any such proceeding.
9. An informal fact finding proceeding shall be completed within 60 days of receipt by the Department of the request described in Section 8. Upon such completion the designated representative of the Department shall make a recommended final decision to the Director or to such person designated by the Director to make such final decision. The final decision maker shall promptly issue a written decision to the person who requested the proceeding. Such decision shall constitute the final and non-appealable decision of the Department.
10. Any decision upholding the suspension of licensing privileges as a result of the process described above shall be entered by the Department on its records and shall be treated as though it had occurred in the Commonwealth and therefore as a violation of the Board's applicable regulations.
11. The Director shall establish procedures for reporting to participating states convictions, or failures to comply with citations in the Commonwealth by residents of those respective states. Such procedures shall comply with the reporting requirements established by and pursuant to the provisions of Compact.

A discussion was held between the Committee and staff. It is the staff's recommendation that the Wildlife and Boat Committee recommend for proposal to the Board the Wildlife Violator Compact as presented. If approved, the proposals will be published in the Virginia Register, newspapers statewide, and on the Department's web page. **Mr. Burton called for the motion. Mr. Reed made the following motion: Mr. Chairman, I hereby move that the Wildlife and Boat Committee recommend for proposal to the Board the Wildlife Violator Compact as presented. If approved, the proposal will be published in the Virginia Register, newspapers statewide and on the Department's web page. Motion Seconded by Ms. Crumley. Ayes: Burton, Reed and Crumley.**

The Chairman thanked Colonel Watts for his presentation.

Elk Restoration Operational Plan Outline/Elk Regulation Proposal Amendment: The Chairman called upon Mr. Ellis to present the Elk Restoration Operational Plan Outline. Mr. Ellis stated there were two items he would like to cover in his report from the August Board Meeting: (1) recommendation on the amendment to the regulation to prohibit the hunting of elk within the state and (2) the direction to the Director by the Board to have staff develop an elk restoration operational plan outline. Mr. Ellis wanted to let the Committee know that the regulation amendment proposal from the August meeting was been posted for public comments from August 27, 2009 and closed on October 1, 2009. The Board has received a copy of the comments.

During the Board meeting tomorrow, the staff will recommend final adoption of the regulation proposal as amended during the August Board Meeting. The Chairman indicated concerns have been expressed from the public regarding more information on the draft plan.

4VAC15-90-85

Game: Deer. Hunting elk of either sex.

Summary:

The proposal is to (i) designate that the term elk refers specifically to Rocky Mountain elk (*Cervus elaphus*) and (ii) prohibit the hunting of Rocky Mountain elk in Virginia.

Proposed language of amendment:

4VAC15-90-85. Game: Deer. Hunting elk of either sex prohibited.

Rocky Mountain Elk elk (*Cervus elaphus*) of either sex may not be taken during the general firearms deer season (as prescribed by ~~4VAC15-90-10, 4VAC15-90-20, 4VAC15-90-21, and 4VAC15-90-30~~), during the special archery seasons (as prescribed by ~~4VAC15-90-70~~), and during the special muzzleloading seasons (as prescribed by ~~4VAC15-90-80~~) with bag limits and checking requirements as prescribed in ~~4VAC15-90-90, 4VAC15-90-230, and 4VAC15-90-240~~ in Virginia.

Final Staff Recommendation:

Staff recommends adopting the amendment as final in the form it was proposed. Staff recommends making this regulation effective October 23, 2009.

Rationale:

The Board of Game and Inland Fisheries upon evaluation and consideration of the current status and management of Rocky Mountain elk (*Cervus elaphus*) in Virginia has directed the Director to develop a plan of action for the potential restoration of elk in Southwest Virginia and in the spirit of conservation and species restoration desires to propose prohibiting the hunting of Rocky Mountain elk within the Commonwealth.

The Chairman indicated that the Committee, Staff and Board work with the constituents to answer their questions regarding the reintroduction of elk. This would give the staff time to prepare a draft plan and work with state agencies and non- governmental organizations to have their input into the plan as well. Mr. Burton turned the discussion over to Mr. Yates.

Mr. Yates stated the primary question is “Where do we start?” Mr. Yates referred to comment #122 – “The hunting of Elk in VA was instituted because Virginia has no formal restoration program for the non-native species and to preclude the potential spread of CWD. Demoting the species to deer and allowing hunting keeps the species numbers small until the State institutes a conservation program for the restoration of Elk in VA. The decision to ban or limit hunting (managed conservation) should be based on the adoption of a formal game and management policy for the species and based on sound game management practices. There are several decision regarding the species reintroduction. The lack of a formal management program

mandates the continued open season for the species. Once Virginia has a formal policy for the reintroduction of the species a selective management solution can be applied. Since the re-introduction almost 10 years ago there have been no reported cases of CWD in Kentucky hears. It is time to make a decision either for or against the re-introduction of the species. I am in favor of the re-introduction of the species but only if Virginia adopts a formal policy for the species.” Mr. Yates stated he believes this statement covers a lot of the thinking of the public and why are we limiting the taking of elk when we are already doing that. Why not do the plan and then move to the regulation amendment? Mr. Yates said his reason for doing the elk restoration plan now was two fold (1) to send a message to the Rocky Mountain Elk Foundation that we were serious about elk reintroduction and (2) also send a message to the public that we were serious about elk reintroduction. Based on responses received, Mr. Yates said there is support for elk reintroduction. Mr. Yates said he is sympathetic to the issues raised by the farmers and wants to partnership with other state agencies and non-governmental organizations the best way possible. Mr. Yates said he finds is difficult to believe that if Kentucky could find 16 counties to stock elk without serious conflict that Virginia cannot find a few counties where there is a small probability of conflict to reintroduce elk. Mr. Yates contact several agencies in Kentucky to get comments on their problems and reviewed some the comments with the staff and Committee Members. Mr. Yates stated that he would recommend the Board not adopt the regulation proposal as presented but to have staff develop an operational plan and include state agencies and non-governmental organizations to help in the development. He would also recommend the Board ask the General Assembly grant the Board permission to implement an Elk tag if it is the pleasure of this Committee and the Board. Mr. Yates said he would support the Committees recommendation to the full Board. The Chairman stated it might be best to slow the process down in order for everyone to participate and have a successful program.

The Chairman and Mr. Burton asked Mr. Wilmer Stoneman, Associate Director Governmental Relations for the Farm Bureau for his comments. Mr. Stoneman thanked the Committee for the opportunity to speak and made the following comments:

Mr. Stoneman said the comments made during the meeting today are on track and as long as he has been with Farm Bureau, his organization is against elk restocking in Virginia. This opposition is due in large part because of the unknown. Mr. Stoneman said putting a plan in place first is the right thing to due. By having a management plan that will help answer the questions to the unknown and where the agency wants to implement the plan. Mr. Stoneman said just adopting the regulation as proposed does not answer all of the unknown questions that Farm Bureau has. Mr. Stoneman said it would take a lot of work on his part to get the members of the Farm Bureau to support the elk restoration plan. The Chairman indicated this was a cooperative effort to have a successful plan.

The Chairman asked the Committee Members if they were all in agreement to table the amendment. Ms. Crumley stated she was not. She would make her decision after Mr. Ellis presented the Elk Restoration Operational Plan. Mr. Reed agreed. .

Mr. Ellis presented the following outline:

Operational Plan Overview: Elk Restoration and Management in Virginia

The Operational Plan will consist of nine sections: (1)Introduction; (2) Restoration Approach; (3) Communication and Outreach needs; (4) Management issues; (5) Monitoring and Research needs; (6) Costs and Funding; (7) Summary of Public input on draft plan; (8) appendices; (9) Literature cited.

Operational Plan Overview: Elk Restoration and Management in Virginia

Section 1 - Introduction includes:

- I. Statement of Purpose
- II. Background Information on Elk in Virginia
- III. Elk Restoration in U. S.
 - I. Adjacent states
 - II. Other states
- IV. Elk Ecology
- V. Impacts of Elk
 - I. Benefits
 - II. Concerns

Section 2 - Restoration Approach includes:

- I. Define Restoration Area
 - I. Area Description
 - II. Identify Release Areas
 - I. Public Land
 - II. Private Land
- II. Establish Specific Goals for Restoration
 - I. Population Level (by year)
 - II. Recreation Goals
- III. Restoration Options
 - I. Active vs. Passive
 - II. Translocation
 - I. Locate Source Herds
 - II. Stocking Time-line
 - III. Disease Testing-pre-movement
 - III. Protection

Section 3 – Communication and Outreach needs includes:

- I. Communication
 - I. Key Stakeholders
 - II. Public Outreach Approaches
- II. Education

Section 4 – Management Issues

- I. Recreation Management
 - I. Hunting Opportunities
 - II. Wildlife Viewing/Tourism
- II. Habitat Management
 - I. Public Land
 - II. Private Land

- III. Nuisance/Damage Management
 - I. Within Restoration Area
 - II. Outside Restoration Area
- III. Administrative Issues

Section 5 – Monitoring and Research Needs

- I. Population Monitoring
- II. Initial Translocation Evaluation
- III. Nuisance/Damage Monitoring
- IV. Habitat Monitoring
- V. Disease Monitoring

Section 6 – Costs and Funding

- I. Expected Budget (personnel, equipment, supplies, etc.....)
 - I. Restoration
 - II. Management Programs
 - III. Monitoring and Research
 - IV. Information and Education
 - V. Impacts on DGIF Staff and Programs
- II. Potential Funding Sources

Section 7 – Summary of Public Input on Draft Plan

Section 8 - Appendices

Section 9 - Literature Cited

Mr. Ellis indicated that the draft plan should be ready by the 2nd Board Meeting of 2010 for the Board to review. Mr. Ellis said public meetings would not be held during the development process but Town Hall meetings would be held after the draft has been completed. Public input on the draft is expected to be 60-90 days.

Mr. Yates encouraged the staff to work with the Rocky Mountain Elk Foundation in the development of the plan. Mr. Yates wanted to know from the Chairman if it would be advisable to form a small stakeholder group to help develop the plan. Mr. Yates specifically indicated the participation of the State Veterinarian and the Farm Bureau. Should these groups be included at the beginning or at the end of the development of the plan? Mr. Ellis indicated that these groups would be included in the development of the plan. Mr. Ellis said they would look into forming a small advisory group. Mr. Yates offered his congratulations to the staff on their development of the plan outline.

The Chairman asked Mr. Ellis and Mr. Stoneman how the two groups could work together to bring resolution to the Farm Bureaus opposition to elk restoration. Mr. Stoneman indicated that being able to serve on the advisory group and having input into the plan would be a big help. As soon as the advisory group could be formed would help move the plan forward. Mr. Stoneman also indicated that holding a meeting in southwest Virginia to discuss this issue would be beneficial to get further support of the plan.

Mr. Ellis chose two wildlife biologist from the southwest Virginia area because they are familiar with the areas that might be chosen. They also know a lot of the constituents in the area. Mr. Ellis indicated he would also work with the State Veterinarian.

The Chairman encouraged everyone to work together to find a solution to have successful plan.

The Chairman called on Mr. Duncan for his remarks. Mr. Duncan said that the Richmond Chapter of the Rocky Mountain Elk Foundation is the oldest chapter east of the Mississippi. This Chapter has not given up the possibility of elk reintroduction in Virginia. Mr. Duncan said in the past there was concern of disease and that issue has been addressed. It is important to have the Rocky Mountain Elk Foundation involved in developing the plan along with the Farm Bureau and the State Veterinarian.

Mr. Stoneman encouraged a meeting before the General Assembly in Southwest Virginia to explain the draft plan. Mr. Ellis said he had not planned to conduct this type of meeting because the areas have not been identified but would be willing to discuss the draft plan outline.

Ms. Crumley asked for comments from Johnny and Alan. Alan said that he agreed with Mr. Stoneman's remarks regarding the opposition to the plan. Alan said he also believes that the opposition from the constituents in Southwest Virginia was due to the lack of information. Alan also indicated an informal meeting would be helpful. In the past there has been support in Southwest Virginia. Most of the calls are in reference to hunting of elk but not a lot of questions on the proposal.

Mr. Duncan said educational outreach is definitely needed. The Chairman said he was willing to help in this effort.

Mr. Yates said there was a lot of work to be done to have a successful plan.

The Chairman called for a motion from the committee to make the recommendation to the Board to table the recommendation. Ms. Crumley said the elk that we have are very valuable to us and she understands Mr. Stoneman's position. She does not want the public to perceive we have already made a decision because we do not even have a plan yet. Ms. Crumley believes there will be a big emphasis on the taking of elk this season. Ms. Crumley proposed a 1 year moratorium on elk while the plan was being developed. At the end of the year, if the board determines that elk restoration is not the correct thing to do then, go back to killing elk on the deer tag.

Mr. Stoneman said they are willing to discuss the issues regarding killing an elk on the deer tag. The concern is that the regulation amendment is out of sequence. Mr. Stoneman indicated that if the moratorium was put in place there would not support from the Farm Bureau.

Mr. Duncan asked Mr. Stoneman if the agency prohibits the taking of the elk, is there a possibility if it was limited to the coal field, would there be support? Mr. Stoneman indicated he did not feel it might make a difference to getting support of the plan.

Ms. Crumley asked Mr. Stoneman if his members would make him lobby during the General Assembly against an elk tag? Mr. Stoneman indicated that if they support the hunting of elk on a deer tag, he can't tell that they are not but he might be able to get them to continue to support the hunting on a deer tag. Mr. Stoneman said the gesture of hunting elk on a deer tag for one year and asking the general assembly for permissive legislation to create a separate elk license might create support.

Mr. Duncan said we do have elk in Virginia and we need find a way to support this resource.

Ms. Crumley said take it to the full board tomorrow. The Chairman said on most issues the Board is in full agreement but we have heard today there is opposition to the proposed regulation amendment.

Mr. Duncan asked for clarification on the development of the plan. The regulation is the question. The Chairman said that was correct. Mr. Reed said he was in support of moving the plan forward but he was not in favor of moving the regulation forward. The Chairman asked Mr. Ellis if he had a resolution prepared for tomorrow's presentation.

Mr. Reed made following motion: I hereby move that the Board endorse the elements of an operational plan for the restoration and management of elk in Virginia as recommended by the Wildlife and Boat Committee. Motion Seconded by Ms. Crumley. Ayes: Burton, Crumley and Reed.

Ms. Crumley amended the motion: I further move that the Board request the General Assembly of Virginia to grant this Board permissive authority to enact an elk hunting license as recommended by the Wildlife and Boat Committee. A discussion was held on the motion. Motion Seconded: Mr. Reed. Ayes: Burton, Reed and Crumley.

Report on Resolving Issues between Trappers and Mounted Fox Hunters: The Chairman called upon Mr. Bob Ellis to introduce Mr. Mike Fies, Furbearer Project Leader for the Wildlife Division. Mr. Fies gave the following presentation:

Progress Report on: Resolving Issues Between Mounted Fox Hunters and Fox Trappers in Central Virginia

The issue was first raised by mounted fox hunters at the September 2008 regulation scoping meeting held in Madison. The mounted fox hunters suggested that trapping for foxhound training enclosures was reducing fox numbers and negatively impacting their hunting success. This issue was posted on the DGIF website for public comment. A joint meeting was held in Charlottesville on December 10, 2008 for the affected groups. During this meeting non consensus was reached on recommended solution; the mounted fox hunters requested a 2-year moratorium on live trapping for fox pens in a 5 county area (Albemarle, Culpeper, Louisa, Madison and Orange) and the trappers wanted no regulation change.

The staff estimated that 10.5% or less of the total red fox population in the 5-county area was being trapped and moved to training enclosures (no impact on county or regional fox numbers). They also identified this as a local issue with possible impacts at individual farm level and suggested additional efforts to resolve conflicts at the local level between affected groups (no regulation change).

During the February 27, 200 Board Meeting, the mounted fox hunters modified original request and proposed a 2-year moratorium on live fox trapping in portions of 3 counties (orange, Madison, and Louisa). The trappers opposed any trapping restrictions. The Board agreed that the problem was a local issue and asked staff to mediate additional discussions between groups. The Board requested staff present a progress report on this issue during the October 2009 Board Meeting.

The staff developed a mediation process that began in March 2009 and was completed in September 2009. Both groups requested an opportunity for separate meetings to more candidly discuss problems and ideas. The initial meetings on April 22 with the fox hunters and May 27 with the trappers were held. The agenda for both meetings was to discuss issues in more detail; map areas of conflict (visited areas in the field) and brainstorm solutions. The staff began to draft a possible compromise in June.

The second round of meeting with both groups was conducted on July 27th with the fox hunters and on August 24th with the trappers. A discussion on the draft compromise was held and the maps of hunt territory and trapping locations were refined. One additional meeting with the mounted fox hunters was held on September 3rd to address their final concerns with the maps.

The final meeting was held on September 21st with both groups attending. The meeting was attended by 3 representatives from each group. During this time the conditions for the final written agreement were discussed.

Mr. Fies outlined the Agreement Conditions:

1. Trappers will not seek permission to trap on additional areas hunted by Keswick. Trappers will also be sensitive to potential impacts they may have by trapping nearby unhunted areas (generally delineated by maps).
2. Keswick members will not approach landowners to restrict trapping on areas they don't have permission to hunt.
3. On lands where both fox hunting and trapping occurs, trappers will delay trapping efforts until November 1 and only remove minimum number of foxes to satisfy landowner.
4. Both groups will maintain a cooperative attitude, refrain from making adversarial comments, and cease efforts to restrict opportunities.
5. Additional trappers who move into the area will be made aware of the agreement and encouraged to abide by its conditions.
6. DGIF will remain available to mediate potential noncompliance issues for at least 2 years. Success of the agreement will be reviewed after 1 year.

Mr. Fies indicated the final outcome of this process was that both groups expressed support for the written agreement and agreed to abide by its conditions, pending a review after 1 year.

The Chairman thanked Mr. Fies for his report.

Management Plan Updates: The Chairman called upon Mr. Ellis to present the management plan updates for Bear, Mute Swan, and Quail Action Plan. Mr. Ellis also covered the Wildlife Management Area (WMA) Study Update.

A discussion was held by the Committee and Staff. The Chairman thanked Mr. Ellis for his report.

Other Business/Comments: The Chairman called upon Mr. Charlie Sledd. Mr. Sledd brought to the Committee's attention the flowing resolution that was adopted by the National Association of Boating Law Administrators (NASBLA) at the recent annual conference.

*National Association of State Boating Law Administrators
Resolution 2009-11
Honoring the Virginia Department of game and Inland Fisheries
For 50 years of Boating Safety*

WHEREAS, Chapter 500 of the 1960 Virginia Acts of Assembly as "An act to require and provide for the safe operation of certain motorboats on the waters of this State over which the state now has or hereafter obtains jurisdiction"; and,

WHEREAS, this act marked the beginning of the recreational boating program in the Commonwealth of Virginia and established its numbering requirement, safety equipment carriage requirements, boating under the influence regulations, and the authority for the Commission of Game and Inland Fisheries to make rules and regulations in connection with the "safe and reasonable operation of vessels on any waters within the territorial limits of this state"; and,

WHEREAS, since 1960, the Department has witnessed a number of subsequent milestones – including watercraft titling in 1981; watercraft dealer licensing in 1988; implied consent and .10 blood alcohol content for boating under the influence in 1989; personal watercraft statues in 1991; .08 blood alcohol content for boating under the influence in 1994; zero tolerance for boating under the influence in 1996; stronger laws for personal watercraft operators in 1998; and a phased-in boating safety education compliance requirement in 2007.

NOW THEREFORE, BE IT RESOLVED, that the National Association of State Boating Law Administrators meeting on September 28, 2009, Corpus Christi, Texas, hereby commends and congratulates the Department of Game and Inland Fisheries and its employees for the outstanding service to the Commonwealth of Virginia and the United States of America.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable Timothy M. Kaine, Governor of the Commonwealth of Virginia; to the Honorable Preston Bryant, Secretary of Natural Resources, and to Robert W. Duncan, director of the Department of Game and Inland Fisheries.

*S/Richard Moore, President
September 28, 2009*

The Chairman thanked Mr. Sledd for his work with the boating program.

The Chairman requested the staff to notify the Committee of possible meeting dates for the next committee meeting within the next two weeks and adjourned the meeting.

Respectfully submitted,

Beth B. Drewery
Board Secretary