

Teleconference/Video Board Meeting

Final Corrected Board Minutes

Board of Wildlife Resources
7870 Villa Park Drive
Henrico, VA 23228

March 18, 2021
9:00 am

Present: Mr. John Daniel, II, **Chair**, Mr. Brian Vincent, **Vice Chair**; **Board Members:** Mr. Leon Boyd, Ms. Karen Terwilliger, Dr. Mamie Parker, Mr. Frank Adams, Mr. Rovelle Brown, Ms. Tammy Jo Grimes, Mr. Tom Sadler; **Absent:** Ms. Catherine Claiborne and Mr. G. K. Washington; **Executive Director:** Mr. Ryan Brown; **Director's Working Group:** Mr. Gary Martel, Mr. Tom Guess, Dr. Gray Anderson, Dr. Mike Bednarski, Mr. George Braxton, Mr. Darin Moore, Mr. Lee Walker, Colonel John Cobb, Ms. Paige Pearson, Ms. Rebecca Lane.

Kelci Block, Assistant Attorney General attended the Board meeting by Teleconference.

The Chair opened the meeting at 9:00 am. The Chair welcomed everyone attending the virtual meeting and thanked everyone for being able to attend by teleconference; The Chair noted for the record that a quorum was present.

The Chair, Mr. John Daniel announced that this meeting is proceeding under Item 4-0.01, Subsection G of the Appropriation Act and section 2.2-3708.2 of the code of Virginia. It is being held by electronic communication, as the COVID-19 virus has made a physical meeting of the Board impracticable. This emergency imposed by COVID-19 is observed by Executive Orders issued by the Governor of Virginia. The Board's actions today shall be solely limited to those matters included on the agenda. All of these proposed actions are statutorily required or necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

The Chair introduced and welcomed two new Board members, Ms. Tammy Jo Grimes, and Mr. Rovelle Brown and welcomed back to the Board for another term, Mr. Leon Boyd and Mr. Tom Sadler. The Executive Director Ryan Brown welcomed the new Board members and welcomed back Mr. Boyd and Mr. Sadler.

The Chair called for a roll call vote. The Board Secretary took a roll call vote for Attendance:
Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Parker, Sadler, Brown and Grimes

Recognitions of Employees and Others: The Chair called on Director Ryan Brown for

Recognitions of Employees.

The Director called Ms. Rebecca Gwynn to the podium to be recognized. The Director presented Ms. Gwynn with the Robert McDowell Award for Conservation Management Excellence that is awarded by the Northeast Association of Fish and Wildlife Agencies to honor career professionals who have made significant contributions to advance fish and wildlife conservation in the Northeastern United States and eastern Canadian Provinces.

The Director called on Dr. Gray Anderson for the recognition of Mr. Joe Ferdinandsen. Mr. Eric Fagerholm from the Merrimac Farms Virginia Master Naturalists Chapter presented Mr. Ferdinandsen with the Virginia Master Naturalists Award as State Chapter Advisor of the Year.

The Director called on Colonel John Cobb for recognition of Major Scott Naff's retirement. Colonel Cobb read a resolution for Major Naff's service to the Department. Major Naff who attended virtually thanked the Department.

The Chair called for a motion. Mr. Leon Boyd made a motion, Mr. Chair; I move that the Board of Wildlife Resources approve the resolution for Major Scott Naff. It was seconded by Mr. Vincent and Dr. Parker. The Chair called on the Board Secretary for a roll call vote: Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Parker, Brown, and Sadler

The Chair and the Director thanked the presenters and congratulated the recipients for their recognitions and outstanding work performance.

Approval of the January 21, 2021 Board Meeting Minutes:

The minutes of the January 21, 2021 minutes have been distributed and posted to the website for review. The Chair called for a motion to approve the minutes. Ms. Terwilliger made a motion to approve the January 21, 2021 Board minutes as submitted. It was seconded by Mr. Vincent.

The Board Secretary took a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Brown, Parker, and Sadler

Public Comments – Non-Agenda Items:

The Chair called for Public Comments – Non Agenda Items:

- Mr. Judge Charlton spoke regarding Dog Hunting
- Mr. Preston Sullivan spoke regarding Deer Hound Hunting
- Mr. Jeff Sili spoke regarding Deer Hound Hunting
- Mr. John Lynch spoke regarding Deer Hound Hunting
- Mr. Jim Medeiros spoke regarding Deer Hound Hunting
- Mr. Dennis Davis spoke regarding Deer Hound Hunting

- Mr. Eric Gregory spoke regarding Deer Hound Hunting
- Mr. Curt Lytle spoke regarding Deer Hound Hunting
- Sheriff Brad Nunnally spoke regarding Deer Hound Hunting

The Chair thanked all the speakers for their comments.

Committee Reports:

Law Enforcement Committee:

The Chair called on Mr. Brian Vincent for an update on the virtual March 17, 2021 Law Enforcement Committee meeting.

Mr. Vincent gave an update on the March 17, 2021 virtual Law Enforcement Committee meeting.

After comments and questions, the Chair thanked Mr. Vincent for his update.

The Chair called for Break at 10:30 am

The Chair reconvened the meeting at 10:40 am

Wildlife and Boat Committee:

The Chair called on Mr. Leon Boyd for an update on the March 16, 2021 Wildlife and Boat Committee meeting.

Mr. Boyd gave an update on the March 16, 2021 virtual Wildlife and Boat Committee meeting.

Mr. Boyd called on Ms. Becky Gwynn for the Final Adoption of Proposed Regulation to Permit the Incidental Take of Migratory Birds.

Ms. Gwynn presented the Proposed Regulation to Permit the Incidental Take of Migratory Birds.

After comments and questions, the Chair thanked Ms. Gwynn for her presentation.

Speakers for Incidental Take of Migratory Birds:

- Ms. Stephanie Taillon spoke regarding Incidental Take of Migratory Birds
- Ms. Andrea Wortzel spoke regarding Incidental Take of Migratory Birds
- Ms. Nikki Rovner spoke regarding Incidental Take of Migratory Birds
- Ms. Deborah Murray spoke regarding Incidental Take of Migratory Birds
- Mr. Joel Merriman spoke regarding Incidental Take of Migratory Birds

- Ms. Terry Cuthriell spoke regarding Incidental Take of Migratory Birds
- Ms. Connie Erickson spoke regarding Incidental Take of Migratory Birds
- Mr. Josh Saks, Deputy Secretary of Natural Resources spoke regarding Incidental Take of Migratory Birds

The Chair called for a motion. Ms. Terwilliger made a motion. Mr. Chair, I move that the Board of Wildlife Resources adopt the amendments made to the Proposed Incidental Take of Migratory Birds regulation, following public comment as presented by staff. It was seconded by Mr. Vincent. The Chair called for a roll call vote: Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, and Sadler

The Chair called for a second motion. Ms. Terwilliger made a motion, Mr. Chair; I move that the Board of Wildlife Resources adopt the amended Proposed Incidental Take of Migratory Birds Regulation as presented by staff with an effective date of July 1, 2021. It was seconded by Mr. Vincent. The Chair called for a roll call vote: Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, and Sadler.

Mr. Boyd called on Dr. Gary Costanzo to present the 2021-2022 Final Proposed Migratory Game Bird Harvest Regulations.

Dr. Costanzo presented the 2021-2022 Proposed Migratory Game Bird Harvest Regulations.

After comments and questions, the Chair thanked Dr. Costanzo for his presentation.

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources adopt the 2021-2022 Migratory Game Bird seasons and bag limits. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Parker, Brown, Sadler

Mr. Boyd called on Dr. Gray Anderson for a presentation.

Dr. Anderson presented the 2021-2022 Wildlife Regulation Recommendations.

After comments and questions, the Chair thanked Dr. Anderson.

After each staff recommendation, the Chair called for a motion and vote on each species or regulatory topics.

Virtual Speakers on Elk:

- Stephanie Taillon spoke regarding Elk

Elk: 4VAC15-20-65; 4VAC15-20-250; 4VAC15-90-500; 4VAC15-90-510; 4VAC15-90-520; 4VAC15-90-530; 4VAC15-90-540; 4VAC15-90-550; 4VAC15-270-10

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the elk regulations as present by staff. It was seconded Mr. Adams. The Chair called for a roll call vote: Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, and Sadler

(The next three staff recommendations were voted on in one motion)

Chronic Wasting Disease: 4VAC15-90-10; 4VAC15-90-89; 4VAC15-90-260; 4VAC15-50-110; 4VAC15-90-293

Deer & Muzzleloader Hunting: 4VAC15-90-70; 4VAC15-90-80; 4VAC15-50-71; 4VAC15-90-90; 4VAC15-90-91

Harvest Reporting: 4VAC15-90-231; 4VAC15-50-81; 4VAC15-240-81; 4VAC15-90-241; 4VAC15-50-91; 4VAC15-240-91

The Chair called for a motion. Mr. Vincent made a motion. Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to Chronic Wasting Disease, Deer & Muzzleloader Hunting, and Harvest Reporting regulations as presented by staff. It was second by Mr. Adams. The Chair called for a roll call vote. Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, Sadler.

Virtual Speakers on Bear and Wild Turkey:

- Stephanie Taillon spoke regarding Bears
- Gary Norman spoke regarding Wild Turkey

Bear & Wild Turkey: 4VAC15-50-120; 4VAC15-240-20; 4VAC15-240-32; 4VAC15-240-40; 4VAC15-240-60

The Chair called for a motion. Mr. Boyd made a motion. Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to bear and wild turkey regulations as present by staff with a request from the Board of Wildlife Resources to staff to monitor the Wild Turkey season closely. It was seconded by Mr. Adams. The Chair called for a roll call vote: Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Brown, and Sadler. Nay: Parker

Rabbits: 4VAC15-200-30; 4VAC15-200-11; 4VAC15-200-12

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the rabbit regulations as presented by staff. Mr. Daniel amended the motion to include “for ultimate disposal in a permitted landfill” under section 4VAC15-200-12. It was seconded by Mr. Adams. The Chair called for a roll call vote: Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Parker, Brown, and Sadler.

Wildlife Diversity: 4VAC15-20-130; 4VAC15-30-40; 4VAC15-360-60; 4VAC15-360-10

The Chair called for a motion. Mr. Adams made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to Wildlife Diversity regulations as presented by staff. It was seconded by Mr. Sadler. The Chair called for a roll call vote. Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, Sadler

After Dr. Anderson completed the presentations on the Wildlife Regulation recommendations, the Chair called for a break at 1:05 pm

The Chair resumed the meeting at 1:18 pm

Virtual Speakers on Definitions and Miscellaneous: 4VAC15-20-260

- Stephanie Taillon spoke regarding the Coyote and Furbearer hunting contest
- Molly Armus spoke regarding the Coyote and Furbearer hunting contest
- Susan Tomiak spoke regarding the Coyote and Furbearer hunting contest
- Ben Shrader spoke regarding the Coyote and Furbearer hunting contest
- Cathy Liss spoke regarding the Coyote and Furbearer hunting contest
- Heidi Crosky spoke regarding the Coyote and Furbearer hunting contest
- Joseph Strosnider spoke regarding the Coyote and Furbearer hunting contest
- Delegate Will Wampler spoke regarding the Coyote and Furbearer hunting contest
- Gillian McPhee spoke regarding the Coyote and Furbearer hunting contest
- Kyle Crickenberger spoke regarding the Coyote and Furbearer hunting contest
- Alex Poole spoke regarding the Coyote and Furbearer hunting contest
- Nathaniel Brookbank spoke regarding the Coyote and Furbearer hunting contest
- Jason Groseclose spoke regarding the Coyote and Furbearer hunting contest
- Ryan Borum spoke regarding the Coyote and Furbearer hunting contest
- Jason Hiles spoke regarding the Coyote and Furbearer hunting contest
- Brooks Arrington spoke regarding the Coyote and Furbearer hunting contest
- Alice Burton spoke regarding the Coyote and Furbearer hunting contest
- Beth Axelrod spoke regarding the Coyote and Furbearer hunting contest
- Melanie Brandon spoke regarding the Coyote and Furbearer hunting contest

(The next three regulations were voted on in one motion.)

Lands and Access: 4VAC15-20-100; 4VAC15-20-150; 4VAC15-20-151; 4VAC15-20-152

General: 4VAC15-40-220; 4VAC15-40-240

Definitions & Miscellaneous: 4VAC15-20-240 and 4VAC15-20-260

The Chair called for a motion. Dr. Parker made a motion. Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the Lands and Access, General and Definitions & Miscellaneous regulations as presented by staff. It was seconded by Mr. Vincent. The Chair called for a roll call vote: Ayes: Daniel, Vincent, Terwilliger, Sadler; Nays: Parker, Adams, Boyd, Grimes, and Brown. The motion failed.

Ayes: 4 Nays: 5

The Board discussed and decided to separate the regulations to address the public comments on 4VAC15-20-260

(Lands and Access and General were voted on in one motion)

Lands and Access: 4VAC15-20-100; 4VAC15-20-150; 4VAC15-20-151; 4VAC15-20-152

General: 4VAC15-40-220; 4VAC15-40-240

The Chair called for a motion. Mr. Boyd made a motion. Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to Lands & Access regulations and General regulation as presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, Sadler

Definitions & Miscellaneous: 4VAC15-20-240

The Chair called for a motion. Mr. Adams made a motion, Mr. Chair, I move that the Department of Wildlife Resources propose the amendments to Definitions and Miscellaneous regulation of 4VAC15-20-240 as presented by staff. It was seconded Ms. Terwilliger. The Chair called for a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Parker, Brown, Sadler

Definitions & Miscellaneous: 4VAC15-20-260

After further discussion by the Board:

The Chair called for a motion. Mr. Adams made a motion. Mr. Chair, I move that the Board of Wildlife Resources table 4VAC15-20-260 for staff to study the coyote population. The motion did not pass for lack of a second motion.

The Chair called for a motion. Dr. Parker made a motion. Mr. Chair, I move that the Board of Wildlife Resources table the 4VAC15-20-260 recommendation and have staff gather more information and data on this topic. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Sadler, Parker, Adams, Boyd, Grimes and Brown.

Finance, Audit, and Compliance Committee Report:

The Chair called on Mr. Brian Vincent to give an update on the March 16, 2021 Finance, Audit, and Compliance Committee meeting.

Mr. Vincent gave an update on the virtual March 16, 2021 Finance, Audit, and Compliance Committee meeting.

Mr. Vincent called on Mr. Darin Moore to present the Internal Audit Charter.

Mr. Moore gave an update on the Internal Audit Charter.

The Chair asked if there were any comments or questions from the public and the Board.

The Chair thanked Mr. Moore for his Charter update.

The Chair called for a motion. Mr. Vincent made a motion. Mr. Chair, I move that the Board of Wildlife Resources adopt the update on the Internal Audit Charter. It was seconded by Mr. Sadler. The Chair called for a roll call vote: Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Parker, Brown, and Sadler

Education, Planning, and Outreach Committee Report:

The Chair called on Ms. Karen Terwilliger to give an update on the March 17, 2021 Education, Planning, and Outreach Committee meeting.

Ms. Terwilliger gave an update on the March 17, 2021 virtual Education, Planning, and Outreach Committee meeting.

Ms. Terwilliger called on Mr. Tom Guess to present the Final Action on the Governance Manual and Committee Charters.

Mr. Guess presented Governance Manual and Committee Charters language changes.

The Chair asked if there were any comments or questions from the public and the Board.

The Chair thanked Mr. Guess for his presentation.

The Chair called for a motion. Mr. Adams made a motion, I move that the Board of Wildlife Resources adopt the updated changes for the Governance Manual and Committees Charters. It was seconded by Mr. Vincent. The Chair called for a roll call vote. Ayes: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Parker, Brown, Sadler.

Director's Report:

The Board Chair called on Executive Director Ryan Brown for his report: The Director

- Commented on how gratifying to see staff recognized at DWR.
- Called on Mr. Tom Guess for a Legislative Update.
- Gave an update on the state budget and the 5% raise that State employees would be receiving July 2021.
- Congratulated Dr. Mike Bednarski on his fast and efficient efforts on a Zebra Mussel situation that popped up recently.
- Commented on HRBT is on track for breeding season, barges are on site.
- Advised the 2 new board members that we would be having an orientation for them soon.
- Announced that Governor Northam visited the Aquatic Wildlife Conservation Center and the Buller Fish Cultural Station in Marion, VA.
- Announced the Run for the Wild will be held 5/21/21.
- Thanked the Board for their participation in the meetings and reminded the Board that this is the FIRST Board to pass a regulation regarding incidental take of migratory birds.

Chair's Report:

The Board Chair thanked Board members for attending and thanked staff for making it possible through Teleconference and virtual means.

The Board Chair appointed the Nominations Committee for the 2021 Chair and Vice Chair elections.

- Mamie Parker – Chair
- Tom Sadler
- Leon Boyd

The Next Meeting Date:

The Chair announced that the next meeting date will be Thursday, May 27, 2021

Closed Session:

The Chair announced there would be a Closed Session. A motion was made by Ms. Terwilliger and seconded by Mr. Sadler. The Chair called for a roll call vote: Daniel, Terwilliger, Adams, Vincent, Boyd, Grimes, Brown, and Sadler

*Closed Meeting Motion
March 18, 2021*

Mr. Chair,

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

(i) The performance of the Director.

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712(F), the Board requests the Department Executive Director as it believes his presence will reasonably aid the Board in its consideration of topics that are the subject of the meeting. The Board Secretary took a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Boyd, Sadler, Adams, Parker, Grimes, and Brown

The Board went into Closed Session at: 3:30 pm

The Board reconvened from the Closed Session at 4:00 pm

The Chairman called on Ms. Terwilliger to read the Certification of Closed Meeting.

*Certification of Closed Meeting
March 18, 2021*

WHEREAS, the Board of Wildlife Resources conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom 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 Wildlife Resources hereby certifies that, 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 only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

It was seconded by Mr. Sadler.

The Chair called for a roll call vote. Ayes: Daniel, Vincent, Terwilliger, Adams, Boyd, Grimes, Brown and Sadler

The Chair asked if there were any comments or questions from the Board.

The Chair thanked the Executive Director and staff for making today's meeting possible and thanked Board members for their attendance and the work they continue to do for DWR during these times and asked if anyone had any further comments for today's meeting.

The Chair adjourned the meeting at 4:10 pm.

Respectfully Submitted,

Frances Boswell

/s/