

AGENDA

Board of Game and Inland Fisheries
7870 Villa Park Drive
Henrico, Virginia 23228

May 24, 2017
9:00 am

Call to Order and Welcome, reading of the Mission Statement and Pledge of Allegiance to the Flag.

1. Recognition of Employees and Others
2. Approval of the February 22, 2017 Board Meeting Minutes **Action**
3. Public Comments – Non Agenda Items
4. Committee Meeting Reports:

Wildlife, Boat, and Law Enforcement:

- Terrestrial Wildlife Regulation Proposals for 2017-2018 **Final Action**
- Staff Recommendations for New Wildlife Regulation Proposals **Action**

Finance, Audit & Compliance:

- FY 18 Budget Proposal **Action**

Education, Planning, & Outreach:

- Nomination Committee Report **Action**

5. Closed Session
6. Director's Report
7. Chairman's Report

8. Additional Business/Comments

9. Next meeting Date: Wednesday, August 23, 2017 @ 9:00 am

10. Adjournment

Draft Board Meeting Minutes

Board of Game and Inland Fisheries
7870 Villa Park Drive
Henrico, Virginia 23228

February 22, 2017
9:00 am

Present: Mr. Bill Bolling, **Chairman**, Ms. Catherine Claiborne, **Vice Chairwoman**, Mr. Leon Boyd, Mr. Chuck Cunningham, Ms. Nicole Butterworth, Mr. Clayton Spruill, Mr. Douglas Dear, Mr. Watkins Abbitt, Mr. Leon Turner; **Absent:** Mr. H. S. Caudill; **Executive Director:** Mr. Robert W. "Bob" Duncan; **Senior Leadership Team:** Mr. Lee Walker, Mr. Gary Martel, Mr. Darin Moore, Mr. Tom Guess, Major Scott Naff, Major Bryan Young, Dr. Gray Anderson, Dr. Mike Bednarski, Mr. David Whitehurst. Mr. Matt Hull with the Attorney General's Office was in attendance.

Mr. Clayton Spruill arrived at 9:30 am.

The Chairman opened the meeting at 9:00 am and welcomed everyone and noted for the record that a quorum was present for the meeting. Board member Mr. Chuck Cunningham read the mission statement and Chairman Bill Bolling led the Pledge of Allegiance to the flag. The Chairman announced there would be a closed session during the Board meeting.

Recognition of Employees and Others: Chairman Bill Bolling called on Director Bob Duncan for recognitions.

The Director recognized Conservation Police Officer Alberto Medina and read a letter of commendation the Agency had received on Mr. Medina's performance as an Officer.

Approval of the January 11, 2017 Board Meeting Minutes:

The minutes of the January 11, 2017 Board meeting have been distributed and posted to the website for review. The Chairman called for a motion to approve the minutes. Mr. Cunningham made a motion to approve the January 11, 2017 Board Minutes as submitted. It was seconded by Mr. Abbitt. Ayes: Bolling, Claiborne, Boyd, Cunningham, Butterworth, Spruill, Dear, Abbitt, Turner

Public comments (Non- Agenda Items): The Chairman called for Public comments for Non-Agenda items.

- Mr. Floyd F. Smith of Goochland, VA spoke regarding the Future of DGIF

Committee Meeting Reports:

Wildlife, Boat, and Law Enforcement Committee:

The Chairman called on Mr. Watkins Abbitt for a report on the Wildlife, Boat, and Law Enforcement Committee who reported a Wildlife, Boat & Law Enforcement Committee meeting was held on February

21, 2017. Mr. Abbitt called on Dr. Gray Anderson and staff to give the Staff Recommendations for the 2017 Hunting Regulations.

Dr. Anderson presented the Furbearers and Trapping Regulations and Amendments: 4 VAC 15-40-30; 4 VAC 15-40-275; 4 VAC 15-20-50; 4 VAC 15-30-50; 4 VAC 16 40-225

After discussion and comments, the Chairman thanked Dr. Anderson for his presentation.

- Mr. Kurt Butler of Mechanicsville, VA spoke regarding Furbearers

Mr. Abbitt made a motion, Mr. Chairman, I hereby move that the Board approve the 2017-2018 Furbearers and Trapping Staff recommendations. It was seconded by Ms. Claiborne, Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, and Dear.

Dr. Anderson presented the Small Game, Bears, Turkey, Migratory Birds, Waterfowl Blinds and Deer Staff recommendations and Amendments by the Board.

Small Game: 4 VAC15-190-10

Bear: 4 VAC 15-50-11; 4 VAC 15-50-71; 4 VAC 15-50-120

(Amendment by the Board – 4VAC 15-50-71 to add Zone 8 to the regulation)

Mr. Boyd made a motion, Mr. Chairman, I hereby move the Board add Zone 8 to the Regulation 4 VAC15-50-71, Mr. Abbitt seconded the motion, Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, Dear.

(Amendment by the Board – 4 VAC 15-50-11 to add Zone 8 to the regulation)

Mr. Abbitt made a motion, Mr. Chairman, I hereby move the Board add Zone 8 to the Regulation 4 VAC 15-50-11, Ms. Claiborne seconded the motion, Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, and Dear.

- Mr. Steve Nicely of Buchanan, VA spoke regarding Bear
- Mr. Richard Sprinkle of Clifton Forge, VA spoke regarding Bear
- Mr. Wilmer Stoneman of Richmond, VA spoke regarding Bear

Turkey: 4 VAC 15-240-40; 4 VAC 15-240-60; 4 VAC 15-240-70

Migratory Birds: 4 VAC 15-290-140; 4 VAC 15-80-10; 4 VAC 15-260-160

Waterfowls Blinds: 4 VAC 15-260-15 (New); 4 VAC 15-260-35; 4 VAC 15-260-45 (New); 4 VAC 15-260-115 (New); 4 VAC 15-260-116;

- Mr. Todd Cocker of Richmond, VA spoke regarding Waterfowl

- Mr. Brandon Sibley of 8825 Woodpecker Road, VA spoke regarding Waterfowl

Deer: 4 VAC 15-40-287 (New); 4 VAC 15-90-70; 4 VAC 15-90-80; 4 VAC-15-90-89; 4 VAC 15-90-90; 4 VAC 15-90-91; 4 VAC 15-90-280; 4 VAC 15-90-291; 4 VAC 15-90-294; 4 VAC 15-270-96 (New)

(Amendment by the Board: 4 VAC 15-90-90)

Mr. Abbitt made a motion, Mr. Chairman, I move that the Board Increase the regulation to 2 Deer per day. Mr. Boyd seconded the motion. Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, Dear

(Amendment by the Board: 4 VAC 15-90-294)

Mr. Abbitt made a motion to change “deer” to “cervids” in the regulation. It was seconded by Mr. Boyd. Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, Dear

- Mr. Denny Quaiff of Chesterfield, VA spoke regarding Deer

After discussion and comments, the Chairman thanked Dr. Anderson for his presentation.

Mr. Abbitt made a motion, Mr. Chairman, I move that the Board approve the Small Game, Bear, Turkey, Migratory Birds, Waterfowl, and Deer Staff Recommended Regulations with Amendments. It was seconded by Ms. Claiborne. Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, Dear

Migratory Gamebird Seasons and Bag Limits: Dr. Gary Costanzo presented the Final Migratory Gamebird Seasons and bag limits.

- Mr. Terry Wagnor of Powhatan, VA spoke regarding Migratory Waterfowl

After discussion and comments the Chairman thanked Dr. Costanzo for his presentation.

Mr. Abbitt made a motion, Mr. Chairman, I hereby move the Board approve the 2107-208 Migratory Game Bird season and bag limit recommendations, and the Falconry season and bag limit recommendations as presented by staff, and further authorized staff to modify seasons and bag limits, if necessary, to comply with the final Federal Frameworks. It was seconded by Ms. Claiborne. Ayes: Bolling, Claiborne, Spruill, Butterworth, Turner, Abbitt, Boyd, Cunningham, Dear

Finance, Audit & Compliance Committee:

The Chairman called on Ms. Catherine Claiborne for a report on the Finance, Audit, & Compliance Committee who reported the Finance Committee met on February 16, 2017. Ms. Claiborne called on Mr. Darin Moore to give an update on Revenues and Budget versus Expenditures, Cash balances, and the Proposed FY 17-18 Biennial Budget.

After discussion and comments the Chairman thanked Mr. Moore for his presentation.

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

- The Director called on Major Scott Naff and Major Bryan Young for Law Enforcement updates
- The Director called on Tom Guess for a Legislative Update
- The Director announced that the Department is working with VCU and Ducks Unlimited and are planning a Waterfowl Symposium for March 22, 2017
- The Director announced the Wildlife Expo in Fishersville, VA
- The Director announced the One Shot Turkey Shoot is April 22, 2017
- The Director called on Tom Guess for a Wake boarding update
- The Director called on Davis Whitehurst for a Capital Program update

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

Mr. Dear read the Closed Session Motion.

Closed Meeting Motion

February 22, 2017

Mr. Chairman,

I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, and for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; specifically, for consultation with counsel regarding the agency's legal authority to enter into a cooperative agreement to provide public shooting opportunities where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board, with respect to:

(i) Real property located in: Appomattox, Bath, Buchanan, Carroll, the City of Chesapeake, James City, New Kent, Pittsylvania, Roanoke, Rockbridge, Spotsylvania, and Sussex.

Secondly, 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:

(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 legal counsel, the Department Director, the Deputy Director, the Bureau Director, the Real Property Manager, the Recreation Program Manager, 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 Ms. Claiborne. Ayes: Bolling, Boyd, Butterworth, Cunningham, Spruill, Dear, Turner, Abbitt, Claiborne

The Board went into Closed Session at 12:00 noon

The Board reconvened at 1:00 pm

Mr. Bolling read the Certification of the Closed Meeting.

*Certification of Closed Meeting
February 22, 2017*

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 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 Ms. Claiborne. Ayes: Bolling, Claiborne, Boyd, Turner, Spruill, Dear, Abbitt, Cunningham, Butterworth

The Board Secretary conducted the following voice roll call vote:

Claiborne	Cunningham
Spruill	Dear
Bolling	Abbitt
Butterworth	Boyd
Turner	

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

- The Chairman announced the 2017-2018 Nominating Committee would be Watkins Abbitt, Chairman, Chuck Cunningham and Nicole Butterworth

The Chairman announced the next meeting will be on Wednesday, May 24, 2017 at 9:00 am. Hearing no further business or comments, the Chairman adjourned the meeting at 1:15 pm.

Respectfully Submitted,

Frances Boswell

/s/

Fiscal Year 2018

(July 1, 2017 to June 30, 2018)

Budget Request (Primer)

*To be submitted in more detail at May 23rd
FAC and May 24th Board Meetings*



New Vision and Mission

- **DGIF Vision is to lead in wildlife conservation and inspire people to value the outdoors and their role in nature.**
- *DGIF Mission is to:*
- Conserve and manage wildlife populations and habitat for the benefit of present and future generations.
- Connect people to Virginia's outdoors through boating, education, fishing, hunting, trapping, wildlife viewing, and other wildlife-related activities.
- Protect people and property by promoting safe outdoor experiences and managing human-wildlife conflicts.

FY17-18 Biennial Budget

- FY18 represents the second year of the Biennium.
- Appropriation was previously established at \$62,833,365.
 - FY17 budget/appropriation totaled \$62,809,733.
- FY18 did not increase to accommodate the changes from the 2017 General Assembly.

FY17-18 Biennial Budget

- 2017 General Assembly Impacts for FY18
 - Transfer monies (HB38) reduced: \$650,000 in FY17; \$650,000 in FY18.
 - 3 percent statewide employee raise = ~ \$1.2M *at FY17 personnel levels*
 - Employee Benefits Increase = ~ \$800K (2 percent of total personnel) *at FY17 personnel levels.*

FY18 Budget Proposal:

FY17 to FY18 Division Share

Division	% of Budget	FY17 Budget	% of Budget	FY18 Budget (Proposed)
EO	2.87%	\$1,802,575	2.42%	\$1,519,688
Bureau	40.29%	\$25,308,240	40.53%	\$25,467,962
HR	0.96%	\$604,551	1.26%	\$792,352
Law	31.33%	\$19,679,604	32.73%	\$20,563,719
OutReach	10.64%	\$6,684,750	10.51%	\$6,603,614
P&F	13.90%	\$8,730,013	12.55%	\$7,886,030
Total		\$62,809,733		\$62,833,365

FY18 Budget Proposal:

Personnel to Non Personnel: \$

Division	FY17 Pers	FY18 Per	FY17 Non-Personnel	FY18 Non-Personnel
EO	\$1,070,456	\$1,228,828	\$732,119	\$290,860
Bureau	\$15,025,811	\$15,968,912	\$10,282,429	\$9,349,050
HR	\$546,400	\$657,352	\$58,151	\$35,000
Law	\$14,700,732	\$16,131,883	\$4,978,871	\$4,344,628
OutReach	\$4,122,444	\$3,502,753	\$2,562,306	\$2,400,862
P&F	\$3,071,296	\$3,021,482	\$5,658,718	\$4,014,547
Total	\$38,537,139	\$40,511,209	\$24,272,594	\$20,434,947

** In addition, there is \$1,887,208 budgeted for Agency-wide expenditures to include Solution Cost and Compensation Adjustments.*

FY18 Budget Strategy/Considerations

- Which of existing programs are most supportive, and which are least supportive of the new Vision, Mission and Goal Statements? *Could we stop doing certain things?*
- Which program requests are reflective of current services, an enhancement of current services (from FY17), and any new services?
- How are requested travel amounts identified by purpose/committee assignments? *Are we involved where we need to be?*

FY18 Budget Strategy/Considerations

- How are contracts (and/or contractor positions) and amounts (for both new contracts for FY18 and ongoing contracts) identified by purpose/vendor?
- Which full-time positions and wage positions, separated by those filled and vacant at this time are most supportive, and least supportive of the new Vision, Mission and Goal Statements?
- Are there positions that could be better realigned?
- Are funds being allocated to maximize their potential?

FY18 Budget Highlights (Preliminary)

- Reduction in travel; increase video conference.
- Organizational assessment/class-comp adjustments
- Additional watchable wildlife biologists
- Academy/Recruiting consolidation
- Law Enforcement vehicle evaluation
- Increased staffing for sighting-in ranges
- R3 and alignment with outreach
- Reduction in new research contracts; redirect PR to land efforts

FY18 Budget Highlights (Preliminary)

- Distribution of IT security duties; improved focus.
- Increased staffing and resources for capital/engineering team
- Study of recreational access demand/opportunity
- Facility right-sizing of leased buildings
- Captains for Support Services and Covert, Lieutenant and Sergeant for Academy (Law Enforcement Leadership positions)
- 20 New Recruits to bring sworn complement to 185

Fiscal Year 2018

(July 1, 2017 to June 30, 2018)

Budget Request (Primer)

More to come...

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**DEPARTMENT OF GAME AND INLAND
FISHERIES**



**STAFF REGULATION
RECOMMENDATIONS**

BUREAU OF WILDLIFE RESOURCES

May 2017

4 VAC 15-70-60. Game: Bobcat: Archery hunting with bow and arrow or crossbow.1
4 VAC 15-90-70. Game: deer: Archery Hunting.....2

4 VAC 15-70-60. Game: Bobcat: Archery hunting with bow and arrow or crossbow.

Summary:

Add slingbow to provide consistency with HB 1938.

Proposed language of amendment:

4 VAC 15-70-60. Archery hunting with bow and arrow or crossbow.

A. Season. It shall be lawful to hunt bobcats with bow and arrow, ~~or~~ crossbow, or slingbow from the first Saturday in October through October 31, both dates inclusive.

B. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with bow and arrow, ~~or~~ crossbow, or slingbow during the special archery seasons.

C. Use of dogs prohibited during the special archery season. It shall be unlawful to use dogs when hunting with arrow, ~~or~~ crossbow, or slingbow during any special archery season

Rationale:

Add slingbow to provide consistency with HB 1938.

4 VAC 15-90-70. Game: deer: Archery Hunting.

Summary:

The proposal is to provide a clear mechanism for a county participating in the urban archery season to exclude geographic area(s) from the season, when consistent with the department's deer management objectives.

Proposed language of amendment:

4 VAC 15-90-70. Archery Hunting.

A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a slingbow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with archery equipment or a slingbow from the Sunday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) and in the counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), Patrick and on the Chester F. Phelps Wildlife Management Area and on national forest lands in Frederick County and from December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. It shall be unlawful to carry firearms while hunting with archery equipment during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a special muzzleloading deer season.

E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except on national forest and department-owned lands) and counties with a human population density of 300 persons per square mile or more

39 (except on national forest and department-owned lands), provided that its governing body
40 submits by certified letter to the department prior to April 1, its intent to participate in the special
41 urban archery season. Any city, town, or county no longer participating in this season shall
42 submit by certified letter to the department prior to April 1 notice of its intent not to participate in
43 the special urban archery season. **When consistent with the department's deer management
44 objectives and subject to the Director's approval, a participating county may exclude from this
45 season any geographic area(s) by submitting a clear description of such area(s) in a certified
46 letter to the department prior to April 1.**

47
48 G. It shall be lawful to hunt antlerless deer during the special antlerless archery season with
49 archery equipment or a slingbow from the Monday following the last Sunday in March through
50 the last Sunday in April, both dates inclusive, in Arlington, Fairfax, Loudoun, and Prince
51 William counties (including the cities and towns within)

Rationale:

The primary intent of the urban archery deer season is to address deer-human conflicts in urban areas. Some counties participating in the season contain rural areas where traditional deer seasons are sufficient to reduce deer populations and conflicts. In fact, hunters in some such areas where deer populations have declined have expressed concerns about the additive harvest of deer during the urban archery season. Department staff believes that, with adequate review and approval, a county's request to exclude rural portions from the urban archery season can accommodate diverse recreational and management needs.

**DEPARTMENT OF GAME AND INLAND
FISHERIES**



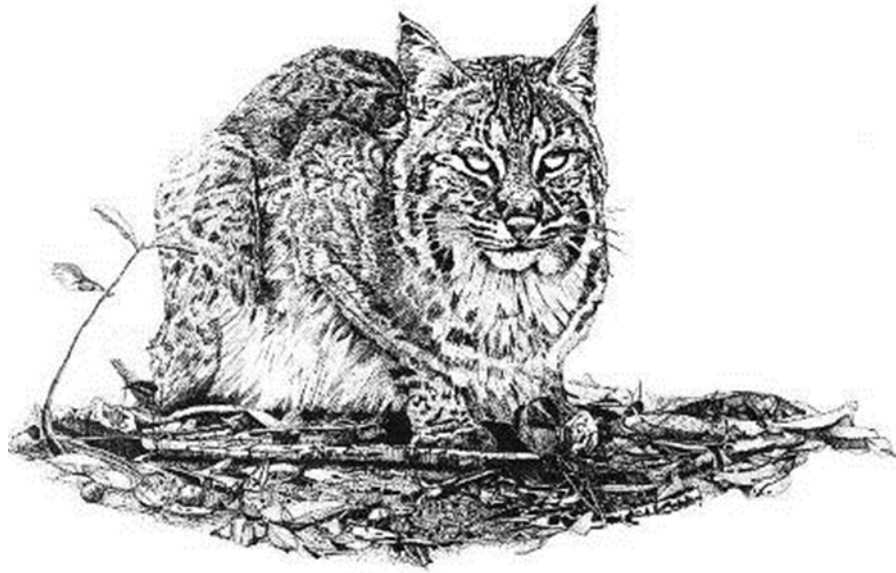
**REGULATION
PROPOSALS**

BUREAU OF WILDLIFE RESOURCES

May 2017

FURBEARERS AND TRAPPING.....	1
4 VAC 15-40-30. Recorded wild animal or wild bird calls or sounds prohibited in taking game; bobcats, coyotes, crows, and foxes excepted.	2
4 VAC 15-40-275. Sale of furbearer pelts.	3
4 VAC 15-20-50 Definitions; “wild animal,” “native animal,” “naturalized animal,” “nonnative (exotic) animal” and “domestic animal.”	5
A Review of Rabies in Virginia.....	8
4 VAC 15-30-50. Possession, transportation, and release of wildlife by authorized persons.	10
4 VAC 15-40-225. (NEW) Killing of animals captured in live traps; drowning of animals captured in cage traps prohibited.....	12
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4 VAC 15-190-10. Open season; generally. [quail]	14
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4 VAC 15-50-11. Open season; generally. [bear].....	16
4 VAC 15-50-71. Muzzleloading gun hunting.	23
4 VAC15-50-120. Bear hound training season.....	24
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4 VAC 15-290-140. Possession and display of a harvest information program registration-number to hunt.	27
4 VAC 15-80-10. Open season. [crow]	28
4 VAC 15-260-160. Great Hunting Creek and Dyke Marsh; floating blind area.....	29
4 VAC 15-260-15. (NEW) Reflective markers on stationary blinds.....	30
4 VAC 15-260-35. Distance from a licensed stationary blind and off-shore blind stake.	31
4 VAC 15-260-116. (NEW) Blinds adjacent to Werowocomoco and York River State Park.	32
4 VAC 15-260-45. (NEW) [Public Water] Float blind hunting areas established.	33
4 VAC 15-260-115. (NEW) Disturbing waterfowl on Kittewan Creek Refuge in Charles City County.....	34
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4 VAC 15-40-287. (NEW) Model ordinances related to feeding of deer in cities and towns.	36
4 VAC 15-90-70. Archery Hunting. [deer].....	37
4 VAC 15-90-90 Bag limit, bonus deer permits and special antlerless provision for youth hunters.....	39
4 VAC 15-90-80. Muzzleloading Gun Hunting. [deer].....	41
4 VAC 15-90-89. Earn a buck (EAB).....	46
4 VAC 15-90-91. General firearms season either-sex deer hunting days.....	49

4 VAC 15-90-280. Sale of hides. [deer]	58
4 VAC 15-90-291. Enclosed or fenced areas that prevent or impede the free egress of deer.....	59
4 VAC 15-90-294. Rehabilitation of cervids.....	60
4 VAC 15-270-96. (NEW) Pneumatic rifles for hunting deer, prohibited for hunting bear and elk.....	62
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4 VAC 15-240-50. Continuous closed season in certain counties, cities and areas. [turkey].....	64
4 VAC 15-240-60. Archery hunting. [turkey]	65
4 VAC 15-240-70. Bag Limit. The bag limit for hunting turkeys shall be one a day, three a license year, no more than two of which may be taken in the fall.....	66



FURBEARERS AND TRAPPING

4 VAC 15-40-30. Recorded wild animal or wild bird calls or sounds prohibited in taking game; bobcats, coyotes, crows, and foxes excepted.

Summary:

The proposal is to add raccoons to the list of species that can be taken by the use or aid of recorded animal or bird calls or sounds.

Proposed language of amendment:

1 **4VAC15-40-30. Recorded wild animal or wild bird calls or sounds prohibited in taking**
2 **game; bobcats, coyotes, crows, ~~and~~ foxes, and raccoons excepted.**
3

4 It shall be unlawful to take or attempt to take wild animals and wild birds with the exception of
5 bobcats, coyotes, crows, ~~and~~ foxes, and raccoons by the use or aid of recorded animal or bird
6 calls or sounds or recorded or electrically amplified imitation of animal or bird calls or sounds;
7 provided, that electronic calls may be used on private lands for hunting bobcats, coyotes, ~~and~~
8 foxes, and raccoons with written permission of the landowner and on public lands except where
9 specifically prohibited.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

The Department annually receives requests to allow hunting of raccoons with electronic calls. Although few hunters would be expected to target raccoons specifically with these calls, raccoons sometimes appear when calling other predator species. Currently, hunters are prohibited from shooting a raccoon that responds to an electronic call. The number of additional raccoons harvested by legalizing this practice is expected to have little or no impact on the population.

4 VAC 15-40-275. Sale of furbearer pelts.

Summary:

The proposal is to (i) limit the requirement for a fur dealer permit to those who purchase raw fur or unskinned carcasses of fur-bearing animals; (ii) provide for the purchase and sale of pelts not defined as being raw, skinned carcasses, and other furbearer parts by any person at any time without a permit, and; (iii) provide a definition of “raw fur”.

Proposed language of amendment:

4VAC15-40-275. Sale of furbearer pelts, carcasses, and parts.

~~Carcasses, including portions of carcasses, of legally taken and possessed fur-bearing animals may be sold at any time to buyers permitted~~ It shall be unlawful to buy, sell, barter, traffic or trade in, bargain for, or solicit for purchase raw pelts and unskinned carcasses of fur-bearing animals defined in § 29.1-100 without having first obtained a fur dealer permit in accordance with §§ 29.1-400 through 29.1-407 of the Code of Virginia~~[-, except that Aa] permit shall not be required of:~~

~~[A. A]any hunter or trapper, or any person lawfully engaged in the business of fur farming, to sell or dispose of legally taken or possessed raw pelts and unskinned carcasses of fur-bearing animals at any time.~~

~~[B. Any person to purchase legally taken or possessed raw pelts or unskinned carcasses of fur-bearing animals at any time if the pelts are to be tanned or used in taxidermy mounts for personal use and not for resale, trade, or other commercial purposes.~~

~~C. Provided further, that no permit shall be required for a~~ ny person to buy or sell at any time pelts that are not defined as being raw, skinned carcasses[, taxidermy mounts,] or any other parts of legally taken and possessed fur-bearing animals defined in § 29.1-100 of the Code of Virginia. Such parts shall include~~[-, but not be limited to,] skulls, teeth, claws, bones, glands, and secretions. For the purposes of this section, “raw pelt” shall be defined as any pelt with its hair or fur intact that has not been tanned, cured, chemically preserved, or converted to any usable form beyond initial cleaning, stretching, and drying. Salt-cured and sun-cured pelts shall be considered raw pelts.~~

Staff Comments: The staff supports approval of this regulation as amended. The text was reorganized into sections to improve clarity. Language was added in response to a request from the Virginia Trappers Association for an exemption to the fur dealer permit for individuals purchasing raw pelts and unskinned carcasses for personal use. The language “taxidermy mounts” was also added to make it clear that furbearer mounts can also be bought and sold. The proposed language “but not be limited to” was deleted at the request of the Registrar’s Office because it was deemed unnecessary and redundant.

Rationale:

(i) In 2016, the General Assembly passed enabling legislation (SB152) that provided the Department with the authority to regulate the sale of wildlife parts and provide exemptions to fur dealer permit requirements. Current law clearly allows for hunters and trappers to sell furbearer carcasses (skinned or unskinned), fur, and furbearer parts that are legally taken and possessed. However, the only individuals who can purchase these items are those who possess a fur dealer

permit issued by the Department.

(ii) The Virginia Trappers Association requested an exemption to the fur dealer permit requirement for individuals purchasing raw pelts or unskinned carcasses for personal use and not for resale, trade, or other commercial purposes.

(iii) Trappers, craft vendors, and others have requested that the Department pass a regulation that allows for the purchase and sale of tanned pelts and furbearer parts by anyone at any time. The marketability of specific furbearer parts has increased in recent years. Trappers would like to supplement their trapping income (particularly during periods when pelt prices are low) by selling additional parts from harvested animals that would otherwise go to waste. Current law greatly restricts the ability of trappers and others to market furbearer products.

(iv) Current code requirements for fur dealers do not distinguish between raw and tanned fur. This lack of definition has been problematic for individuals who wanted to sell tanned fur or products made with tanned fur. A definition is needed to clarify the meaning of “raw fur” in the proposed regulation.

4 VAC 15-20-50 Definitions; “wild animal,” “native animal,” “naturalized animal,” “nonnative (exotic) animal” and “domestic animal.”

Summary:

The proposal is to (i) remove the reference to red foxes in the definition of domestic animals and (ii) add subsection B to allow individuals who already own pet red foxes to keep them in captivity until the foxes die, provided they declare such possession to the Department prior to the effective date of the regulation.

Proposed language of amendment:

4 VAC 15-20-50. Definitions; “wild animal,” “native animal,” “naturalized animal,” “nonnative (exotic) animal” and “domestic animal.”

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A. In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 2014 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia that have established wild, self-sustaining populations, as included in the department's 2014 "List of Native and Naturalized Fauna of Virginia," with copies available in the Richmond and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals:

- Domestic dog (*Canis familiaris*), including wolf hybrids.
- Domestic cat (*Felis catus*), including hybrids with wild felines.
- Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.
- Domestic ass, burro, and donkey (*Equus asinus*).
- Domestic cattle (*Bos taurus* and *Bos indicus*).
- Domestic sheep (*Ovis aries*) including hybrids with wild sheep.
- Domestic goat (*Capra hircus*).
- Domestic swine (*Sus scrofa*), including pot-bellied pig excluding any swine that are wild or for which no claim of ownership can be made.
- Llama (*Lama glama*).
- Alpaca (*Lama pacos*).
- Camels (*Camelus bactrianus* and *Camelus dromedarius*).
- Domesticated races of hamsters (*Mesocricetus* spp.).
- Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.
- ~~Domesticated races of red fox (*Vulpes vulpes*) where their coat color can be distinguished from wild red fox.~~

35 Domesticated races of guinea pigs (*Cavia porcellus*).
36 Domesticated races of gerbils (*Meriones unguiculatus*).
37 Domesticated races of chinchillas (*Chinchilla laniger*).
38 Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).
39 Domesticated races of mice (*Mus musculus*).
40 Domesticated ~~raees~~ breeds of European rabbit (*Oryctolagus cuniculus*) recognized by the
41 American Rabbit Breeders Association, Inc. and any lineage resulting from crossbreeding
42 recognized breeds. A list of recognized rabbit breeds is available on the department's
43 website.
44 Domesticated races of chickens (*Gallus*).
45 Domesticated races of turkeys (*Meleagris gallopavo*).
46 Domesticated races of ducks and geese distinguishable morphologically from wild birds.
47 Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of
48 pigeons.
49 Domesticated races of guinea fowl (*Numida meleagris*).
50 Domesticated races of peafowl (*Pavo cristatus*).

51
52 "Wild animal" means any member of the animal kingdom, except domestic animals, including
53 without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian,
54 reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any hybrid of them,
55 except as otherwise specified in regulations of the board, or part, product, egg, or offspring of
56 them, or the dead body or parts of them.

57
58 B. Exception for red foxes and European rabbits. Domesticated red foxes (*Vulpes vulpes*) having
59 coat colors distinguishable from wild red foxes and European rabbits possessed in captivity on
60 July 1, 2017, may be maintained in captivity until the animal dies, but the animal may not be
61 bred or sold without a permit from the department. Persons possessing domesticated red foxes or
62 European rabbits without a permit from the department must declare such possession in writing
63 to the department by January 1, 2018. This written declaration must include the number of
64 individual animals in possession and date acquired, sex, estimated age, coloration, and a
65 photograph of each fox or European rabbit. This written declaration shall (i) serve as a permit for
66 possession only, (ii) is not transferable, and (iii) must be renewed every five years.

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68 Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

(i) The current provision in Department regulation 4VAC15-20-50 that defines certain color phases of red foxes as “domestic animals” was originally intended to reduce the need for issuing wildlife propagation permits to fur farmers raising non-natural color phases of domesticated foxes. An unintended consequence of this provision is the legal ownership of red foxes as pets. Allowing the public to keep red foxes as pets presents a potential risk to public health, most notably risk of rabies transmission, and is inconsistent with other VDGIF regulations regarding pet ownership of native wildlife species.

The rabies virus is known to circulate in wildlife populations throughout the entire Commonwealth and the number of cases diagnosed annually is significant. In 2013 and 2014,

Virginia diagnosed the second largest number of rabid animals in the country, exceeded only by the state of Texas. Additionally, Virginia diagnosed 120-126 more cases than the third top ranked state (North Carolina in 2013, Pennsylvania in 2014). Statistics compiled by the Virginia Department of Health (VDH) list foxes as the third most prevalent wildlife species testing positive for rabies, surpassed only by raccoons and skunks. Rabies has one of the highest case-fatality rates of any known infectious disease; a human exposed to rabies and left untreated has a greater than 99% chance of dying once symptoms appear. If potentially exposed to rabies, a person should receive post-exposure treatment in order to ensure survival. There are currently no oral or injectable rabies vaccines licensed for use in foxes in the United States, and if foxes are injected with the dog vaccine, they are considered unvaccinated by public health agencies (i.e., VDH and the Centers for Disease Control and Prevention). Rabies vaccine labels include only those animals for which the manufacturer can provide clinical research supporting the efficacy of the vaccine in that species.

(ii) Individuals who currently own pet red foxes legally would be required to dispose of their animals unless a grandfather clause is added to the regulation. The proposed exception would allow individuals to keep their legally owned foxes until the animals' death, provided they submit a written declaration to the Department describing the foxes in their possession. Requiring a permit to sell or breed remaining captive foxes is necessary for the Department to monitor and restrict the number of foxes kept in captivity in the future.

The European rabbit redefinition is suggested in order to differentiate between domestic rabbit breeds and the wild European rabbit. The DGIF has no desire to regulate or ban domestic rabbit. However, the European rabbit is a nonnative exotic that could have great harm to the native flora of Virginia and is also the progenitor of most if not all domestic rabbit breeds. Because the domestic rabbits and wild rabbits share the same scientific name, there is ambiguity in the regulations. This proposed definition is a product of cooperative effort between the DGIF and the American Rabbit Breeders Association, Inc. . to ensure the DGIF can regulate the nonnative exotic species without impacting the domestic rabbit industry.

A Review of Rabies in Virginia

Rabies General Facts

- Rabies is nearly 100% fatal to humans not treated before signs of illness are observed
- Rabies is a virus that kills almost any mammal that gets sick from it
- Rabies is spread through a bite or by getting saliva or brain tissue in the eyes, nose, mouth, or in an open wound

Rabies in Virginia

- In 2013 and 2014, Virginia diagnosed the second largest number of rabid animals in the country
 - 2013
 - Highest: Texas (937 total rabid animals, 876 rabid wildlife)
 - Second highest: Virginia (506 total rabid animals, 457 rabid wildlife)
 - 2014:
 - Highest: Texas (1,133 total rabid animals, 1,070 rabid wildlife)
 - Second highest: Virginia (528 total rabid animals, 486 rabid wildlife)

Wild Red Fox Rabies in Virginia

- Between 2006 and 2015, the Virginia Department of Health (VDH) reported 628 laboratory-confirmed rabid foxes
- Annually, foxes are usually the third most common species laboratory-confirmed with rabies
- Because of the high numbers of rabid foxes diagnosed each year in Virginia, VDGIF considers foxes one of the highest-risk rabies vector species for the state, surpassed only by raccoons and skunks
- Due to the high prevalence of rabies in foxes, VDGIF requires permitted wildlife rehabilitators to be up-to-date on their pre-exposure rabies vaccines and antibody titers in order to work with foxes
 - No such public health safety measures are in place for pet fox owners or for members of the general public that interact with pet foxes
- While a pet fox may have a lower risk of contracting rabies than a wild fox because it does not live in the wild, any pet fox that is kept for any length of time unsupervised in an outdoor kennel, fenced-in yard, or on a lead in the yard, has a chance of coming into contact with rabid wildlife

Human Rabies in Virginia

- The two most recent human rabies cases in Virginia residents occurred in 2003 and 2009
- 2009: The infected Virginia resident was diagnosed with a canine variant of the rabies virus and was most likely exposed after being bitten by a dog while traveling in India
- 2003: A 25-year old man from Northern Virginia succumbed to a raccoon variant of the virus that was a 100% genetic match to a variant from Virginia
 - This was the first human death associated with the raccoon variant of rabies
 - How the patient became exposed remains unknown
- On June 19, 2015, a rabid fox attacked and bit a 2-year old child playing outside at a day care in Roanoke
 - The fox was dispatched post-attack and later tested positive for rabies, thus the toddler underwent aggressive post-exposure treatment

Pet Red Fox Rabies Incidents in Virginia

Although no pet foxes in Virginia have been diagnosed with rabies to date, incidents related to pet foxes have come to the health department's attention

- In a survey performed by the VDH central office in February 2015, to which 23/35 (65%) of health districts responded, seven of the 23 (40%) districts reported health department personnel had experience with people keeping foxes as pets
 - The situations associated with these seven reported incidents resulted in four foxes being euthanized and tested for rabies (all negative) and one person undergoing rabies post-exposure treatment
 - Specific examples of pet fox incidents in Virginia include a pet fox in Bedford County that bit its owner in 2012 and was euthanized and tested for rabies (results were negative) and an individual that was bitten by a pet fox in Roanoke City in 2013 and had to undergo post-exposure treatment
- While pet fox owners likely understand and accept this risk, other less informed individuals coming into spontaneous contact with a captive fox may be unwittingly putting themselves at risk
 - On October 31, 2010, a pet fox dressed in a skeleton costume was reported to have been led around on a leash at the Reston Town Center
 - It is not known how many people may have petted, kissed, or otherwise contacted this pet fox
 - On July 26, 2015, VDGIF Law Enforcement received a call regarding a leashed fox being led around a Wal-Mart parking lot in Claypool Hill

Use of Rabies Vaccines in Foxes

- Unlike with humans, dogs, cats, horses, ferrets, etc., there are no rabies vaccines licensed for use in foxes (wild or captive)
 - Rabies vaccine labels include only those animals for which the manufacturer can provide clinical research supporting the efficacy of the vaccine in that species
- Due to the lack of a rabies vaccine licensed for use in foxes, any pet fox that bites a human must be either euthanized and tested for rabies or the bite victim must undergo post-exposure rabies treatment
- Post-exposure vaccination and treatment costs thousands of dollars and requires multiple injections and trips to a health care provider over the course of approximately two weeks

Oral Rabies Vaccination Program

- An Oral Rabies Vaccination (ORV) program administered in Virginia jointly by the United States Department of Agriculture, the Centers for Disease Control and Prevention (CDC), and the VDH, is currently in progress in Southwest Virginia
- The only product currently licensed for use by the program is RABORAL V-RG, which is a recombinant oral vaccine produced by Merial and is sold only to government agencies conducting rabies control programs
 - RABORAL V-RG is licensed for use in raccoons and coyotes only and is not available for purchase by pet fox owners

4 VAC 15-30-50. Possession, transportation, and release of wildlife by authorized persons.

Summary:

The proposal is to (i) authorize Department staff, federal employees involved in wildlife management, animal control officers, and commercial nuisance animal permit holders to humanely dispatch wildlife when necessary, and (ii) authorize the Director to make operational decisions about methods and documentation.

Proposed language of amendment:

4VAC15-30-50. Possession, transportation, and release of wildlife by authorized persons.

A. Department employees in the performance of their official duties; U.S. government agencies' employees whose responsibility includes fisheries and wildlife management; ~~and~~ county, city, or town animal control officers in the performance of their official duties related to public health concerns or problem wildlife removal; and individuals operating under conditions of a commercial nuisance animal permit issued by the department pursuant to §§ 29.1-412 and 29.1-417 of the Code of Virginia will be deemed to be permitted pursuant to this section to capture, temporarily hold or possess, transport, release, and when necessary humanely ~~ethanize~~ dispatch wildlife, provided that the methods of and documentation for the capture, possession, transport, release, and ~~ethanasia~~ humane dispatch shall be in accordance with ~~board~~ director policy.

B. Local animal shelters operating under the authority of, or under contract with, any county, city, or town with animal control responsibilities shall be authorized to receive, temporarily confine, and humanely euthanize wildlife, except for state or federal threatened and endangered species; federally protected migratory bird species; black bear; white-tailed deer; and wild turkey, provided that the methods of and documentation for the possession, confinement, and euthanasia shall be in accordance with conditions defined by the agency director. Provided further that any person may legally transport wildlife, except for those species listed ~~above~~ in this subsection, to an authorized animal shelter after contacting the facility to confirm the animal will be accepted.

C. Employees or agents of other state wildlife agencies while in the performance of their official duty in transporting wildlife through the Commonwealth will be deemed to be permitted pursuant to this section, provided that a list of animals to be transported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a letter of authorization from both the forwarding and receiving state agencies are provided to the department 24 hours prior to the transporting of such animals, and further provided that such animals shall not be liberated within the Commonwealth.

D. Employees or agents of government agencies, while in the performance of their official duties, may temporarily possess, transport, and dispose of carcasses of wild animals killed by vehicles, except for state or federal threatened and endangered species, and federally protected migratory bird species.

E. With prior written approval from the director or his designee and under conditions of an applicable department permit, institutions with bona fide accreditation from the Association of Zoos and Aquariums may possess, transport, have transported, export, or import native and

38 naturalized species defined in the List of Native and Naturalized Fauna of Virginia, which is
39 incorporated by reference into 4VAC15-20-50.
40 .

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

(i) 4 VAC 15-30-50 authorizes select individuals, including Department employees, to “humanely euthanize wildlife”. However, euthanasia is not always an option. At times, we recognize that we have chosen a method not an “approved form of euthanasia” but, under the circumstances, we have elected the most humane method of dispatch available for that situation, which is “humane dispatch”. The American Veterinary Medical Association (AVMA) recognizes that “free-ranging animals may need to be killed quickly and efficiently in ways that may not fulfill the criteria for euthanasia”. However, “humane dispatch” is not currently authorized. This change ensures that management activities conducted by DGIF, permit holders, and partners are legal when humane dispatch is necessary.

(ii) This change authorizes the Director to make operational decisions pertaining to methods and documentation for capture, possession, transport, release, and humane dispatch without requiring board action. Best Management Practices (BMPs) already exist within the Bureau that may be applicable.

4 VAC 15-40-225. (NEW) Killing of animals captured in live traps; drowning of animals captured in cage traps prohibited.

Summary:

The proposal is (i) to specifically allow humane dispatch methods for animals captured in traps; and (ii) to prohibit the drowning of animals captured in cage and box traps.

Proposed language of new regulation:

1 **4VAC15-40-225. Killing of animals captured in live traps permitted; drowning of animals**
2 **captured in cage traps prohibited.**
3

4 It shall be lawful to kill wild animals legally captured in live traps using any humane method of
5 dispatch not specifically prohibited by law; however, it shall be unlawful to intentionally drown
6 any wild animal captured in a cage or box trap. [Nothing in this section shall be construed to
7 prohibit the use of legally set colony traps, float traps, underwater cage traps, snares, or foothold
8 trap submersion sets.]

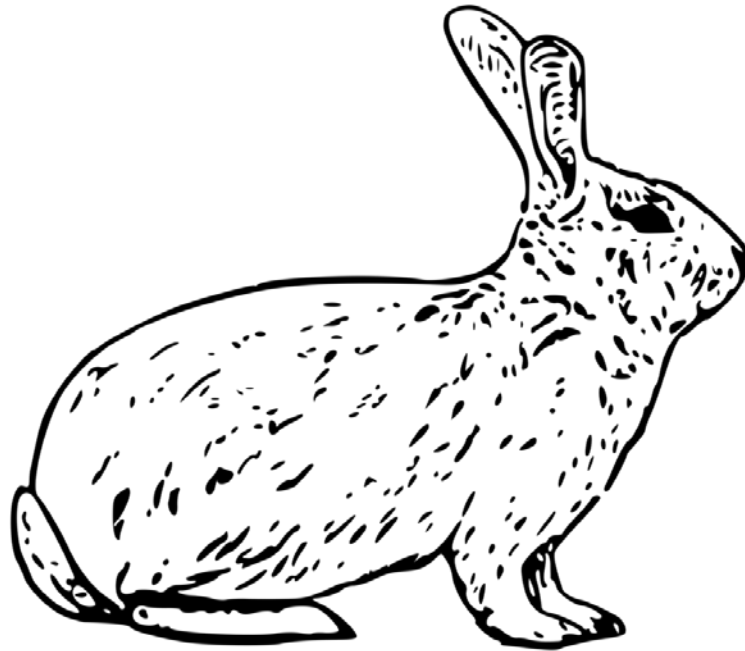
Staff Comments: The staff supports approval of this regulation as amended above. The added text will clarify that certain types of traps commonly used to trap semi-aquatic furbearers will remain legal to use.

Rationale:

(i) Code section § 29.1-521(A)(10) currently restricts the permissible methods used to kill wildlife, including those captured in live traps, to those that are specifically permitted by law. Code section § 29.1-519 lists weapons that are permissible for use in hunting, however, Although killing an animal in a trap is generally not considered hunting, trappers who shoot animals may use any weapon authorized in § 29.1-519. No other methods of killing are specifically authorized by law, although trappers currently use a variety of other humane methods to dispatch wildlife. This regulation would authorize any humane dispatch methods for killing animals in traps.

(ii) Reports of homeowners drowning wildlife have been received by Department staff. Concerns about the humaneness of drowning led to the introduction of HB 958 during the 2016 Legislative Session. It included the drowning of an animal as an act of cruelty. Ultimately, HB 958 was not enacted, but the issue of drowning wildlife remains. This regulation would specifically prohibit the drowning of animals captured in a cage or box traps.

(iii) Legally set colony traps, float traps, underwater cage traps, snares, and foothold submersion sets commonly used for trapping semi-aquatic furbearers would be exempted from the drowning prohibition.



SMALL GAME

4 VAC 15-190-10. Open season; generally. [quail]

Summary:

The proposal is to close the quail hunting season on all public lands west of the Blue Ridge.

Proposed language of the amendment:

1 **4VAC15-190-10. Open season; generally.**

2

3 A. Except as ~~otherwise specifically~~ provided ~~by the sections appearing~~ in subsection B of
4 this ~~chapter section~~, it shall be lawful to hunt quail from the Saturday prior to the second Monday
5 in November through January 31, both dates inclusive.

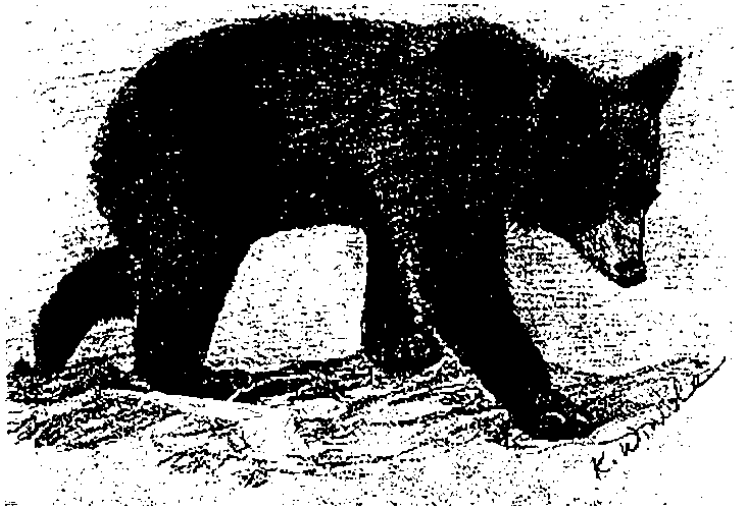
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7 B. It shall be unlawful to hunt quail on all public lands west of the Blue Ridge Mountains.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

The bobwhite quail population has been in decline for decades. Quail populations on public lands west of the Blue Ridge tend to be small and isolated, making them susceptible to over harvest. Efforts to recover quail have not met with success west of the Blue Ridge. In order to pave the way for re-establishment programs including translocation of wild quail onto suitable tracts of public land, and to allow remaining public lands quail populations a chance to recover, a closure of the quail season on all public lands west of the Blue Ridge is necessary.



BEAR

4 VAC 15-50-11. Open season; generally. [bear]

Summary:

The proposal is to add a 3-day open season to 37 counties (or portions of) the Monday through Wednesday in the week prior to the statewide archery season.

Proposed language of amendment:

4VAC15-50-11. Open season; generally.

A. It shall be lawful to hunt bears ~~within~~ in the following localities, including the cities and towns therein, during the following seasons:

Location	Season
Accomack County	Closed
Albemarle County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Alleghany County	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Amelia County	Monday nearest December 2 and for 5 consecutive hunting days following.
Amherst County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Appomattox County	Monday nearest December 2 and for 5 consecutive hunting days following.
Arlington County	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Augusta County (North of US-250)	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Augusta County (South of US-250)	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Bath County	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Bedford County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Bland County	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Botetourt County	Fourth Monday <u>following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Brunswick County	Monday nearest December 2 and for 5 consecutive hunting days following.

Buchanan County	<u>First Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Buckingham County	Monday nearest December 2 and for 5 consecutive hunting days following.
Campbell County	Monday nearest December 2 and for 5 consecutive hunting days following.
Caroline County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Carroll County	First Monday in December and for 19 days following.
Charles City County	Monday nearest December 2 and for 5 consecutive hunting days following.
Charlotte County	Monday nearest December 2 and for 5 consecutive hunting days following.
Chesapeake (City of)	October 1 through the first Saturday in January, both dates inclusive.
Chesterfield County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Clarke County	<u>Fourth Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Craig County	<u>Fourth Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Culpeper County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Cumberland County	Monday nearest December 2 and for 5 consecutive hunting days following.
Dickenson County	<u>First Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Dinwiddie County	Monday nearest December 2 and for 5 consecutive hunting days following.
Essex County	Monday nearest December 2 and for 5 consecutive hunting days following.
Fairfax County	<u>Fourth Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Fauquier County	<u>Fourth Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Floyd County	First Monday in December and for 19 days following.
Fluvanna County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Franklin County	First Monday in December and for 19 days following.

Frederick County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Giles County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Gloucester County	Monday nearest December 2 and for 5 consecutive hunting days following.
Goochland County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Grayson County	First Monday in December and for 19 days following.
Greene County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Greensville County	Monday nearest December 2 and for 5 consecutive hunting days following.
Halifax County	Monday nearest December 2 and for 5 consecutive hunting days following.
Hanover County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henrico County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henry County	First Monday in December and for 19 days following.
Highland County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Isle of Wight County	Monday nearest December 2 and for 5 consecutive hunting days following.
James City County	Monday nearest December 2 and for 5 consecutive hunting days following.
King and Queen County	Monday nearest December 2 and for 5 consecutive hunting days following.
King George County	Monday nearest December 2 and for 5 consecutive hunting days following.
King William County	Monday nearest December 2 and for 5 consecutive hunting days following.
Lancaster County	Monday nearest December 2 and for 5 consecutive hunting days following.
Lee County	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Loudoun County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Louisa County	Fourth Monday in November through the first Saturday in January, both dates inclusive.

Lunenburg County	Monday nearest December 2 and for 5 consecutive hunting days following.
Madison County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Mathews County	Monday nearest December 2 and for 5 consecutive hunting days following.
Mecklenburg County	Monday nearest December 2 and for 5 consecutive hunting days following.
Middlesex County	Monday nearest December 2 and for 5 consecutive hunting days following.
Montgomery County (southeast of I-81)	First Monday in December and for 19 days following.
Montgomery County (northwest of I-81)	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Nelson County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
New Kent County	Monday nearest December 2 and for 5 consecutive hunting days following.
Northampton County	Closed
Northumberland County	Monday nearest December 2 and for 5 consecutive hunting days following.
Nottoway County	Monday nearest December 2 and for 5 consecutive hunting days following.
Orange County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Page County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Patrick County	First Monday in December and for 19 days following.
Pittsylvania County	Monday nearest December 2 and for 5 consecutive hunting days following.
Powhatan County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Prince Edward County	Monday nearest December 2 and for 5 consecutive hunting days following.
Prince George County	Monday nearest December 2 and for 5 consecutive hunting days following.
Prince William County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Pulaski County (southeast of I-81)	First Monday in December and for 19 days following.

Pulaski County (northwest of I-81)	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Rappahannock County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Richmond County	Monday nearest December 2 and for 5 consecutive hunting days following.
Roanoke County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Rockbridge County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Rockingham County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Russell County (except on the Channels State Forest and Clinch Mountain WMA)	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Russell County (on the Channels State Forest and Clinch Mountain WMA)	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Scott County	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Shenandoah County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Smyth County (southeast of I-81)	First Monday in December and for 19 days following.
Smyth County (northwest of I-81)	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Southampton County	Monday nearest December 2 and for 5 consecutive hunting days following.
Spotsylvania County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Stafford County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Suffolk (City of)	October 1 through the first Saturday in January, both dates inclusive.
Surry County	Monday nearest December 2 and for 5 consecutive hunting days following.

Sussex County	Monday nearest December 2 and for 5 consecutive hunting days following.
Tazewell County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Virginia Beach (City of)	October 1 through the first Saturday in January, both dates inclusive.
Warren County	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
Washington County (southeast of I-81)	First Monday in December and for 19 days following.
Washington County (northwest of I-81 and east of Route 19)	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Washington County (northwest of I-81 and west of Route 19)	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December and for 19 days following.
Westmoreland County	Monday nearest December 2 and for 5 consecutive hunting days following.
Wise County	First <u>Monday following the last Saturday in September and for 2 days following; and the first</u> Monday in December through the first Saturday in January, both dates inclusive.
Wythe County (southeast of I-81)	First Monday in December and for 19 days following.
Wythe County (northwest of I-81)	Fourth <u>Monday following the last Saturday in September and for 2 days following; and the fourth</u> Monday in November through the first Saturday in January, both dates inclusive.
York County	Monday nearest December 2 and for 5 consecutive hunting days following.

- 5
6 B. Except as provided in the subsection A of this section, bears may be hunted from the Saturday
7 prior to the fourth Monday in November through the first Saturday in January, both dates
8 inclusive, within the incorporated limits of any city that allows bear hunting.
9 .

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

As a result of the public comments and concerns about the proposed population objectives, staff determined that a moderate reduction in the bear populations (14%) in six bear management zones would be a more appropriate and acceptable strategy than the original proposal. This strategy recognizes both sides of current concerns about bear populations. The three day open season will provide recreational opportunity for all types of hunters (still and hound hunters) at a time when no other large game hunting season is open. Additionally, the timing of this new open season coincides with the period of time some farmers are experiencing crop damage from bears. Hunter access to these bears could result in fewer bears being killed on kill permits which

is an important public value. This proposal allows management implementation to meet current population objectives in three bear management zones and recommended population objectives for moderate reduction of bear populations in six bear management zones.

4 VAC 15-50-71. Muzzleloading gun hunting.

Summary:

The proposal is add one week of muzzleloading hunting for bears to 34 counties and the cities and towns within.

Proposed language of amendment:

4VAC15-50-71. Muzzleloading gun hunting.

1
2
3 A. ~~It~~ Except as otherwise provided in this section, it shall be lawful to hunt ~~bear~~ bears during the
4 special muzzleloading season with muzzleloading guns from the Saturday prior to the second
5 Monday in November through the Friday prior to the third Monday in November, both dates
6 inclusive, except in the cities of Chesapeake, Suffolk, and Virginia Beach.

7
8 B. It shall be lawful to hunt bears during the muzzleloading season with muzzleloading guns
9 from the Saturday prior to the first Monday in November through the Friday prior to the third
10 Monday in November, both dates inclusive, in the counties (including the cities or towns within)
11 of Albemarle, Alleghany, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Botetourt,
12 Buckingham, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Fluvanna, Frederick, Greene,
13 Highland, Loudoun, Louisa, Madison, Nelson, Orange, Page, Prince William,
14 Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, and
15 Warren.

16
17 ~~B. C.~~ It shall be unlawful to hunt bear with dogs during any special season for hunting with
18 muzzleloading guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia
19 may be used.

20
21 ~~C. D.~~ A muzzleloading gun, for the purpose of this section, means a single shot weapon, .45
22 caliber or larger, firing a single projectile or sabot (with a .38 caliber or larger projectile) of the
23 same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black
24 powder (or black powder equivalent or smokeless powder).

25
26 ~~D. E.~~ It shall be unlawful to have in immediate possession any firearm other than a
27 muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

Staff Comments: The staff supports withdrawing this proposal and removing it from
consideration by the Board.

Rationale:

As a result of the public comments and concerns about the proposed population objectives, staff determined that a moderate reduction in the bear populations (14%) in six bear management zones would be a more appropriate and acceptable strategy than the original proposal. This strategy recognizes both sides of current concerns about bear populations. Therefore the increased mortality from muzzleloader season increases would not meet the new proposed bear population objectives. Further, in managing population through hunting, there was more public support for a hunter- inclusive open season rather than an increase in a season specific to just one type of hunting method.

4 VAC15-50-120. Bear hound training season.

Summary:

The proposals are to (i) change the start date of the fall bear hound training season to August 1 and (ii) change the bear hound training season dates in the counties of Brunswick, Charlotte, Greenville, Lunenburg, and Mecklenburg to match the western bear hound training season.

Proposed language of amendment:

4VAC15-50-120. Bear hound training season.

A. It shall be lawful to chase black bear with dogs, without capturing or taking, from ~~the second Saturday in~~ August 1 through the last Saturday in September, both dates inclusive, in all counties and cities or in the portions in which bear hunting is permitted except in the counties of Accomack, Amelia, Appomattox, ~~Brunswick~~, Buckingham, Campbell, Caroline, Charles City, ~~Charlotte~~, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Grayson (west of Route 16), ~~Greenville~~, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, ~~Lunenburg~~, Mathews, ~~Mecklenburg~~, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Richmond, Roanoke (south of Interstate 81), Smyth (that part south of Interstate 81 and west of Route 16), Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, and York, and in the cities of Hampton, Newport News and Norfolk.

B. It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for 14 days following, both dates inclusive, in the counties of Amelia, Appomattox, Buckingham, Brunswick, Campbell (east of the Norfolk Southern Railroad), Charles City, Charlotte, Cumberland, Essex, Gloucester, Greenville, Halifax, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Pittsylvania (east of the Norfolk Southern Railroad), Prince Edward, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York.

~~C. It shall be lawful to chase black bears with dogs, without capturing or taking, in the counties of Brunswick, Charlotte, Greenville, Lunenburg, and Mecklenburg from the first Saturday in September through the last Saturday in September, both dates inclusive.~~

~~D. C.~~ It shall be unlawful to have in possession a firearm, bow, crossbow, or any weapon capable of taking a black bear while participating in the bear hound training season. The meaning of "possession" for the purpose of this section shall include, ~~but not be limited to~~, having a firearm, bow, crossbow, or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale

- (i) At the February 22, 2017 meeting, the Board proposed the extension of the fall training season in order to allow bear hound hunters to aid with preventing crop damage during the time of year when crops (specifically corn) are most vulnerable to bear damage. This proposal would result in between approximately one to two weeks of training season depending on the year. This proposal would meet objectives in the Black Bear Management Plan goal addressing recreational opportunities, as well as objectives under the goal regarding human bear conflicts, specifically using non-lethal techniques to manage bear related issues and reducing the need to issue commercial agriculture kill permits through effective and proactive actions.

- (ii) There has been a growing interest in bear hound training in Southside Virginia. The counties of Brunswick, Greensville, Lunenburg, and Mecklenburg have had an established bear hound training season since 2006. In 2013, the short December season was moved into two weeks of September to more closely resemble the traditional western season. In 2015, the area was expanded to include Charlotte County and was expanded by another week to allow Southside bear hound hunters more training opportunity as well as the opportunity to participate in the youth/apprentice bear hunting day at that time. This conservative approach to increasing the season length in Southside was taken to gauge and promote interest and also determine the potential for landowner conflicts in those areas. These Southside counties, with locally increasing bear populations, contain some of the lowest human population densities in Virginia which predictably has resulted in fewer conflicts with landowners than in more heavily human populated areas. Expansion of the bear hound training season would allow Southside bear hound hunters more recreational opportunity with the potential to recruit new hunters to the sport. This expansion would allow hunters the ability to help commercial corn producers keep bears out of the crops during peak damage season in the fall, potentially reducing the number of bears killed on kill permits. And lastly, this would keep bear hound hunters in home areas where they have established mutual cooperative relationships with landowners. This proposal would meet objectives in the Black Bear Management Plan goal addressing recreational opportunities, as well as objectives under the goal regarding human bear conflicts, specifically using non-lethal techniques to manage bear related issues and reducing the need to issue commercial agriculture kill permits through effective and proactive actions.



WATERFOWL

4 VAC 15-290-140. Possession and display of a harvest information program registration number to hunt.

Summary:

The amendment is to require all those who hunt migratory game birds, including those who are license exempt, to possess a Harvest Information Program (HIP) permit.

Proposed language of amendment:

1 **4VAC15-290-140. Possession and display of a harvest information program ~~registration~~**
2 **~~number~~ authorization to hunt migratory game birds.**
3
4 Every person ~~required to obtain a harvest information program registration number to hunt,~~
5 ~~whether licensed or exempt from being licensed, (i) must be registered with the Virginia Harvest~~
6 ~~Information Program (HIP) to hunt migratory game birds, including waterfowl, doves,~~
7 ~~woodcock, snipe, rails, gallinules, moorhens, and coots; (ii) must carry the ~~registration~~~~
8 ~~number~~ HIP authorization on his person when hunting; and (iii) shall present it immediately
9 upon demand of any officer whose duty it is to enforce the game and inland fish laws. The
10 penalty for violation of this section is prescribed by § 29.1-505 of the Code of Virginia.
11 .

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

Accurate data on migratory game bird harvests and hunter numbers is essential for developing annual hunting regulations and long-term harvest strategies. The HIP database establishes the sampling frame for conducting these surveys, along with surveys of hunter desires and preferences. Data from the HIP survey is factored directly into some of the existing migratory game bird harvest strategies. Incorrect or incomplete HIP information could lead to unneeded restriction in our migratory game bird hunting seasons. Federal regulations require licensed hunters to obtain a Harvest Information Program number/permit in order to hunt migratory game birds, but make no reference to hunters that are license exempt. In Virginia, hunters that are license exempt may not be included in this migratory game bird hunter database. Requiring all migratory game bird hunters, even those that are license exempt, to obtain a HIP authorization would establish a more accurate database for conducting these important surveys. VDGIF's new licensing system should make it easier for license exempt hunters to meet the HIP requirement.

4 VAC 15-80-10. Open season. [crow]

Summary:

The proposal is to remove Sunday as a day to hunt crows and add Monday.

Proposed language of amendment:

1 **4VAC 15-80-10. Open season.**
2

3 It shall be lawful to hunt crow on Monday, Wednesday, Friday, and Saturday, ~~and Sunday~~ of
4 each week from the third Saturday in August through the third Friday in March, both dates
5 inclusive.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

Crows are considered migratory birds and therefore guidelines, or frameworks, for hunting crows are established by Federal Regulations. Federal Regulations (50 CFR Part 20.133) allow crows to be hunted for a total of 124 days with no limit on the number of season splits or breaks.

Historically, the 124 days were set as 4 days each week (Mondays, Wednesdays, Fridays and Saturdays) in a season that ran from August through March.

When legislation was passed in 2014 to allow Sunday hunting in Virginia, the crow hunting season was changed so that Sundays were substituted for Mondays as days that were open for hunting crows. However several crow hunters have complained that they cannot get access to farm fields on Sundays, and they would like to go back to hunting crows on Mondays.

This proposal would change the season back to the way it was prior to the advent of Sunday hunting by substituting Mondays for Sundays as allowable days for hunting crows.

4 VAC 15-260-160. Great Hunting Creek and Dyke Marsh; floating blind area.

Summary:

This proposal is to allow the department to designate float blind hunting areas in the Great Hunting Creek and Dyke marsh areas using GPS coordinates.

Proposed language of amendment:

1 **4VAC15-260-160. Great Hunting Creek and Dyke Marsh; floating blind area.**
2

3 No license shall be issued for stationary waterfowl blinds on the Potomac River in Fairfax
4 County adjacent to National Park Service ~~Lands~~ lands in the Great Hunting Creek and Dyke
5 Marsh areas. Waterfowl hunting in Commonwealth waters adjacent to the above mentioned
6 lands shall be by licensed floating blind only. Such floating blinds (i) must be attached securely
7 to a post or buoy affixed to the river bottom by the department, or anchored at global positioning
8 system (GPS) locations designated by the department and (ii) are limited to one floating blind
9 per post at any time. Hunters in licensed floating blinds may hunt from designated locations
10 during legal shooting hours on Thanksgiving Day and on Mondays, Wednesdays and Fridays
11 during the open seasons for hunting waterfowl in Virginia. Blind sites shall be occupied on a
12 daily first-come basis, such sites to be occupied no earlier than 4 a.m. or later than one-half hour
13 after sunset. All such blinds shall be removed each day.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

Fixed buoys that currently designate float blind hunting areas are often displaced from designated locations unintentionally by weather (ice and strong tides) and intentionally by waterfowl hunters. This results in time intensive relocation efforts by staff to provide this public hunting opportunity, or loss of public hunting opportunity. This proposal will allow the department to be flexible in allowing hunting after buoys have been displaced and will allow the department to prosecute those who are moving buoys to intentionally hunt in unauthorized area.

4 VAC 15-260-15. (NEW) Reflective markers on stationary blinds.

Summary:

The proposal is to require reflective markers on stationary waterfowl blinds that are located in the public waters. The reflective tape would be fastened to a section of PVC pipe or to a stake to create a simple and inexpensive marker that could be lowered or taken down when the blind is in use.

Proposed language

1 **4VAC15-260-15. Reflective markers on stationary blinds.**
2
3 **Stationary blinds located in the public waters must be marked with a stake or PVC pipe with at**
4 **least 100 square inches of white or amber reflecting material visibly from 360 degrees and at**
5 **least three feet above the high water mark. The requirement for reflective material on stationary**
6 **blinds is not in effect while the stationary blind is occupied by a licensed hunter during legal**
7 **shooting hours. In addition, any abandoned or partial blind structures must be similarly marked**
8 **until such time as they are removed from the public waters.**

Staff Comments: The staff supports withdrawing this proposal and removing it from consideration by the Board. This recommendation is based on Committee discussions after review of the public comments received.

Rationale:

Stationary blinds create a potential boating hazard when located in public waters. It is illegal for riparian blinds to be located in public waters deeper than 8 feet at mean high water, and it is illegal to place non-riparian blinds in a marked navigation channel. However, boating often occurs in water shallower than 8 feet and outside of marked navigation channels, and at night when structures such as duck blind are difficult to see. There are around 287,000 boats registered in Virginia, including 145,000 of these east of I-95 where most offshore blinds are located. There are around 3,500 stationary blind licenses sold each year and additional blinds (not required to be licensed) on the Eastern Shore. Many of these blinds are located on the public waters of the state and are often difficult to see at night. Having reflective marking on blinds would make them easier to see and would be a proactive boating safety measure.

This regulation is similar to a new law (29.1-345.2, 2016) that requires reflective markings for damaged and abandoned blinds in Virginia Beach (Back Bay). The suggested marker, a stake or PVC pipe with reflective tape, would be easy and inexpensive to make, and could be easily taken down or covered when the blind was in use. This regulation would be required of all stationary blinds on the public waters, even those in Northampton and Accomack Counties. This regulation is similar to the reflector markings required for offshore blinds and blind stakes in the state of Maryland.

4 VAC 15-260-35. Distance from a licensed stationary blind and off-shore blind stake.

Summary:

The proposal is to rescind 4 VAC 15-260-40 and add a new regulation 4 VAC 15-260-35 to clarify that all hunting, including hunting from a float blind, hunting while standing on the bottom or any other type of hunting, is prohibited within 500 yards of any licensed stationary blind or floating blind stake.

Proposed language

- 1 ~~**4VAC15-260-40. Distance between floating blind and stationary blind.**~~
2 ~~It shall be unlawful to tie out or anchor a mat blind, or other floating blind, within 500 yards of a~~
3 ~~stationary shore or stationary water blind on which license has been paid for the season, except~~
4 ~~by the consent of the owner of such stationary shore blind or water blind, whether the same be~~
5 ~~occupied for shooting or not.~~
6
7 **4VAC15-260-35. Distance from a licensed stationary blind and off-shore blind stake.**
8 No person shall hunt migratory waterfowl in the public waters of this Commonwealth within 500
9 yards of any legally licensed erected stationary blind or legally licensed offshore blind stake site
10 of another without possessing the written consent of the licensee that is immediately available
11 upon request by any law-enforcement officer, except when in active pursuit of a visible crippled
12 waterfowl that was legally shot by the person.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

The current regulation (4 VAC 15-260-40) prohibits hunting from floating blinds within 500 yards of a licensed stationary blind. In the past, hunters have understood this to mean no hunting at all within 500 yards of a licensed blind. However, the regulation does not reference hunting while standing on the natural bottom in the public water. This has not been a problem in the past as most hunters were not aware of this loophole and did not practice this type of hunting (often called body-booting). Recently however, a few hunters have discovered this technique, and have been hunted within 500 yards of legally licensed stationary blinds. Stationary blind owners have expressed concerns about safety and bird disturbance with how this practice is being conducted, and have requested we change the regulation to reflect how it has been interpreted in the past. Since few to no hunters were aware of this issue or have practiced this type of hunting, this regulation will not displace or eliminate any traditional hunting opportunity. Body-booting will still be a legal form of hunting but it will be prohibited within 500 yards of a license blind like other forms of hunting.

4 VAC 15-260-116. (NEW) Blinds adjacent to Werowocomoco and York River State Park.

Summary:

The proposal prohibits stationary blinds in the public waters in front of National and State Parks lands on the York River.

Proposed language

1 **4VAC15-260-116. Blinds adjacent to Werowocomoco National Park and York River State**
2 **Park.**
3
4 No licenses shall be issued for stationary waterfowl blinds in front of Werowocomoco National
5 Park in Purtan Bay and on the York River between Purtan Island and Barren Point in Gloucester
6 County, and in front of York River State Park between Taskinas Creek and the eastern boundary
7 of York River State Park in James City County. These prohibitions shall not alter the privileges
8 prescribed in §§ 29.1-344 and 29.1-347 of the Code of Virginia for riparian owners and their
9 lessees and permittees.
10 .

Staff Comments: The staff supports approval of this regulation as proposed by the Board. (This regulation would not go into effect until February 1, 2018.)

Rationale:

Stationary blinds will interfere with future park programs being planned in the areas of the York River described above.

4 VAC 15-260-45. (NEW) [Public Water] ~~Float-blind~~ hunting areas established.

Summary:

The proposal is to create “[Public Water] ~~Float-Blind~~ Hunting Areas” in the public waters in front of qualifying public lands (state, federal, and municipal properties) by prohibiting non-riparian stationary blinds in these waters. Public land agencies would “opt-in” to this program to enroll all or portions of their property, or they could choose not to opt-in and retain the hunting opportunities that currently exist in those areas. A listing of applicable properties would be published each year in the Virginia Migratory Waterfowl Hunting Supplement, VDGIF website and other potential outlets.

Proposed language:

1 **4VAC15-260-45. [Public Water] ~~Float-blind~~ hunting areas established.**

2
3 No licenses shall be issued for non-riparian stationary waterfowl blinds or offshore blind stake
4 sites in the public waters in front of specified public, municipal, state, or federal properties in
5 Virginia. Waterfowl hunting in public waters in front of these lands shall ~~[be by licensed floating~~
6 ~~blind only and shall]~~ occur only in designated waters and at designated times and locations as
7 prescribed by the riparian landowner and approved by the Virginia Department of Game and
8 Inland Fisheries. This section applies to areas where the managing agency has requested such in
9 writing to the department by April 1 of any given year. These privileges will remain in effect
10 until the managing agency requests termination in writing to the department by April 1 of any
11 given year. This section shall not alter in any respect the privileges for landowners and their
12 lessees and permittees prescribed in §§ 29.1-344 and 29.1-347 of the Code of Virginia.

Staff Comments: The staff supports approval of this regulation as amended. (This regulation would not go into effect until February 1, 2018.)

Rationale:

Public landholding agencies may not be willing or able to build and maintain stationary blinds, but are often willing to provide public float blind hunting opportunities on the public waters in front of their properties. Non-riparian blinds often get licensed in these areas and limit the amount of public hunting opportunities. Some state agencies are interested in developing regulations to prevent non-riparian stationary blinds in their riparian zones, and possibly eliminate all waterfowl hunting. This regulation would make it easier for public landholding agencies to provide float blind hunting opportunities without having to build permanent structures or create separate regulations for each individual property. The VDGIF would work with the landholding agency to insure that the public hunting opportunities are adequate prior to approving any float blind hunting plan.

Many float blind hunters are asking for increased access to public water hunting areas. This regulation could increase public waterfowl hunting opportunity in eastern Virginia, while also making it easier to manage public hunting opportunities on and adjacent to State Wildlife Management Areas.

4 VAC 15-260-115. (NEW) Disturbing waterfowl on Kittewan Creek Refuge in Charles City County.

Summary:

The proposal is to establish a regulation that will support the restrictions identified in the deed to the Kittewan Creek Refuge property owned by the agency.

Proposed language:

1 **4VAC15-260-115. Disturbing waterfowl on Kittewan Creek refuge in Charles City County.**
2
3 **It shall be unlawful to hunt on ~~[the waters of]~~ Kittewan Creek [Refuge] in Charles City County,**
4 **west (upstream) of the posted refuge boundary markers (latitude-longitude coordinates 37.29831**
5 **- 77.05134) located approximately one mile upstream from ~~[its mouth at]~~ the James River. In**
6 **addition, camping and other recreational activities that are not consistent with the property's**
7 **function as a refuge for waterfowl are not permitted.**

Staff Comments: The staff supports approval of this regulation as amended.

Rationale:

When acquired by the department, the Kittewan Creek property was under specific deed restrictions. These restrictions specify that the property is to be used as a refuge for waterfowl, that no hunting or killing of waterfowl is allowed, and that camping or recreational activities inconsistent with the property's function as a refuge for waterfowl are not be allowed. However, these deed restrictions are difficult to enforce because Kittewan Creek is navigable public waters. Signs posting the property as a refuge have generally kept hunters from entering the property. However, in the past year, some hunters have challenged the refuge designation and have hunting in the refuge. The former owners (and current neighbors) are requesting that if water hunting continues, the property revert back to their ownership as specified in the deed. It is difficult to enforce the property deed restrictions without a specific regulation that prohibits these activities on the public waters of Kittewan Creek.

The Kittewan refuge has significant value as a waterfowl refuge, generally wintering 3,000-4,000 Canada geese and 500 or more ducks. Little maintenance is required on the property except for maintaining posted signs that mark the refuge entrance. The refuge is surrounded by private land and in accordance with the deed, the adjacent landowners (and former owners) do not waterfowl hunt within 500 yards of the refuge. Until the limited hunting that has taken place this year, no hunting has occurring on the property for at least 30 years, so this regulation will not displace or eliminate any traditional hunting opportunity.



DEER

4 VAC 15-40-287. (NEW) Model ordinances related to feeding of deer in cities and towns.

Summary:

The proposal is to provide model ordinances for cities and towns to prohibit feeding of deer, pursuant to § 29.1-527.2.

Proposed language of amendment:

4VAC15-40-287. Model ordinances related to feeding of deer in cities and towns.

Per the provisions of § 29.1-527.2 of the Code of Virginia, the following model ordinance related to the feeding of deer may be adopted by a city or town. Any city or town must notify the director of the Department of Game and Inland Fisheries of the adoption of such an ordinance by registered mail.

Model ordinance:

A. Pursuant to § 29.1-527.2 of the Code of Virginia, it shall be unlawful for any person to place, distribute, or allow the placement of food, salt, minerals, or similar substances to feed or attract deer at any time.

B. No person shall continue to place, distribute, or allow the placement of food, salt, minerals, or similar substances for any purpose if the placement of these materials results in the presence of deer.

C. No part of this ordinance shall be construed to restrict agricultural, commercial, noncommercial, or residential plantings (including wildlife food plots); bona fide distribution of food to livestock; or wildlife management activities conducted or authorized by the Department of Game and Inland Fisheries.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

In 2016 the General Assembly passed § 29.1-527.2 which authorizes cities and towns to prohibit the feeding of deer and which states that the “Department shall make available to localities a model ordinance suggested for use by localities.” Several localities have already inquired about this ordinance. This proposed regulation is modeled after existing regulations regarding the feeding of deer and bear (i.e., 4 VAC 15-40-282, 4 VAC 15-40-285).

4 VAC 15-90-70. Archery Hunting. [deer]

Summary:

The proposal is to allow the use of a slingbow for deer hunting during all archery deer hunting seasons (early, late, urban archery, and NOVA April archery deer seasons). We propose these changes have an effective date of July 1, 2017 to ensure consistency with the bill's effective date.

Proposed language of amendment:

4VAC15-90-70. Archery hunting.

A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a slingbow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with archery equipment ~~from~~ or a slingbow:

1. From the Sunday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, in (i) all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County) ~~and~~; (ii) in the counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), ~~and~~ Patrick ~~and~~; (iii) on the Chester F. Phelps Wildlife Management Area; and (iv) on national forest lands in Frederick County ~~and from~~.

2. From December 1 through the first Saturday in January, both dates inclusive, in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section (except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section).

D. It shall be unlawful to carry firearms while hunting with archery equipment during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a special muzzleloading deer season.

E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits

39 of any city or town in the Commonwealth (except on national forest and department-owned
40 lands) and counties with a human population density of 300 persons per square mile or more
41 (except on national forest and department-owned lands), provided that its governing body
42 submits by certified letter to the department prior to April 1, its intent to participate in the special
43 urban archery season. Any city, town, or county no longer participating in this season shall
44 submit by certified letter to the department prior to April 1 notice of its intent not to participate in
45 the special urban archery season.

46

47 G. It shall be lawful to hunt antlerless deer during the special antlerless archery season with
48 archery equipment or a slingbow from the Monday following the last Sunday in March through
49 the last Sunday in April, both dates inclusive, in Arlington, Fairfax, Loudoun, and Prince
50 William counties (including the cities and towns within).

Staff Comments: The staff supports approval of this regulation as proposed by the Board

Rationale:

House Bill 1938 (Slingbow Hunting) directs the Department to allow the use of a slingbow for deer hunting during all archery deer hunting seasons (early, late, urban archery, and NOVA April archery deer seasons). Slingbows are not allowed for the hunting or killing of bear or elk.

4 VAC 15-90-90 Bag limit, bonus deer permits and special antlerless provision for youth hunters.

Summary:

The proposal is to (i) change the daily deer bag limit West of the Blue Ridge Mountains from one to two deer per day, (ii) include a new limitation east and west of the Blue Ridge Mountains that no more than one antlerless deer per hunter per day can be taken on National Forest and Department-owned lands (except in Arlington, Fairfax, Loudoun, and Prince William counties), and (iii) change the wording used to describe the current antler point restriction in place in seven western counties.

Proposed language of amendment:

1 4VAC15-90-90. Bag limit, bonus deer permits and special antlerless provision for youth 2 hunters. 3

4 A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in
5 Amherst, Bedford, and Nelson ~~counties~~ Counties) is two per day ~~(except for the counties of,~~
6 ~~including the cities and towns within, Arlington, Fairfax, Loudoun, and Prince William where~~
7 ~~the daily bag limit is unlimited)~~, six per license year, three of which must be antlerless unless
8 otherwise noted in this subsection.

9 ~~[1. Only one antlerless deer per hunter per day may be taken on national forest and department-~~
10 ~~owned lands unless otherwise noted in this subsection.]~~

11 [12]. The daily bag limit for deer is unlimited in the Counties (including the cities and towns
12 within) of Arlington, Fairfax, Loudoun, and Prince William.

13
14 B. The bag limit for deer west of the Blue Ridge Mountains and on national forest lands in
15 Amherst, Bedford, and Nelson ~~counties~~ Counties is ~~[two one]~~ per day ~~(except for private lands in~~
16 ~~the counties including the cities and towns within Clarke, Frederick, Roanoke, Shenandoah, and~~
17 ~~Warren where the daily bag limit is two per day)~~, five per license year, three of which must be
18 antlerless unless otherwise noted in this subsection. ~~Only one antlered buck taken in the county~~
19 ~~of Alleghany, Augusta, Bath, Highland, Shenandoah, Rockbridge, or Rockingham per license~~
20 ~~year may have less than four antler points one inch or longer on one side of the antlers.~~

21 ~~[1. Only one antlerless deer per hunter per day may be taken on national forest and department-~~
22 ~~owned lands. The daily bag limit for deer is two per day on private lands in the Counties~~
23 ~~(including the cities and towns within) of Clarke, Frederick, Roanoke, Shenandoah, and Warren.]~~

24 2. If a deer hunter kills two antlered bucks in a license year in Alleghany, Augusta, Bath,
25 Highland, Rockbridge, Rockingham, or Shenandoah County, at least one of the antlered bucks
26 must have at least four antler points, one inch or longer, on one side of the antlers.

27
28 C. Except as noted in subsection E below of this section, antlerless deer may be taken only
29 during designated either-sex deer hunting days during the special archery seasons, special
30 muzzleloading seasons, and the general firearms season.

31
32 D. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is
33 permitted (except Buchanan, Dickenson, and Wise ~~counties~~ Counties) during the special archery
34 seasons, special muzzleloading seasons, and the general firearms season. Bonus deer permits

35 shall be valid on public lands, including state parks, state forests, national wildlife refuges,
36 military areas, etc., as authorized by the managing agency. Unless otherwise posted or authorized
37 in writing for wildlife management areas by the department, or for national forest lands by the
38 U.S. Forest Service, the use of bonus permits is prohibited on department-owned and national
39 forest lands. Bonus deer permits shall be valid for antlerless deer only. Deer taken on bonus
40 permits shall count against the daily bag limit but are in addition to the seasonal bag limit.

41
42 E. Deer hunters 15 years of age and under, including those exempt from purchasing a hunting
43 license, when in compliance with all applicable laws and license requirements, may take one
44 antlerless deer per license year on days other than designated either-sex deer hunting days during
45 the special muzzleloading seasons or the general firearms season in all counties that have at least
46 one either-sex deer hunting day during the general firearms deer season.

47 .

Staff Comments: The staff supports approval of this regulation as amended.

Rationale:

The modifications will retain the one deer per day daily bag limit west of the Blue Ridge Mountains and drop the proposed statewide National Forest and Department-owned land (east and west of the Blue Ridge Mountains) one antlerless deer per day bag limit.

West of the Blue Ridge daily deer bag limit

The Department’s deer management staff respectfully requests that the Board not adopt the proposed west of the Blue Ridge two deer per day bag limit at this time. Although the west of the Blue Ridge two deer per day bag limit is generally supported by the western deer management staff (with a couple of exceptions), staff did not bring this proposal forward during the current regulations cycle because they felt the “timing” was not right (e.g., the statewide fall 2016 deer kill was down it’s lowest level in 18 years).

Public comment received during this regulation cycle on the two deer per day west of the Blue Ridge regulation proposal was fairly evenly split (53% for and 47% against). However, since the February Board meeting, deer management staff has had time to analyze a west of the Blue Ridge two deer per day bag limit question that was asked on the Department’s 2015 hunter survey. The bottom line is that the current west of the Blue Ridge one deer per day bag limit has deer hunter significant support and the proposed west of the Blue Ridge two per day bag limit has significant deer hunter opposition.

Antler point restriction

The new antler point restriction wording is simpler for deer hunters to understand and will match the wording currently used in the annual hunting digest and will address a technical error in the current wording.

4 VAC 15-90-80. Muzzleloading Gun Hunting. [deer]

Summary:

The proposal is to (i) increase the number of either-sex deer hunting days to full season on private land in Pulaski County during both the early and late muzzleloading deer season, (ii) increase the number of either-sex deer hunting days to full season on private land in Scott County during the early muzzleloading deer season, (iii) create one either-sex deer hunting day (the second Saturday) on the Highland WMA during the early muzzleloading deer season, (iv) make the either-sex deer hunting days on the Channels State Forest and Hungry Mother State Park the same as the other public lands in Russell, Smyth, and Washington counties during the early (buck only) and late muzzleloading deer season (one/last day), (v) give all of Dickenson County one either-sex deer hunting day during the late muzzleloading deer season (last day), (vi) reduce the number of either-sex deer hunting days from six to one (the last day) on National Forest and Department-owned lands in Bland, Carroll, Craig, Giles, Montgomery, Pulaski, Roanoke, and Wythe counties during the late muzzleloading deer season, and (vii) change the minimum muzzleloading gun sabot bullet projectile size from .38 to .35 caliber.

Proposed language of amendment:

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 21 consecutive days immediately prior to and on the first Saturday in January, ~~in:~~

1. In all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County), ~~and east;~~

2. East of the Blue Ridge Mountains in the ~~counties~~ Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), ~~and Patrick~~ and on;

3. On national forest lands in Frederick County; ~~and in~~

4. In the ~~cities~~ Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season east of the Blue Ridge Mountains unless otherwise noted below in this subsection:

1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Occoneechee State Park), department-owned lands (except on Merrimac Farm Wildlife Management Area), ~~and~~ Philpott Reservoir.

28 2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading
29 season on national forest lands in Amherst, Bedford, and Nelson ~~counties~~ Counties.
30

31 D. Deer of either sex may be taken on the second Saturday only during the early special
32 muzzleloading season west of the Blue Ridge Mountains unless otherwise noted ~~below in this~~
33 subsection:
34 1. Deer of either sex may be taken during the entire early special muzzleloading season in Clarke
35 and Floyd ~~counties~~ Counties and on private lands in Carroll, Frederick, Grayson, Montgomery,
36 Pulaski, Roanoke, Scott, Shenandoah, and Warren ~~counties~~ Counties.
37 2. Deer of either sex may be taken on the second Saturday and the last five days of the early
38 muzzleloading season on private lands in Botetourt County.
39 3. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading
40 season in Buchanan, Dickenson, Lee, Russell, Tazewell, and Wise ~~counties~~ Counties and on
41 national forest lands in Alleghany, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Page,
42 Pulaski, Rockingham, Scott, Shenandoah, Warren, and on national forest and department-owned
43 lands in Augusta, Bath, Botetourt, Carroll, Highland (except Highland Wildlife Management
44 Area), Roanoke, Rockbridge, Smyth, Washington, and Wythe ~~counties~~ Counties and on
45 Channels State Forest, Grayson Highlands State Park, Hungry Mother State Park, and on private
46 lands west of Routes 613 and 731 in Rockingham County.
47

48 E. Deer of either sex may be taken during the last six days of the late special muzzleloading
49 season unless otherwise listed ~~below in this subsection~~:
50 1. Deer of either sex may be taken full season during the entire late special muzzleloading season
51 in the ~~counties~~ Counties (including the cities and towns within) of Amherst (west of Business
52 U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst
53 continuing north on U.S. 29 to the Tye River, except on national forest lands), Bedford (except
54 on national forest lands), Floyd, Franklin, Henry, Nelson (west of Route 151, except on national
55 forest lands), and Patrick and on private lands in Carroll, Grayson, Montgomery, Pulaski,
56 Roanoke, Shenandoah, and Warren ~~counties~~ Counties.
57 2. Deer of either sex may be taken the last day only during the late special muzzleloading season
58 in Alleghany, Bath, Dickenson (~~north of Route 83~~), Highland, Lee, Russell, Tazewell, and
59 Wise ~~counties~~ Counties and on national forest lands in Amherst, Bedford, Bland, Craig,
60 Frederick, Giles, Grayson, Montgomery, Nelson, Page, Pulaski, Rockingham, Scott,
61 Shenandoah, and Warren ~~counties~~ Counties, and on national forest and department-owned lands
62 in Augusta, Botetourt, Carroll, Roanoke, Rockbridge, Smyth, ~~and~~ Washington ~~counties, and~~
63 Wythe Counties and on private lands west of Routes 613 and 731 in Rockingham County,
64 Channels State Forest, and Grayson Highlands State Park, ~~and Hungry Mother State Park~~.
65 3. Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading
66 season in Buchanan [~~County and Dickenson (south of Route 83)~~].
67

68 F. Deer of either sex may be taken full season during the special muzzleloading seasons within
69 the incorporated limits of any city or town in the Commonwealth that allows deer hunting except
70 in the [~~counties~~ Counties of Buchanan, Dickenson, and Wise cities of Chesapeake, Suffolk, and
71 Virginia Beach].
72

73 G. It shall be unlawful to hunt deer with dogs during any special season for hunting with
74 muzzleloading guns, except that tracking dogs as described in § 29.1-516.1 of the Code of
75 Virginia may be used.

76
77 H. A muzzleloading gun, for the purpose of this section, means a single shot weapon, .45 caliber
78 or larger, firing a single projectile or sabot (with a ~~.38~~ .35 caliber or larger projectile) of the same
79 caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black
80 powder (or black powder equivalent or smokeless powder).

81
82 I. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading
83 gun while hunting with a muzzleloading gun in a special muzzleloading season.

Staff Comments: The staff supports approval of this regulation as amended.

Rationale:

The modifications will (i) fix an oversight related to all of Dickenson County having one either-sex deer hunting day (the last day) during the late muzzleloading season, (ii) fix a conflict in the late season muzzleloading either-sex deer hunting days in the cities of Chesapeake, Suffolk, and Virginia Beach, and (iii) drop the exception for cities and towns in Buchanan, Dickenson, and Wise counties in section F.

Increasing the number of either-sex deer hunting on private land in Pulaski County during both the early and late muzzleloading deer seasons

The Deer Management Plan calls for a deer herd reduction on private land in Pulaski County. Over the past five years the deer population has been high and demonstrated an increasing trend. Deer management staff in southwest Virginia feels that more either-sex deer hunting opportunity is needed and warranted on private land in Pulaski County at this time.

Increasing the number of either-sex deer hunting days on private land in Scott County during the early muzzleloading season

The Deer Management Plan calls for a deer herd reduction on private land in Scott County. Over the past decade, the deer population index has remained high and stable. Deer management staff in southwest Virginia feels that more either-sex deer hunting opportunity is needed and warranted on private land in Scott County at this time.

Channels State Forest and Hungry Mother State Park

Channels State Forest and Hungry Mother State Park currently have different either-sex deer hunting days that the other public lands in the counties in which they are located in during the early and late muzzleloading deer seasons. The regulation change proposed will make both properties the same as the other public lands (e.g., buck only during the early muzzleloading deer season and one day (the last day) during the late muzzleloading deer season).

Dickenson County

The Deer Management Plan calls for a stable deer herd on private land in Dickenson County. Over the past decade, the private land deer herd has increased significantly (up 34%). Deer management staff in southwest Virginia feels that the late muzzleloading season either-sex deer hunting day (the last day) should be made countywide at this time.

Highland WMA

Deer browse pressure continues to impact forest regeneration and other understory vegetation, which is detrimental to wildlife management activities. The proposal will add modest antlerless harvest opportunities on the WMA.

Reducing the number of either-sex deer hunting days on National Forest and Department-owned lands in Bland, Carroll, Craig, Giles, Montgomery, Pulaski, Roanoke, and Wythe counties during the late muzzleloading season

Over the past twenty plus years, the Department has seen a significant decline (~60%) in the deer kill on western public lands (e.g., National Forest and Department-owned lands). To address these declines the Department has significantly reduced public land either-sex deer hunting opportunities. Dropping the number of either-sex deer hunting days during the late muzzleloading deer season from six to one (the last day) in the eight counties listed above will create a consistent late muzzleloading deer season last day of the season either-sex deer hunting day on all National Forest and Department-owned lands west of the Blue Ridge Mountains.

Section F changes related to Chesapeake, Suffolk, and Virginia Beach and the cities and towns in the counties of Buchanan, Dickenson, and Wise.

The current working in Section F is in error related to the three cities listed above. Because Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach are specifically included in the late muzzleloading season in Section B and the either-sex days for the late muzzleloading season are further defined in Section E, they need to be exempted from Section F. For deer management purposes, these three cities are routinely managed like traditional county deer management units.

Exempting cities and towns in Buchanan, Dickenson, and Wise counties in Section F creates a potential future conflict with the new Earn A Buck regulation being adopted for all cities and town in Virginia (except Chesapeake, Suffolk, and Virginia Beach).

Changing the minimum muzzleloading gun deer hunting projectile size

The current minimum muzzleloading rifle sabot projectile size is .38 caliber or larger. Popular commercially available sabot projectiles for use in 45 and 50 caliber muzzleloading rifles range from .357 to .45 (<https://www.prbullet.com/pts.htm>). This change will make the use of these .357 sabot projectiles legal for muzzleloading deer hunting in Virginia.

4 VAC 15-90-89. Earn a buck (EAB).

Summary:

The proposal is to require that antlerless deer must be taken before multiple bucks may be taken during the license year (i) on private lands in Fauquier County (ii) on private lands in Montgomery County, and (iii) any town or city (except Chesapeake, Suffolk, and Virginia Beach).

Proposed language of amendment:

4VAC15-90-89. Earn a buck (EAB).

For the purposes of this section, the term "license year" defines the period between July 1 and June 30 of the following year.

Arlington County ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer in Arlington County prior to taking at least two antlerless deer in Arlington County, and it shall be unlawful to take a third antlered deer in Arlington County prior to taking at least three antlerless deer in Arlington County.

Bedford County on private lands ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer on private lands in Bedford County prior to taking at least one antlerless deer on private lands in Bedford County, and it shall be unlawful to take a third antlered deer on private lands in Bedford County prior to taking at least two antlerless deer on private lands in Bedford County.

Clarke County on private lands ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer on private lands in Clarke County prior to taking at least one antlerless deer on private lands in Clarke County.

Fairfax County ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer in Fairfax County prior to taking at least two antlerless deer in Fairfax County, and it shall be unlawful to take a third antlered deer in Fairfax County prior to taking at least three antlerless deer in Fairfax County.

Fauquier County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Fauquier County prior to taking at least one antlerless deer on private lands in Fauquier County, and it shall be unlawful to take a third antlered deer on private lands in Fauquier County prior to taking at least two antlerless deer on private lands in Fauquier County.

Frederick County on private lands ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer on private lands in Frederick County prior to taking at least one antlerless deer on private lands in Frederick County.

Loudoun County ~~(including the cities and towns within)~~. During a license year, it shall be unlawful to take a second antlered deer in Loudoun County prior to taking at least two antlerless

38 deer in Loudoun County, and it shall be unlawful to take a third antlered deer in Loudoun County
39 prior to taking at least three antlerless deer in Loudoun County.

40
41 Montgomery County on private lands. During a license year, it shall be unlawful to take a second
42 antlered deer on private lands in Montgomery County prior to taking at least one antlerless deer
43 on private lands in Montgomery County.

44
45 Prince William County except on Department of Defense lands (~~including the cities and towns~~
46 ~~within~~). During a license year, it shall be unlawful to take a second antlered deer in Prince
47 William County (except on Department of Defense lands) prior to taking at least two antlerless
48 deer in Prince William County (except on Department of Defense lands), and it shall be unlawful
49 to take a third antlered deer in Prince William County (except on Department of Defense lands)
50 prior to taking at least three antlerless deer in Prince William County (except on Department of
51 Defense lands).

52
53 Rappahannock County (~~including the cities and towns within~~). During a license year, it shall be
54 unlawful to take a second antlered deer in Rappahannock County prior to taking at least one
55 antlerless deer in Rappahannock County, and it shall be unlawful to take a third antlered deer in
56 Rappahannock County prior to taking at least two antlerless deer in Rappahannock County.

57
58 Roanoke County on private lands (~~including the cities and towns within~~). During a license year,
59 it shall be unlawful to take a second antlered deer on private lands in Roanoke County prior to
60 taking at least one antlerless deer on private lands in Roanoke County.

61
62 Warren County on private lands (~~including the cities and towns within~~). During a license year, it
63 shall be unlawful to take a second antlered deer on private lands in Warren County prior to
64 taking at least one antlerless deer on private lands in Warren County.

65
66 Cities and towns. During a license year in any town or city (except Chesapeake, Suffolk, and
67 Virginia Beach) east of the Blue Ridge Mountains, it shall be unlawful to take a second antlered
68 deer prior to taking at least one antlerless deer, and it shall be unlawful to take a third antlered
69 deer prior to taking at least two antlerless deer. During a license year in any town or city west of
70 the Blue Ridge Mountains, it shall be unlawful to take a second antlered deer prior to taking at
71 least one antlerless deer.

72
Staff Comments: The staff supports approval of this regulation as proposed by the Board

Rationale:

- i) Fauquier County. Despite having full-season either-sex hunting opportunities, deer herds have stabilized at a high density in this county, contrary to the objective (reduce) in the 2015-2024 Deer Management Plan. Reestablishing EAB will incentivize the harvest of antlerless deer and should result in a decrease in the deer population.
- ii) Montgomery County. Despite having full-season either-sex hunting opportunities in all seasons, deer herds have stabilized at a high density in this county, contrary to the

objective (reduce) in the 2015-2024 Deer Management Plan. Establishing EAB will incentivize the harvest of antlerless deer and should result in a decrease in the deer population.

- iii) Cities and towns. This proposal will incentivize the harvest of antlerless deer in urban areas. As stated in the 2015-2024 Deer Management Plan, “for most cities and other highly urbanized areas, the objective is almost always to decrease the deer population.” Deer populations are most effectively controlled with a sufficient harvest of female deer. Currently, muzzleloading (4VAC15-90-80) and firearms (4VAC15-90-91) regulations allow antlerless deer to be taken any day of the season within the incorporated limits of any city or town where deer hunting is allowed (except Chesapeake, Suffolk, and Virginia Beach). Currently, 41 cities and towns participate in the special urban archery season, wherein the primary objective is to increase the harvest of antlerless deer. Despite these liberal opportunities, female deer represented only 50% of the aggregate harvest in all cities and towns in Virginia during the 2015-16 seasons. Recent communications with officials in participating urban archery localities reveal strong support for greater hunter incentives to take additional antlerless deer. An EAB requirement would also promote antlerless harvest in the few cities and towns that allow deer hunting but that do not participate in the urban archery season. The EAB regulation has led to significant increases in antlerless harvests in the counties where it has been in effect.

4 VAC 15-90-91. General firearms season either-sex deer hunting days.

Summary:

As outlined in the table below, the proposal is to (i) reduce the number of firearms either-sex deer hunting days on private lands in 14 counties and increase the number of firearms either-sex deer hunting days on private lands in one county, (ii) reduce the number of firearms either-sex deer hunting days on National Forest and Department-owned lands in 15 western counties, (iii) reduce the number of firearms either-sex deer hunting days on the Big Woods Wildlife Management Area, Parkers Branch Tract, and the Big Woods State Forest properties in Sussex County, and (iv) increase the number of firearms either-sex deer hunting days on the Highland Wildlife Management Area in Highland County. The proposal is also to (v) make firearms either-sex deer hunting opportunities consistent (buck only) on the Stewart and Carlisle tracts of the Hog Island WMA, (vi) remove the reference to a parcel restriction in Fairfax County, and (vii) replace a current firearms either-sex day deer hunting framework (the second, third, and fourth Saturdays and the last 27 days) with a simpler framework (the second and third Saturdays and the last 29 days).

City/County/WMA	Change	Current	Proposed
<u>Private Land</u>			
Caroline	Decrease	15	8
Charles City	Decrease	30	15
Chesterfield	Decrease	15	8
Essex	Decrease	30	8
Greensville	Decrease	50 (full)	8
Halifax	Decrease	30	15
King and Queen	Decrease	15	8
King George	Decrease	50 (full)	31
King William	Decrease	15	8
Lancaster	Decrease	50 (full)	31
New Kent	Decrease	30	15
Northumberland	Decrease	50 (full)	31
Richmond	Decrease	50 (full)	31
Rockingham (eastern)	Increase	7	15 (full)
Westmoreland	Decrease	50 (full)	31
<u>Public Land</u>			
Alleghany	Decrease	1	0
Amherst	Decrease	1	0
Augusta	Decrease	1	0
Bath	Decrease	1	0
Bedford	Decrease	1	0

City/County/WMA	Change	Current	Proposed
Botetourt	Decrease	1	0
Frederick	Decrease	1	0
Highland (National Forest)	Decrease	1	0
Highland (WMA)	Increase	1	2
Nelson	Decrease	1	0
Page	Decrease	1	0
Roanoke	Decrease	1	0
Rockbridge	Decrease	1	0
Rockingham	Decrease	1	0
Shenandoah	Decrease	1	0
Sussex (Big Woods WMA, Parkers Branch Tract, and Big Woods State Forest)	Decrease	50	8
Warren	Decrease	1	0

Proposed language of amendment:

4VAC15-90-91. General firearms season either-sex deer hunting days.

A. During the general firearms deer season, deer of either sex may be taken within:

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday and the last day.

-National forest lands: ~~the last day antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.~~

Amelia County: the second and third Saturdays and the last 13 days.

-Amelia WMA: the second and third Saturdays and the last six days.

Amherst County (east of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River): the second, ~~and~~ third, ~~and fourth~~ Saturdays and the last ~~27~~ 29 days.

Amherst County (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River): full season.

-National forest lands: ~~the last day antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.~~

Appomattox County: the second and third Saturdays and the last six days.

-Appomattox-Buckingham State Forest: the second and third Saturdays.

-Featherfin WMA: the second, ~~and~~ third, ~~and fourth~~ Saturdays and the last ~~27~~ 29 days.

Arlington County: full season.

Augusta County: the second Saturday and the last six days.

-National forest and department-owned lands: ~~the last day antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.~~

27 Bath County: the second Saturday and the last day.
 28 -National forest and department-owned lands: the last day antlered bucks only—no
 29 either-sex days. Only deer with antlers above the hairline may be taken.
 30 Bedford County: full season.
 31 -National forest lands: the last day antlered bucks only—no either-sex days. Only
 32 deer with antlers above the hairline may be taken.
 33 Bland County: the second Saturday and the last day.
 34 -National forest lands: the second Saturday and the last day.
 35 Botetourt County: full season.
 36 -National forest and department-owned lands: the last day antlered bucks only—no
 37 either-sex days. Only deer with antlers above the hairline may be taken.
 38 Brunswick County: the second and third Saturdays and the last six days.
 39 Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above
 40 the hairline may be taken.
 41 Buckingham County: the second and third Saturdays and the last six days.
 42 -Horsepen Lake WMA: the second and third Saturdays and the last six days.
 43 -Appomattox-Buckingham State Forest: the second and third Saturdays.
 44 -Featherfin WMA: the second, and third, ~~and fourth~~ Saturdays and the last 27 29
 45 days.
 46 Campbell County: the second, and third, ~~and fourth~~ Saturdays and the last 27 29 days.
 47 Caroline County: the second and third Saturdays and the last ~~13~~ six days.
 48 -Mattaponi WMA: the second and third Saturdays and the last six days.
 49 Carroll County: full season.
 50 -National forest and department-owned lands: the second Saturday and the last day.
 51 Charles City County: the second, and third, ~~and fourth~~ Saturdays and the last 27 13 days.
 52 -Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with
 53 antlers above the hairline may be taken.
 54 Charlotte County: the second and third Saturdays and the last six days.
 55 Chesapeake (City of): the second and third Saturdays and the last 13 days.
 56 Chesterfield County: the second and third Saturdays and the last ~~13~~ six days.
 57 Clarke County: full season.
 58 Craig County: full season.
 59 -National forest lands: the second Saturday and the last day.
 60 Culpeper County: full season.
 61 -Chester F. Phelps WMA: the second Saturday and the last day.
 62 Cumberland County: the second and third Saturdays and the last 13 days.
 63 -Cumberland State Forest: the second and third Saturdays.
 64 Dickenson County: antlered bucks only—no either-sex days. Only deer with antlers
 65 above the hairline may be taken.
 66 Dinwiddie County: the second and third Saturdays and the last six days.
 67 Essex County: the second, and third, ~~and fourth~~ Saturdays and the last 27 six days.
 68 Fairfax County: full season (~~restricted to certain parcels of land by special permit~~).
 69 Fauquier County: full season.
 70 -G. Richard Thompson WMA: the second Saturday and the last day.
 71 -Chester F. Phelps WMA: the second Saturday and the last day.
 72 Floyd County: full season.

73 Fluvanna County: second and third Saturdays and the last 13 days.
74 Franklin County: full season.
75 -Philpott Reservoir: the second Saturday and the last six days.
76 -Turkeycock Mountain WMA: the second Saturday and the last six days.
77 Frederick County: full season.
78 -National forest lands: ~~the last day antlered bucks only—no either-sex days.~~ Only
79 deer with antlers above the hairline may be taken.
80 Giles County: full season.
81 -National forest lands: the second Saturday and the last day.
82 Gloucester County: the second; and third; ~~and fourth~~ Saturdays and the last ~~[27-29~~ six]
83 days.
84 Goochland County: the second; and third; ~~and fourth~~ Saturdays and the last ~~27 29~~ days.
85 Grayson County: full season.
86 -National forest lands and Grayson Highlands State Park: antlered bucks only—no
87 either-sex days. Only deer with antlers above the hairline may be taken.
88 Greene County: full season.
89 Greenville County: ~~full season~~ the second and third Saturdays and the last six days.
90 Halifax County: the second; and third; ~~and fourth~~ Saturdays and the last ~~27 13~~ days.
91 Hanover County: full season.
92 Henrico County: full season.
93 Henry County: the second and third Saturdays and the last 13 days.
94 -Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second
95 Saturday and the last six days.
96 -Turkeycock Mountain WMA: the second Saturday and the last six days.
97 Highland County: the second Saturday and the last day.
98 -National forest ~~and department owned~~ lands: ~~the last day antlered bucks only—no~~
99 either-sex days. Only deer with antlers above the hairline may be taken.
100 -Department-owned lands: the second Saturday and the last day.
101 Isle of Wight County: full season.
102 -Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with
103 antlers above the hairline may be taken.
104 James City County: full season.
105 King and Queen County: the second and third Saturdays and the last ~~13~~ six days.
106 King George County: ~~full season~~ the second and third Saturdays and the last [29 13]
107 days.
108 King William County: the second and third Saturdays and the last ~~13~~ six days.
109 Lancaster County: ~~full season~~ the second and third Saturdays and the last [29 13] days.
110 Lee County: the second Saturday and the last two days.
111 -National forest lands: antlered bucks only—no either-sex days. Only deer with
112 antlers above the hairline may be taken.
113 Loudoun County: full season.
114 Louisa County: the second; and third; ~~and fourth~~ Saturdays and the last ~~27 29~~ days.
115 Lunenburg County: the second and third Saturdays and the last six days.
116 Madison County: full season.
117 -Rapidan WMA: the second; and third; ~~and fourth~~ Saturdays and the last ~~27 29~~ days.

118 Mathews County: the second, and third, ~~and fourth~~ Saturdays and the last ~~[27-29 six]~~
119 days.

120 Mecklenburg County: the second and third Saturdays and the last six days.
121 -Dick Cross WMA: the second and third Saturdays and the last six days.

122 Middlesex County: the second, and third, ~~and fourth~~ Saturdays and the last ~~[27-29 six]~~
123 days.

124 Montgomery County: full season.
125 -National forest lands: the second Saturday and the last day.

126 Nelson County (east of Route 151): the second, and third, ~~and fourth~~ Saturdays and the
127 last ~~27 29~~ days.
128 -James River WMA: the second Saturday and the last six days.

129 Nelson County (west of Route 151): full season.
130 -National forest lands: the last day antlered bucks only—no either-sex days. Only
131 deer with antlers above the hairline may be taken.

132 New Kent County: the second, and third, ~~and fourth~~ Saturdays and the last ~~27 13~~ days.
133 Northampton County: full season.

134 Northumberland County: full season the second and third Saturdays and the last [29 13]
135 days.

136 Nottoway County: the second and third Saturdays and the last six days.
137 Orange County: full season.

138 Page County: the second Saturday and the last two days.
139 -National forest lands: the last day antlered bucks only—no either-sex days. Only
140 deer with antlers above the hairline may be taken.

141 Patrick County: the second and third Saturdays and the last 13 days.
142 -Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second
143 Saturday and the last six days.

144 Pittsylvania County: the second, and third, ~~and fourth~~ Saturdays and the last ~~27 29~~ days.
145 -White Oak Mountain WMA: the second Saturday and the last day.

146 Powhatan County: the second and third Saturdays and the last 13 days.
147 -Powhatan WMA: the second and third Saturdays and the last 13 days.

148 Prince Edward County: the second and third Saturdays and the last six days.
149 -Briery Creek WMA: the second and third Saturdays and the last six days.
150 -Featherfin WMA: the second, and third, ~~and fourth~~ Saturdays and the last ~~27 29~~
151 days.
152 -Prince Edward State Forest: the second and third Saturdays.

153 Prince George County: full season.

154 Prince William County: full season.

155 Pulaski County: full season.
156 -National forest lands: the second Saturday and the last day.

157 Rappahannock County: full season.

158 Richmond County: full season the second and third Saturdays and the last [29 13] days.
159 Roanoke County: full season.
160 -National forest and department-owned lands: the second Saturday and the last day
161 antlered bucks only—no either-sex days. Only deer with antlers above the hairline
162 may be taken.

163 Rockbridge County: the second Saturday and the last two days.

164 -National forest and department-owned lands: ~~the last day~~ antlered bucks only—no
165 either-sex days. Only deer with antlers above the hairline may be taken.
166 Rockingham County: ~~the second Saturday and the last six days~~ full season.
167 -National forest lands ~~and private lands:~~ antlered bucks only—no either-sex days.
168 Only deer with antlers above the hairline may be taken.
169 -Private lands west of Routes 613 and 731: the last day.
170 Russell County: the second Saturday and the last two days.
171 -Clinch Mountain WMA, Hidden Valley WMA, and the Channels State Forest:
172 antlered bucks only—no either-sex days. Only deer with antlers above the hairline
173 may be taken.
174 Scott County: the second Saturday and the last six days.
175 -National forest lands: antlered bucks only—no either-sex days. Only deer with
176 antlers above the hairline may be taken.
177 Shenandoah County: full season.
178 -National forest lands: ~~the last day~~ antlered bucks only—no either-sex days. Only
179 deer with antlers above the hairline may be taken.
180 Smyth County: the second Saturday and the last six days.
181 -National forest lands, Clinch Mountain WMA, and Hungry Mother State Park:
182 antlered bucks only—no either-sex days. Only deer with antlers above the hairline
183 may be taken.
184 Southampton County: full season.
185 Spotsylvania County: the second, ~~and~~ third, ~~and fourth~~ Saturdays and the last ~~27~~ 29 days.
186 Stafford County: full season.
187 Suffolk (east of the Dismal Swamp Line): the second and third Saturdays and the last 13
188 days.
189 Suffolk (west of the Dismal Swamp Line): full season.
190 Surry County: full season.
191 -Carlisle ~~Tract~~ and Stewart Tracts of the Hog Island WMA: antlered bucks only—no
192 either-sex days. Only deer with antlers above the hairline may be taken.
193 Sussex County: full season.
194 ~~[Parkers Branch Tract of the Big Woods WMA and Big Woods State Forest~~ Big
195 Woods WMA (including the Parkers Branch Tract) and Big Woods State Forest]: the
196 second and third Saturdays and the last six days.
197 Tazewell County: the second Saturday and the last two days.
198 -National forest lands and Clinch Mountain WMA: antlered bucks only—no either-
199 sex days. Only deer with antlers above the hairline may be taken.
200 Virginia Beach (City of): the second and third Saturdays and the last 13 days.
201 Warren County: full season.
202 -National forest lands: ~~the last day~~ antlered bucks only—no either-sex days. Only
203 deer with antlers above the hairline may be taken.
204 Washington County: the second Saturday and the last six days.
205 -National forest lands, Clinch Mountain WMA, Hidden Valley WMA, and the
206 Channels State Forest: antlered bucks only—no either-sex days. Only deer with
207 antlers above the hairline may be taken.
208 Westmoreland County: ~~full season~~ the second and third Saturdays and the last ~~[29~~ 13]
209 days.

210 Wise County: antlered bucks only—no either-sex days. Only deer with antlers above the
211 hairline may be taken.
212 Wythe County: full season.
213 -National forest lands and Big Survey WMA: the second Saturday and the last day.
214 York County: full season.
215

216 B. Except as provided in the subsection A of this section, deer of either sex may be taken full
217 season during the general firearms deer season within the incorporated limits of any city or town,
218 state park, national wildlife refuge, or military installation that allows deer hunting.
219

Staff Comments: The staff supports approval of this regulation as amended.

Rationale:

The modifications will (i) further reduce the number of firearms either-sex deer hunting days in the five Northern Neck counties of King George, Lancaster, Northumberland, Richmond and Westmoreland from 31 to 15 days, (ii) reduce the number of either-sex deer hunting days in Gloucester, Mathews, and Middlesex from 31 to 8 days, and (iii) correct a wording error for an exception in Surry County.

(i) Changes on private lands:

Caroline County. Although antlerless opportunities have been reduced during the last two regulations cycles (2013, 2015), significant hemorrhagic disease outbreaks have impacted deer herds in this county during three of the last five years. This proposal will seek to maintain a stable deer population, as called for in the Deer Management Plan.

Charles City County. Deer populations have experienced steep declines in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

Chesterfield County. Deer populations have declined in recent years to a low density, due to significant hemorrhagic disease outbreaks and antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline. The Department has received a number of complaints about very low deer herds in the southwestern portion of the county. As long as the county continues to participate in the urban archery season, landowners in the urban portions of the county will have a tool to address deer-human conflicts.

Essex County. Deer populations have declined in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. This proposal intends to stabilize the herd at a moderate population density, as called for in the Deer Management Plan.

Halifax County. This proposal intends to stabilize the deer population, as called for in the Deer Management Plan, at a moderate to low deer population density. Deer populations have

demonstrated a slight decline over the last five years, although the trend is not statistically significant; the deer population trend has been stable over the last decade. In February 2017, the Halifax County Board of Supervisors passed a resolution requesting that the Department reduce the number of either-sex deer hunting days.

Greensville County. Deer populations have declined in recent years to a low-moderate density, due in part to liberal antlerless hunting opportunities. This proposal intends to stabilize the herd at a moderate population density, as called for in the Deer Management Plan. This large reduction in either-sex days addresses the deer population declines while also conforming to regulations in adjacent counties (e.g., Brunswick, Dinwiddie).

King and Queen County. Deer populations have declined in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. This proposal intends to stabilize the herd at a moderate population density, as called for in the Deer Management Plan.

King George County. Deer populations have declined in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

King William County. Deer populations have declined in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. This proposal intends to stabilize the herd at a moderate population density, as called for in the Deer Management Plan.

Lancaster County. Deer populations have declined in recent years, due in part to liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

New Kent County. Deer populations have experienced steep declines in recent years, due to significant hemorrhagic disease outbreaks and liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

Northumberland County. Deer populations have declined in recent years, due in part to liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

Richmond County. Deer populations have declined in recent years, due in part to liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

Rockingham County (east of Routes 613 and 731). The private land deer population index in Rockingham County has shown an increasing trend over both the last ten year and five year timeframes. The Deer Management Plan deer population objective for deer on private land in

Rockingham is to reduce the deer herd. This proposal increases firearms either-sex days to achieve this population objective and to address significant agricultural damage issues.

Westmoreland County. Deer populations have declined in recent years, due in part to liberal antlerless hunting opportunities. Although the objective in the Deer Management Plan is to reduce the deer populations in this county, this proposal intends to slow the rate of decline.

(ii) Alleghany, Amherst, Augusta, Bath, Bedford, Botetourt, Frederick, Highland (except Highland WMA), Nelson, Page, Roanoke, Rockbridge, Rockingham, Shenandoah, and Warren counties (National forest and department-owned lands). Because deer populations in these areas have declined significantly over the last decade, the 2015-2024 Virginia Deer Management Plan called for increasing deer populations. Despite conservative seasons, these populations have not rebounded, so this proposal seeks to further reduce the harvest of antlerless deer in these areas.

(iii) Sussex County (Big Woods WMA, Parkers Branch Tract, and Big Woods State Forest). This proposal is intended to reduce heavy hunting pressure and improve deer populations.

(iv) Highland County (Highland WMA). Deer browse pressure continues to impact forest regeneration and other understory vegetation, which is detrimental to wildlife management activities. The proposal will add modest antlerless harvest opportunities on the WMA, making the firearm either-sex day regulation consistent with private land in Highland County.

(v) Surry County (Stewart Tract of Hog Island WMA). To facilitate law enforcement, this proposal will make firearms either-sex hunting opportunities consistent on the Stewart and Carlisle tracts of Hog Island WMA.

(vi) Fairfax County. There is no longer a permit required for hunting. Firearms are restricted to large parcels, but no permit is needed.

(vii) Simplified either-sex day format. Replacing the current firearms either-sex day deer hunting framework (the second, third, and fourth Saturdays and the last 27 days) with a simpler framework (the second and third Saturdays and the last 29 days) creates continuity in the latter part of the season. By adding the Sunday following the fourth Saturday as an either-sex day, the proposal remedies an unnecessary, one-day pause in either-sex firearms deer hunting.

4 VAC 15-90-280. Sale of hides. [deer]

Summary:

The proposal is to allow for the buying and selling of specified cervid parts, items made from these cervid parts, and cervid mounts.

Proposed language of amendment:

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4VAC15-90-280. Sale of ~~hides~~ cervid parts and cervid mounts.

~~It shall be lawful to sell hides and hooves from any legally taken deer. Provided that no extraneous muscle tissue is attached, it shall be lawful to purchase or sell the hair, hide, tail, sinew, skull, antlers, bones, and feet of a legally possessed cervid carcass or cervid carcass part, any products made from these deer parts, and cervid mounts.~~

Staff Comments: The staff supports approval of this regulation as proposed by the Board

Rationale:

The sale of wildlife parts was an issue in several bills submitted during last year’s General Assembly session. Ultimately, authority to regulate the sale of wildlife parts was passed along to the Department with an expectation that the Department would promulgate regulations pertaining to some of the issues that have come up in the past.

The proposal above is not a major change. Current code and regulation allows for the sale of the hide (which would include the hair and tail) and hooves, most items made of deer antlers (e.g., pens, knife handles, lamps, chandeliers, etc.), and antlers and deer mounts that have undergone the “taxidermy process” when sold through a licensed auction.

4 VAC 15-90-291. Enclosed or fenced areas that prevent or impede the free egress of deer.

Summary:

The proposal is to remove the provision in this regulation for intervals of fencing, and associated gaps, that have attributes inconsistent with other requirements in this regulation.

Proposed language of amendment:

4VAC15-90-291. Enclosed or fenced areas that prevent or impede the free egress of deer.

A. Pursuant to § 29.1-525.1 A and B of the Code of Virginia, an enclosed or fenced area having any of the following attributes shall be deemed to prevent or impede the free egress of deer:

1. A fence greater than 61 inches high anywhere along its entire length;
2. A fence greater than 61 inches high that incorporates any topographic or other physical barrier that prevents or impedes the free egress of deer; or
3. A fence or other barrier 61 inches or less in height having any attribute that prevents or impedes the free egress of deer, including ~~but not limited to~~ being slanted, doubled, offset, or electrified; ~~or.~~
- ~~4. A fence or other barrier, having any of the attributes described in subdivision 1, 2, or 3 of this section that does not have a permanent gap of at least 40 linear feet per every 660 linear feet (1/8 mile) along the fence or barrier, including an additional permanent gap of at least 40 linear feet at every inside angle in the fence or barrier of less than 120 degrees. For the purposes of this section, a gap is defined as an interruption in the fence or barrier devoid of any impediment.~~

B. This ~~subsection~~ section shall not apply to enclosures and lands exempted under § 29.1-525.1 C and D of the Code of Virginia.

C. The director or his designee may grant exceptions for an enclosed or fenced area having any of the above attributes where necessary for bona fide agricultural livestock operations.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

This proposal removes a potential loophole for the construction of “partial” high fences that could compromise the intent and effectiveness of this regulation. The provision to be struck from this regulation is no longer necessary, leads to confusion, and may encourage a landowner to erect portions of a fence that impedes the egress of deer. Further, as strictly interpreted, the requirement for permanent gaps in such a fence would render it ineffective in meeting the stated objectives of most inquiring landowners. Current provisions (i.e., a fence 61” high) adequately address deterrence of hunting dogs or human trespassers while still allowing for free egress of deer. Landowners who have constructed fences 61” high or less per staff guidance under this regulation have reported positive experiences.

4 VAC 15-90-294. Rehabilitation of cervids.

Summary:

The proposal is to authorize permitted rehabilitators to transport and temporarily possess adult deer or elk solely for the purpose of immediate humane dispatch.

Proposed language of amendment:

4VAC15-90-294. Rehabilitation of cervids.

A. For the purposes of this section:

"Juvenile" means any cervid less than one year of age on December 31 of the current calendar year.

"Adult" means any cervid greater than one year of age on December 31 of the current calendar year.

B. No person permitted by the department to rehabilitate cervids may ~~transport, possess, rehabilitate,~~ or release adult cervids. Rehabilitators permitted by the department may transport and temporarily possess adult cervids solely for the purpose of immediate humane dispatch but must notify the department immediately after the deer has been dispatched.

C. Juvenile cervids requiring continued rehabilitation beyond December 31 of the current calendar year shall not be transported, possessed, released, or rehabilitated without written authorization from the department.

D. Cervids that originate within an area designated by the department for disease management shall not be transported or possessed for the purposes of rehabilitation. If such a cervid is brought to a rehabilitator permitted by the department, the permittee shall hold the cervid in isolation and immediately notify the department.

E. Cervids from any county (including the cities and towns therein) containing an area designated by the department for cervid disease management may be rehabilitated and released in the county of origin only if the cervid originated from a portion of the county outside the disease management area.

Staff Comments: The staff supports approval of this regulation as proposed by the Board

Rationale:

This proposed change maintains the intent of the original regulation to prevent the rehabilitation and release of *adult* deer or elk, while also enabling permitted rehabilitators to assist with humane dispatch of sick or injured adult deer or elk. Without this change, permitted rehabilitators are prevented from assisting with the resolution of such cases. When Department staff or local animal control officers are either not available or not contacted, permitted rehabilitators may be the best qualified persons available to assist in rapid and responsible dispatch of injured or sick adult cervids. The prohibition on rehabilitation and release of adult cervids remains appropriate: adult deer or elk can rarely be returned to the wild with a good prognosis for survival and they cannot be moved to permitted captive deer facilities due to

disease transmission risks. Timely and humane dispatch is therefore the only option for handling diseased or injured adult deer.

4 VAC 15-270-96. (NEW) Pneumatic rifles for hunting deer, prohibited for hunting bear and elk.

Summary:

The proposal is (i) set a minimum caliber for pneumatic (air) rifles for deer hunting and (ii) prohibit their use for hunting of bear or elk.

Proposed language of amendment:

1 **4VAC 15-270-96. Pneumatic rifles for hunting deer, prohibited for hunting bear and elk.**

2

3 **Pneumatic (air or gas) rifles must be at least .35 caliber or larger for the hunting or killing of**

4 **deer. Pneumatic rifles are prohibited for the hunting or killing of bear and elk.**

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

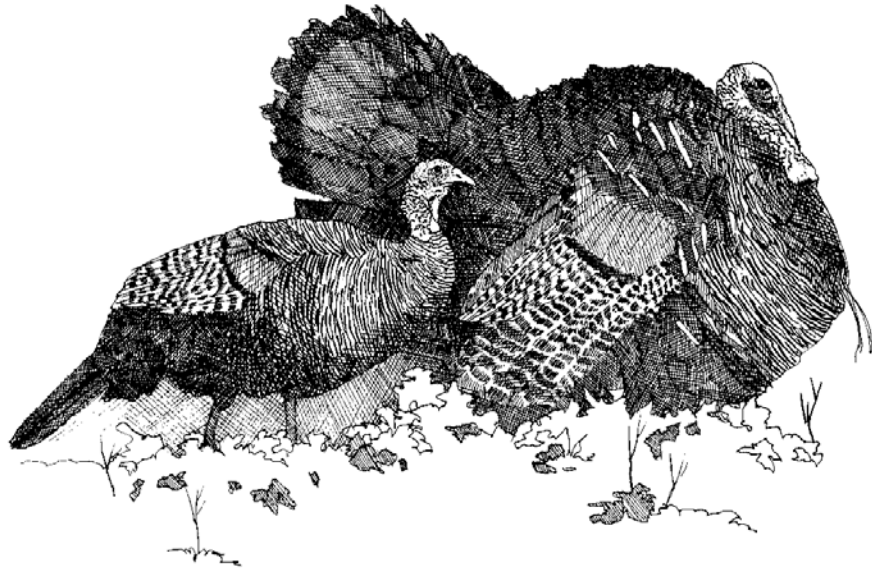
Rationale:

Over the past several years the Department has received a number of questions asking if air rifles are legal for deer hunting in Virginia. The current answer is yes. According to §29.1-519 the hunting of all wild birds and wild animals with an air rifle is allowed unless expressly prohibited. The only restriction related to deer hunting with air rifles is the current .23 caliber restriction that was written for modern centerfire rifles and dates back to fall 1946-47 (4 VAC 15-270-10).

In recent years there have been numerous models of large-caliber air rifles (.35, .40, .45, and .50 calibers) that have generated interest in their use for deer hunting, particularly in areas where the discharge of explosive propellant firearms is prohibited. As noted above, current Department regulation does not prohibit their use for big game species (bear, deer and elk) if they are .23 caliber or larger. A typical .25 caliber air rifle generates approximately half the muzzle energy of a .22 LR rimfire from a rifle-length barrel. However, most of the .35 to .50 caliber air rifle models produced as of 2016 have muzzle energies similar to a .38 Special load and the most powerful air rifles (50 caliber) have muzzle energies equivalent to a .357 Magnum.

Because their use in humanely and effectively taking deer at pistol distances has been documented and demonstrated by the hunting and air rifle marketing community, staff feels that air rifles should be allowed for deer hunting if they are greater than or equal to .35 caliber. This .35 caliber minimum would also match the new .35 caliber muzzleloading sabot projectile regulation being proposed.

Due to their greater mass and tougher body construction, staff does not feel that air rifles should be lawful for the hunting or killing of black bear or elk.



TURKEY

4 VAC 15-240-50. Continuous closed season in certain counties, cities and areas. [turkey]

Summary:

The proposal is to provide fall and spring turkey hunting seasons in the cities of Newport News and Hampton. Turkey hunting seasons on Langley Air Force Base (Hampton) and on Fort Eustis (Newport News) would help control turkey populations that are causing concern for public safety. Second, we propose to clarify that the cities of Norfolk and Portsmouth are closed to turkey hunting.

Proposed language of amendment:

1 **4VAC15-240-50. Continuous closed season in certain counties, cities and areas.**
2

3 There shall be continuous closed turkey season, except where a special spring season for bearded
4 turkeys is provided for in 4VAC15-240-40, in ~~the county of~~ Arlington County; and in the ~~cities~~
5 Cities of Chesapeake, ~~Hampton, Newport News~~ Norfolk, Portsmouth, and Virginia Beach.
6

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale:

Staff at Langley Air Force Base have requested permission to provide fall and spring hunting to help control the turkey population on the base because of the threat they pose to aircraft landing at and taking off from the base. The same threat exists at the Fort Eustis Air Field in Hampton; their staff have likewise requested permission offer turkey hunting. Natural Resources staff at each facility will manage their turkey hunting programs if this proposal is adopted.

As a “house cleaning” exercise we propose to add the cities of Norfolk and Portsmouth to the list of our closed cities. Both cities have over-looked in earlier regulations. Turkey populations are essentially non-existent in these metropolitan areas.

4 VAC 15-240-60. Archery hunting. [turkey]

Summary

The proposal would make the end of the archery season concurrent with the end of the first part of the fall turkey season where firearms and muzzleloader weapons are legal. Also adds slingbow to provide consistency with HB 1938

Proposed language of amendment:

4VAC15-240-60. Archery hunting.

A. Season. It shall be lawful to hunt turkey with archery equipment or a slingbow in those counties and areas open to fall turkey hunting from the first Saturday in October through the ~~Saturday prior to the second Monday in November~~ Friday that is 13 days after the Saturday before the last Monday in October, both dates inclusive.

B. Bag limit. The daily and seasonal bag limit for hunting turkey with archery equipment or a slingbow shall be the same as permitted during the general turkey season in those counties and areas open to fall turkey hunting, and any turkey taken shall apply toward the total season bag limit.

C. Carrying firearms prohibited. It shall be unlawful to carry firearms while hunting with archery equipment or a slingbow during the special archery season.

D. Use of dogs prohibited during archery season. It shall be unlawful to use dogs when hunting with archery equipment from the first Saturday in October through the Saturday prior to the second Monday in November, both dates inclusive.

Staff Comments: The staff supports approval of this regulation as proposed by the Board.

Rationale

Currently the first part of the turkey season, where firearms and muzzleloaders are legal weapons, end on a Friday. However, the turkey archery season closes either one or seven days later, depending on the calendar year. This has created confusion to hunters and CPO's in the field. Aligning the close dates will make it easier on hunters to remember the last date of these seasons. It will also strengthen the officer's cases on legitimate poachers who may be able to cast confusion and doubt in the court.

This adds the slingbow to our legal methods of take to be consistent with HB 1938.

4 VAC 15-240-70. Bag Limit. The bag limit for hunting turkeys shall be one a day, three a license year, no more than two of which may be taken in the fall.

Summary

The proposal would allow turkey hunters to take 2 birds per day during the spring hunting season.

Proposed language of amendment:

1 **4VAC15-240-70. Bag limit.**

2

3 The bag limit for hunting turkeys shall be one a day in the fall, two per day during the spring,

4 three a license year, no more than two of which may be taken in the fall.

Staff Comments: The staff supports withdrawing this proposal and removing it from consideration by the Board. This recommendation is based on Committee discussions after review of the public comments received.

Rationale

The Turkey Committee does not support this proposal based on data or information from the following sources:

- 1) Department Regulation Web Forum. A majority (55%) of respondents opposed the higher bag limit. Concerns included: allocation of the harvest – major complaint came from those that do not kill any turkeys (78%), recent addition of Sunday hunting has significantly increased hunter opportunities, attempting to take 2 birds at one time will result in wounding or crippling gobblers, hens may be shot as birds flush after first shot, hunters from Bath, Alleghany, and Highland Counties cite very low turkey populations that cannot sustain higher harvests.
- 2) 2013 Spring Gobbler Hunter Survey. Eighty percent of respondents (242) favored one bird daily bag limit.
- 3) VATurkey Web Survey. Eighty-one percent of respondents (32) oppose increasing daily bag limit. This is a public web forum for avid turkey hunters.
- 4) Spring Gobbler Hunter Surveys, averaged over 6 years (2004-09), found that at the time spring gobbler hunters killed a bird, many, 38%, had the chance to take a second gobbler. Turkey Committee is concerned for the potential for wounding, crippling birds that are shot while running or flying away in these instances. Doubling does not provide additional hunting opportunities.
- 5) 2015-16 Hunter Survey. Seventy-two percent of turkey hunters do not kill anything. This proposal favors successful hunters because it provides many of them the chance to double or harvest gobblers that reassemble following a shot. The Turkey Committee favors the current allocation of spring bag limits over one that would favor successful hunters.
- 6) 2015-16 Check Card data indicates that among all turkey hunters, 16% kill one bird, 8% kill two birds, and 4% kill three birds during the spring season. However, success rates among turkey hunters that kill one bird remain high as 28% go on to kill a second bird and 15% go on to kill a third bird.

In summary, most people responding to the Department Proposal to increase the daily bag limit did not support the proposal. Earlier Department and public surveys showed very little support for increasing the bag limit. Department surveys have found it is common (38%) for more than one turkey to respond to hunters' calling. Under these circumstances, hunters are likely to kill more than one gobbler at one time (doubling). However, the Turkey Committee is concerned that many birds will be wounded or crippled as hunters shoot at running or flying birds. The greatest objection for this proposal concerns allocation of the spring bag. Most, 72%, spring hunters do not kill any birds. This proposal provides successful hunters the opportunity to kill another bird immediately after they kill their first bird. This would serve to further the allocation to successful hunters, a measure we want to avoid.