

AGENDA

Board of Game and Inland Fisheries
Wildlife, Boat, and Law Enforcement Committee
7870 Villa Park Drive
Henrico, Virginia 23228

May 29, 2019
10:00 am

Committee Members: Mr. Ryan Brown, Chairman, Ms. Nicole Butterworth, Mr. Leon Boyd and Mr. G. K. Washington

DGIF Staff Liaisons: Dr. Gray Anderson and Dr. Mike Bednarski

1. Call to Order and Welcome
Mr. Ryan Brown
2. Approval of March 20, 2019 Committee Meeting Minutes **Final Action**
Mr. Ryan Brown
3. Public Comments – Non Agenda Items
Mr. Ryan Brown
4. Wildlife Division Staff Recommendations **Final Action**
Dr. Gray Anderson
5. Boating Regulations Staff Recommendations **Action**
Mr. Tom Guess
6. Boating Access Plan **Action**
Mr. John Kirk
7. Law Update
Major Scott Naff

8. Wildlife Division Update
Dr. Gray Anderson

9. Fish Division Update
Dr. Mike Bednarski

10. Director's Report
Mr. Gary Martel

11. Chairman's Report
Mr. Ryan Brown

12. Next Meeting Date: Wednesday, August 21, 2019
Mr. Ryan Brown

14. Additional Business/Comments
Mr. Ryan Brown

15. Adjournment
Mr. Ryan Brown

Draft Board Minutes

Wildlife, Boat, and Law Enforcement Committee
Board of Game and Inland Fisheries
7870 Villa Park Drive – Board Room
Henrico, VA 23228

March 20, 2019
10:00 am

Present: Mr. Ryan Brown, **Chairman;** Mrs. Nicole Butterworth, Mr. Leon Boyd, Mr. G. K. Washington; **Board members in attendance:** Mr. John Daniel, Ms. Catherine Claiborne; **Senior Leadership Team:** Mr. Gary Martel, Dr. Gray Anderson, Dr. Mike Bednarski, Major Scott Naff, Major Bryan Young, Mr. Lee Walker, Mr. Darin Moore, Mr. Tom Guess

The Chairman called the meeting to order at 10:00 am and noted for the record that a Quorum was present for today's meeting.

Approval of the January 23, 2019 Committee Meeting Minutes:

The Chairman called for a motion to approve the January 23, 2019 Wildlife, Boat, and Law Enforcement meeting minutes. Mr. Boyd made a motion to approve the minutes of the January 23, 2019 Committee meeting. Mr. Washington seconded the motion. Ayes: Brown, Butterworth, Boyd, Washington

Public Comments – Non-Agenda Items:

The Chairman called for Public Comments – Non-Agenda items, and hearing none, he continued with the Agenda.

Proposed Migratory Bird Regulations: The Chairman called on Dr. Gary Costanzo for a presentation.

Dr. Costanzo presented the Proposed Migratory Bird Regulations.

After discussion and comments, Mr. Brown thanked Dr. Costanzo for his presentation.

The Chairman called for a motion, Mr. Washington made a motion, Mr. Chairman, I move that the Wildlife, Boat, & Law Committee approve to the Full Board, the Final 2019-2020 Migratory Game Bird Season and Bag Limit proposals as presented by staff. Ms. Butterworth seconded the motion. Ayes: Brown, Butterworth, Boyd, Washington

Elk Management Plan: The Chairman called on Dr. David Kalb for a presentation.

Dr. Kalb presented the Elk Management Plan.

After discussion and comments, Mr. Brown thanked Dr. Kalb for his presentation.

- Ms. Stephanie Kitchen from Richmond, VA with the VA Farm Bureau spoke in regards to the Elk Plan
- Mr. Jason Carter, from Daleville, VA with the Virginia Cattlemen's Association spoke in regards to the Elk Plan

The Chairman called for a motion. Mr. Boyd made a motion. Mr. Chairman, I move that the Wildlife, Boat, and Law Enforcement Committee recommend to the Full Board, the 2019-2028 Virginia Elk Management Plan as presented by staff... It was seconded by Mr. Washington. Ayes: Brown, Boyd, Butterworth, Washington

Proposed Wildlife Division Staff Recommendations: The Chairman called on Dr. Gray Anderson for a presentation.

Dr. Anderson presented the Proposed Wildlife Division Staff Recommendations.

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

- Ms. Stephanie Kitchen from the VA Farm Bureau spoke regarding the Proposed Wildlife Division Staff Recommendations

The Chairman called for a motion, Mr. Boyd made a motion, Mr. Chairman, I move that the Wildlife, Boat, and Law Enforcement Committee recommend to the Full Board the 2019 -2020 Terrestrial Wildlife Regulations as presented by staff. It was seconded by Ms. Butterworth. Ayes: Brown, Boyd, Washington, Butterworth

Law Update: The Chairman called on Major Bryan Young for an Update.

Major Young reported:

- Newly trained canines
- NASBLA – Instructors Training
- Investigative training for all CPO's
- Guy Bradley Award presented to Lt. Karl Martin who is retiring after 47 years of service

Wildlife Division Update: The Chairman called on Dr. Gray Anderson for a Wildlife Division Update.

Dr. Anderson reported:

- The Clinch Mountain road will be open by April 5, 2019

Fish Division Update: The Chairman called on Dr. Mike Bednarski for a Fisheries Division Update.

Dr. Bednarski reported:

- Free Fishing Days – June 7, 8, 9, 2019
- Open house at all 5 Hatcheries before Free Fishing Days
- Governor’s Fishing Challenge for 2019 is being planned
- Creel Season under way
- Fish counter was installed at Walkers Dam
- Fish & Wildlife System Information Group and thanked Karen Horodysky for her work
- Trout Wildlife Management Plan

Director’s Update: The Chairman called on Mr. Bob Duncan for a Director’s report.

Mr. Duncan Reported:

- Guy Bradley Award presented to Karl Martin
- Deer Management Achievement Award presented to Deer Project Co-Leader Matt Knox
- Naming of 2 New WMA’s Goose Pond 1,300 acres and Sutton Lane 430 acres
- Saw Whet Owls Project at the Powhatan WMA

Chairman’s Report: The Chairman thanked everyone for attending today’s meeting. He thanked staff for their excellent presentations.

The Chairman gave a gracious send off to Executive Director Bob Duncan on his Retirement and thanked him for all of his years of service to the agency.

The Chairman asked if anyone had any further comments or questions.

Board Member Karen Terwilliger asked for an update concerning the Hampton Roads Bridge Tunnel situation regarding the birds and Director Duncan said that the subject would be discussed in Closed Session on Thursday at the Board meeting.

The Chairman announced that the next Wildlife, Boat and Law Committee meeting would be Wednesday, May 29, 2019 at 10:00 am and adjourned the meeting at 12:55 pm

Respectfully submitted,

Frances Boswell

/s/

VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES



**HUNTING AND TRAPPING
REGULATION
PROPOSALS**

FINAL STAFF RECOMMENDATIONS

WILDLIFE RESOURCES DIVISION

MAY 2019

HUNTING & TRAPPING REGULATION PROPOSALS: FINAL STAFF RECOMMENDATION SUMMARY

DEER

4VAC15-90-10 – RECOMMENDED AS PROPOSED
4VAC15-90-70 – RECOMMENDED AS PROPOSED
4VAC15-90-80 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-90-89 – RECOMMENDED AS PROPOSED
4VAC15-90-90 – RECOMMENDED AS PROPOSED
4VAC15-90-91 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-40-285 – RECOMMENDED AS PROPOSED
4VAC15-90-293 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**

BEAR

4VAC15-50-11 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-50-12 – RECOMMENDED AS PROPOSED
4VAC15-50-71 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-50-81 – RECOMMENDED AS PROPOSED
4VAC15-50-91 – RECOMMENDED AS PROPOSED
4VAC15-50-110 – RECOMMENDED AS PROPOSED
4VAC15-50-120 – RECOMMENDED AS PROPOSED

TURKEY

4VAC15-240-10 – RECOMMENDED AS PROPOSED
4VAC15-240-20 – RECOMMENDED AS PROPOSED
4VAC15-240-31 – RECOMMENDED AS PROPOSED
4VAC15-240-32(NEW) – RECOMMENDED AS PROPOSED
4VAC15-240-51 – RECOMMENDED AS PROPOSED

WATERFOWL

4VAC15-260-85 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-260-60 – RECOMMENDED AS PROPOSED
4VAC15-260-70 – RECOMMENDED AS PROPOSED

GENERAL

4VAC15-40-60 – RECOMMENDED AS PROPOSED
4VAC15-40-70 – RECOMMENDED AS PROPOSED
4VAC15-40-270 – RECOMMENDED AS PROPOSED
4VAC15-40-275 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-40-276(NEW) – RECOMMENDED AS PROPOSED
4VAC15-40-300(NEW) – RECOMMENDED AS PROPOSED

DEFINITIONS AND MISCELLANEOUS

4VAC15-20-130 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-20-240(NEW) – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**
4VAC15-30-50 – RECOMMENDED AS PROPOSED, **WITH MODIFICATION**

ADDITIONAL

4VAC15-20-50 – RECOMMENDED AS PROPOSED
4VAC15-290-60 – RECOMMENDED AS PROPOSED
4VAC15-400-20 – RECOMMENDED AS PROPOSED

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DEER

4VAC15-90-10. Game: Deer: Open Season; Generally.

Summary:

The proposal will extend the firearms deer season on private lands in western Amherst, Bedford, and western Nelson counties from two to four weeks in length while maintaining a two week firearms deer season on National Forest lands in these three counties.

Proposed language of the amendment:

1 **4VAC15-90-10. Open Season; Generally.**
 2

3 A. It shall be lawful to hunt deer in the following localities, including the cities and towns therein, during
 4 the following seasons, all dates inclusive.
 5

Locality	Season
Accomack County	Saturday prior to the third Monday in November through the first Saturday in January
Albemarle County	Saturday prior to the third Monday in November through the first Saturday in January
Alleghany County	Saturday prior to the third Monday in November and for 14 consecutive days following
Amelia County	Saturday prior to the third Monday in November through the first Saturday in January
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, <u>except on national forest lands</u>)	Saturday prior to the third Monday in November and for 14 <u>28</u> consecutive days following
<u>Amherst County (national forest lands)</u>	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>
Amherst County (east of Business U.S. 29, as defined above)	Saturday prior to the third Monday in November through the first Saturday in January
Appomattox County	Saturday prior to the third Monday in November through the first Saturday in January
Arlington County	Saturday prior to the third Monday in November through the first Saturday in January
Arlington County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Augusta County	Saturday prior to the third Monday in November and for 14 consecutive days following
Bath County	Saturday prior to the third Monday in November and for 14 consecutive days following
Bedford County (<u>except on national forest lands</u>)	Saturday prior to the third Monday in November and for 14 <u>28</u> consecutive days following
<u>Bedford County (national forest lands)</u>	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>
Bland County	Saturday prior to the third Monday in November and for 14 consecutive days following

Botetourt County	Saturday prior to the third Monday in November and for 14 consecutive days following
Brunswick County	Saturday prior to the third Monday in November through the first Saturday in January
Buchanan County	Saturday prior to the third Monday in November and for 14 consecutive days following
Buckingham County	Saturday prior to the third Monday in November through the first Saturday in January
Campbell County	Saturday prior to the third Monday in November through the first Saturday in January
Caroline County	Saturday prior to the third Monday in November through the first Saturday in January
Carroll County	Saturday prior to the third Monday in November and for 14 consecutive days following
Charles City County	Saturday prior to the third Monday in November through the first Saturday in January
Charlotte County	Saturday prior to the third Monday in November through the first Saturday in January
Chesapeake (City of)	October 1 through November 30
Chesterfield County	Saturday prior to the third Monday in November through the first Saturday in January
Clarke County	Saturday prior to the third Monday in November through the first Saturday in January
Craig County	Saturday prior to the third Monday in November and for 14 consecutive days following
Culpeper County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Culpeper County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Cumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Dickenson County	Saturday prior to the third Monday in November and for 14 consecutive days following
Dinwiddie County	Saturday prior to the third Monday in November through the first Saturday in January
Essex County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Fauquier County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Fauquier County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following

Floyd County	Saturday prior to the third Monday in November and for 28 consecutive days following
Fluvanna County	Saturday prior to the third Monday in November through the first Saturday in January
Franklin County	Saturday prior to the third Monday in November and for 28 consecutive days following
Frederick County (non-national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Frederick County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Giles County	Saturday prior to the third Monday in November and for 14 consecutive days following
Gloucester County	Saturday prior to the third Monday in November through the first Saturday in January
Goochland County	Saturday prior to the third Monday in November through the first Saturday in January
Grayson County	Saturday prior to the third Monday in November and for 14 consecutive days following
Greene County	Saturday prior to the third Monday in November through the first Saturday in January
Greensville County	Saturday prior to the third Monday in November through the first Saturday in January
Halifax County	Saturday prior to the third Monday in November through the first Saturday in January
Hanover County	Saturday prior to the third Monday in November through the first Saturday in January
Henrico County	Saturday prior to the third Monday in November through the first Saturday in January
Henry County	Saturday prior to the third Monday in November and for 28 consecutive days following
Highland County	Saturday prior to the third Monday in November and for 14 consecutive days following
Isle of Wight County	Saturday prior to the third Monday in November through the first Saturday in January
James City County	Saturday prior to the third Monday in November through the first Saturday in January
King and Queen County	Saturday prior to the third Monday in November through the first Saturday in January
King George County	Saturday prior to the third Monday in November through the first Saturday in January
King William County	Saturday prior to the third Monday in November through the first Saturday in January
Lancaster County	Saturday prior to the third Monday in November through the first Saturday in January
Lee County	Saturday prior to the third Monday in November and for 14 consecutive days following
Loudoun County	Saturday prior to the third Monday in November through the first Saturday in January
Loudoun County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March

Louisa County	Saturday prior to the third Monday in November through the first Saturday in January
Lunenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Madison County	Saturday prior to the third Monday in November through the first Saturday in January
Mathews County	Saturday prior to the third Monday in November through the first Saturday in January
Mecklenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Middlesex County	Saturday prior to the third Monday in November through the first Saturday in January
Montgomery County	Saturday prior to the third Monday in November and for 14 consecutive days following
Nelson County (west of Route 151, <u>except on national forest lands</u>)	Saturday prior to the third Monday in November and for 14 <u>28</u> consecutive days following
<u>Nelson County (national forest lands)</u>	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>
Nelson County (east of Route 151)	Saturday prior to the third Monday in November through the first Saturday in January
New Kent County	Saturday prior to the third Monday in November through the first Saturday in January
Northampton County	Saturday prior to the third Monday in November through the first Saturday in January
Northumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Nottoway County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County	Saturday prior to the third Monday in November through the first Saturday in January
Page County	Saturday prior to the third Monday in November and for 14 consecutive days following
Patrick County	Saturday prior to the third Monday in November and for 28 consecutive days following
Pittsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Powhatan County	Saturday prior to the third Monday in November through the first Saturday in January
Prince Edward County	Saturday prior to the third Monday in November through the first Saturday in January
Prince George County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Pulaski County (except on New River Unit of the Radford Army	Saturday prior to the third Monday in November and for 14 consecutive days following

Ammunition Plant adjacent to the Town of Dublin)	
Pulaski County (New River Unit of the Radford Army Ammunition Plant adjacent to the Town of Dublin)	Saturday prior to the second Monday in November through the first Saturday in January
Rappahannock County	Saturday prior to the third Monday in November through the first Saturday in January
Richmond County	Saturday prior to the third Monday in November through the first Saturday in January
Roanoke County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockbridge County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockingham County	Saturday prior to the third Monday in November and for 14 consecutive days following
Russell County	Saturday prior to the third Monday in November and for 14 consecutive days following
Scott County	Saturday prior to the third Monday in November and for 14 consecutive days following
Shenandoah County	Saturday prior to the third Monday in November and for 14 consecutive days following
Smyth County	Saturday prior to the third Monday in November and for 14 consecutive days following
Southampton County	Saturday prior to the third Monday in November through the first Saturday in January
Spotsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Stafford County	Saturday prior to the third Monday in November through the first Saturday in January
Suffolk (City of) (east of Dismal Swamp Line)	October 1 through November 30
Suffolk (City of) (west of Dismal Swamp Line)	Saturday prior to the third Monday in November through the first Saturday in January
Surry County	Saturday prior to the third Monday in November through the first Saturday in January
Sussex County	Saturday prior to the third Monday in November through the first Saturday in January
Tazewell County	Saturday prior to the third Monday in November and for 14 consecutive days following
Virginia Beach (City of)	October 1 through November 30
Warren County	Saturday prior to the third Monday in November and for 14 consecutive days following
Washington County	Saturday prior to the third Monday in November and for 14 consecutive days following
Westmoreland County	Saturday prior to the third Monday in November through the first Saturday in January
Wise County	Saturday prior to the third Monday in November and for 14 consecutive days following

Wythe County	Saturday prior to the third Monday in November and for 14 consecutive days following
York County	Saturday prior to the third Monday in November through the first Saturday in January

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B. Except as provided in subsection A of this section, east of the Blue Ridge Mountains deer may be hunted from the Saturday prior to the third Monday in November through the first Saturday in January, both dates inclusive, within the incorporated limits of any city or town that allows deer hunting.

C. Except as provided in subsection A of this section, west of the Blue Ridge Mountains deer may be hunted from the Saturday prior to the third Monday in November and for 14 consecutive days following within the incorporated limits of any city or town that allows deer hunting.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Over the past decade or more, the Department has been contacted by numerous concerned citizens and all three county governments about extending the length of the firearms deer season in Amherst, Bedford, and Nelson counties. These three counties currently have the shortest deer firearms season east of the Blue Ridge Mountains. At the same time, Bedford County consistently has had the highest private land deer population index in Virginia. This extension has not been proposed in the past because of concerns related to an overlap it would create between the bear hound hunting season and the deer firearms season. However, few conflicts have occurred elsewhere in Virginia where bear hound hunting and deer firearms seasons overlap.

Deer-vehicle collisions are a major deer management issue in Bedford County. The county is consistently among the top 10 localities for deer collisions in Virginia according to police reports compiled by the Virginia Department of Motor Vehicles. In 2017, the Department was contacted by the Bedford County Sheriff’s Department regarding deer vehicle collisions. In the 10-month period between February 15, 2016 and December 16, 2016, Bedford County deputies were involved in 31 deer vehicle collisions at a cost of more than \$55,000 to the county. During this time, deer management staff made a deer management presentation to the Bedford County Board of Supervisors. Staff indicated that efforts were being made to reduce the deer population and the Board of Supervisors voiced support for that effort.

Currently, the Department’s deer management plan calls for deer population reductions in both Amherst and Bedford counties and stabilization in Nelson County. Only a small portion of Nelson County will be impacted by this proposal; thus, the overall deer population in Nelson County is not expected to decrease with this regulation change. Nelson County is included for consistency.

4VAC15-90-70. Game: Deer: Archery Hunting.

Summary:

The proposal will (i) provide full season either-sex deer hunting during the archery deer seasons on PALS (Public Access Lands) in Dickenson County and (ii) include common interest communities (e.g., property owners' associations) in the urban archery season.

Proposed language of amendment:

1 **4VAC15-90-70. Archery Hunting.**

2
3 A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a
4 slingbow from the first Saturday in October through the Friday prior to the third Monday in November,
5 both dates inclusive.

6
7 B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during
8 the late special archery season with archery equipment or a slingbow:

9
10 1. From the Sunday following the close of the general firearms season on deer through the first Saturday
11 in January, both dates inclusive, in (i) all cities, towns, and counties west of the Blue Ridge Mountains
12 (except Clarke County and on non-national forest lands in Frederick County); (ii) in the Counties
13 (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its
14 intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye
15 River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick; (iii) on the Chester F. Phelps
16 Wildlife Management Area; and (iv) on national forest lands in Frederick County.

17
18 2. From December 1 through the first Saturday in January, both dates inclusive, in the Cities of
19 Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

20
21 C. Deer of either sex may be taken full season during the special archery seasons as provided in
22 subsections A and B of this section (~~except on PALS (Public Access Lands) in Dickenson County where~~
23 ~~it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections~~
24 ~~A and B of this section~~).

25
26 D. It shall be unlawful to carry firearms while hunting with archery equipment during the special archery
27 seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a
28 properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a
29 special muzzleloading deer season.

30
31 E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery
32 season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

33
34 F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery
35 equipment or a slingbow from the first Saturday in September through the Friday prior to the first
36 Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January
37 through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town
38 in the Commonwealth (except on national forest and department-owned lands) and counties with a human
39 population density of 300 persons per square mile or more (except on national forest and department-
40 owned lands), provided that its governing body submits by certified letter to the department prior to April
41 1, its intent to participate in the special urban archery season. Any city, town, or county no longer
42 participating in this season shall submit by certified letter to the department prior to April 1 notice of its
43 intent not to participate in the special urban archery season. When consistent with the department's deer

44 management objectives and subject to the director's approval, a participating county may exclude from
45 this season a geographic area or areas by submitting a clear description of such area or areas 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 urban archery season with archery
49 equipment or a slingbow, during dates specified in subsection F, within the boundaries of any common
50 interest community as defined in §55-528 of the Code of Virginia provided that the governing board, or
51 authorized agent thereof, of the property owners', condominium unit owners', or proprietary lessees'
52 association ("association") submits by certified letter to the department prior to July 1, its request to
53 participate in the special urban archery season, and provided further that the department approves such
54 request. This season will in no way supersede any local ordinance, any restriction in the association's
55 governing documents, or the requirement to obtain a landowner's permission to hunt. An association no
56 longer participating in the special urban archery season shall submit by certified letter to the department
57 prior to July 1 notice of its intent not to participate in the special urban archery season. At its discretion,
58 the department may suspend or revoke the special urban archery season in any association upon written
59 notice to the association.

60
61 GH. It shall be lawful to hunt antlerless deer during the special antlerless archery season with archery
62 equipment or a slingbow from the Monday following the last Sunday in March through the last Sunday in
63 April, both dates inclusive, in the Counties of Arlington, Fairfax, Loudoun, and Prince William (including
64 the cities and towns within).

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Dickenson PALS. In fall 2006, archery deer seasons were opened to either-sex deer hunting in Buchanan County and on private lands in Dickenson and Wise counties. At the time, local Department staff requested a more conservative approach on the newly acquired PALS (Public Access Lands) in Dickenson County.

Over the last several years, the Department has received increased interest in increasing either-sex deer hunting opportunities in the counties of Buchanan, Dickenson, and Wise. Department staff now feel that allowing either-sex deer hunting on PALS lands in Dickenson County will address some of these comments.

This proposal will also simplify deer regulations by creating a standard opportunity statewide for either-sex deer hunting during archery seasons. PALS lands in Dickenson County are currently the only area in Virginia under a buck-only regulation during archery seasons.

HOA Season. The Department initiated the urban archery season in 2002 to reduce deer-human conflicts in urban areas while providing recreation for hunters. All cities and towns in the Commonwealth, and all counties with an average population density of 300 persons per square mile or more, are eligible to participate in this season. The season has grown from 11 localities participating in 2002-03 to 52 participating during the 2018-19 hunting season.

Many residential communities with significant deer-human conflicts are not eligible for the urban archery season because they are located in a political jurisdiction that is not eligible to participate in the urban archery season. For example, many property owners' associations are located in counties that do not meet the population density threshold noted above. Nonetheless, residents of such communities experience deer impacts similar to cities and towns.

This proposal would rectify this situation by enabling any common interest community, as defined in §55-528 of the Code of Virginia, to participate in the urban archery season as long as it is approved by the Department. Personnel in the Virginia Department of Professional and Occupational Regulation were consulted regarding appropriate terminology in this regulation.

Unlike cities, towns, and counties that participate in the urban archery season, the Department will not list common interest communities that choose to participate in the hunting laws digest or on the Department's website. Therefore, a later deadline for application is provided for these communities (July 1) than for cities, towns, and counties (April 1).

4VAC15-90-80. Game: Deer: Muzzleloading Gun Hunting.

Summary:

The proposal is to (i) provide full season either-sex deer hunting during the early muzzleloading season on the Featherfin WMA, (ii) full season either-sex deer hunting during both the early and late muzzleloading seasons on private lands in Botetourt, Rockingham (east of Routes 613 and 731) and Wythe counties, and (iii) drop the minimum .45 caliber bore, and the minimum 50 grain powder requirements from the definition of a legal muzzleloading firearm for deer hunting.

Proposed language of amendment:

1 **4VAC15-90-80. Muzzleloading Gun Hunting.**

2

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

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

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

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

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

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

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

20 1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading
21 season on state forest lands, state park lands (except Occoneechee State Park), department-owned lands
22 (except on [\[the Featherfin and\]](#) Merrimac Farm Wildlife Management Areas), and Philpott Reservoir.

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

25 D. Deer of either sex may be taken on the second Saturday only during the early special muzzleloading
26 season west of the Blue Ridge Mountains unless otherwise noted in this subsection:

27 1. Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and
28 Floyd Counties and on private lands in [Botetourt](#), Carroll, Frederick, Grayson, Montgomery, Pulaski,
29 Roanoke, [Rockingham \(east of Routes 613 and 731\)](#), Scott, Shenandoah, ~~and~~ Warren, [and Wythe](#)
30 Counties.

31 ~~2. Deer of either sex may be taken on the second Saturday and the last five days of the early~~
32 ~~muzzleloading season on private lands in Botetourt County.~~

33 ~~32.~~ Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading
34 season in Buchanan, Dickenson, Lee, Russell, Tazewell, and Wise Counties and on national forest
35 lands in Alleghany, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Page, Pulaski,
36 Rockingham, Scott, Shenandoah, Warren, and on national forest and department-owned lands in
37 Augusta, Bath, Botetourt, Carroll, Highland (except Highland Wildlife Management Area), Roanoke,
38 Rockbridge, Smyth, Washington, and Wythe Counties and on Channels State Forest, Grayson
39 Highlands State Park, Hungry Mother State Park, and on private lands west of Routes 613 and 731 in
40 Rockingham County.

41 E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless
42 otherwise listed in this subsection:

43 1. Deer of either sex may be taken full season during the entire late special muzzleloading season in the
44 Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James
45 River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to
46 the Tye River, except on national forest lands), Bedford (except on national forest lands), Floyd,
47 Franklin, Henry, Nelson (west of Route 151, except on national forest lands), and Patrick and on
48 private lands in Botetourt, Carroll, Grayson, Montgomery, Pulaski, Roanoke, Rockingham (east of
49 Routes 613 and 731), Shenandoah, ~~and~~ Warren, and Wythe Counties.

50 2. Deer of either sex may be taken the last day only during the late special muzzleloading season in
51 Alleghany, Bath, Dickenson, Highland, Lee, Russell, Tazewell, and Wise Counties and on national
52 forest lands in Amherst, Bedford, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Nelson, Page,
53 Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties, and on national forest and
54 department-owned lands in Augusta, Botetourt, Carroll, Roanoke, Rockbridge, Smyth, Washington,
55 and Wythe Counties and on private lands west of Routes 613 and 731 in Rockingham County,
56 Channels State Forest, and Grayson Highlands State Park, and Hungry Mother State Park.

57 3. Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season
58 in Buchanan County.

59 F. Deer of either sex may be taken full season during the special muzzleloading seasons within the
60 incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the Cities
61 of Chesapeake, Suffolk, and Virginia Beach.

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

64
65 H. A muzzleloading gun, for the purpose of this section, means a single shot weapon, [.45 caliber or
66 larger,] firing a single projectile or sabot (with a .35 caliber or larger projectile) ~~of the same caliber~~ [
67 where the propellant and projectile are] loaded from the muzzle of the weapon ~~and propelled by at least~~
68 ~~50 grains of black powder (or black powder equivalent or smokeless powder).~~

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

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: 1) remove Featherfin WMA from the proposed language. Since its purchase in the early 2000s, deer hunting during the muzzleloader season on Featherfin WMA has been included in our quota hunt system, restricting the number of hunters who could hunt during the muzzleloader season. For the 2019-2020 hunting season, fall hunting on the Featherfin WMA will no longer be included in the quota hunt system and will be open to anyone wishing to hunt the area. Because hunting opportunities will be extended to additional individuals, additional either-sex hunting days are no longer recommended. 2) Maintain the .45 caliber restriction on all muzzleloading guns to reduce potential confusion because §29.1-519 requires that muzzleloading pistols must be .45 caliber to be used for hunting big game. 3) Clarify that the projectile and propellant must be loaded from the muzzle of the gun to be consistent with muzzleloading weapons definitions as defined in §29.1-100.

Rationale:

Featherfin WMA early muzzleloading either-sex deer hunting. With the exception of the early archery season, all deer hunting on Featherfin WMA is done by quotas. Local Department staff have seen an increase in deer numbers on the area and propose increasing the antlerless deer kill on the area.

Botetourt, Rockingham (east of Routes 613 and 731) and Wythe counties early and late muzzleloading private land either-sex deer hunting. Newly adopted deer population objectives call for reducing the private land deer population in Botetourt, Rockingham, and Wythe counties. The archery and firearms deer seasons already have full season either-sex deer hunting on private lands in these counties. Therefore, Department staff proposes that muzzleloading either-sex deer hunting opportunities be expanded to meet the deer population objective.

Muzzleloading caliber and powder requirements. During the last regulations cycle, the Department changed the minimum muzzleloading gun projectile size from .38 to .35 caliber. This change was made because several popular commercially available sabot projectiles for use in 45 and 50 caliber muzzleloaders range from .357 to .45 (<https://www.prbullet.com/pts.htm>). This change made the use of these .357 sabot projectiles legal for muzzleloading deer hunting in Virginia.

Having done so, staff proposes now removing the minimum bore size for muzzleloaders, while retaining the minimum .35 caliber projectile size. This will allow those with muzzleloading weapons to fire the same projectiles, though from a smaller bore size if they so choose.

Further, Virginia currently allows either smokeless or black powder for muzzleloader deer hunting. The existing minimum of 50 grains of powder is logical for those using black powder or a black powder equivalent, but smokeless powder is a more powerful propellant. Depending on the type of smokeless powder, as low as 10-15 grains of smokeless powder can make a lethal and ethical kill on big game. Requiring hunters to use 50 or more grains of powder is unnecessary when dealing with smokeless muzzleloaders, which are gaining in popularity. A realistic minimum powder charge that would apply to smokeless powders would be difficult to determine, since there exist vast differences in burn rate and applicable charges among smokeless powders.

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

Summary:

The proposal is to (i) add private lands in Albemarle, Culpeper, Floyd, Franklin, Grayson, Hanover, Henrico, James City, Prince George, Pulaski, Shenandoah, and York to EAB, (ii) change EAB on private lands in Clarke, Frederick, and Warren counties from 1:1 to 2:1, and (ii) clarify that only those antlerless deer that are taken in a particular town or city count toward the EAB requirement in that town or city.

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.

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

Arlington County. 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. 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. 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~~ two antlerless deer on private lands in Clarke County.

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

Fairfax County. 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.

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

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

45
46 Frederick County on private lands. During a license year, it shall be unlawful to take a second antlered deer
47 on private lands in Frederick County prior to taking at least ~~one~~ two antlerless deer on private lands in
48 Frederick County.

49
50 Grayson County on private lands. During a license year, it shall be unlawful to take a second antlered deer
51 on private lands in Grayson County prior to taking at least one antlerless deer on private lands in Grayson
52 County.

53
54 Hanover County on private lands. During a license year, it shall be unlawful to take a second antlered deer
55 on private lands in Hanover County prior to taking at least one antlerless deer on private lands in Hanover
56 County, and it shall be unlawful to take a third antlered deer on private lands in Hanover County prior to
57 taking at least two antlerless deer on private lands in Hanover County.

58
59 Henrico County on private lands. During a license year, it shall be unlawful to take a second antlered deer
60 on private lands in Henrico County prior to taking at least one antlerless deer on private lands in Henrico
61 County, and it shall be unlawful to take a third antlered deer on private lands in Henrico County prior to
62 taking at least two antlerless deer on private lands in Henrico County.

63
64 James City County on private lands. During a license year, it shall be unlawful to take a second antlered
65 deer on private lands in James City County prior to taking at least one antlerless deer on private lands in
66 James City County, and it shall be unlawful to take a third antlered deer on private lands in James City
67 County prior to taking at least two antlerless deer on private lands in James City County.

68
69 Loudoun County. During a license year, it shall be unlawful to take a second antlered deer in Loudoun
70 County prior to taking at least two antlerless deer in Loudoun County, and it shall be unlawful to take a
71 third antlered deer in Loudoun County prior to taking at least three antlerless deer in Loudoun County.

72
73 Montgomery County on private lands. During a license year, it shall be unlawful to take a second antlered
74 deer on private lands in Montgomery County prior to taking at least one antlerless deer on private lands in
75 Montgomery County.

76
77 Prince George County on private lands. During a license year, it shall be unlawful to take a second antlered
78 deer on private lands in Prince George County prior to taking at least one antlerless deer on private lands
79 in Prince George County, and it shall be unlawful to take a third antlered deer on private lands in Prince
80 George County prior to taking at least two antlerless deer on private lands in Prince George County.

81
82 Prince William County except on Department of Defense lands. During a license year, it shall be unlawful
83 to take a second antlered deer in Prince William County (except on Department of Defense lands) prior to
84 taking at least two antlerless deer in Prince William County (except on Department of Defense lands), and
85 it shall be unlawful to take a third antlered deer in Prince William County (except on Department of Defense
86 lands) prior to taking at least three antlerless deer in Prince William County (except on Department of
87 Defense lands).

88
89 Pulaski County on private lands. During a license year, it shall be unlawful to take a second antlered deer
90 on private lands in Pulaski County prior to taking at least one antlerless deer on private lands in Pulaski
91 County.

92
93 Rappahannock County. During a license year, it shall be unlawful to take a second antlered deer in
94 Rappahannock County prior to taking at least one antlerless deer in Rappahannock County, and it shall be
95 unlawful to take a third antlered deer in Rappahannock County prior to taking at least two antlerless deer
96 in Rappahannock County.

97
98 Roanoke County on private lands. During a license year, it shall be unlawful to take a second antlered deer
99 on private lands in Roanoke County prior to taking at least one antlerless deer on private lands in Roanoke
100 County.

101
102 Shenandoah County on private lands. During a license year, it shall be unlawful to take a second antlered
103 deer on private lands in Shenandoah County prior to taking at least one antlerless deer on private lands in
104 Shenandoah County.

105
106 Warren County on private lands. During a license year, it shall be unlawful to take a second antlered deer
107 on private lands in Warren County prior to taking at least ~~one~~ two antlerless deer on private lands in Warren
108 County.

109
110 York County on private lands. During a license year, it shall be unlawful to take a second antlered deer on
111 private lands in York County prior to taking at least one antlerless deer on private lands in York County,
112 and it shall be unlawful to take a third antlered deer on private lands in York County prior to taking at least
113 two antlerless deer on private lands in York County.

114
115 Cities and towns. During a license year in any town or city (except Chesapeake, Suffolk, and Virginia
116 Beach) east of the Blue Ridge Mountains, it shall be unlawful to take a second antlered deer prior to taking
117 at least one antlerless deer in that town or city, and it shall be unlawful to take a third antlered deer prior to
118 taking at least two antlerless deer in that town or city. During a license year in any town or city west of the
119 Blue Ridge Mountains, it shall be unlawful to take a second antlered deer prior to taking at least one
120 antlerless deer in that town or city.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Albemarle County private land EAB. Newly adopted deer population management objectives have recommended stabilizing the deer population in Albemarle County and this objective has been and is currently being met. However, the human population is increasing rapidly in this area and urban deer conflicts in and around Charlottesville are very common. The number of out-of-season deer kill permits issued annually (for both agricultural and urban issues) in Albemarle County is routinely the highest in Virginia, and over the past decade the number of deer reported killed on these kill permits annually has ranged from 770 to 1,891 deer and averaged 1,128 deer per year. Deer vehicle collisions are an important deer management issue in this area. Therefore, deer management staff feels that initiating EAB in this area is a proactive step that should be taken at this time.

Clarke County private land 2:1 EAB. A 1:1 EAB regulation has been in effect in Clarke County since fall 2010, and this county has been a part of the Department’s four county chronic wasting disease (CWD) disease management zone since 2015. Clarke County routinely has one of the highest deer population indexes in Virginia. Past and newly adopted deer population management objectives recommend a deer population reduction in Clarke County, and the private land deer population index is down significantly from 10-20 years ago. However, the deer population index needs to be reduced further per the deer

population management objective in the Department's deer management plan. Initiating a 2:1 EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

Culpeper County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in Culpeper County. This objective is currently not being met. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

Floyd County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in Floyd County. This objective is currently not being met. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

Franklin County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in Franklin County. EAB was in effect on private lands in Franklin County from 2008 through 2012 and brought about a desired reduction in the deer population index. In fall 2013 EAB was removed, and the deer population index has demonstrated an increasing trend since. Initiating EAB in this county again should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

Frederick County private land 2:1 EAB. A 1:1 EAB regulation has been in effect in Frederick County since fall 2010. CWD was found in this county in fall 2009. Past and newly adopted deer population management objectives recommend a deer population reduction on private lands in Frederick County. The private land deer population index is down significantly from 10-20 years ago. However, the deer management staff proposes reducing the private land deer population index further per the deer population management objective in the Department's deer management plan.

Grayson County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction on private lands in Grayson County. This objective is currently not being met. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the private land deer population.

Hanover County private land EAB. Newly adopted deer population management objectives recommend a deer population reduction in Hanover County due to human population growth and the potential for increasing human-deer conflicts. Liberal either-sex hunting seasons over the last decade have maintained a deer population index well above the new target deer population index objective. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and hopefully result in a decrease in the deer population index per the new deer population management objective in the Department's deer management plan.

Henrico County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in Henrico County due to human population growth and the potential for increasing human-deer conflicts. Liberal either-sex hunting seasons over the last decade have been successful in reducing the deer population index, but with over 1,300 people per square mile, the new objective in this county is to reduce the deer population index to a very low level. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and hopefully result in a further decrease in the deer population index.

James City County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in James City County. Liberal either-sex hunting seasons over

the last decade have been successful in reducing the deer population index, but with approximately 500 people per square mile, the new objective in this county is to reduce the deer population index to a lower level. Urban deer conflicts and deer vehicle collisions are important deer management issues in this area. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and hopefully result in a further decrease in the deer population index.

Prince George County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in Prince George County. Liberal either-sex hunting seasons over the last decade have been successful in reducing the deer population index, but the new objective in this county is to reduce the deer population index to a slightly lower level due to human population growth and the potential for increasing human-deer conflicts. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

Pulaski County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction on private lands in Pulaski County. This objective is currently not being met. In fact, over the past decade the private land deer population index for Pulaski County has increased 40%. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the private land deer population.

Shenandoah County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction on private lands in Shenandoah County. This objective is currently not being met. EAB was in effect on private lands in Shenandoah County from 2010 through 2012. Initiating EAB in this county again should incentivize the harvest of additional antlerless deer and result in a decrease in the private land deer population. Shenandoah County is also a CWD positive county and part of the four county CWD disease management area.

Warren County private land 2:1 EAB. A 1:1 EAB regulation has been in effect in Warren County since fall 2010, and this county has been a part of the Department's four county CWD disease management zone since 2015. Past and newly adopted deer population management objectives recommend a deer population reduction in Warren County. The private land deer population index is down significantly from 10-20 years ago. However, the deer management staff proposes reducing the private land deer population index further per the deer population management objective in the Department's deer management plan. Initiating a 2:1 EAB in this county should incentivize the harvest of additional antlerless deer and result in a decrease in the deer population.

York County private land EAB. Past and newly adopted deer population management objectives recommend a deer population reduction in York County due to human population growth and the potential for increasing human-deer conflicts. Liberal either-sex hunting seasons over the last decade have been successful in maintaining a low deer population index, but with over 620 people per square mile, the new objective in this county is to reduce the deer population index to a very low level. Initiating EAB in this county should incentivize the harvest of additional antlerless deer and hopefully result in a further decrease in the deer population.

Cities and towns EAB. This proposal addresses an oversight in regulation that might be misconstrued to allow a hunter to count antlerless deer taken anywhere in the Commonwealth toward the EAB requirement in a particular town or city.

4VAC15-90-90. Game: Deer: Bag Limit, Bonus Deer Permits and Special Antlerless Provision for Youth Hunters.

Summary:

The proposal is to (i) create a two deer per day bag limit on private lands west of the Blue Ridge Mountains, (ii) maintain a one elk per day bag limit statewide, (iii) exclude antler point restrictions in any county designated by the Department within 25 miles of a confirmed detection of Chronic Wasting Disease (will eliminate the current antler point restrictions in Rockingham and Shenandoah counties), (iv) add Apprentice license holders to the Youth Antlerless Deer Regulation, and (v) include the counties of Buchanan, Dickenson, and Wise in the current Youth Antlerless Deer Regulation.

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 Amherst,
5 Bedford, and Nelson Counties) is two per day, six per license year, three of which must be antlerless
6 unless otherwise noted in this subsection.

7
8 1. The daily bag limit for deer is unlimited in the Counties (including the cities and towns within) of
9 Arlington, Fairfax, Loudoun, and Prince William.

10
11 2. Only one deer per day may be taken on National Forest Lands in Amherst, Bedford, and Nelson
12 counties.

13
14 3. Only one elk per day may be taken east of the Blue Ridge Mountains.

15
16 B. The bag limit for deer west of the Blue Ridge Mountains ~~and on national forest lands in Amherst,~~
17 ~~Bedford, and Nelson Counties~~ is ~~one~~ two per day, five per license year, three of which must be antlerless
18 unless otherwise noted in this subsection.

19
20 1. ~~The daily bag limit for deer is two per day on private lands in the Counties (including the cities and~~
21 ~~towns within) of Clarke, Frederick, Roanoke, Shenandoah, and Warren. Only one deer per day may be~~
22 ~~taken on National Forest and Department-owned and Department-managed lands west of the Blue Ridge~~
23 ~~Mountains.~~

24
25 2. If a deer hunter kills two antlered bucks in a license year in Alleghany, Augusta, Bath, Highland, or
26 Rockbridge, Rockingham, or Shenandoah County, at least one of the antlered bucks must have at least
27 four antler points, one inch or longer, on one side of the antlers. This subdivision (B.2.) shall not apply to
28 any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting
29 Disease.

30
31 3. Only one elk per day may be taken west of the Blue Ridge Mountains.

32
33 C. Except as noted in subsection E of this section, antlerless deer may be taken only during designated
34 either-sex deer hunting days during the special archery seasons, special muzzleloading seasons, and the
35 general firearms season.

36

37 D. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is permitted
38 (except Buchanan, Dickenson, and Wise Counties) during the special archery seasons, special
39 muzzleloading seasons, and the general firearms season. Bonus deer permits shall be valid on public
40 lands, including state parks, state forests, national wildlife refuges, military areas, etc., as authorized by
41 the managing agency. Unless otherwise posted or authorized in writing for wildlife management areas by
42 the department, or for national forest lands by the U.S. Forest Service, the use of bonus permits is
43 prohibited on department-owned and national forest lands. Bonus deer permits shall be valid for antlerless
44 deer only. Deer taken on bonus permits shall count against the daily bag limit but are in addition to the
45 seasonal bag limit.

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

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Two deer per day private land bag limit west of the Blue Ridge Mountains. Over the years the Department has received numerous requests to increase the daily deer bag limit west of the Blue Ridge Mountains from one to two. This change has already been made on private lands in five of 31 western counties in the past. A challenge for increasing the daily bag limit region-wide has been the deer management situation on public lands. Over the past twenty plus years, the Department has documented a significant decline (~60%) in the deer kill on public lands west of the Blue Ridge (e.g., National Forest and Department-owned lands). To address this decline, the Department has significantly reduced public land either-sex deer hunting opportunities. This proposal will maintain the one deer per day bag limit on public lands west of the Blue Ridge, enabling the Department to establish a two deer per day bag limit statewide on private lands while at the same time addressing deer management concerns on public lands in western Virginia.

Elimination of antler point restrictions (APRs) in some counties.

In 4VAC15-40-285, *Unauthorized feeding of cervids*, Department staff is proposing a prohibition on feeding deer in any county designated by the Department within 25 miles of a confirmed detection of Chronic Wasting Disease. Deer management staff proposes that a similar approach be applied to APR's for the same reasons; i.e., to proactively reduce disease risks within a reasonable distance from known positives. This proposal will eliminate the current APRs in Rockingham and Shenandoah counties. APRs are designed to protect young antlered bucks and make the buck age structure older. Data from across the eastern US clearly shows that CWD infection rates are the highest in older male age classes.

Apprentice License Holders. Recruitment, retention and reactivation (R3) efforts are a very high priority for the Department. The deer management staff believes that adding Apprentice license holders to the current Youth Antlerless Deer Regulation is in keeping with ongoing R3 efforts.

Buchanan, Dickenson, and Wise counties. Over the last several years, the Department has received interest in increasing either-sex deer hunting opportunities in the counties of Buchanan, Dickenson, and Wise. The deer management staff believes that allowing youth and apprentice license holders to take deer under the current Youth Antlerless Deer Regulation will address some of these comments while still allowing for deer populations to increase in these three counties as called for in the Department's Deer Management Plan.

One per day elk bag limit. The proposal is to make no change in the daily bag limit for elk. In accordance with direction provided in the Draft Elk Management Plan, staff believe it is appropriate at this time to maintain the status quo on elk outside of the Elk Management Zone (Buchanan, Dickenson, and Wise counties). Allowing hunters to harvest multiple elk per day, when opportunities to harvest elk are so limited, could give the perception that the agency has changed its position toward elk outside of the Elk Management Zone. Further, elk biology and herding behavior create conditions where harvesting multiple individuals is more likely and this could be perceived by the public as a fair chase issue.

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

Summary:

The proposal is to (i) change the general firearms either-sex deer hunting days for the counties shown in the table below, (ii) align general firearms either-sex deer hunting days on all Department-owned lands with those on National Forests or existing WMA's in Craig, Russell, Smyth, Tazewell, Washington, and Wythe counties, and (iii) allow deer of either sex to be taken full season during the general firearms deer season in any common interest community (e.g., property owners' association) participating in the urban archery season.

City/County/WMA	Change	Current	Proposed
<u>Private Land</u>			
Augusta (private lands)	Increase	7	15
Campbell (west of Norfolk Southern Railroad)	Increase	31	full season
Charles City	Increase	15	31
New Kent	Increase	15	31
Page (private lands)	Increase	3	7
Pittsylvania (west of Norfolk Southern Railroad)	Increase	31	full season
Powhatan	Increase	15	31
Smyth (private lands)	Increase	7	15
<u>Public Land</u>			
Alleghany (National Forest lands)	Increase	0	1
Amherst (National Forest lands)	Increase	0	1
Augusta (National Forest and Department-owned lands)	Increase	0	1
Bath (National Forest and Department-owned lands)	Increase	0	1
Bedford (National Forest lands)	Increase	0	1
Botetourt (National Forest and Department-owned lands)	Increase	0	1
Featherfin WMA	Increase	31	full season
Frederick (National Forest lands)	Increase	0	1
Grayson (National Forest lands and Grayson Highlands State Park)	Increase	0	1
Highland (National Forest lands)	Increase	0	1
Nelson (National Forest lands)	Increase	0	1
Page (National Forest lands)	Increase	0	1
Roanoke (National Forest and Department-owned lands)	Increase	0	1
Rockbridge (National Forest and Department-owned lands)	Increase	0	1
Rockingham (National Forest lands)	Increase	0	1
Russell (Department-owned lands and Channels State Forest)	Increase	0	1
Shenandoah (National Forest lands)	Increase	0	1
Smyth (National Forest lands, Department-owned lands and Hungry Mother State Park)	Increase	0	1
Tazewell (National Forest lands and Department-owned lands)	Increase	0	1
Warren (National Forest lands)	Increase	0	1
Washington (National Forest lands, Department-owned lands and Channels State Forest)	Increase	0	1

Proposed language of amendment:

- 1 **4VAC15-90-91. General firearms season either-sex deer hunting days.**
2
3 A. During the general firearms deer season, deer of either sex may be taken within:
4
5 Accomack County: full season.
6 Albemarle County: full season.
7 Alleghany County: the second Saturday and the last day.
8 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
9 ~~may be taken the last day.~~
10 Amelia County: the second and third Saturdays and the last 13 days.
11 -Amelia WMA: the second and third Saturdays and the last six days.
12 Amherst County (east of Business U.S. 29 from the James River to its intersection with U.S. 29 just south
13 of the Town of Amherst continuing north on U.S. 29 to the Tye River): the second and third Saturdays and
14 the last 29 days.
15 Amherst County (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south
16 of the Town of Amherst continuing north on U.S. 29 to the Tye River): full season.
17 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
18 ~~may be taken the last day.~~
19 Appomattox County: the second and third Saturdays and the last six days.
20 -Appomattox-Buckingham State Forest: the second and third Saturdays.
21 -Featherfin WMA: [~~the second and third Saturdays and the last 29 days~~ full season].
22 Arlington County: full season.
23 Augusta County: ~~the second Saturday and the last six days~~ full season.
24 -National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with~~
25 ~~antlers above the hairline may be taken the last day.~~
26 Bath County: the second Saturday and the last day.
27 -National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with~~
28 ~~antlers above the hairline may be taken the last day.~~
29 Bedford County: full season.
30 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
31 ~~may be taken the last day.~~
32 Bland County: the second Saturday and the last day.
33 -National forest lands: the second Saturday and the last day.
34 Botetourt County: full season.
35 -National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with~~
36 ~~antlers above the hairline may be taken the last day.~~
37 Brunswick County: the second and third Saturdays and the last six days.
38 Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may
39 be taken.
40 Buckingham County: the second and third Saturdays and the last six days.
41 -Horsepen Lake WMA: the second and third Saturdays and the last six days.
42 -Appomattox-Buckingham State Forest: the second and third Saturdays.
43 -Featherfin WMA: [~~the second and third Saturdays and the last 29 days~~ full season].
44 Campbell County (~~east of Norfolk Southern Railroad~~): the second and third Saturdays and the last 29 days.
45 Campbell County (west of Norfolk Southern Railroad): full season.
46 Caroline County: the second and third Saturdays and the last six days.
47 -Mattaponi WMA: the second and third Saturdays and the last six days.
48 Carroll County: full season.
49 -National forest and department-owned lands: the second Saturday and the last day.
50 Charles City County: the second and third Saturdays and the last ~~13~~29 days.

51 -Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline
52 may be taken.
53 Charlotte County: the second and third Saturdays and the last six days.
54 Chesapeake (City of): the second and third Saturdays and the last 13 days.
55 Chesterfield County: the second and third Saturdays and the last six days.
56 Clarke County: full season.
57 Craig County: full season.
58 -National forest and Department-owned lands: the second Saturday and the last day.
59 Culpeper County: full season.
60 -Chester F. Phelps WMA: the second Saturday and the last day.
61 Cumberland County: the second and third Saturdays and the last 13 days.
62 -Cumberland State Forest: the second and third Saturdays.
63 Dickenson County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may
64 be taken.
65 Dinwiddie County: the second and third Saturdays and the last six days.
66 Essex County: the second and third Saturdays and the last six days.
67 Fairfax County: full season.
68 Fauquier County: full season.
69 -G. Richard Thompson WMA: the second Saturday and the last day.
70 -Chester F. Phelps WMA: the second Saturday and the last day.
71 Floyd County: full season.
72 Fluvanna County: second and third Saturdays and the last 13 days.
73 Franklin County: full season.
74 -Philpott Reservoir: the second Saturday and the last six days.
75 -Turkeycock Mountain WMA: the second Saturday and the last six days.
76 Frederick County: full season.
77 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
78 ~~may be taken the last day.~~
79 Giles County: full season.
80 -National forest lands: the second Saturday and the last day.
81 Gloucester County: the second and third Saturdays and the last six days.
82 Goochland County: the second and third Saturdays and the last 29 days.
83 Grayson County: full season.
84 -National forest lands and Grayson Highlands State Park: ~~antlered bucks only—no either-sex days. Only~~
85 ~~deer with antlers above the hairline may be taken the last day.~~
86 Greene County: full season.
87 Greenville County: the second and third Saturdays and the last six days.
88 Halifax County: the second and third Saturdays and the last 13 days.
89 Hanover County: full season.
90 Henrico County: full season.
91 Henry County: the second and third Saturdays and the last 13 days.
92 -Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last
93 six days.
94 -Turkeycock Mountain WMA: the second Saturday and the last six days.
95 Highland County: the second Saturday and the last day.
96 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
97 ~~may be taken the last day.~~
98 -Department-owned lands: the second Saturday and the last day.
99 Isle of Wight County: full season.
100 -Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline
101 may be taken.

102 James City County: full season.
103 King and Queen County: the second and third Saturdays and the last six days.
104 King George County: the second and third Saturdays and the last 13 days.
105 King William County: the second and third Saturdays and the last six days.
106 Lancaster County: the second and third Saturdays and the last 13 days.
107 Lee County: the second Saturday and the last two days.
108 -National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline
109 may be taken.
110 Loudoun County: full season.
111 Louisa County: the second and third Saturdays and the last 29 days.
112 Lunenburg County: the second and third Saturdays and the last six days.
113 Madison County: full season.
114 -Rapidan WMA: the second and third Saturdays and the last 29 days.
115 Mathews County: the second and third Saturdays and the last six days.
116 Mecklenburg County: the second and third Saturdays and the last six days.
117 -Dick Cross WMA: the second and third Saturdays and the last six days.
118 Middlesex County: the second and third Saturdays and the last six days.
119 Montgomery County: full season.
120 -National forest lands: the second Saturday and the last day.
121 Nelson County (east of Route 151): the second and third Saturdays and the last 29 days.
122 -James River WMA: the second Saturday and the last six days.
123 Nelson County (west of Route 151): full season.
124 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
125 ~~may be taken the last day.~~
126 New Kent County: the second and third Saturdays and the last ~~13~~29 days.
127 Northampton County: full season.
128 Northumberland County: the second and third Saturdays and the last 13 days.
129 Nottoway County: the second and third Saturdays and the last six days.
130 Orange County: full season.
131 Page County: the second Saturday and the last ~~two~~ six days.
132 -National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline~~
133 ~~may be taken the last day.~~
134 Patrick County: the second and third Saturdays and the last 13 days.
135 -Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last
136 six days.
137 Pittsylvania County (east of Norfolk Southern Railroad): the second and third Saturdays and the last 29
138 days.
139 -White Oak Mountain WMA: the second Saturday and the last day.
140 Pittsylvania County (west of Norfolk Southern Railroad): full season.
141 Powhatan County: the second and third Saturdays and the last ~~13~~29 days.
142 -Powhatan WMA: the second and third Saturdays and the last 13 days.
143 Prince Edward County: the second and third Saturdays and the last six days.
144 -Briery Creek WMA: the second and third Saturdays and the last six days.
145 -Featherfin WMA: [the second and third Saturdays and the last 29 days full season].
146 -Prince Edward State Forest: the second and third Saturdays.
147 Prince George County: full season.
148 Prince William County: full season.
149 Pulaski County: full season.
150 -National forest lands: the second Saturday and the last day.
151 Rappahannock County: full season.
152 Richmond County: the second and third Saturdays and the last 13 days.

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

204 York County: full season.

205

206 B. Except as provided in the subsection A of this section, deer of either sex may be taken full season during
207 the general firearms deer season within the incorporated limits of any city or town, state park, national
208 wildlife refuge, or military installation that allows deer hunting, or within any common interest community
209 participating in the special urban archery season according to provisions of 4VAC15-90-70.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: remove Featherfin WMA from the proposed language. Since its purchase in the early 2000s, deer hunting during the firearm season on Featherfin WMA has been included in our quota hunt system, restricting the number of hunters who could hunt during the firearm season. For the 2019-2020 hunting season, fall hunting on Featherfin WMA will no longer be included in the quota hunt system and will be open to anyone wishing to hunt the area. Because hunting opportunities will be extended to additional individuals, additional either-sex hunting days are no longer recommended.

Rationale:

Since the previous regulation amendment cycle, deer program staff developed a new approach to establishing deer population objectives, per the 2015-2024 Virginia Deer Management Plan. Long-term target levels for deer populations are now established for each county and the three cities of Chesapeake, Suffolk, and Virginia Beach. As in the past, the direction of change needed to meet the target levels (increase, decrease, stabilize) will still be identified for each unit. The new target levels and needed changes were reviewed by regional and administrative Department staff, and under a process outlined in the plan, the stakeholder advisory committee from the 2015 planning process also reviewed the changes. A description of this new approach, along with updated objectives, can be viewed on the Department’s website at:

<https://www.dgif.virginia.gov/wp-content/uploads/2019-Updated-Deer-Population-Objectives.pdf>.

Augusta County (private lands). Newly adopted deer population objectives recommend a deer population reduction on private lands in Augusta County. The private land deer population index in Augusta County has demonstrated a significant 28% increase over the past decade and increased 21% over the past five years (not statistically significant). In addition, the number of deer killed on out-of-season deer kill permits has increased significantly in Augusta County over the past decade or more. Over the past five years, the number of deer killed on out-of-season deer kill permits in Augusta County has ranged from 362 to 842 annually and averaged 583. Lastly, Augusta County is among the top counties for reported deer-vehicle collisions. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time.

Campbell County (west of Norfolk Southern Railroad) and Pittsylvania County (west of Norfolk Southern Railroad). Deer hunting in both of these counties is split by an historical “dog line” where deer hunting with dogs is allowed east of the line but prohibited west of the line. Anecdotal data and observations indicate that deer densities in both counties are higher west of the dog line than east of the dog line. In addition, the number of deer killed on out-of-season deer kill permits has increased significantly in western Pittsylvania County over the past decade or more. Over the past five years, the number of deer killed on out-of-season deer kill permits in Pittsylvania County has ranged from 462 to 523 annually and averaged 487. Deer management staff has received several requests for increased either-sex deer hunting opportunities in western Pittsylvania County from farmers experiencing significant crop damage from deer. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time. The regulation change in western Campbell County is being made to maintain a consistent either-sex day deer season regulation in that area west of Norfolk Southern Railroad.

Charles City County. In fall 2014 this county was hit hard by the worst outbreak of Hemorrhagic Disease (HD) documented in Virginia in decades and the deer kill fell 31%. To address the situation, in fall 2015 the Department cut the number of either-sex deer hunting days from full season to 30 days. In fall 2017, the number of either-sex deer hunting days was cut again from 30 to 15 days. Charles City County is currently at its desired deer population index objective, but has historically stayed well above this desired level. The deer management staff in this area believes that the deer herd in this county is recovering and would like to be proactive in beginning to increase the number of either-sex deer hunting days.

New Kent County. Past and newly adopted deer population objectives recommend a deer population reduction in New Kent County. This reduction objective has been in large part due to the fact that New Kent County has seen a dramatic increase in the human population over the past 20 years and this trend is predicted to continue. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time.

Page County (private lands). Newly adopted deer population objectives recommend a deer population reduction on private lands in Page County. The private land deer population index in Page County has demonstrated a significant 29% increase over the past decade. Page County has had the same private land firearms either-sex day deer regulation for the past 17 consecutive years with no changes. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time.

Powhatan County. In fall 2014 this county was hit hard by the worst outbreak of Hemorrhagic Disease (HD) documented in Virginia in decades and the deer kill fell 35%. Past and newly adopted deer population objectives recommend a deer population reduction in Powhatan County. This reduction objective is a result of the fact that Powhatan County has seen a dramatic increase in the human population over the past 20 years and this trend is predicted to continue. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time.

Smyth County (private lands). Newly adopted deer population objectives recommend a deer population reduction on private lands in Smyth County. The private land deer population index in Smyth County has demonstrated a significant 26% increase over the past decade and the county has had the same private land firearms either-sex deer hunting regulation over that same time frame. The deer management staff proposes that either-sex deer hunting opportunities be expanded in this area at this time.

Alleghany, Amherst, Augusta, Bath, Bedford, Botetourt, Frederick, Grayson, Highland, Nelson, Page, Roanoke, Rockbridge, Rockingham, Russell, Shenandoah, Smyth, Tazewell, Warren, and Washington (public lands). Over the past 25 years the Department has seen a significant decline in the public land deer kill west of the Blue Ridge Mountains. Since the mid 1990's, there has been an approximate 42% decline in the number of western public land deer hunters and a concurrent 67% decline in the deer kill on western public lands. To address this decline, the number of either-sex deer hunting days on public lands has been reduced significantly over the past decade or so. Doe kill numbers and levels on public lands in many western counties are the lowest in decades. The western public land deer kill decline appears to have bottomed out, but it has not recovered. Status and trends are similar for counties with differing either-sex day opportunities on public lands (e.g., buck only, one day, two days), suggesting that other factors besides number of either-sex days are impacting the deer populations in these areas (e.g., habitat, hunter effort).

At the same time that the Department has been cutting western public land either-sex deer hunting days, it has also been receiving comments from numerous western public land deer hunters asking for more either-sex deer hunting opportunities. Recent declines in both the number of hunters and the deer harvest on these lands may be due, in part, to the lack of an opportunity for hunters to harvest an antlerless deer during the firearms season in many counties. The deer management staff proposal to reopen one firearms either-sex deer hunting day on public land in 20 western counties is an attempt to balance public land

hunter opportunity with deer regulations that are still conservative enough to allow for deer population growth.

Featherfin WMA firearms either-sex deer hunting. With the exception of the early archery season, all deer hunting on Featherfin WMA is done by quotas. Department staff have seen an increase in deer numbers on the area and proposes increasing the antlerless deer kill on the area.

Public land either-sex day regulation language change in Craig, Russell, Smyth, Tazewell, Washington, and Wythe counties. The proposed language will provide consistency in general firearms either-sex deer hunting days on public lands in these counties, following the same approach used in the majority of other western counties. This regulation change will result in a reduction in the number of either-sex deer hunting days on the Department's Buller, Marion, Paint Bank, and Wytheville fish hatchery properties. All of these hatchery properties are either adjacent to or in close proximity to national forest lands and logically should be managed consistently with national forest lands and other Department-owned properties.

HOA full season either-sex deer hunting. A proposed amendment to 4VAC15-90-70 would make common interest communities, as defined in §55-528 of the Code of Virginia, eligible to participate in the urban archery season with Department approval. The current proposal would provide these communities with the same opportunities to harvest antlerless deer during the general firearms season as are currently available in cities and towns. Without this change, hunters in participating common interest communities could take antlerless deer on designated general firearms deer season either-sex hunting days, which are limited in many counties.

4VAC15-40-285. Game: Deer: Unauthorized Feeding of Cervids.

Summary:

The proposal is to prohibit the feeding of cervids in any county designated by the Department within 25 miles of a confirmed detection of Chronic Wasting Disease.

Proposed language of amendment:

4VAC15-40-285. Unauthorized Feeding of Cervids

A. It shall be unlawful for any person to place or distribute food, salt, minerals, or similar substances to feed or attract cervids (i) at any time in the counties (including the cities and towns within) of Buchanan, ~~Clarke, Dickenson, Frederick, Shenandoah, Warren,~~ and Wise, and in any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting Disease; (ii) during any deer or elk season within any county, city, or town that allows deer or elk hunting; and (iii) from September 1 through the first Saturday in January, both dates inclusive, elsewhere in the Commonwealth.

B. Any food, salt, minerals, or similar substances placed or distributed to feed or attract cervids prior to September 1 must be completely removed by September 1, and any area where food, salt, minerals, or similar substances were placed or distributed to feed or attract cervids shall be considered to be baited for 10 days following the complete removal of the items listed in this subsection.

C. Upon written notification by department personnel, no person shall continue to place or distribute any food, salt, mineral, or similar substances for any purpose if the placement of these materials results in the attraction of and/or feeding of cervids. After such notification, such person shall be in violation of this section if the placing, distribution, or presence of such food, salt, minerals, or similar substances continues.

D. No part of this regulation shall be construed to restrict bona fide agronomic plantings (including wildlife food plots), bona fide distribution of food to livestock, or wildlife management activities conducted or authorized by the department.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Chronic Wasting Disease (CWD) is an infectious disease of cervids that spreads readily through animal-to-animal contact and environmental contamination by the disease agent. Because CWD transmission can be enhanced when deer are concentrated at artificial feeding sites, it is critical to prevent the placement of food, minerals, or salt in an expansive area surrounding an area known to be infected with the disease. Juvenile dispersal is an important mechanism for disease transmission between individuals and populations. Male deer are especially important in spreading CWD due to their extensive interactions with other deer and their long distance movements across landscapes potentially contaminated with CWD prions. It is not uncommon for yearling whitetail bucks to disperse 10-12 miles in fragmented landscapes like those found in Virginia. An appropriately sized buffer zone that extends beyond the average dispersal distance for juveniles is critical to reduce disease transmission across the landscape.

This proposal will expand the current feeding prohibition beyond the current CWD Containment Area in Clark, Frederick, Shenandoah, and Warren counties. Counties affected by the expanded feeding prohibition include: Culpeper, Fauquier, Loudoun, Louisa, Madison, Orange, Page, Rappahannock, Rockingham, Spotsylvania, and Stafford. In addition, the proposal will be applicable to all future detections of CWD in Virginia and neighboring states. The Department will provide a list of all counties where feeding of cervids is prohibited in the annual hunting digest and on the Department website.

4VAC15-90-293. Game: Deer: Unauthorized Cervid Parts, Excretions, and Carcass Importation, Movement, Possession, and Use.

Summary:

The proposal is to (i) prohibit the importation of cervid carcasses and certain high-risk carcass parts from outside of Virginia, (ii) clarify whose name should be recorded on legally imported carcass parts, and (iii) replace “disease containment area” with “disease management area,” and (iv) allow designees of the Department or other government agencies to transport carcasses to address disease investigation or management needs.

Proposed language of amendment:

1 **4VAC15-90-293. Unauthorized Cervid Parts, Excretions, and Carcass Importation, Movement,**
2 **Possession, and Use.**

3
4 A. For the purposes of this section and in 4VAC15-40-285 and 4VAC15-90-294:

5
6 "Cervid" means any member of the deer family Cervidae, including but not limited to white-tailed deer,
7 fallow deer, sika deer, elk, and reindeer.

8
9 **B. For the purpose of this section:**

10 **“Import” means to transport any carcass or carcass parts, other than those outlined in subsection C, into**
11 **the Commonwealth in such a manner that the carcass or carcass parts are removed from their place of**
12 **storage within a vehicle or other conveyance and placed or deposited in the Commonwealth. Further,**
13 **deer harvested on properties which span the Commonwealth’s boundary with an adjoining state shall not**
14 **be considered imported.**

15
16 **B-C.** No person shall import or possess any carcass or part of a carcass of any member of the family
17 Cervidae (deer) originating ~~from an enclosure intended to confine deer or elk or from any area designated~~
18 ~~by the department as a carcass restriction zone outside of the Commonwealth,~~ except that the following
19 carcass parts may be imported and possessed:

- 20 1. Boned-out meat [~~that is cut and wrapped~~];
21 2. Quarters or other portions of meat with no part of the spinal column or skull attached;
22 3. Hides or capes with no skull attached;
23 4. Clean (no meat or tissue attached) skulls or skull plates with or without antlers attached;
24 5. Antlers (with no meat or tissue attached);
25 6. Upper canine teeth (buglers, whistlers, or ivories); and
26 7. Finished taxidermy products.

27 A legible label shall be affixed to packages or containers containing the allowed carcass parts bearing the
28 following information: the species of animal, the state or province from where the animal originated, and
29 the name and address of the person who ~~either~~ killed or ~~owned the animal~~ possesses the allowed parts in
30 Virginia.

31
32 **C-D.** Any person who imports into Virginia any deer carcass or parts described in subsection A of this
33 section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test
34 results to the department within 72 hours of receiving the notification. In order to facilitate the proper
35 disposal of any infected material, the department may take into possession any imported carcass or
36 carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

37
38 **D-E.** No person shall transport any carcass or part of a carcass of any cervid out of any area designated by
39 the department as a disease ~~containment management~~ area, except that the carcass parts enumerated in
40 subsection BC of this section may be transported, and carcasses or parts may be transported directly to

41 locations designated by the department, provided that such carcasses or parts are transported without
42 unnecessary delay and secured within a vehicle or vehicles during transit. Provisions of this section shall
43 not apply to employees of the department or another government agency, or their designees, working in
44 an official disease investigation or management capacity.
45

46 E.F. No person shall for the purposes of taking or attempting to take, attracting, or scouting any wild
47 animal in Virginia possess or use any substance or material that contains or purports to contain any
48 excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: remove the term “cut and wrapped” in reference to boned out meat because not all meat being transported/imported is likely to be cut and wrapped.

Rationale:

The intent of this proposal is to prevent cervid carcasses infected with Chronic Wasting Disease (CWD) from being imported into Virginia from states that are unaware that the disease is present within their borders. Recent events in several states suggest that CWD may be present on the landscape for many years before detection. With no import restrictions in place for states that have not detected the disease, Virginia is vulnerable to the potential importation of contaminated carcasses into areas of the Commonwealth not yet affected by CWD. The risk of importing a potentially infected cervid from a state that has not diagnosed CWD is substantial, as 24 states and seven Canadian provinces have not yet documented the disease within their borders. At least nine states and three Canadian provinces have already adopted a similar total carcass importation ban.

The proposal also addresses the fact that a hunter who harvests a cervid in another state may choose not to keep all of the parts and may not even live in Virginia. Allowing the individual in Virginia who possesses the parts or venison to record his or her name on the packages allows for easy trace back and reduces confusion as to who the “owner” of the cervid parts may be.

Several other regulations, including 4VAC15-20-220 and 4VAC15-90-294, refer to “areas designated by the department for disease management” and the “delineation of wildlife management.....areas”. The replacement of “disease containment area” with “disease management area” provides more consistent language between the various regulations that pertain to cervid diseases. These other regulations also refer to both disease “investigation” and disease “management” actions; therefore, broadening the capacities for employees of the department, other government agencies, or their designees to transport carcasses is appropriate. In some cases, local and state agencies contract with the private sector (e.g., solid waste transport, road-kill removal), necessitating the addition of “designees” to the list of individuals able to transport carcasses to address disease management needs.

BEAR

4VAC15-50-11. Game: Bear: Open Season; Generally.

Summary:

The proposal will (i) add the 3- day early open season to the counties of Albemarle and Frederick, (ii) add the 3-day early season to Amherst, Bedford and Nelson counties, (iii) remove references to Augusta County north and south of US 250, (iv) add two weeks of open season to 35 counties in south-central and eastern Virginia, (v) add two weeks of open season to 11 counties or portions thereof in southwestern Virginia south of I-81, (vi) add one week of open season to 7 counties or portions thereof in southwestern Virginia north of I-81, and (vii) extend the duration of bear hunting within incorporated cities and allow towns to have the same season.

Proposed language of amendment:

1 **4VAC15-50-11. Open Season; Generally.**
 2

3 A. It shall be lawful to hunt bears in the following localities, including the cities and towns therein, during
 4 the following seasons:
 5

Location	Season
Accomack County	Closed
Albemarle County	Monday following the last Saturday in September and for 2 days following; and the Ffourth Monday in November through the first Saturday in January, both dates inclusive.
Alleghany County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Amelia County	Monday nearest December 2 and for 519-consecutive hunting days-following.
Amherst County	Monday following the last Saturday in September and for 2 days following; and the Ffourth Monday in November through the first Saturday in January, both dates inclusive.
Appomattox County	Monday nearest December 2 and for 519-consecutive hunting days-following.
Arlington County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Augusta County (North of US-250)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Augusta County (South of US-250)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Bath County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Bedford County	Monday following the last Saturday in September and for 2 days following; and the Ffourth Monday in November through the first Saturday in January, both dates inclusive.

Bland County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Botetourt County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Brunswick County	Monday nearest December 2 and for §19-consecutive hunting days following.
Buchanan County	Monday following the last Saturday in September and for 2 days following; and the first-fourth Monday in December-November through the first Saturday in January, both dates inclusive.
Buckingham County	Monday nearest December 2 and for §19-consecutive hunting days following.
Campbell County	Monday nearest December 2 and for §19-consecutive hunting days following.
Caroline County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Carroll County	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Charles City County	Monday nearest December 2 and for §19-consecutive hunting days following.
Charlotte County	Monday nearest December 2 and for §19-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	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Craig County	Monday following the last Saturday in September and for 2 days following; and the fourth 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 §19-consecutive hunting days following.
Dickenson County	Monday following the last Saturday in September and for 2 days following; and the first-fourth Monday in December-November through the first Saturday in January, both dates inclusive.
Dinwiddie County	Monday nearest December 2 and for §19-consecutive hunting days following.
Essex County	Monday nearest December 2 and for §19-consecutive hunting days following.
Fairfax County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Fauquier County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Floyd County	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Fluvanna County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Franklin County	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.

Frederick County	<u>Monday following the last Saturday in September and for 2 days following; and the Ffourth Monday in November through the first Saturday in January, both dates inclusive.</u>
Giles County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Gloucester County	Monday nearest December 2 and for 519-consecutive hunting days following.
Goochland County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Grayson County	<u>First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.</u>
Greene County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Greensville County	Monday nearest December 2 and for 519-consecutive hunting days following.
Halifax County	Monday nearest December 2 and for 519-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	<u>First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.</u>
Highland County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Isle of Wight County	Monday nearest December 2 and for 519-consecutive hunting days following.
James City County	Monday nearest December 2 and for 519-consecutive hunting days following.
King and Queen County	Monday nearest December 2 and for 519-consecutive hunting days following.
King George County	Monday nearest December 2 and for 519-consecutive hunting days following.
King William County	Monday nearest December 2 and for 519-consecutive hunting days following.
Lancaster County	Monday nearest December 2 and for 519-consecutive hunting days following.
Lee County	Monday following the last Saturday in September and for 2 days following; and the first- fourth Monday in December- November through the first Saturday in January, both dates inclusive.
Loudoun County	Monday following the last Saturday in September and for 2 days following; and the fourth 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 519-consecutive hunting days following.
Madison County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Mathews County	Monday nearest December 2 and for 519-consecutive hunting days following.
Mecklenburg County	Monday nearest December 2 and for 519-consecutive hunting days following.
Middlesex County	Monday nearest December 2 and for 519-consecutive hunting days following.
Montgomery County (southeast of I-81)	<u>First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.</u>

Montgomery County (northwest of I-81)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Nelson County	Monday following the last Saturday in September and for 2 days following; and the Ffourth Monday in November through the first Saturday in January, both dates inclusive.
New Kent County	Monday nearest December 2 and for 519-consecutive hunting days following.
Northampton County	Closed
Northumberland County	Monday nearest December 2 and for 519-consecutive hunting days following.
Nottoway County	Monday nearest December 2 and for 519-consecutive hunting days following.
Orange County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Page County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Patrick County	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Pittsylvania County	Monday nearest December 2 and for 519-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 519-consecutive hunting days following.
Prince George County	Monday nearest December 2 and for 519-consecutive hunting days following.
Prince William County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Pulaski County (southeast of I-81)	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Pulaski County (northwest of I-81)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rappahannock County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Richmond County	Monday nearest December 2 and for 519-consecutive hunting days following.
Roanoke County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rockbridge County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rockingham County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Russell County (except on the Channels State Forest and Clinch Mountain WMA)	Monday following the last Saturday in September and for 2 days following; and the first Monday in December through the first Saturday in January, both dates inclusive.

Russell County (on the Channels State Forest and Clinch Mountain WMA)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Scott County	Monday following the last Saturday in September and for 2 days following; and the first-fourth Monday in December-November through the first Saturday in January, both dates inclusive.
Shenandoah County	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Smyth County (southeast of I-81)	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Smyth County (northwest of I-81)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Southampton County	Monday nearest December 2 and for 519-consecutive hunting days following.
Spotsylvania County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Stafford County	Monday following the last Saturday in September and for 2 days following; and the fourth 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 519-consecutive hunting days following.
Sussex County	Monday nearest December 2 and for 519-consecutive hunting days following.
Tazewell County	Monday following the last Saturday in September and for 2 days following; and the fourth 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	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Washington County (southeast of I-81)	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Washington County (northwest of I-81 and east of Route 19)	Monday following the last Saturday in September and for 2 days following; and the first-fourth Monday in December November through the first Saturday in January, both dates inclusive.
Washington County (northwest of I-81 and west of Route 19)	Monday following the last Saturday in September and for 2 days following; and the first Monday in December and for 19 days following.
Westmoreland County	Monday nearest December 2 and for 519-consecutive hunting days following.
Wise County	Monday following the last Saturday in September and for 2 days following; and the first-fourth Monday in December-November through the first Saturday in January, both dates inclusive.
Wythe County (southeast of I-81)	First Monday in nearest December 2 and for 19 days following through the first Saturday in January, both dates inclusive.
Wythe County (northwest of I-81)	Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
York County	Monday nearest December 2 and for 519-consecutive hunting days following.

7 B. [~~Except as provided in the~~Notwithstanding provisions of] subsection A of this section, bears may be
8 hunted from the ~~first-Saturday prior to the fourth Monday in November~~ October through the first Saturday
9 in January, both dates inclusive, within the incorporated limits of any town or city that allows bear
10 hunting.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: revise the opening clause of subsection B to allow cities and towns to be included in the early 3-day bear season if the county in which they reside is included in that 3-day season.

Rationale:

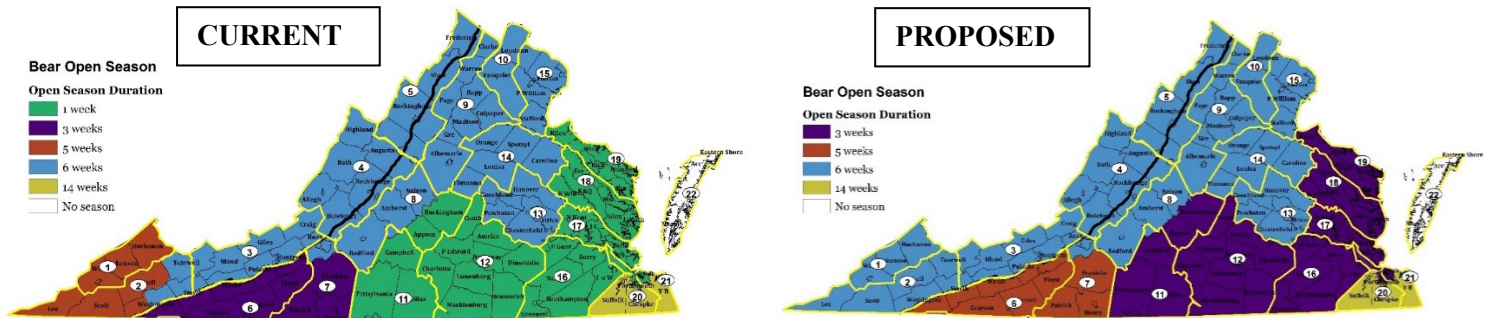
The current status and management objectives for black bear populations support step-wise approaches to increasing bear harvest in several bear management zones, even in some areas with current objectives to increase populations. Another objective is to provide localized management opportunities for bear-human conflicts in areas like cities and towns. Certain proposals enhance significant season changes made during the 2017 regulation amendment cycle to help address human-bear conflicts and bring about measured population reductions in areas primarily west of the Blue Ridge. Increased harvest in other areas is also warranted to allow for increased hunter opportunity while meeting cultural carrying capacity (CCC) objectives and simplifying seasons for hunter convenience.

Specific rationale for proposed regulatory amendments are as follows:

- (i) In 2017, the Board approved the 3 - day early open season to meet new population objectives in the western part of Virginia, including the counties of Albemarle and Frederick. These two counties were inadvertently left off the list sent to the registrar. This proposed change would remedy that omission.
- (ii) Amherst, Bedford and Nelson (Zone 8) are no longer meeting bear population objectives and require an additional conservative season. Adding the 3-day season would simplify the boundaries and seasons for hunters by making the early season contiguous in the traditional western bear hunting counties.
- (iii) This administrative change would combine Augusta County north and south of US 250 in the table since there is no difference in open season between the two sections of the county.
- (iv) Adding two weeks of open season to 35 counties in south-central and eastern Virginia would continue to meet objectives in the Black Bear Management Plan while providing additional recreational opportunities for all types of hunters/hunting methods. There is interest among hunters in these areas for more opportunity during the general firearms season, and fortunately, few conflicts have been reported. The addition of bear hounds has caused few issues in the field because deer hounds are already being used concurrently during the general firearms deer season. Concurrent deer and bear firearms seasons allow opportunistic hunters the ability to harvest a bear and would provide all types of hunters (hound and still) a longer period to hunt. On the other hand, the proposed increase is modest enough that an inordinate number of female bears will not be harvested, which could jeopardize attainment of population objectives in these zones. Extending the general firearms season, instead of earlier seasons such as muzzleloader season, would more appropriately meet CCC objectives by protecting some sows from harvest since they will have already denned. The muzzleloader season has greater potential population impacts due to the greater number of female bears harvested by early season hunters. This high female bear harvest, compounded with the likely influx of additional hunters from other areas of the state to participate in this muzzleloader season, would result in a greater mortality rate than can be justified under bear population objectives in these areas.

- (v) Adding two weeks of open season to 11 counties or portions thereof in Southwest Virginia south of I-81 will help meet population objectives set in the 2012-2021 Black Bear Management Plan. These populations are currently increasing at a moderate rate and require increased harvest in order to meet current CCC objectives.
- (vi) Bear populations in Zone 1 are among the fastest growing in Virginia. Attempts to stabilize these populations have been added incrementally. One week of open season would likely meet bear population objectives in Zone 1, and a portion of Zone 2 would be included to create uniformity in seasons in the region. Zone 2 already has the 3-day early firearms season, so this new proposal would create uniform seasons in western Virginia. Adding these two weeks would standardize the season in the north of I-81 portion of Washington and Russell Counties so there would be no need to maintain two north of I-81 sections of the counties in the table.
- (vii) For many years, a full-length open season has been available in incorporated cities regardless of the season in the surrounding county(ies). Because of increasing human-bear conflict issues in both incorporated towns and cities throughout Virginia, this proposal would extend the length of time bear hunting is allowed within cities and also make the same season available to towns. This regulation will not supersede local ordinances with respect to hunting or use of weapons.

Open season proposal maps:



4VAC15-50-12. Game: Bear: Youth and Apprentice Hunter Bear Hunting Weekend.

Summary:

The proposal is to correct a boundary line that was improperly recorded in the 2017 regulation amendment.

Proposed language of amendment:

4VAC15-50-12. Youth and Apprentice Hunter Bear Hunting Weekend.

It shall be lawful for hunters 15 years of age and under and holders of a valid apprentice hunting license, when in compliance with all applicable laws and license requirements, to hunt bears on the second Saturday in October and the following calendar day when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or is exempt from purchasing a hunting license. Adult hunters accompanying youth or apprentice bear hunters on this weekend may not carry or discharge weapons. Bear bag limit, weight limits, and all other take restrictions specifically provided in the sections appearing in this chapter apply to this youth weekend. Bear hunting with dogs is prohibited in the counties of Accomack, Campbell (west of Norfolk Southern Railroad), Fairfax, Grayson (~~east west~~ of Route 16), Henry, Loudoun, Northampton, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Roanoke (south of Interstate 81), Smyth (south of Interstate 81 and ~~east west~~ of Route 16), Washington (south of Interstate 81), and in the city of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew Wildlife Management Areas. Tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

In a previous regulation cycle, when certain counties were excluded from hound use during the youth and apprentice bear hunting weekend at a final Board meeting, the boundaries for Grayson and Smyth were drawn to exclude the heavily used portions of Mount Rogers recreation area. These boundaries were drawn to match the boundaries for hound training season. However, the language submitted to the registrar was misinterpreted to mean hounds were allowed in areas where hounds were actually prohibited. This proposal makes no functional changes to the boundaries for excluding hounds during this season as this is how the season has been represented in the hunting digest for four years.

4VAC15-50-71. Game: Bear: Muzzleloading Gun Hunting.

Summary:

The proposal is to update the definition of a muzzleloader to current technological standards.

Proposed language of amendment:

1 4VAC15-50-71. Muzzleloading Gun Hunting.

2
3 A. It shall be lawful to hunt bears during the special muzzleloading season with muzzleloading guns from
4 the Saturday prior to the second Monday in November through the Friday prior to the third Monday in
5 November, both dates inclusive, except in the Cities of Chesapeake, Suffolk, and Virginia Beach.

6
7 B. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading
8 guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

9
10 C. A muzzleloading gun, for the purpose of this section, means a single shot weapon, [.45 caliber or
11 larger,] firing a single projectile or sabot (with a ~~.38 .35~~ caliber or larger projectile) ~~of the same caliber~~ [
12 where the propellant and projectile are] loaded from the muzzle of the weapon ~~and propelled by at least~~
13 ~~50 grains of black powder (or black powder equivalent or smokeless powder).~~

14
15 D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while
16 hunting with a muzzleloading gun in a special muzzleloading season.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modifications: 1) Maintain the .45 caliber restriction on all muzzleloading guns to reduce potential confusion because §29.1-519 requires that muzzleloading pistols must be .45 caliber to be used for hunting big game. 2) Clarify that the projectile and propellant must be loaded from the muzzle of the gun to be consistent with muzzleloading weapons definitions as defined in §29.1-100.

Rationale:

In 2017, the minimum size for muzzleloading rifle sabot projectiles for deer hunting was changed from .38 caliber or larger to .35 caliber or larger. This change was made because certain bullets used in .38 caliber muzzleloaders actually measure 0.358 in diameter. Due to an oversight, bear muzzleloader requirements were not updated at that time. Staff proposes removing the minimum bore size for muzzleloaders, while retaining the minimum .35 caliber projectile size for deer and bear. This will allow those with muzzleloading weapons to fire the same projectiles, though from a smaller bore size if they so choose.

Further, either smokeless or black powder is currently allowed for muzzleloader hunting. The existing minimum of 50 grains of powder is logical for those using black powder, but smokeless powder is a more powerful propellant; depending on the type of smokeless powder, as little as 10-15 grains can propel a projectile to kill big game in an ethical manner. A realistic minimum requirement for smokeless powders would be difficult to determine, since there exist vast differences in burn rate and applicable charges among smokeless powders, and requiring a specific minimum charge could be dangerous when used with the wrong type of powder, especially smokeless.

4VAC15-50-81. Game: Bear: Validating Tags and Checking Bear by Licensee or Permittee.

Summary:

This proposal would allow an option for a licensed hunter or permittee to check bears electronically while still requiring the necessary biological samples to be submitted.

Proposed language of amendment:

1 4VAC15-50-81. Validating Tags, ~~and~~ Checking Bear and Tooth Submission by Licensee or 2 Permittee. 3

4 A. Any person killing a bear shall, before removing the carcass from the place of kill, validate an
5 appropriate tag on their special license for hunting bear or special permit by completely removing the
6 designated notch area from the tag. Place of kill shall be defined as the location where the animal is first
7 reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special
8 license for hunting bear or special permit prior to the killing of a bear. A bear tag that is mistakenly
9 validated (notched) prior to the killing of a bear must be immediately voided by the licensee or permittee
10 by writing, in ink, the word "VOID" on the line provided on the license tag.
11

12 B. Upon killing a bear and validating (notching) a license tag or special permit, as provided in subsection
13 A of this section, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal
14 hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated
15 (notched) license tag or special permit to an authorized bear checking station or to an appropriate
16 representative of the department in the county or adjoining county in which the bear was killed or report
17 the kill through the department's automated harvest reporting system. At such time, the person checking
18 or reporting the carcass will be given a black bear check card furnished by the department or a
19 confirmation number from the automated reporting system. The successful hunter shall then immediately
20 record the game check card number or confirmation number, in ink, on the line provided on the tag that
21 was validated (notched) in the field. If checked at an authorized bear check station, the black bear check
22 card must be kept in possession with the carcass until the carcass is processed. If the carcass is left
23 unattended, the bear check card must be securely attached to the carcass. If the kill is reported using the
24 automated harvest reporting system, no check card is required as long as the hunter who killed the animal
25 is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred
26 to the possession of another individual, written documentation including the successful hunter's full name,
27 the date the animal was killed, and the confirmation number must be created and kept in possession with
28 the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must
29 be securely attached to the carcass. Processed carcass parts of a bear killed legally in Virginia may be
30 transported; however, upon request of any authorized law-enforcement officer, sufficient verbal or written
31 information necessary to properly establish legal possession must be furnished immediately.
32

33 C. If the carcass is checked at a bear check station, upon presentation of the carcass and validated
34 (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to
35 be removed one premolar tooth from the carcass. ~~At such time, the person checking the carcass will be~~
36 ~~given a game check card. The successful hunter shall then immediately record the game check card~~
37 ~~number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field.~~
38 ~~The game check card must be kept in possession with the carcass until the carcass is processed. If the~~
39 ~~carcass is left unattended, the game check card must be securely attached to the carcass.~~ ~~If the kill is~~
40 ~~reported through the department's automated harvest reporting system, a premolar must be removed by~~
41 ~~the hunter immediately after reporting the kill. The premolar shall be placed in an envelope furnished by~~
42 ~~the department and labeled with the hunter's full name, check confirmation number, date of kill and the~~

43 sex of the harvested bear. This envelope with premolar and accompanying information must be mailed or
44 delivered to the department no later than 14 days after the close of the bear harvest season.

45
46 ~~B. D.~~ It shall be unlawful for any person to destroy the identity of the (sex) of any bear killed unless and
47 until the license tag or special permit is validated (notched) and checked as required by this section.
48 Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an
49 appropriate license tag has been validated (notched) as required above in subsection A of this section, as
50 long as they do not destroy the identity of the sex of the animal remains identifiable and all the parts of
51 the carcass are present when the bear is checked at an authorized bear checking station or reported
52 through the automated harvest reporting system. Any bear found in the possession of any person without
53 a validated (notched) license tag or documentation that the bear has been checked at an authorized bear
54 checking station or automated harvest system as required by this section shall be forfeited to the
55 Commonwealth to be disposed of as provided by law.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale

Since 1947, data collected through the DGIF's big game check station system have been the cornerstone of Virginia's bear, deer, and turkey management programs. This system has allowed DGIF to effectively monitor annual big game harvests on a county basis for over 60 years. By regulation, successful bear hunters are required to "tag" every harvested bear at the place of kill and subsequently check it at a check station to receive an official game check card. Information regarding the animal's sex, date of kill, weapon, and county of kill is recorded. Prior to 1991, all check stations (~1,500) were also authorized to check bears. To ensure additional quality in bear harvest data, regulation changes for the 1991 bear hunting season designated about 60 special bear checking stations. In addition to recording the usual harvest data (e.g., sex, weapon, location), these volunteer bear check stations also record whether bear hounds were used, extract a small premolar tooth for age determination, attach a special harvest seal to the carcass, and determine presence of ear tags or lip tattoos (indicative of previous capture for research or relocation in conflict situations). Today, more than 140 bear check stations are maintained throughout Virginia, and a tooth is collected from more than 95% of harvested bears. The age information resulting from the premolar provides key data for population reconstruction and is also of interest to hunters. Along with harvest trends, population reconstruction provides an index of both statewide and regional population changes.

Beginning in 2004, a telephone-checking option was introduced to supplement the traditional check station system for deer and spring turkeys. The proportion of the deer harvest reported electronically via phone, internet, and the mobile app has grown from 44% in 2004 to 85% in 2018. To maintain the integrity of data collected at special bear check stations (especially collection of teeth for aging), checking bears by telephone was not permitted. Due to technological advances, it is now possible to make the bear harvest checking procedure more convenient for hunters while ensuring the continued collection of sufficient biological and hunter data necessary for management decisions.

4VAC15-50-91. Game: Bear: Checking Bear by Persons Exempt from License Requirements or Holding a License Authorization Number.

Summary:

This proposal would allow an option for a person exempt from license requirements or holding a license authorization number to check bears electronically while still requiring the necessary biological samples to be submitted.

Proposed language of amendment:

1 **4VAC15-50-91. Checking Bear and Tooth Submission by Persons Exempt from License**
2 **Requirements or Holding a License Authorization Number.**
3

4 A. Upon killing a bear, any person (i) exempt from license requirements as prescribed in § 29.1-301 of
5 the Code of Virginia, ~~or (ii)~~ issued a complimentary license as prescribed in § 29.1-339, ~~or (iii) the holder~~
6 ~~of holding~~ a permanent license issued pursuant to § 29.1-301 E, or (iv) the holder of holding a Virginia
7 license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of
8 the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting
9 hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized bear
10 checking station or to any appropriate representative of the department in the county or adjoining county
11 in which the bear was killed, or report the kill through the department's automated harvest reporting
12 system. At such time, the person checking or reporting the carcass shall be given a black bear check card
13 furnished by the department or a confirmation number from the automated reporting system. If checked at
14 a bear check station, the black bear check card must be kept in possession with the carcass until the
15 carcass is processed. If the carcass is left unattended, the black bear check card must be securely attached
16 to the carcass. If the kill is reported using the automated harvest reporting system, the successful hunter
17 shall immediately create written documentation including the successful hunter's full name, the date the
18 animal was killed and the confirmation number. This written documentation must be kept in possession
19 with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to
20 the possession of another individual, the written documentation must be transferred with the carcass to the
21 individual and kept in possession with the carcass until the carcass is processed. If the carcass is left
22 unattended, this written documentation must be securely attached to the carcass. Processed carcass parts
23 of a black bear killed legally in Virginia may be transported; however, upon request of any authorized law
24 enforcement officer, sufficient verbal or written information necessary to properly establish legal
25 possession must be furnished immediately.

26
27 ~~B. If the bear is checked at a~~ Upon presentation of the carcass to the bear checking station, the person
28 checking the carcass shall surrender or allow to be removed one premolar tooth from the carcass. ~~At such~~
29 ~~time, the person checking or reporting the carcass shall be given a game check card furnished by the~~
30 ~~department. The game check card must be kept in possession with the carcass until the carcass is~~
31 ~~processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.~~
32 If the kill is reported through the department's automated harvest reporting system, a premolar must be
33 removed by the hunter immediately after reporting the kill. The premolar shall be placed in an envelope
34 furnished by the department and labeled with the hunter's full name, check confirmation number, date of
35 kill and the sex of the harvested bear. This envelope with premolar and accompanying information must
36 be mailed/delivered to the department no later than 14 days after the close of the bear harvest season.

37
38 ~~B.C.~~ It shall be unlawful for any person to destroy the identity of the sex of any bear killed until the bear
39 is checked as required by this section. Successful bear hunters are allowed to dismember the carcass to
40 pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of
41 the carcass are present when the bear is checked at a big game an authorized bear check station or
42 reported through the automated harvest reporting system. Any bear that has not been checked (via an

43 authorized bear check station or the automated harvest system) as required by this section found in the
44 possession of any person exempt from license requirements or holding a license authorization number
45 shall be forfeited to the Commonwealth to be disposed of as provided by law.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale

Since 1947, data collected through the DGIF’s big game check station system have been the cornerstone of Virginia's bear, deer, and turkey management programs. This system has allowed DGIF to effectively monitor annual big game harvests on a county basis for over 60 years. By regulation, successful bear hunters are required to “tag” every harvested bear at the place of kill and subsequently check it at a check station to receive an official game check card. Information regarding the animal's sex, date of kill, weapon, and county of kill is recorded. Prior to 1991, all check stations (~1,500) were also authorized to check bears. To ensure additional quality in bear harvest data, regulation changes for the 1991 bear hunting season designated about 60 special bear checking stations. In addition to recording the usual harvest data (e.g., sex, weapon, location), these volunteer bear check stations also record whether bear hounds were used, extract a small premolar tooth for age determination, attach a special harvest seal to the carcass, and determine presence of ear tags or lip tattoos (indicative of previous capture for research or relocation in conflict situations). Today, more than 140 bear check stations are maintained throughout Virginia, and a tooth is collected from more than 95% of harvested bears. The age information resulting from the premolar provides key data for population reconstruction and is also of interest to hunters. Along with harvest trends, population reconstruction provides an index of both statewide and regional population changes.

Beginning in 2004, a telephone-checking option was introduced to supplement the traditional check station system for deer and spring turkeys. The proportion of the deer harvest reported electronically via phone, internet, and the mobile app has grown from 44% in 2004 to 85% in 2018. To maintain the integrity of data collected at special bear check stations (especially collection of teeth for aging), checking bears by telephone was not permitted. Due to technological advances, it is now possible to make the bear harvest checking procedure more convenient for hunters while ensuring the continued collection of sufficient biological and hunter data necessary for management decisions.

4VAC15-50-110. Game: Bear: Use of Dogs in Hunting Bear.

Summary:

This proposal would continue to only prohibit use of dogs to hunt bear during the first two weeks of deer season in the event that deer season is lengthened to four weeks in Amherst, Bedford and Nelson counties.

Proposed language of amendment:

4VAC15-50-110. Use of Dogs in Hunting Bear.

A. It shall be unlawful to use dogs for the hunting of bear during the open season for hunting deer in the counties west of the Blue Ridge Mountains and during the first 16 days of the deer open season in the counties 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, and Nelson (west of Route 151); and within the boundaries of the national forests, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

B. It shall be unlawful to use dogs for the hunting of bear during the first 14 days of the open season for hunting deer in the counties of Greene and Madison, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

C. It shall be unlawful to use dogs for the hunting of bear during the open season prescribed in 4VAC15-50-11 in the counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Fairfax, Floyd, Franklin, Grayson (east of the New River), Henry, Loudoun, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of Interstate 81), Wythe (southeast of the New River or that part bounded by Route 21 on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast and Cripple Creek on the south); in the city of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew Wildlife Management Areas, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale

Currently, the use of dogs for bear hunting is prohibited in Amherst, Nelson and Bedford counties during the two-week deer season. If the deer season is lengthened to four weeks in these counties and this regulation is not changed, bear dog hunting would be prohibited for a longer duration (four weeks).

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

Summary:

The proposal is to i) change the text to a list of counties and cities where the bear hound training season is allowed and ii) fix an omission made by the registrar in 2017

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 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, Buckingham, Campbell, Caroline, Charles City, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Grayson (west of Route 16), Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Mathews, 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.~~ the counties of Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Carroll, Charlotte, Craig, Culpeper, Dickenson, Floyd, Franklin, Giles, Grayson (east of Route 16), Greene, Greensville, Highland, Lee, Lunenburg, Madison, Mecklenburg, Montgomery, Nelson, Page, Pulaski, Rappahannock, Roanoke (west of I-81), Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth (except for the part southeast of I-81 and west of State Route 16), Tazewell, Warren, Washington (northwest of I-81), Wise, and Wythe and the cities of Chesapeake, Suffolk, and Virginia Beach.

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, Greensville, 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 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 having a firearm, bow, crossbow, or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

No changes are being proposed to hound training areas. When first established, bear hound training season was only allowed in counties where bear hunting was permitted in a limited portion of Virginia. Over time, the entire Commonwealth was opened to bear hunting and more localities were included in training season. This change will alleviate confusion and simplify the text of the regulation. This proposal would change section A to define where training is allowed instead of where it is not allowed, similar to the way section B is written. Further, when hound training was expanded south of I-81 in 2015, a part of Washington County was excluded and submitted in the regulation packet as an exception but was not included in the official regulation language by the registrar. Washington County south of I-81 has never had a training season and the county has been excluded in the hunting and trapping digest since 2015.

TURKEY

4VAC15-240-10. Game: Turkey: Fall Season; generally.

Summary:

The proposal is to i) open the fall season one week earlier, ii) add the Wednesday before Thanksgiving to the fall season, and iii) expand the fall season in five counties on the Northern Neck.

Proposed language of amendment:

1 **4 VAC 15-240-10. Game: Turkey: Open Season; Generally.**

2

3 Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to
4 hunt turkeys ~~from 14 days immediately before~~ the Saturday prior to the ~~last first~~ Monday in ~~October~~
5 ~~November and for 13 days following~~; on Thanksgiving Day and the day before; on the Monday nearest
6 December 2 through the last Saturday in December, both dates inclusive; and on the second Saturday in
7 January and for 14 days following.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Opening the fall season one week earlier is proposed to address turkey hunter preferences and Law Enforcement concerns. Currently, the second week of the early season overlaps the early deer muzzleloader season. Via the hunter survey, turkey hunters have expressed a preference to separate the early portion of the fall turkey season from the deer muzzleloader season due to safety concerns; they typically hunt with camouflage and mimic turkey calls. Currently, many turkey hunters who use dogs choose to miss a key week of the season due to concerns about their dogs' safety. Separating the seasons may increase effort/interest in fall hunting by traditional turkey hunters, which has been declining. Law Enforcement officers in southwestern Virginia recommend the separation of the fall turkey season and the early deer muzzleloader season to reduce the opportunity for illegally taking deer with a rifle (which are legal to carry while turkey hunting) and reporting them as muzzleloader harvests.

To amend the loss of opportunistic fall turkey hunting by separating the early fall turkey and early deer muzzleloader season, staff proposes adding another day of fall hunting immediately before Thanksgiving. The Wild Turkey Management Plan directs the Department to maintain opportunities for deer hunters to take turkeys. The Department continues to receive requests for more turkey hunting around Thanksgiving Day.

Finally, this proposal will add four weeks of fall hunting in five counties on the Northern Neck with very high turkey densities. They include King George, Westmoreland, Richmond, Northumberland, and Lancaster counties. The Department has received many requests for a longer season in these counties and turkey populations can withstand greater harvests. In a separate proposal (i.e., 4 VAC 15-240-31), these counties will be removed from their current four-week season; therefore, they will fall under this eight-week general fall season, by default. The eight-week format will add two weeks of hunting in December and two weeks in January.

4VAC15-240-20. Game: Turkey: Open Season; Certain Counties and Areas; Saturday Prior to the Last Monday in October and for 13 Days Following, and on Thanksgiving Day.

Summary:

The proposal is to i) open the fall season one week earlier and ii) remove Warren county from this section.

Proposed language of amendment:

1 **4 VAC 15-240-20. Open Season; Certain Counties and Areas; [~~14 days immediately before the~~**
 2 **Saturday prior to the ~~last first~~ Monday in ~~October November and for 13 days following and on~~**
 3 **Thanksgiving Day**~~two-week season~~**].**
 4

5 It shall be lawful to hunt turkeys ~~14 days immediately before the~~ Saturday prior to the ~~last first~~ Monday in
 6 ~~October November and for 13 days following~~ and on Thanksgiving Day in the counties of Albemarle,
 7 Alleghany, Augusta, Bath, Greene, Highland, Madison, Page, Orange, ~~and~~ Rockingham ~~and Warren~~.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

This proposal will maintain a uniform opening date for the fall turkey season by opening these 10 counties with the general fall season. The proposed fall season would open one week earlier so it would not overlap the early deer muzzleloader season. As described in the rationale for 4 VAC 15-240-10 above, an earlier season was requested by turkey hunters and Law Enforcement officers.

The shorter fall season (two weeks and Thanksgiving Day) was proposed in 2011 because these 11 counties (including Warren) had stable or declining populations at very low densities. Turkey populations have generally responded positively to the shorter season. Five of 11 are showing population growth. However, turkey populations in six counties are still stable and densities are at very low or low levels (see below). Therefore, we are not proposing a second day of hunting during Thanksgiving Week in these counties.

Our criterion for removing counties from this conservative season is attainment of the statewide average population density (moderate density rating). Warren County now meets this criterion; therefore, we propose it be moved from this regulation to the new six-week fall season being proposed below (4 VAC 15-240-32). This will provide four additional weeks of fall hunting in Warren County: two weeks in December and two weeks in January.

Status of Counties with Two-Week Fall Season				
County	Trend	Turkeys Per		
		Sq. Mile Suitable Habitat	Percent of State Average	Density Index
Warren	Increasing	0.5	111%	Moderate
Bath	Increasing	0.36	80%	Low
Alleghany	Stable	0.33	73%	Low
Page	Increasing	0.32	71%	Low
Augusta	Increasing	0.3	67%	Low
Orange	Increasing	0.29	64%	Low
Highland	Stable	0.24	53%	Very Low
Albemarle	Stable	0.23	51%	Very Low
Madison	Stable	0.21	47%	Very Low
Rockingham	Stable	0.14	31%	Very Low
Greene	Stable	0.13	29%	Very Low
State	Stable	0.45		

4VAC15-240-31. Game: Turkey: Open Season; Certain Counties and Areas; the Saturday Prior to the Last Monday in October, and for 13 Days Following, on Thanksgiving Day, and on the Monday Closest to December 2 and for 12 Days Following.

Summary:

The proposal is to i) open the fall season one week earlier, ii) add the Wednesday before Thanksgiving to the fall season, iii) delete six counties from this regulation, and iv) add four counties to this regulation.

Proposed language of amendment:

1 **4 VAC 15-240-31. Open Season; Certain Counties and Areas; [~~14 Days Immediately Before the~~**
2 **~~Saturday Prior to the Last First Monday in October November, and for 13 Days Following, on~~**
3 **~~Thanksgiving Day and the Day Before, and on the Monday Closest to December 2 and for 12 Days~~**
4 **~~Following four-week season].~~**

5
6 It shall be lawful to hunt turkeys ~~on 14 days immediately before~~ the Saturday prior to the ~~last first~~
7 Monday in ~~October November, and for 13 days following~~ on Thanksgiving Day ~~and the day before~~, and
8 on the Monday closest to December 2 and for 12 days following in the counties of Accomack, ~~Amelia,~~
9 ~~Buchanan,~~ Charles City, ~~Dinwiddie,~~ Gloucester, ~~Greensville,~~ Isle of Wight, James City, ~~King George,~~
10 ~~Lancaster,~~ Mathews, Middlesex, New Kent, Northampton, ~~Northumberland,~~ ~~Powhatan,~~ Prince George,
11 ~~Richmond,~~ Southampton, Surry, Sussex, ~~Westmoreland,~~ York (except on Camp Peary), and the City of
12 Suffolk.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The proposed fall season would open one week earlier so it would not overlap the early deer muzzleloader season. As described in the rationale for 4 VAC 15-240-10 above, an earlier season was requested by turkey hunters and Law Enforcement officers.

Turkey populations in the Northern Neck region, which includes King George, Westmoreland, Richmond, Northumberland, and Lancaster counties, are among the highest in the state and most are continuing to expand. Many turkey hunters in the region have contacted the Department asking for longer turkey seasons in these counties, some indicating they have limited opportunities to take youth hunters under the current four-week fall season. Removing these five counties from this regulation will automatically place them in the general eight-week fall season. Under the general season, Northern Neck hunters will have four additional weeks of fall hunting: two weeks in December and two weeks in January.

The Wild Turkey Management Plan calls for increasing turkey populations in Amelia, Dinwiddie, Greensville, and Powhatan counties. However, these counties are showing significant long-term population declines. Shortening the fall season from eight to four weeks in these counties should increase survival rates, due to a reduction of hunting mortality, and spur population growth.

The turkey population in Buchanan county is meeting its Turkey Plan objective (stabilize); therefore, staff proposes the fall season be expanded to six weeks (see 4 VAC 15-240-32 below).

4VAC15-240-32 (NEW). Game: Turkey: Open Season; Certain Counties and Areas; 14 Days Immediately Before the Saturday Prior to the First Monday in November; on Thanksgiving Day and the Day Before; December 2 and for 12 Days Following, Both Dates Inclusive; and on the second Saturday in January and for 14 Days Following.

Summary:

The proposal is to i) create a new six-week fall season in 28 counties, ii) open the fall season one week earlier, and iii) add the Wednesday before Thanksgiving to the fall season.

Proposed language of amendment:

1 **4 VAC 15-240-32(NEW). Open Season; Certain Counties and Areas; ~~[14 Days Immediately Before~~**
2 **~~the Saturday Prior to the First Monday in November; Thanksgiving Day and the Day Before; on~~**
3 **~~the Monday nearest December 2 and for 12 Days Following, Both Dates Inclusive; and on the~~**
4 **~~second Saturday in January and for 14 Days Following~~six-week season].**
5
6 **It shall be lawful to hunt turkeys 14 days immediately before the Saturday prior to the first Monday in**
7 **November; on Thanksgiving Day and the day before; on the Monday nearest December 2 and for 12 days**
8 **following, both dates inclusive; and on the second Saturday in January and for 14 days following in the**
9 **counties of Amherst, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Charlotte,**
10 **Chesterfield, Cumberland, Floyd, Fluvanna, Frederick, Halifax, Hanover, Henry, Henrico, Goochland,**
11 **Nottoway, Louisa, Lunenburg, Mecklenburg, Patrick, Pittsylvania, Prince Edward, Shenandoah,**
12 **Spotsylvania, Tazewell, and Warren.**

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Turkey populations in 25 of these counties are failing to meet objectives outlined in the Wild Turkey Management Plan. The new proposed season will be six weeks in length, a two-week reduction from the general fall season. Department research has demonstrated that fall hunting mortality can be additive. This reduction is intended to spur turkey population growth in these affected counties.

Turkey populations in Buchanan County are meeting the Turkey Plan objective (stabilize); therefore, staff proposes the fall season be expanded to six weeks. The fall season in Buchanan will be the same as neighboring Tazewell County.

Turkey populations in Warren County have responded positively to the shorter two-week season and have reached moderate levels that exceed the state average. The population is increasing at a significant rate (10% annually). Staff proposes this new six-week turkey season for Warren County.

The turkey population in Cumberland County is meeting its Turkey Plan objective (stable); however, it will be surrounded by four counties in the new six-week season. To simplify regulations, staff proposes that Cumberland County be included in the six-week season.

4VAC15-240-51. Game: Turkey: Youth and Apprentice Hunter Fall Turkey Hunting Weekend.

Summary:

The proposal is to start the fall youth and apprentice weekend one week earlier.

Proposed language of amendment:

1 **4 VAC15-240-51. Youth and Apprentice Hunter Fall Turkey Hunting Weekend**
2

3 In counties, cities, and areas with a fall turkey season, hunters 15 years of age and under and holders of an
4 apprentice hunting license may hunt turkey on the ~~third~~ second Saturday in October and the following
5 calendar day when in compliance with applicable license requirements and when accompanied and
6 directly supervised by an adult who has a valid Virginia hunting license on his person or is exempt from
7 purchasing a hunting license. Adult hunters accompanying youth hunters or apprentice license holders on
8 these days may assist with calling turkey but they shall not carry or discharge weapons. Youth and
9 apprentice turkey hunters are limited on this weekend to one turkey per hunter.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

General and other fall turkey seasons are proposed to begin one week earlier. To maintain a featured weekend that does not overlap with the fall seasons for all turkey hunters, staff proposes that the fall youth and apprentice season weekend start one week earlier.

WATERFOWL

4VAC15-260-85 (NEW). Game: Waterfowl and Waterfowl Blinds. Non-riparian blinds adjacent to department-managed properties

Summary:

The proposal is to prohibit non-riparian stationary blinds adjacent to any State Wildlife Management Areas or department-managed properties.

Proposed language of amendment:

4VAC15-260-85 (NEW). Non-riparian blinds adjacent to department-managed properties.

[A.] Non-riparian stationary waterfowl blinds shall not be licensed ~~[or erected]~~ on the public waters adjacent to any State Wildlife Management Areas or department-managed properties, unless otherwise specified in code or regulation, and waterfowl hunting within these areas will be permitted only at locations and during times designated by the department.

[B. In addition, the rights afforded the licensees of non-riparian blinds and licensed offshore blind stake sites in §29.1-349 and 4VAC15-260-35 shall not apply in public waters adjacent to State Wildlife Management Areas or department-managed properties.]

[~~C. However, non-riparian~~Non-riparian] blinds that were properly licensed and erected adjacent to properties the department owned or managed on June 30, 2019, are exempt from this regulation, until such time that those licenses ~~[expire]~~are no longer renewed]. [If the non-riparian blind license is not renewed before the license expiration date, the licensee shall forfeit the exemption provided by this regulation.] This section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347 of the Code of Virginia.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modifications: divide the regulation into subsections, include subsection B which specifically clarifies the intent of the proposed regulatory action, and more explicitly outline the process for non-riparian stationary blind license holders to maintain the exemption provide to them in this regulation.

Rationale:

This proposal would establish a standard stationary blind regulation for any new department-owned and managed properties. Existing regulations for several WMAs that are consistent with this proposal (Chickahominy, Game Farm Marsh, Ragged Island), could be repealed. In addition, other department-managed properties that are not included in any existing regulations (Mattaponi, Robert W Duncan, Mattaponi Bluffs, etc.) would be covered under this proposal. It would insure that public-hunting opportunities are available adjacent to department-managed properties, and would improve the department’s ability to manage hunter access on department properties. Although there is only one currently licensed non-riparian blind that would be in conflict with this proposal, an exemption has been included for non-riparian stationary blinds that are currently licensed within the riparian zones of existing department-managed properties.

4VAC15-260-60. Game: Waterfowl and Waterfowl Blinds: Blinds adjacent to Chickahominy Wildlife Management Area.

Summary

The proposal is to repeal this regulation.

Proposed language of the amendment:

- 1 ~~4VAC15-260-60. Blinds Adjacent to Chickahominy Wildlife Management Area.~~
- 2
- 3 ~~No license shall be issued for stationary waterfowl blinds on Morris Creek and the Chickahominy River~~
- 4 ~~in Charles City County adjacent to the Chickahominy Wildlife Management Area.~~

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale

Passage of the proposed new regulation, 4VAC15-260-85 (NEW): Non-riparian blinds adjacent to department-managed properties, would make this regulation unnecessary.

4VAC15-260-70. Game: Waterfowl and Waterfowl Blinds: Blinds on Game Farm Marsh Wildlife Management Area.

Summary

The proposal is to repeal this regulation.

Proposed language of the amendment:

1 ~~4VAC15-260-70. Blinds on Game Farm Marsh Wildlife Management Area.~~
2
3 ~~No stationary waterfowl blinds shall be licensed, and no stationary or floating blind license shall be~~
4 ~~required for hunting waterfowl on the Game Farm Marsh Wildlife Management Area, or in, or on, the~~
5 ~~public waters of the Chickahominy River, north of the New Kent Charles City County line adjacent~~
6 ~~thereto; provided, however, that this section shall not abridge the privileges prescribed for landowners,~~
7 ~~and their lessees and permittees, in §§ 29.1-344 and 29.1-347 of the Code of Virginia.~~

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale

Passage of the proposed new regulation, 4VAC15-260-85 (NEW): Non-riparian blinds adjacent to department-managed properties, would make this regulation unnecessary.

GENERAL

4VAC15-40-60. Game: In General: Hunting with Dogs or Possession of Weapons in Certain Locations during Closed Season.

Summary:

The proposal is to (i) establish a single subsection requiring hunting weapons to be cased or dismantled on all department-owned lands and national forest lands statewide except when hunting seasons are open for game animals and game birds, (ii) replace sections listing the specific types of hunting weapons with the words “hunting weapon”, (iii) update the definition of a loaded muzzleloader and (iv) include the definition of a loaded arrowgun.

Proposed language of amendment:

1 **4VAC15-40-60. Hunting with Dogs or Possession of Weapons in Certain Locations During Closed**
2 **Season.**

3
4 A. Department-owned ~~lands west of the Blue Ridge Mountains~~ and national forest lands statewide. It
5 shall be unlawful to have in possession a ~~bow, crossbow, or any~~ firearm or any hunting weapon that is not
6 unloaded and cased or dismantled on all national forest lands statewide and on department-owned lands
7 and on other lands managed by the department under cooperative agreement ~~located in counties west of~~
8 ~~the Blue Ridge Mountains~~ except during the period when it is lawful to take bear, deer, grouse, pheasant,
9 quail, rabbit, raccoon, squirrel, turkey, ~~or~~ waterfowl, or migratory gamebirds on these lands.

10
11 ~~B. Department-owned lands east of the Blue Ridge Mountains. It shall be unlawful to have in possession~~
12 ~~a bow, crossbow, or any firearm that is not unloaded and cased or dismantled on department-owned lands~~
13 ~~and on other lands managed by the department under cooperative agreement located in the counties east~~
14 ~~of the Blue Ridge Mountains except during the period when it is lawful to take bear, deer, grouse,~~
15 ~~pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl or migratory gamebirds on these lands.~~

16
17 ~~C. B.~~ Certain counties. Except as otherwise provided in 4VAC15-40-70, it shall be unlawful to have
18 either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields,
19 forests or waters of the counties of Augusta, Clarke, Frederick, Page, Shenandoah and Warren, and in the
20 counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by
21 law to hunt game birds and animals.

22
23 ~~D. C.~~ Shooting ranges and authorized activities. The provisions of this section shall not prohibit the
24 conduct of any activities authorized by the board or the establishment and operation of archery and
25 shooting ranges on the lands described in subsections A, B and C of this section. The use of firearms;
26 ~~crossbows, and bows~~ or any hunting weapon in such ranges during the closed season period will be
27 restricted to the area within the established range boundaries. Such weapons shall be required to be
28 unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms;
29 ~~crossbows, or bows~~ any hunting weapon during the closed hunting period in such ranges shall be
30 restricted to target shooting only and no birds or animals shall be molested.

31
32 ~~E. D.~~ It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned
33 lands except during authorized hunting, chase, or training seasons that specifically permit these activities
34 on these lands or during raccoon hound field trials on these lands between September 1 and March 31,
35 both dates inclusive, that are sanctioned by ~~bona fide~~ bonafide national kennel clubs and authorized by
36 permits ~~required and~~ issued by the department and/or the U.S. Forest Service.

37
38 ~~F. E.~~ It shall be unlawful to possess or transport any loaded firearm, or loaded ~~crossbow~~ hunting weapon
39 in or on any vehicle at any time on national forest lands or department-owned lands.

40
41 **G. F.** The provisions of this section shall not prohibit the possession, transport and use of loaded firearms
42 by employees of the Department of Game and Inland Fisheries while engaged in the performance of their
43 authorized and official duties, nor shall it prohibit possession and transport of loaded concealed handguns
44 where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of
45 Virginia.

46
47 **H.G.** Meaning of "possession" of ~~bow, crossbow, or firearm~~ **any hunting weapon** and definition of
48 "loaded crossbow", "loaded arrowgun", "loaded muzzleloader" and "loaded firearm." For the purpose of
49 this section, the word "possession" shall include, but not be limited to, having any ~~bow, crossbow, or~~
50 firearm or weapon used for hunting in or on one's person, vehicle or conveyance. For the purpose of this
51 section, a "loaded firearm" shall be defined as a firearm in which ammunition is chambered or loaded in
52 the magazine or clip when such magazine or clip is engaged or partially engaged in a firearm. The
53 definition of a loaded ~~muzzleloading firearm~~ muzzleloader will include a muzzleloading ~~firearm~~ rifle,
54 pistol or shotgun that is capped, or has a charged pan, or has a primer or battery installed in the ~~firearm~~
55 muzzleloader. The definition of a "loaded crossbow" is a crossbow that is cocked and has either a bolt or
56 arrow engaged or partially engaged on the shooting rail or track of the crossbow, or with a "trackless
57 crossbow" when the crossbow is cocked and a bolt or arrow is nocked. The definition of a "loaded
58 arrowgun" is an arrowgun that has an arrow or bolt inserted on the arrow rest or barrel. Hunting weapon
59 is any weapon allowable for hunting as defined in § 29.1-519 of the Code of Virginia.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The separate sections for lands east and west of the Blue Ridge Mountains were established when the earliest fall hunting seasons began on different dates in each location. The September Canada Goose hunting season now opens statewide on September 1.

Listing individually each type of weapon now allowed for hunting is cumbersome. Using the words hunting weapon improves the flow and readability of the regulation. Weapons legal for hunting are listed in §29.1-519.

Using the word muzzloader instead of muzzleloading firearm is consistent with revised definitions in other regulations and code sections. Adding the definition of a loaded arrowgun is needed now that an arrowgun is a legal hunting weapon..

4VAC15-40-70. Game: In General: Open dog training season.

Summary:

The proposal is to (i) clarify where the possession of firearms and the shooting of properly marked mallards and pigeons is allowed (ii) eliminate the Sunday exception to the shooting of properly marked mallards and pigeons and (iii) open three new Wildlife Management Areas for training dogs on quail during designated periods.

Proposed language of amendment:

1 **4VAC15-40-70. Open dog training season.**
2

3 A. Private lands and certain military areas. It shall be lawful to train dogs during daylight hours on
4 squirrels and nonmigratory game birds on private lands, and on rabbits and nonmigratory game birds on
5 Fort A.P. Hill, Fort Pickett, and Quantico Marine Reservation. Participants in this dog training season
6 shall not have any weapons other than starter pistols in their possession, must comply with all regulations
7 and laws pertaining to hunting and no game shall be taken; provided, however, that weapons may be in
8 possession on private lands when training dogs on captive raised and properly marked mallards and
9 pigeons so that they may be immediately shot or recovered, ~~except on Sunday.~~

10
11 B. It shall be lawful to train dogs on rabbits on private lands from ½ hour before sunrise until midnight.
12

13 C. Designated portions of certain department-owned lands. It shall be lawful to train dogs on quail on
14 designated portions of the Amelia Wildlife Management Area, Cavalier Wildlife Management Area,
15 Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, Mattaponi
16 Wildlife Management Area and White Oak Mountain Wildlife Management Area from September 1st to
17 the day prior to the opening date of the quail hunting season, both dates inclusive. Participants in this dog
18 training season shall not have any weapons other than starter pistols in their possession, shall not release
19 pen-raised birds, must comply with all regulations and laws pertaining to hunting and no game shall be
20 taken.
21

22 D. Designated department-owned lands. It shall be lawful to train dogs during daylight hours on rabbits
23 and nonmigratory game birds on the Weston Wildlife Management Area from September 1 to March 31,
24 both dates inclusive. Participants in this dog training season shall not have any weapons other than starter
25 pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws
26 pertaining to hunting and no game shall be taken.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The current regulation language does not make it clear where the possession and use of firearms to harvest properly marked released mallards and pigeons is allowed. Further since Sunday hunting has been allowed, the exception to Sunday shooting in this regulation is inconsistent with the allowance of Sunday hunting. There is now no reason why private landowners cannot train with and shoot properly marked released mallards or pigeons on Sundays on private lands.

These proposed changes also provide more upland game bird dog training opportunity on public lands. An often expressed view among new bird dog trainers is a lack of public lands available for training for those bird dog owners that may not own or have access to private lands.

4VAC15-40-270. Game: In General: Sale of Unclaimed Taxidermy Specimens by Licensed Taxidermists.

Summary

This proposal would allow taxidermists to sell unclaimed mounted or processed hides of black bears.

Proposed language of amendment

4VAC15-40-270. Sale of Unclaimed Taxidermy Specimens by Licensed Taxidermists.

Unclaimed mounted native wildlife specimens or their processed hides, when taken in accordance with the provisions of law and regulations, may be sold by a Virginia licensed taxidermist with the exception of ~~black bears~~, migratory waterfowl, migratory birds and state and federally listed threatened and endangered species.

A mount or processed hide shall be considered unclaimed if it has been left in a taxidermy place of business for more than 30 days beyond the period the mount was to remain on the premises pursuant to a contract. This contract must inform the owner of the possibility of such sale. After the 30-day period a notice by registered or certified mail with a return receipt requested must be mailed to the owner of record therein, instructing him to reclaim the mount within 15 days of the notice. This notice shall identify the species and the date it was received, set forth the location of the taxidermist facility where it is held, and inform the owner of his rights to reclaim the mount with 15 days of this notice after payment of the specified costs. This notice shall state that the failure of the owner to reclaim the mount or hide within this 15-day time frame may result in the sale of the unclaimed mount or hide.

If a mount or hide is not claimed after the return of a signed certified receipt and within the 15-day period, then the taxidermist may sell the mount for an amount not to exceed the remainder of the amount of the original invoice plus reasonable administrative and storage costs. Within seven days of the sale of any unclaimed mount the taxidermist shall notify the department in writing of the name, phone number and address of the purchaser, invoice price, species sold, taxidermist, and previous owners' name, phone number and address. Upon receipt of such paperwork for a bear mount or hide, a Conservation Police Officer will review the paperwork and will provide the purchaser a form that will remain with the mount.

For the purposes of this section, a mount is defined as the processed hide, pelt, or skin of an animal affixed to a form for display. A processed hide, pelt, or skin is one that has been tanned, cured, chemically preserved, or converted to any usable form beyond initial cleaning, stretching, and drying by the taxidermist or his or her agent. Nothing in this section shall permit the sale of skulls, claws, teeth, unprocessed hides, or any other parts of a bear that are not a legitimate part of the mount.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

This proposal to remove black bears from the list of exceptions for sale was a request on behalf of the Virginia Taxidermists Association (VTA) and its membership. This request was made to facilitate the recovery of financial losses associated with the mounting or processing of black bears that are unclaimed.

4VAC15-40-275. Game: In General: Sale of furbearer pelts, carcasses, and parts

Summary:

The proposal is to (i) authorize the sale of coyote and nutria pelts, carcasses, and parts under conditions currently authorized for species legally defined as “fur-bearing animals”; and (ii) eliminate unnecessary text in Part 3 of the regulation.

Proposed language of amendment:

1 **4 VAC 15-40-275. Game: In general: Sale of furbearer, coyote, and nutria pelts, carcasses, and**
2 **parts.**

3
4 It shall be unlawful to buy, sell, barter, traffic or trade in, bargain for, or solicit for purchase raw pelts and
5 unskinned carcasses of fur-bearing animals defined in § 29.1-100 of the Code of Virginia, coyotes, and
6 nutria without having first obtained a fur dealer permit in accordance with §§ 29.1-400 through 29.1-407
7 of the Code of Virginia, except that a permit shall not be required of:

8
9 1. Any hunter or trapper, or any person lawfully engaged in the business of fur farming, to sell or
10 dispose of legally taken or possessed raw pelts and unskinned carcasses of fur-bearing animals[, coyotes,
11 and nutria] at any time.

12
13 2. Any person to purchase legally taken or possessed raw pelts or unskinned carcasses of fur-bearing
14 animals, coyotes, and nutria at any time if the pelts are to be tanned or used in taxidermy mounts for
15 personal use and not for resale, trade, or other commercial purposes.

16
17 3. Any person to buy or sell at any time pelts that are not defined as being raw, skinned carcasses,
18 ~~such as~~ taxidermy mounts, or any other parts of legally taken and possessed fur-bearing animals ~~defined~~
19 ~~in § 29.1-100 of the Code of Virginia, coyotes, and nutria.~~ Such parts shall include skulls, teeth, claws,
20 bones, glands, and secretions. For the purposes of this section, “raw pelt” shall be defined as any pelt
21 with its hair or fur intact that has not been tanned, cured, chemically preserved, or converted to any usable
22 form beyond initial cleaning, stretching, and drying. Salt-cured and sun-cured pelts shall be considered
23 raw pelts.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: include coyotes and nutria in subsection 1 which was an oversight in the original proposal.

Rationale:

Although trapped for fur, coyotes and nutria are legally defined as nuisance species and not fur-bearing animals in § 29.1-100 of the Code of Virginia. As a result, the sale of tanned pelts, carcasses, and parts is currently not authorized for these species. This proposal is a housekeeping measure that adds coyotes and nutria to the proposal adopted by the Board in 2017.

4VAC15-40-276 (NEW). Game: In General: Sale of small game animals and parts.

Summary:

The proposal is to allow for the purchase and sale of small game carcasses, parts, and taxidermy mounts by any person at any time.

Proposed language of amendment:

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4VAC15-40-276 (NEW). Sale of small game animals and parts.

It shall be lawful for any person to purchase or sell skins, pelts, skulls, bones, teeth, claws, feet, tails, hair, feathers, taxidermy mounts, and other non-meat parts of legally taken and possessed rabbits, squirrels, bobwhite quail, ruffed grouse, and pheasants.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

In 2016, the General Assembly passed enabling legislation (SB152) that provided the Department with the authority to regulate the sale of wildlife parts. Current laws allow for the sale of most furbearer and cervid parts, but the sale of small game parts is presently prohibited. Craft vendors, thrift store owners, and others have requested that the Department pass a regulation that allows for the purchase and sale of legally possessed small game animal parts. This proposal is not expected to impact small game harvest or population levels. The proposal provides consistency with regard to the sale of small game, furbearer, and cervid parts in Virginia.

4VAC15-40-300 (NEW) Game: In General. Falsifying harvest information prohibited

Summary:

The proposal will make it a violation of law to provide incorrect information when reporting the harvest or origin of an animal.

Proposed language of the amendment:

1 **4VAC15-40-300 (NEW). Falsifying harvest information prohibited.**

2

3 **It shall be unlawful to provide false statements or record false information when tagging, checking or**
4 **reporting the harvest of any wild animal to the Department, any agent thereof, or taxidermist.**

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The Department’s current checking regulations (e.g., deer, turkey, etc.), which date back decades to the physical check station system, do not address a person knowingly entering false information via the electronic checking system. This regulation was requested by the Department’s Law Enforcement Division to address this loophole.

The Department has had mandatory checking since 1947. Until 2004, all checking occurred at physical check stations where the check station operator could visibly inspect the animal and verify the information on the check card.

In fall 2004, the Department initiated a telephone checking system and in fall 2009 an internet checking option was added. In fall 2017 a mobile phone application was initiated and in fall 2018 an electronic e-notching feature was added (e.g., electronic deer license and tagging). Visual verification is no longer an option. During the same timeframe, the Department has enacted regulations like Antler Point Restrictions (APRs) and Earn A Buck (EAB) which require that specific types of animals be killed in a specified order in designated areas. Conservation Police Officers have encountered and uncovered multiple situations where someone has checked an “imaginary” antlerless deer in order to circumvent requirements for EAB, has entered an incorrect number of antler points to circumvent APRs, or has harvested antlerless deer in counties with no antlerless season and checked them in as being harvested in a county with an antlerless season, to name a few examples.

With the ever-increasing risks for hunters to import carcasses with chronic wasting disease (CWD) from other states, it is important that imported animals are properly identified. Taxidermists are permitted by the Department pursuant to 29.1-415 of the Code of Virginia and are included in this proposal due to their reporting requirements and the frequency with which they may be presented with illegally harvested animals; their involvement in the receipt of cervids coming from CWD positive or high risk states where false information may be provided as to their origins; their ability to sell unclaimed specimens; and their exceptions of CITES requirements for shipping pelts out of state for tanning purposes.

DEFINITIONS and MISCELLANEOUS

4VAC15-20-130. Definitions and Miscellaneous: In General; Endangered and threatened species; adoption of federal list; additional species enumerated.

Summary:

The proposal is to update the date reference to the federal list of endangered and threatened wildlife species.

Proposed language of amendment

4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§1531-1543), as amended as of ~~August 4, 2016~~ February 26, 2019 May 7, 2019, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to Code § 29.1-103.12, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List, in accordance with the procedures of Code §§ 29.1-501 and 29.1.502.

B. In addition to the provisions of subsection A, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6 (§29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:

Endangered:

Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon

Threatened:

Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorbranchium
Darter, sickle	Percina williamsi
Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus

2. Amphibians:

Endangered:

Salamander, eastern tiger	Ambystoma tigrinum
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Threatened:

Salamander, Mabee's	Ambystoma mabeei
Treefrog, barking	Hyla gratiosa

3. Reptiles:

25 Endangered:

Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	<i>Crotalus horridus</i>
Turtle, bog	<i>Glyptemys muhlenbergii</i>
Turtle, eastern chicken	<i>Deirochelys reticularia reticularia</i>

26 Threatened:

27

Lizard, eastern glass	<i>Ophisaurus ventralis</i>
Turtle, wood	<i>Glyptemys insculpta</i>

28

29 4. Birds:

30 Endangered:

Plover, Wilson's	<i>Charadrius wilsonia</i>
Rail, black	<i>Laterallus jamaicensis</i>
Wren, Bewick's	<i>Thryomanes bewickii</i>

31 Threatened:

32

Falcon, peregrine	<i>Falco peregrinus</i>
Shrike, loggerhead	<i>Lanius ludovicianus</i>
Sparrow, Bachman's	<i>Aimophila aestivalis</i>
Sparrow, Henslow's	<i>Ammodramus henslowii</i>
Tern, gull-billed	<i>Sterna nilotica</i>

33 5. Mammals:

34

35 Endangered:

Bat, Rafinesque's eastern big-eared	<i>Corynorhinus rafinesquii macrotis</i>
Bat, little brown	<i>Myotis lucifugus</i>
Bat, tri-colored	<i>Perimyotis subflavus</i>
Hare, snowshoe	<i>Lepus americanus</i>
Shrew, American water	<i>Sorex palustris</i>
Vole, rock	<i>Microtus chrotorrhinus</i>

36 6. Molluscs:

37

38 Endangered:

Coil, rubble	<i>Helicodiscus lirellus</i>
Coil, shaggy	<i>Helicodiscus diadema</i>
Deertoe	<i>Truncilla truncata</i>
Elephantear	<i>Elliptio crassidens</i>
Elimia, spider	<i>Elimia arachnoidea</i>
Floater, brook	<i>Alasmidonta varicosa</i>
Ghostsnailed, thankless	<i>Holsingeria unthinksensis</i>
Heelsplitter, Tennessee	<i>Lasmigona holstonia</i>
Lilliput, purple	<i>Toxolasma lividus</i>
Mussel, slippershell	<i>Alasmidonta viridis</i>
Pigtoe, Ohio	<i>Pleurobema cordatum</i>
Pigtoe, pyramid	<i>Pleurobema rubrum</i>
Springsnail, Appalachian	<i>Fontigens bottimeri</i>
Springsnail (no common name)	<i>Fontigens morrisoni</i>
Supercoil, spirit	<i>Paravitrea hera</i>

39 Threatened:

40

Floater, green	<i>Lasmigona subviridis</i>
Papershell, fragile	<i>Leptodea fragilis</i>
Pigtoe, Atlantic	<i>Fusconaia masoni</i>

Pimpleback	<i>Quadrula pustulosa pustulosa</i>
Pistolgrip	<i>Tritogonia verrucosa</i>
Riversnail, spiny	<i>Io fluvialis</i>
Sandshell, black	<i>Ligumia recta</i>
Supercoil, brown	<i>Paravitrea septadens</i>

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7. Arthropods:

Threatened:

Amphipod, Madison Cave	<i>Stygobromus stegerorum</i>
Pseudotremia, Ellett Valley	<i>Pseudotremia cavernarum</i>
Xystodesmid, Laurel Creek	<i>Sigmodon whiteheadi</i>

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C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

D. The incidental take of certain species may occur in certain circumstances and with the implementation of certain conservation practices, as described below:

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats Use of exclusion devices that allow individual animals to escape Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately-permitted wildlife rehabilitator.	Little to no direct lethal taking expected
		Public safety or property damage risk –need for tree removal, application of prescribed fire, or other land management actions affecting known roosts;	Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase	Little to no direct lethal taking expected

		<p>removal of animals from known roosts.</p>	<p>the buffer to a 1/4-mile radius with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, 1 tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates.</p> <p>Known Roost Trees: no tree removal, use of prescribed fire, or other land management action within 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk.</p> <p>DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats</p> <p>Use of exclusion devices that allow individual animals to escape</p> <p>Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately-permitted wildlife rehabilitator.</p>	
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		Facility or project operations when conducted in accordance with a DGIF-approved plan associated with these species.	Development and implementation of a plan that avoids, minimizes and mitigates incidental take associated with an otherwise lawful activity. The plan shall include, but not be limited to, documenting the specific condition/action, the specific mitigation to be taken, and the expected incidental take.	Little to no direct lethal taking expected
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Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: citing the most recent version of the Federal Endangered and Threatened Species List which was updated on May 7, 2019.

Rationale:

Adoption of the updated and modified federal list of endangered and threatened wildlife species: The Board’s adoption of the most current federal list is essential to clarifying the state and federal status of each affected species and to ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species.

4 VAC15-20-240 (NEW). Definitions and Miscellaneous: In General: Use of drones for certain activities prohibited

Summary:

The proposal is to prohibit the use of unmanned aerial vehicles, commonly referred to as drones, for the purposes of hunting.

Proposed language of amendment:

1 **4 VAC15-20-240 (NEW). Use of drones for certain activities prohibited.**

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3 Except as authorized by the Director or his designee, it shall be unlawful at any time for any person to:

4
5 A. Use a drone or other unmanned aircraft to hunt, take, or kill a wild animal, or to use a drone or other

6 unmanned aircraft to drive or herd any wild animal for the purposes of hunting, trapping, or killing.

7
8 B. Use a drone or other unmanned aircraft to attempt to locate, surveil, aid, or assist in the hunting of any

9 wild animal.

10
11 C. Use a drone or other unmanned aircraft to harass any wild animal. For the purposes of this regulation,

12 “harass” is defined as any action that creates the likelihood of injury to wildlife by annoying it to such an

13 extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding,

14 feeding, or sheltering.

15
16 D. Use a drone or other unmanned aircraft on Department-owned lands, except that Department

17 employees and contractors or agents acting on behalf of the Department may use drones or other

18 unmanned aircraft when addressing human safety, law enforcement, management, or other needs

19 approved by the Department.

20
21 E. No part of this regulation shall be construed to restrict the use of drones or other unmanned aircraft for

22 wildlife management activities conducted or authorized by the department; or by [U.S. government

23 agencies' employees employees of the U.S. government or its agencies] whose responsibility includes

24 fisheries and wildlife management; or by county, city, or town animal control officers in the performance

25 of their official duties [related to public health concerns or problem wildlife].

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: sentence structure modifications in Subsection E to aid in clarity and remove unnecessary language.

Rationale:

Each new technological advancement that provides advantages to hunters must be evaluated for its ability to humanely and ethically aid in the harvest of game species in Virginia while abiding by fair chase principles and objectives of game species management plans. The use of drones, or unmanned aerial vehicles (UAVs), is an emerging fair chase hunting issue across the nation. Many western states have banned the use of UAVs for the purposes of hunting or aiding in hunting for all game species; each year, more eastern states enact restrictions on UAVs. The Department’s management plans for deer, bear, turkey, and elk specifically call for recreational hunting methods that are sportsmanlike and ethical.

The use of drones by the public on wildlife management areas and other Department-owned lands have had impacts on management activities, recreational users, and wildlife. Given the growing popularity of drones, these impacts are expected to increase unless drones are prohibited on these areas.

**4VAC15-30-50. Definitions and Miscellaneous: Importation, possession, sale, etc., of animals:
Possession, transportation, and release of wildlife by authorized persons.**

Summary:

The proposal is to (i) define authorized activities for wildlife rehabilitators permitted by the Department; (ii) authorize any person to transport injured and orphaned wildlife to permitted wildlife rehabilitators; and (iii) authorize any person to release rehabilitated native wildlife in accordance with conditions defined by the Department.

Proposed language of amendment:

1 **4 VAC 15-30-50. Definitions and miscellaneous: Importation, possession, sale, etc., of animals.**
2 **Possession, transportation, and release of wildlife by authorized persons.**
3

4 A. Department employees in the performance of their official duties; U.S. government agencies'
5 employees whose responsibility includes fisheries and wildlife management; county, city, or town
6 animal control officers in the performance of their official duties related to public health concerns or
7 problem wildlife removal; and individuals operating under conditions of a commercial nuisance
8 animal permit issued by the department pursuant to §§ 29.1-412 and 29.1-417 of the Code of Virginia
9 will be deemed to be permitted pursuant to this section to capture, temporarily hold or possess,
10 transport, release, and when necessary humanely dispatch wildlife, provided that the methods of and
11 documentation for the capture, possession, transport, release, and humane dispatch shall be in
12 accordance with director policy.
13

14 B. Local animal shelters operating under the authority of, or under contract with, any county, city, or
15 town with animal control responsibilities shall be authorized to receive, temporarily confine, and
16 humanely euthanize wildlife, except for state or federal threatened and endangered species; federally
17 protected migratory bird species; black bear; white-tailed deer; and wild turkey, provided that the
18 methods of and documentation for the possession, confinement, and euthanasia shall be in accordance
19 with conditions defined by the agency director. Provided further that any person may legally transport
20 wildlife, except for those species listed in this subsection, to an authorized animal shelter after
21 contacting the facility to confirm the animal will be accepted.
22

23 C. Wildlife rehabilitators permitted by the Department shall be authorized to receive, temporarily
24 confine, provide medical care to, release, and humanely dispatch wildlife provided that the methods
25 of and documentation for such activities shall be in accordance with permit conditions defined by the
26 Department. Provided further that any person may capture and transport an injured, debilitated, sick,
27 or orphaned wild animal without unnecessary delay directly to a permitted wildlife rehabilitator,
28 Department employee, or other person authorized by the Department to possess and transport these
29 animals, but only after contacting the facility, employee, or authorized person to confirm the animal
30 will be accepted. Prior to transport, no care may be provided to a wild animal, except as directed by a
31 permitted wildlife rehabilitator or Department employee. Following rehabilitation, [any person
32 under the direction of a permitted wildlife rehabilitator or Department employee, may transport and
33 release certain species of native wildlife back into the wild in accordance with conditions defined by
34 the Department for permitted wildlife rehabilitators transport and release of native wildlife shall be
35 allowed as long as such activities are conducted in accordance with permit conditions].
36

37 DC. Employees or agents of other state wildlife agencies while in the performance of their official
38 duty in transporting wildlife through the Commonwealth will be deemed to be permitted pursuant to
39 this section, provided that a list of animals to be transported, a schedule of dates and locations where
40 those animals will be housed while in the Commonwealth, and a letter of authorization from both the

41 forwarding and receiving state agencies are provided to the department 24 hours prior to the
42 transporting of such animals, and further provided that such animals shall not be liberated within the
43 Commonwealth.

44

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

49

50 ~~FE~~. With prior written approval from the director or his designee and under conditions of an
51 applicable department permit, institutions with bona fide accreditation from the Association of Zoos
52 and Aquariums may possess, transport, have transported, export, or import native and naturalized
53 species defined in the List of Native and Naturalized Fauna of Virginia, which is incorporated by
54 reference into 4VAC15-20-50.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: to simply the sentence structure and explicitly allow for transport and release of rehabilitated, native wildlife but only in accordance with permit conditions.

Rationale:

Authorization for wildlife rehabilitators to receive and care for injured and orphaned wildlife is currently not addressed in Virginia code or regulation. This proposal provides the necessary legal framework for wildlife rehabilitators to perform authorized activities in accordance with permit conditions defined by the Department. Authorization for the general public to capture and transport injured and orphaned wildlife directly to rehabilitators is needed because there is currently an insufficient number of legal transporters available to deliver these animals to permitted facilities. Allowing the public to release wild animals following rehabilitation also helps address the shortage of currently authorized transporters and increases the likelihood that wildlife will be released in the exact location from which it was originally collected.

ADDITIONAL

4VAC15-20-50. Definitions and Miscellaneous: In General: Definitions: "Wild Animal," "Native Animal," "Naturalized Animal," "Nonnative (Exotic) Animal," and "Domestic Animal."

Summary:

The proposal is to remove the reference to the department's Richmond location, which is no longer accurate, and update with the headquarters reference.

Proposed language of amendment:

1 **4VAC15-20-50. Definitions; "Wild Animal," "Native Animal," "Naturalized Animal," "Nonnative**
2 **(Exotic) Animal," and "Domestic Animal."**

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

5 "Native animal" means those species and subspecies of animals naturally occurring in Virginia, as
6 included in the department's 2018 "List of Native and Naturalized Fauna of Virginia," with copies
7 available in the [Richmond headquarters](#) and regional offices of the department.

8 "Naturalized animal" means those species and subspecies of animals not originally native to Virginia that
9 have established wild, self-sustaining populations, as included in the department's 2018 "List of Native
10 and Naturalized Fauna of Virginia," with copies available in the [Richmond headquarters](#) and regional
11 offices of the department.

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

14 The following animals are defined as domestic animals:

15 Domestic dog (*Canis familiaris*), including wolf hybrids.

16 Domestic cat (*Felis catus*), including hybrids with wild felines.

17 Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.

18 Domestic ass, burro, and donkey (*Equus asinus*).

19 Domestic cattle (*Bos taurus* and *Bos indicus*).

20 Domestic sheep (*Ovis aries*) including hybrids with wild sheep.

21 Domestic goat (*Capra hircus*).

22 Domestic swine (*Sus scrofa*), including pot-bellied pig and excluding any swine that are wild or for which
23 no claim of ownership can be made.

24 Llama (*Lama glama*).

25 Alpaca (*Lama pacos*).

26 Camels (*Camelus bactrianus* and *Camelus dromedarius*).

27 Domesticated races of hamsters (*Mesocricetus* spp.).

- 28 Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kilograms or their coat
29 color can be distinguished from wild mink.
- 30 Domesticated races of guinea pigs (*Cavia porcellus*).
- 31 Domesticated races of gerbils (*Meriones unguiculatus*).
- 32 Domesticated races of chinchillas (*Chinchilla laniger*).
- 33 Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).
- 34 Domesticated races of mice (*Mus musculus*).
- 35 Domesticated breeds of European rabbit (*Oryctolagus cuniculus*) recognized by the American Rabbit
36 Breeders Association, Inc. and any lineage resulting from crossbreeding recognized breeds. A list of
37 recognized rabbit breeds is available on the department's website.
- 38 Domesticated races of chickens (*Gallus*).
- 39 Domesticated races of turkeys (*Meleagris gallopavo*).
- 40 Domesticated races of ducks and geese distinguishable morphologically from wild birds.
- 41 Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.
- 42 Domesticated races of guinea fowl (*Numida meleagris*).
- 43 Domesticated races of peafowl (*Pavo cristatus*).
- 44 "Wild animal" means any member of the animal kingdom, except domestic animals, including without
45 limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk,
46 crustacean, arthropod or other invertebrate, and includes any hybrid of them, except as otherwise
47 specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts
48 of them.
- 49 B. Exception for red foxes and European rabbits. Domesticated red foxes (*Vulpes vulpes*) having coat
50 colors distinguishable from wild red foxes and wild European rabbits possessed in captivity on July 1,
51 2017, may be maintained in captivity until the animal dies, but the animal may not be bred or sold without
52 a permit from the department. Persons possessing domesticated red foxes or European rabbits without a
53 permit from the department must declare such possession in writing to the department by January 1, 2018.
54 This written declaration must include the number of individual animals in possession and date acquired,
55 sex, estimated age, coloration, and a photograph of each fox or European rabbit. This written declaration
56 shall (i) serve as a permit for possession only, (ii) is not transferable, and (iii) must be renewed every five
57 years.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The Virginia Department of Game and Inland Fisheries relocated its headquarters from the location on Broad Street in Richmond to its current location on Villa Park Drive in Henrico in 2015. This update corrects references to the previous office location and replaces it with a headquarters reference.

4VAC15-290-60. Game: Permits: Holding Wild Animals for Exhibition Purposes.

Summary:

The proposal is to remove the reference to the department's Richmond office mailing address, which is no longer accurate, and update with the current headquarters mailing address.

Proposed language of amendment:

- 1 **4VAC15-290-60. Holding Wild Animals for Exhibition Purposes.**
2
3 A. Where an exhibit is educational and purposeful in nature, wild animals may be exhibited with a permit
4 provided for in § 29.1-417 of the Code of Virginia, under such restrictions and conditions as the board
5 may prescribe.
6
7 B. Elementary or secondary school teachers may possess and display wildlife for educational purposes
8 without a permit to exhibit wildlife, provided that:
9
10 1. Notification of the display is made to the department by mail to Permits Section, ~~VDGIF, P.O. Box~~
11 ~~11104, Richmond, VA 23230-1104~~ VDGIF, P.O. Box 3337, Henrico, VA, 23228-3337. This notification
12 shall be made within 48 hours of the beginning of the display, shall be updated any time that additional
13 wildlife is added to the display, and shall include:
14 a. Number and species of wildlife held for display;
15 b. Physical address of the location of the display; and
16 c. Duration for which the display is intended to be maintained.
17 2. Species allowed to be possessed and displayed pursuant to this subsection shall be limited to those
18 species included in the List of Native and Naturalized Fauna of Virginia, which is incorporated by
19 reference in 4VAC15-20. In addition, in no case shall the following species be possessed and displayed
20 without a permit to exhibit wildlife:
21 a. Those species included on the list contained in 4VAC15-30-40, whether of native or exotic origin.
22 b. Fur-bearing animals as defined in § 29.1-100 of the Code of Virginia.
23 c. Those species defined as nonnative or exotic animals pursuant to 4VAC15-20-50.
24 d. Migratory birds protected by the federal Migratory Bird Treaty Act (16 USC §§ 703-711).
25 e. Federal and state threatened and endangered species pursuant to 4VAC15-20-130.
26 f. Nuisance species designated by § 29.1-100 of the Code of Virginia or 4VAC15-20-160, or
27 nonindigenous aquatic nuisance species designated by § 29.1-571 of the Code of Virginia or 4VAC15-20-
28 210.
29
30 g. Predatory or undesirable animals or birds for which a permit is required by 4VAC15-30-20.

- 31 3. Any person bitten by mammalian wildlife must report the injury to the local health department. The
32 offending animal must be segregated and housed separately from other animals and humans until the
33 health department is notified.
34
- 35 4. Wildlife must be confined under sanitary and humane conditions that are appropriate for the species in
36 captivity. All cages and enclosures shall be locked at all times when wildlife is not under the immediate
37 control or direct supervision of the handler to prevent wildlife escape and unauthorized contact with
38 individuals.
39
- 40 5. No wildlife held, possessed, or displayed may be released for any purpose without the written
41 authorization of the department.
42
- 43 6. The department shall be notified within 24 hours of an instance of wildlife sickness or disease or in the
44 event of an escape.
45
- 46 7. Teachers possessing and displaying wildlife for educational purposes in accordance with this section
47 shall comply with all other local, state, and federal laws and regulations pertaining to species possessed
48 and displayed.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The Virginia Department of Game and Inland Fisheries relocated its headquarters from the location on Broad Street in Richmond to its current location on Villa Park Drive in Henrico in 2015. This update corrects references to the previous mailing address and replaces it with the current mailing address.

4VAC15-400-20. Watercraft: Accident and Casualty Reporting: Immediate Notification of Reportable Accident.

Summary:

The proposal is to remove the reference to the department’s Richmond location, which is no longer accurate, and update with the headquarters reference.

Proposed language of amendment:

1 **4VAC15-400-20. Immediate Notification of Reportable Accident.**
2

3 When an accident occurs that requires a written report in accordance with 4VAC15-400-30, the operator
4 shall, without delay, by the quickest means available, notify the department ~~in Richmond, Virginia~~
5 headquarters, or the most immediately available member of the department, of:
6

- 7 1. The date, time, and exact location of the occurrence;
8
9 2. The major details of the accident including the name of each person who died or disappeared;
10
11 3. The number and name of the vessel; and
12
13 4. The names and addresses of the owner and operator.
14

15 When the operator of a vessel cannot give the notice required by the foregoing, each person, on board the
16 vessel shall notify the department or a member of its law-enforcement force, or determine that the notice
17 has been given.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

The Virginia Department of Game and Inland Fisheries relocated its headquarters from the location on Broad Street in Richmond to its current location on Villa Park Drive in Henrico in 2015. This update corrects references to the previous office location and replaces it with a headquarters reference.

**VIRGINIA DEPARTMENT OF GAME AND INLAND
FISHERIES**

EXECUTIVE OFFICE

LEGISLATIVE AND POLICY DIVISION

BOATING REGULATION RECOMMENDATIONS

2019



Watercraft: Definitions

Background: Recently the U. S. Coast Guard adopted a new North American Life Jacket approval model that is phasing out the old USCG Approved Type I, II, III, and V wearable life jackets, and the USCG Approved Type IV throwable device. These numbers will be replaced by a USCG Approved wearable or a USCG Approved throwable device. This regulation is not in alignment with the exemptions as required by the Code of Federal Regulations. The proposed changes will administratively align the regulation with CFR.

Staff Rationale:

According to § 29.1-735. Regulations for vessel operation and equipment, section B sites that: “The Board is hereby authorized to make regulations to the extent necessary to keep these requirements generally in conformity with the provisions of the federal navigation laws, or with the rules promulgated by the United States Coast Guard or the United States Secretary of Transportation.”

On October 22, 2014, the United States Coast Guard issued a Rule removing references to Type codes in regulations on the carriage and labeling of United States Coast Guard approved personal flotation devices (PFDs). In order to comply with this change and insure compliance with federal preemption, our state regulation regarding PFD carriage requirements must change to mirror the Federal Code (33 CFR 175.15).

Virginia Administrative Code

4VAC15-430-20. Definitions.

As used in this chapter the following words and terms shall have the following meanings:

"Coastal waters" means the territorial seas of the United States, and those waters directly connected to the territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"Passenger" means every person carried on board a vessel other than:

1. The owner or his representative;
2. The operator;
3. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
4. Any guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

"Personal flotation device" or "PFD" means a device that is approved by the U.S. Coast Guard.

"Racing shell, rowing scull, racing canoe, and racing kayak" means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

"Recreational vessel" means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include any vessel engaged in the carrying of any passengers for consideration.

"Sailboard" means a sail-propelled vessel with no freeboard and equipped with a swivel-mounted mast not secured to a hull by guys or stays.

"Throwable PFD" means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

"Use" means operate, navigate, or employ.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include surfboards, tubes, swimming rafts, inflatable toys and similar devices routinely used as water toys or swimming aids.

"Visual distress signal" means a device that is approved by the U.S. Coast Guard or certified by the manufacturer.

"Wearable PFD" means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

Statutory Authority

§§ [29.1-501](#) , [29.1-502](#) , [29.1-701](#) , and [29.1-735](#) of the code of Virginia. Historical Notes

Historical Notes

Derived from [Volume 19, Issue 05](#) , eff. January 1, 2003.

Watercraft: Personal Flotation Devices Required

Background: Recently the U. S. Coast Guard adopted a new North American Life Jacket approval model that is phasing out the old USCG Approved Type I, II, III, and V wearable life jackets, and the USCG Approved Type IV throwable device. These numbers will be replaced by a USCG Approved wearable or a USCG Approved throwable device. This regulation is not in alignment with the exemptions as required by the Code of Federal Regulations. The proposed changes will administratively align the regulation with CFR.

4VAC15-430-30. Personal Flotation Devices Required.

A. Except as provided in [4VAC15-430-40](#), it shall be unlawful to use a recreational vessel unless: ~~at least one PFD of the following types is on board for each person:~~

- ~~1. At least one wearable PFD is on board for each person; Type I PFD;~~
- ~~2. Each PFD is used in accordance with any requirements on the approval label; and Type II PFD; or~~
- ~~3. Each PFD is used in accordance with any requirements in its owner's manual; if the approval label makes reference to such a manual. Type III PFD.~~

B. Except as provided in [4VAC15-430-40](#), it shall be unlawful to use a recreational vessel of 16 feet or greater unless one ~~throwable PFD~~ ~~Type IV PFD~~ is on board in addition to the total number of PFDs required in subsection A of this section.

~~C.~~ Notwithstanding the provisions of § [29.1-742](#) of the Code of Virginia, it shall be unlawful to operate a personal watercraft unless each person riding on the personal watercraft or being towed by it is wearing ~~a wearable PFD that is approved for such activity.~~ ~~Type I, Type II, Type III or Type V PFD.~~

Statutory Authority

§§ [29.1-103](#), [29.1-501](#), [29.1-502](#), [29.1-701](#), and [29.1-735](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 05](#), eff. January 1, 2003; amended, Virginia Register [Volume 29, Issue 09](#), eff. January 1, 2013.

Watercraft: Personal Flotation Device Exemptions

Background: Recently the U. S. Coast Guard adopted a new North American Life Jacket approval model that is phasing out the old USCG Approved Type I, II, III, and V wearable life jackets, and the USCG Approved Type IV throwable device. These numbers will be replaced by a USCG Approved wearable or a USCG Approved throwable device. Additionally, this regulation is not in alignment with the exemptions as required by the Code of Federal Regulations and this change will administratively align the regulation with CFR.

4VAC15-430-40. Personal Flotation Device Exemptions.

~~A. A Type V PFD may be used in lieu of any PFD required under [4VAC15-430-30](#), provided:~~

- ~~1. The approval label on the Type V PFD indicates that the device is approved:
 - ~~a. For the activity in which the vessel is being used; or~~
 - ~~b. As a substitute for a PFD of the type required on the vessel in use;~~~~
- ~~2. The PFD is used in accordance with any requirements on the approval label;~~

~~3. The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual; and~~

~~4. The PFD is being worn.~~

~~B. A. The following vessels are exempted from the requirements for carriage of the additional *throwable PFD* ~~Type IV PFD~~ required by [4VAC15-430-30](#).~~

~~1. Personal watercraft.~~

~~2. Non-motorized canoes and kayaks 16 feet in length and over.~~

~~3. Racing shells, rowing sculls, racing canoes, and racing kayaks.~~

~~4. Sailboards.~~

~~5. Vessels of the United States used by foreign competitors while practicing for or racing in competition.~~

~~C. *B. The following vessels are exempted from the requirements for carriage of the any type PFD* ~~Type IV PFD~~ required by [4VAC15-430-30](#).~~

~~D. *C. Racing shells, rowing sculls, racing canoes, and racing kayaks while participating in or preparing and practicing for a race.*~~

~~D. *Sailboards are exempted from the requirements for carriage of any Type PFD required by [4VAC15-430-30](#).*~~

~~E. *Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under 4VAC15-430-30, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.*~~

Statutory Authority

§§ [29.1-103](#) , [29.1-501](#) , [29.1-502](#) , [29.1-701](#) , and [29.1-735](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 19, Issue 05](#) , eff. January 1, 2003; Errata, 19:14 VA.R. 2176 March 24, 2003; amended, Virginia Register [Volume 29, Issue 09](#) , eff. January 1, 2013.

Watercraft: Personal Flotation Device Stowage.

Background: Recently the U. S. Coast Guard adopted a new North American Life Jacket approval model that is phasing out the old USCG Approved Type I, II, III, and V wearable life jackets, and the USCG Approved Type IV throwable device. These numbers will be replaced by a USCG Approved wearable or a USCG Approved throwable device. This regulation is not in alignment with the exemptions as required by the Code of Federal Regulations. The proposed changes will administratively align the regulation with CFR.

4VAC15-430-50. Personal Flotation Device Stowage.

A. It shall be unlawful to use a recreational vessel unless each ~~wearable PFD Type I, II, or III PFD~~ required by [4VAC15-430-30](#) , or equivalent type allowed by [4VAC15-430-40](#) is readily accessible. "Readily accessible" means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A readily accessible PFD cannot be in a protective covering or under lock and key.

B. It shall be unlawful to use a recreational vessel unless each ~~throwable PFD Type IV PFD~~ required by [4VAC15-430-30](#) of this chapter is immediately available. "Immediately available" means the PFD shall be quickly reachable in an emergency situation. An immediately available PFD cannot be in a protective covering, in a closed compartment or under other equipment.

Statutory Authority

§§ [29.1-501](#) , [29.1-502](#) , [29.1-701](#) , and [29.1-735](#) of the Code of Virginia.

Historical Notes

Derived from Volume 19, Issue 05, eff. January 1, 2003.

Watercraft: Lifeboats and Tender Vessels Defined.

Background: This regulation is not in alignment with the exemptions as required by the Code of Federal Regulations. The proposed changes will administratively align the regulation with CFR.

4VAC15-380-110. Lifeboats and Tender Vessels Defined.

The term "lifeboat" as used in § [29.1-710](#) shall mean a boat used exclusively as a lifesaving device during times of emergency.

*The term "tender vessel" as authorized under § 29.1-710 para. 7. A. shall mean the following:
1. A vessel equipped with propulsion machinery of less than 10 horsepower that:*

(a) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(b) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in §173.27; and

(c) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

Statutory Authority

§§ [29.1-501](#), [29.1-502](#), [29.1-701](#), and [29.1-735](#), and [29.1-710](#) of the Code of Virginia and Item 392 of the 2002 Appropriation Act.

Historical Notes

Derived from Volume 19, Issue 05, eff. January 1, 2003.



VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES: BOATING ACCESS SITE AND FACILITY MANAGEMENT PLAN



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Figure 1. Virginia Boating Access Study research team: Dr. Faren R. Wolter (Project Manager, kneeling), Trey Howell, Shawn Johnson, Petrina Thomas, Dr. Doug Goldsmith, and Raymond Procopio. Not pictured: Joshua Walker.

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EXECUTIVE SUMMARY

The Virginia Department of Game and Inland Fisheries (DGIF; hereafter also referred to as ‘agency’) owns or shares maintenance responsibilities for approximately 235 boating access (BA) sites and facilities across Virginia (<http://www.dgif.virginia.gov/boating/access>). Lands and waters associated with BA sites, held in trust and managed by the DGIF, provide access to Virginia’s diverse aquatic resources for fishing, hunting, and wildlife-related recreation opportunities. Today, the social and economic demographics embodied in Virginia’s communities are changing and continue to evolve. As part of this evolution, the interests and desires expressed by citizens regarding access to the Commonwealth’s waters also change. According to the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation Survey (US Fish and Wildlife Service, 2018), in the five years since the previous National Survey was completed (i.e. 2011-2016), participation in hunting declined 16% and hunting-related spending is down 26%, whereas, the total number of people fishing increased by 8% and fishing-related spending is up by 3%. In contrast, participation in wildlife-watching activities increased by 20% over the same period (US Fish and Wildlife Service, 2018). Historically, Virginia license sales and participation in traditional hunting, fishing, and trapping activities have mirrored national trends. If Virginia continues to follow its previous pattern of mirroring the national trend, then it is fair to speculate that the Commonwealth will experience a decline in some state-issued license sales and grant-based monies collected as federal excise taxes on hunting and fishing related equipment, while, at the same time, interest and participation in non-traditional wildlife-related activities will grow.

As some activity-based funding resources are projected to shrink (e.g., hunting) or increase only modestly (e.g., fishing), the DGIF can expect demand for public access to water resources will increase, due, in part, to growing sales of recreational boats in Virginia. Sales of non-powered watercraft are difficult to quantify, yet numerous examples exist (e.g., growth in water trails and blueways, growth in water-based activities such as stand-up-paddle boards and pack rafting) that suggest participation in non-powered water-based recreational activities and other desired uses of BA sites will grow as well. Additionally, results from the 2017 Virginia Outdoors Demand Survey found that “...70% consider it very important to have access to outdoor recreation,” which represents a 15% increase since the 2011 survey (Draft 2018 Virginia Outdoors Plan, p. 11). In response to a survey conducted as a part of the Virginia Boating Access Study, participants, when asked to contrast their intended future use of BA sites in the coming year with that of the current year, 49% stated a likelihood of making ‘more’ visitations and 45% said ‘about the same’ rate (Wolter and Parkhurst, 2018). At the same time, a new, non-traditional, and growing constituency of users is bringing additional, and sometimes conflicting, management challenges to the agency as they seek use of BA sites. As a result, the ability of the agency to fulfill existing maintenance needs, while also trying to accommodate demands and expectations of new BA site users, presents unique issues. The DGIF should not expect less need for BA site maintenance, but rather should anticipate a concurrent, and likely increasing, need for an adaptive management response.

Given these facts, and to identify and gain better understanding of the emerging management challenges it faces, the DGIF in 2016 collaborated with researchers in the Department of Fish and Wildlife Conservation at Virginia Tech to initiate the Virginia Boating Access Study

(hereafter referred to as ‘the study’) to examine boating access issues and concerns across the Commonwealth. Key tasks of the study, as defined by the DGIF, were to:

- conduct an assessment and characterization of current and potential future use of BA sites;
- assess users’ preferences and satisfaction with BA facilities;
- gather opinions and attitudes of users about issues related to accessing waters of the Commonwealth; and
- develop recommendations for consideration on policies and operational procedures on how best to allocate resources and management efforts to fulfill the agency’s obligations, as stated in its Mission.

BOATING ACCESS STUDY SUMMARY FINDINGS

Across all survey instruments used, and regardless of demographic characteristics, activity interest, or geographic/regional differences, study participants expressed a sincere desire to access and use Virginia’s waters or associated shoreline settings in a variety of ways. Moreover, the public views BA sites as being much more than just a “boat ramp.” Users see BA sites and facilities as being analogous to trailhead parking sites to access blueways and, as such, the public currently is using, and desires to continue using, water access sites in ways that fulfill personal interests, regardless of the originally intended purpose for the BA site (i.e. water access for fishing, hunting, and/or trapping activities).

Boating Access Program Administration

Virginia Code (Title 29.1, Chapter 7) authorizes the Board of Game and Inland Fisheries to register and title watercraft, provide educational programs for boating safety, and set forth rules and regulations controlling boating activities in Virginia. A portion of the funds collected through administration of these responsibilities supports the DGIF Boating Access Program (BAP) and contributes to the fulfillment of the agency’s three-part mission to **conserve, connect, and protect**. Data collected during this study from interactions with boating access users, as well as DGIF staffs, administrators, and Conservation Police Officers, identify several needs associated with BAP administration. Recommendations include:

- review of existing and development of uniform guiding policy regarding the maintenance and management of DGIF-owned and/or cooperatively managed BA sites;
- development of an up-to-date BA site and facility inventory database;
- standardization of language in and monitoring of cooperative agreements;
- development of policy that articulates acceptable use of BA sites;
- development of policy for the acquisition and closure/disposition of BA sites; and
- development of consistent terms and definitions to facilitate communications about the DGIF’s BAP’s purpose and scope.

This study’s investigations revealed that approximately 93% of existing users of DGIF-owned or cooperatively managed BA sites and facilities currently are “paying” or “contributing financially” to the BAP through a variety of mechanisms. Of these, approximately 51% of BA site users hold only a single license or DGIF Permit and approximately 35% hold two more licenses and/or DGIF Permit. Although a substantial proportion of BA users already pay through

existing mechanisms, opportunity exists for the public to further connect their water-based outdoor BA activities with the agency through voluntary funding programs and collaborative partnerships. For instance, approximately 44% of participants in the mail survey who use DGIF BA sites expressed a willingness to voluntarily purchase a “Virginia Conservation Stamp,” whereas approximately 30% of respondents expressed a willingness to voluntarily make a tax-deductible donation to support BA annual maintenance and acquisition of new sites (Wolter & Parkhurst, 2018).

Results of focus group discussions and open-ended survey questions indicate that members of the general public know little about DGIF — what it does, what its responsibilities are, how it is funded, or how it differs from other state entities. An opportunity exists to improve communication and raise awareness among citizens about the DGIF, particularly how it is funded and operates. Many BA users knew little about the limited BA maintenance staff nor the finite funding and other constraints that affect BA operations in Virginia. After learning about these limitations, participants became more understanding of the challenges the DGIF faces in managing BA sites. Participants offered ideas and suggestions about ways the DGIF could collaborate with municipalities, boating clubs, land trusts, conservation organizations, and businesses to help address financial and personnel resource gaps. It was evident from these interactions with BA users that they value collaborative approaches and view cooperative or supporting partnerships among communities, municipalities, and agencies as acceptable strategies to meet existing needs of BA users across the Commonwealth. Across all meetings, participants reiterated that no single entity alone has sufficient money or staffing to meet the ever-growing demand of Virginia’s citizens for water-access sites; participants encouraged the DGIF to investigate alternative collaborate partnerships as a strategy to satisfy mutual interests.

Finally, this study’s interactions with BA users underscore an inherent difficulty in teasing apart specific topics, issues, and/or concerns identified because they are linked so inextricably to one another. Attempts to address or resolve an identified issue in isolation from the full context within which that issue exists likely will not produce meaningful and desired outcomes. Many of the goals and objectives presented in this plan establish the necessary guidance framework and foundation and implementing actions that provide consistent administrative and operational follow-through on the most pressing needs identified during this study.

BOATING ACCESS SITE AND FACILITY MANAGEMENT PLAN HIGHLIGHTS

OVERVIEW

With facilitation services provided by Virginia Tech researchers, a Technical Advisory Committee (TAC), comprised of DGIF personnel with expertise relative to boating access and water-based recreation, constructed the *Boating Access Site and Facilities Management Plan*. This document serves multiple purposes related to boating access (BA) sites owned, leased, eased, and/or managed, in part, by the agency, including:

1. Describing the responsibilities and mission of DGIF and its Boating Access Program (BA Program);
2. Establishing a comprehensive baseline database of boating access parameters from which measures of progress and fulfillment of management goals can be assessed;

3. Outlining operational, maintenance, personnel, and administrative goals, objectives, strategies, and guidance policies related to the maintenance and management of BA sites owned and/or cooperatively-managed by DGIF;
4. Identifying communication and outreach opportunities with both traditional and non-traditional boating access constituents; and
5. Providing a planning and management policy guide to facilitate and improve efficiency within the agency's Boating Access Program.

Following is a brief summary of the overarching principles, goals, and primary objectives that will guide and shape the management of DGIF's BA sites over the next 10 years. A complete and detailed presentation of objectives and strategies is provided in Chapter 3 of this document.

Overarching Principles

1. **Water access:** to provide opportunities for Virginia's citizens and visitors to connect with natural resources through water-based wildlife recreation (e.g., fishing, hunting, trapping, water-based wildlife viewing).
2. **Safety:** to provide safe and secure opportunities for Virginia's citizens and visitors to access and enjoy the state's waters.
3. **Fiscal responsibility:** to manage and allocate the agency's funds and personnel resources in ways that comply with state and federal funding requirements and restrictions, and to do so in a manner that allows transparency with constituents.
4. **Communication:** to provide appropriate two-way communication between the agency and the public it serves.

Goal Statements

Goal 1: Conduct a Comprehensive Boating Access Site and Facility Inventory Assessment (pp. 32-34)

Objectives, with associated strategies, to:

- construct a comprehensive, up-to-date database that identifies and describes all *existing* DGIF wholly-owned and cooperatively managed sites and facilities for which it has management responsibility;
- conduct a comprehensive assessment of *future* demands and needs for BA sites and facilities management that shifts operational policy from opportunistic and/or reactive to transparent and strategic-based; and
- develop and adopt region-specific boating access site and facility management plans, based on the types of water bodies to which access is provided and in response to the specific boating access demands confronted that are unique to each region.

Goal 2: Clarify DGIF’s Boating Access Site and Facilities Use and Activity Policies (pp. 34-37)

Objectives, with associated strategies, to:

- define and clarify what constitutes allowable activities at and acceptable use of each boating access site in the DGIF boating access inventory;
- formulate and adopt a definition to address the current uncertainty about what constitutes a “boat,” “vessel,” “watercraft,” or other “personal conveyance device” upon the waters of the state; and
- enforce the rules and regulations consistently at all BA sites.

Goal 3: Establish Formal Boating Access Site and Facilities Maintenance Policies and Operational Protocols (pp. 37-39)

Objectives, with associated strategies, to:

- develop and implement a policy that defines and prioritizes maintenance responsibilities and needs at DGIF BA sites and facilities, taking into consideration issues relating to safety, water accessibility needs, site aesthetics, budget considerations, ownership/partnership agreements, and site physical and social limitations;
- develop and implement a formal process for evaluating and prioritizing needs and requests for BA site and facilities improvement and/or expansion; and
- complete an analysis of the current funds used to support the BA Program and effect actions that maximize cost-effective and fiscally responsible use of available funds.

Goal 4: Create and Formalize a Sound and Fiscally Responsible Boating Access Site and Facility Acquisition and Closure Policy (pp. 39-42)

Objectives, with associated strategies, to:

- complete an examination of all property acquisitions and agreements into which DGIF has entered that provide boating access and evaluate whether and how those actions fulfill the agency’s mission of providing safe public boating access ;
- conduct a strategic evaluation of BA needs, by region and by water type, to identify and prioritize types and locations of critical unmet access need that may guide future acquisitions efforts;
- examine and update the Tiered Review Selection Protocol, then adopt this tool as the primary decision-making mechanism for use when evaluating potential sites for acquisition or entering into new collaborative boating access ventures; and
- develop and implement a formal policy on BA site closure and/or retirement.

Goal 5: Improve Awareness and Understanding of DGIF’s Boating Access Program and Pertinent Laws, Regulations, and Restrictions (pp. 42-45)

Sub-goals, with objectives and associated strategies, to:

- implement communications that informs and clarifies understanding of the Boating Access Program among DGIF personnel;
- develop and implement a targeted outreach initiative for water-based recreational users about the DGIF Boating Access Program;

- revise and disseminate an accurate, up-to-date information database on the inventory of DGIF maintained BA sites across the Commonwealth; and
- assure that agency staffs convey a uniform and consistent presentation of agency policy on allowable uses and acceptable activities at BA sites.

CHAPTER 1 — INTRODUCTION

PART A. — THE BOATING ACCESS SITE AND FACILITIES MANAGEMENT PLAN

Overview

What the *Boating Access Site and Facilities Management Plan* Is

The Boating Access Site and Facilities Management Plan is the first comprehensive document that describes the historical background and current situation regarding the Department of Game and Inland Fisheries (DGIF) Boating Access Program (BAP). Through its presentation of broad goals and specific objectives, the plan establishes the direction the DGIF seeks to take in its management of boating access (BA) facilities over the next decade. Although there is great diversity in the types of facilities and maintenance needs across the Commonwealth, this plan recommends necessary management guidance for all sites and facilities in Virginia for which the DGIF maintains responsibility for the next 10-year period.

How the *Boating Access Site and Facilities Management Plan* Was Developed

The BA study applied mixed-method strategies to gather information using 3 interrelated data-collection phases:

- Phase I: a series of 8 regional focus group meetings among key stakeholder groups
- Phase II: a yearlong engagement effort with BA users through on-site, face-to-face interviews (N=2,678) conducted at 20 BA sites selectively chosen to represent the breadth and diversity of BA facilities, coupled with making hourly observations (N=4,874) of demand and use activities at these sites. Additionally, a sub-sample of the face-to-face interview subjects (N=129) was asked to participate in a self-reply survey to gather greater depth of understanding about use and preferences, and
- Phase III: administration of statewide mail survey (N=242), respondents using a DGIF BA site (n=149).

With facilitation services provided by Virginia Tech researchers, a Technical Advisory Committee (TAC), comprised of DGIF personnel with expertise relative to boating access and water-based recreation, constructed the draft plan, relying heavily upon the findings of data collections efforts and input provided by the public. Additional public input, via a 30-day open solicitation for comments on the draft management plan, helped to refine the overarching guiding principles and specific goals contained in this draft plan. All research activities and data collection were conducted in compliance with Virginia Tech Institutional Review Board authorization (#16-041).

Plan Format

Each chapter in this Boating Access Site and Facility Management Plan builds upon the previous one to lay a foundation for understanding the proposed BAP management goals, objectives, and strategies.

Chapter 1

- Introduces readers to DGIF, including the agency’s mission and vision, how DGIF differs from other state agencies, particularly in terms of funding mechanisms.
- Introduces readers to the “Boating Access Program” (BAP) (as administered by the Wildlife Resources Division’s Lands and Facilities unit), including information on program funding, site use activity prioritization, and water bodies served. The chapter also covers types of ownership and maintenance agreements, along with infrastructure and facility characteristics the public can expect to see and why.
- Closes with a brief summary of agency protocols and policy related to acquiring new and closing underutilized BA sites and/or facilities.

Chapter 2

- Provides a summary of synthesized data about management challenges and opportunities, as well as desires and expectations of users, derived from the data collection phases of the *Virginia Boating Access Study*. A more in-depth exploration of the data is provided in the study’s supplemental final report *Virginia Boating Access Study: Final Report* (Wolter & Parkhurst, 2018).

Chapter 3

- Presents recommended draft management goals, objectives, and strategies as developed by the Boating Access Technical Advisory Committee.

Appendices

- Provides additional supporting data and information to supplement that displayed in the plan’s main chapters.

PART B. — ORGANIZATION AND OPERATION OF THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES

Overview

Since 1916, Virginians have entrusted the DGIF with managing and conserving the Commonwealth’s terrestrial and aquatic wildlife and their habitats for the enjoyment and use by current and future generations. The agency uses cutting-edge science to conserve fish and wildlife populations and their habitats, as well as provides public information services and educational opportunities related to fish and wildlife. The agency also administers and enforces rules and regulations of the Board of Game and Inland Fisheries. The primary statutory authority for all DGIF activities is described in §29.1 of the Code of Virginia, which the agency implements through 4 administrative regions (Figure 2). The agency’s vision and mission statements solidify its commitment to Virginia’s citizens and its visitors, both now and in the future.

Vision Statement:

- ***Leading*** wildlife conservation and ***inspiring*** people to value the outdoors and their role in nature.

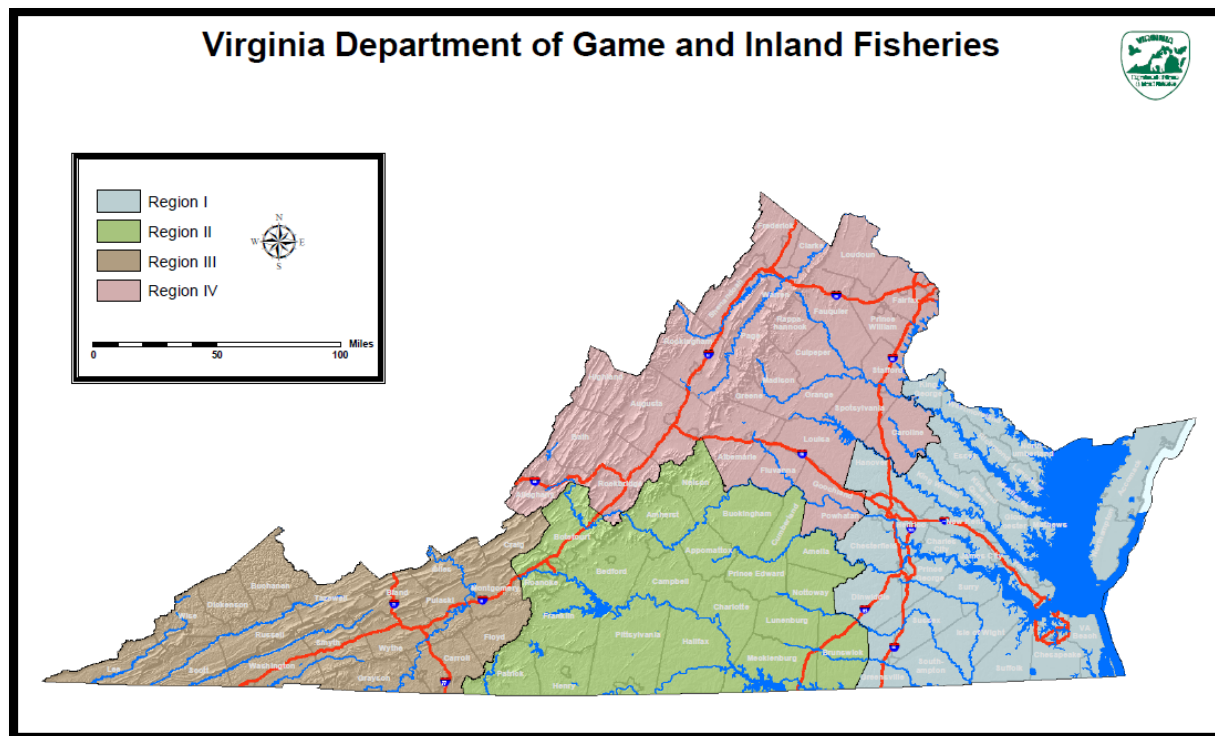


Figure 2. Department of Game and Inland Fisheries’ four administrative regions. (Credit: DGIF)

Mission Statement:

- **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.

Agency Funding and Constituency

According to the Public Trust Doctrine and reaffirmed through the North American Model of Wildlife Conservation, fish and wildlife populations are held in trust and managed by the agency within each state charged with conserving those resources for current and future public use and enjoyment (Organ et al., 2012). Historically, state fish and wildlife agencies did this on behalf of citizens viewed as the agency’s primary constituents, those who engaged in hunting, fishing, and trapping. Each of these wildlife-related activities has different program requirements and budget needs. Over the years, unique mechanisms to fund these programs emerged, often representing some form of cooperative state-federal relationship. For instance, most fish and wildlife agencies rely on the sale of state-issued licenses to fund their programs. At the federal level, the Pittman-Robertson Federal Aid in Wildlife Restoration Act (1937) and the Dingell-Johnson Sportfish Restoration Act (1950) authorize the collection of a federal excise tax on the sale of equipment related to fishing and hunting activities, the returns from which then are apportioned

back to individual states (via formula-driven metrics) to support fish and wildlife conservation efforts.

Like most state government agencies, DGIF is publicly funded; however, because of the long-standing link between wildlife-related activity-based funding and agency budgets, the origin of DGIF's "public funds" is quite different from its sister agencies (e.g., Department of Education, Department of Conservation and Recreation). The primary and most significant difference is that DGIF does **not** receive General Fund resources (i.e. monies collected from imposed employment or similar taxes). As such, DGIF is authorized to collect revenues through other sources, including the sale of hunting, angling, trapping, and other licenses or permits (VA Code Title 29 Chapter 3 §29-3), the titling and registration of watercraft (Title 29.1 Chapter 7), and several other mechanisms. These include Title 23 Chapter 100 §280 'Nongame Wildlife Voluntary Contribution' (§10-110-280), Title 23 Chapter 6 §230 'Watercraft Sales and Use Tax' (§10-230), and Title 58.1 Chapter 6 §638 (§58.1-638-D), which authorizes the allocation of funds collected from the sales of hunting, fishing, and wildlife-watching equipment. It is important to note that taxes generated from the sale of canoes and kayaks currently are exempt by legislation promulgated in Virginia.

. With declining revenue, activity-based funding will not be as a dependable mechanism moving into the future. According to the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation Survey (US Fish and Wildlife Service, 2018), in the 5-year period (i.e. 2011–2016) since the previous National Survey was conducted, participation in hunting declined 16% and hunting-related spending fell 26%. In contrast, the number of people who fished increased by 8% and fishing-related spending increased by 3%. At the same time, participation in wildlife-watching activities increased by 20% (US Fish and Wildlife Service, 2018). Historically, Virginia license sales and participation in traditional hunting, fishing, and trapping activities have mirrored national trends. Individual state reports derived from the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation Survey are not yet available, so it is not possible to examine how recent participation and spending behaviors in Virginia may have changed. However, if Virginia continues to follow its pattern of mirroring the national trend, then DGIF could anticipate seeing declines in state-issued license sales and monies received from federal excise taxes collected on hunting- and fishing-related equipment. Funding represents a strategic planning challenge for the agency as it works to maintain the programs it administers.

At the same time certain activity-based funding resources are projected to shrink (i.e. hunting) or increase only modestly (i.e. fishing), public demand for access to water-based resources is increasing dramatically, for several reasons. First, according to the National Marine Manufacturer Association, "...*The close of 2017 marked our sixth consecutive year of growth in new boat sales and recreational boating expenditures, and we expect that trend to continue through 2018, and possibly beyond*" (<https://www.nmma.org/press/article/21678>). Second, sales of non-powered watercraft in Virginia are difficult to quantify directly, yet numerous examples exist (e.g., growth in water trails and blueways, growth in water-based activities such as stand-up-paddle boards and pack rafting) that suggest participation in non-powered water-based recreational activities and other desired uses of BA sites will grow as well. Additionally, results from the 2017 Virginia Outdoors Demand Survey found that "...70% consider it very important

to have access to outdoor recreation,” which represents a 15% increase since the 2011 survey (Draft 2018 Virginia Outdoors Plan, p. 11). As part of this Boating Access Study, participants in a survey were asked to contrast their intended future use of BA sites in the coming year with that of the current year, to which approximately 49% stated a likelihood of making ‘more’ visitations and approximately 45% said ‘about the same’ rate (Wolter & Parkhurst, 2018). Concurrently, a new, non-traditional, and growing constituency of users is bringing additional, and sometimes conflicting, management challenges to the agency as they seek use of BA sites. As a result, the ability of the agency to fulfill existing maintenance needs, while also trying to accommodate demands and expectations of new BA site users, presents unique issues.

Lands and Facilities

The DGIF’s Lands and Facilities Program (LFP) is administered by the Wildlife Resources Division. Its responsibilities include managing and maintaining safe public access to agency-owned, leased, or eased lands (e.g., Wildlife Management Areas) and BA sites and facilities. Currently, the LFP administers the Boating Access Program (BA Program), which provides maintenance and management of approximately 235 BA sites and facilities distributed throughout Virginia. Across the state, the BA Program is operationalized through the agency’s four administrative regions (Figure 2). Within each administrative region, at least one Boating Access Maintenance (BAM) staff person oversees the day-to-day operations and management of all BA sites and facilities in that region. Each BAM staff receives support from other Lands and Facility or agency staffs, when necessary.

Types of Water Bodies Served

The Commonwealth offers world-class fisheries and abundant opportunities for recreational boating and other water-based wildlife-related activities. DGIF fulfills its mission to **connect** the public to wildlife-related activities by providing multiple opportunities to access Virginia’s diverse aquatic resources. The types of waters in Virginia to which DGIF provides access are diverse and include:

- bay and tidal rivers and creeks
- large inland rivers
- small to medium inland rivers
- large lakes and reservoirs, and
- small to medium lakes and ponds (including DGIF Public Fishing Lakes).

The number and types of boating access facilities available in each DGIF administrative region reflect historic demands for water-based activities in that area, the types of water bodies present in the region, restrictions or limitations imposed by site-specific physical conditions, and the ability of the agency to fund proper care of these facilities.

While the agency strives to provide equitable opportunity across the Commonwealth, the geographic features of each region can dictate the opportunities that are available. The current distribution of facilities, by region and type, is as follows:

- **Region 1:** 71 BA sites and facilities, ~59% (n = 42) occur on Chesapeake Bay and tidal waters, ~20% (n = 14) on small to medium inland rivers, ~15% (n = 11) on small to medium lakes or ponds (Public Fishing Lakes = 9), and ~6% (n = 4) serve large inland rivers.
- **Region 2:** 54 BA sites and facilities, ~39% (n = 21) occur on large inland rivers, ~26% (n = 14) on large lakes or reservoirs, ~20% (n = 11) on small to medium lakes or ponds (Public Fishing Lakes = 8), and ~13% (n = 7) serve small to medium inland rivers.
- **Region 3:** 42 BA sites and facilities, ~48% (n = 20) occur on large inland rivers, ~26% (n = 11) on small to medium inland rivers, ~16% (n = 7) on small to medium lakes or ponds (Public Fishing Lakes = 6), and ~10% (n = 4) serve large lakes or reservoirs.
- **Region 4:** 66 BA sites and facilities, ~51% (n = 37) occur on small to medium inland rivers, ~14% (n = 12) on large inland rivers, ~14% (n = 11) on small to medium lakes or ponds (Public Fishing Lakes = 9), ~8% (n = 5) on Chesapeake Bay and tidal waters, and <1% (n = 1) on a large lake or reservoir.

PART C. — THE BOATING ACCESS PROGRAM (BA PROGRAM)

Overview

Virginia Code (Title 29.1, Chapter 7) authorizes the Board of Game and Inland Fisheries to register and title watercraft, provide educational programs for boating safety, and set forth rules and regulations controlling boating activities in Virginia. A portion of the funds collected through administration of these responsibilities supports the DGIF Boating Access Program (BA Program) and contributes to the fulfillment of the agency's 3-part mission to **conserve, connect, and protect**. The DGIF assures that BA site uses, activities, and maintenance practices are consistent with the ecological integrity and cultural carrying capacity of state waters, thereby supporting the agency's efforts to **conserve** and manage wildlife populations and habitat for the benefit of present and future generations. Maintaining a healthy natural environment simultaneously can contribute to fostering local and statewide economies. The BA Program also supports the agency's water-based efforts to **connect** people to Virginia's outdoors directly through boating, fishing, hunting, trapping, wildlife viewing, and other wildlife-related activities and indirectly through its varied education programs. Lastly, boating safety programs conducted by the BA Program support the agency's mission to **protect** people and property by promoting safe outdoor experiences and managing human-wildlife and human-human conflicts (e.g., via the Law Enforcement Division's efforts to enforce safety and user adherence to established regulations on and off the water).

Program Funding

Many users of BA sites and facilities see these as convenient places to experience wildlife and aquatic habitats and enjoy site-based activities such as photography, swimming, picnicking, fishing, and launching or retrieving boats. However, not all BA facilities across the Commonwealth are the same. Unknowingly, users often do not distinguish differences that may exist among BA sites. Additionally, they are unaware that certain activities (e.g., photography,

swimming, picnicking) are deemed incompatible with the designated purpose of many DGIF facilities (which is the launching and retrieving boats for fishing and hunting) and therefore are restricted due to stipulations imposed by the federal source of funding used to build or maintain a site.

As noted earlier, activity-based funding mechanisms provide a substantial portion of the agency budget. For example, DGIF relies heavily upon federal grant programs (e.g., Dingell-Johnson, Wallop-Breaux programs administered by the U. S. Fish and Wildlife Service [USFWS]) to acquire land and/or build new BA sites. Federal grants reimburse the agency up to 75% of a project's costs. Given this economic advantage, DGIF acquired and built a large proportion of its current inventory of BA sites and now maintains those facilities using funds derived from the USFWS' Wildlife and Sportfish Restoration Program. The DGIF, in cooperation with the Virginia Marine Resources Commission (VMRC), also uses federal grant funds to build and maintain saltwater fishing BA sites. The caveat in using these funds is that **DGIF is required to maintain these facilities for the primary purposes of boating and fishing access, and to maintain the leases, if built on land owned by a third party, for the contractual life of the initial project** (i.e. 20 years for saltwater boating access and 25 years for freshwater boating access).

Most non-motorized watercraft are not required to be registered nor are they subject to current federal excise taxes. As a result, use and ownership of these types of boats typically do not contribute financially to the maintenance of existing BA sites and facilities or potential development of new water access sites specific to their use (e.g., hand-carry launch). For any BA sites that the agency develops and/or maintains solely for non-powered boat activities (i.e. facilities not accessible to or for use by motorized boat or watercraft), those costs are covered entirely from the agency's non-federal funding. Although non-powered boats and/or watercraft may use certain DGIF-owned and many cooperatively-managed facilities as means to access Virginia's waters, activities associated with these needs is less than for powered boat access sites.

Maintenance and Management Agreement Types

Overview

Because no two BA sites are alike, the infrastructure present and the amenities provided vary widely, depending on a mix of factors. Consequently, it is difficult for users to understand why picnic tables, trash containers, and restrooms exist at some facilities, while other sites are rustic and provide only minimal infrastructure for launching and retrieving boats. What exists on-site typically is dictated by parcel size, water type, land topography, and perceived level of use. Differences in infrastructure and amenities among sites also arise from the source of funding, ownership and/or management agreements that may be in place, and the agency's ability to provide timely maintenance. From the agency's perspective, the minimum necessary elements required to provide safe, trailered boating access to Virginia's waters include a dock or pier, a ramp constructed of hardened or permeable materials, a place to park a vehicle safely, and appropriate signage to inform the public of important rules, regulations, and allowable activities. Other amenities are not necessary when providing users safe access.

In addition to confusion that exists among users about infrastructure and amenities, similar confusion exists about who owns or provides care and upkeep of access facilities. Data collected from regional focus groups and multiple surveys clearly illustrate that BA users often make no distinction between facilities managed by DGIF and those that others may provide or that differences in ownership and management agreements influence, on a site-by-site basis, what boating infrastructure and/or amenities are provided and for whom (e.g., anglers, recreational boaters, wildlife-based recreation).

The DGIF's current boating access database is out of date, incomplete, and in need of improvement to provide a centralized inventory of the resources under its management. Before the agency can **connect** effectively with users about water-based activities and opportunities, additional information should be cataloged, including accurate descriptions of the boat ramp and dock/pier types that exist, ownership designations, and cooperative maintenance agreements and responsibilities assumed. In addition to providing a descriptive database to help inform the public about all BA sites owned, leased, eased, and/or managed cooperatively by DGIF, this inventory would help track progress made in implementing the management goals and objectives proposed in this document.

Facility Ownership and Partnerships

DGIF currently provides water access via 2 distinctly different approaches:

- access sites and facilities that are wholly-owned, leased, or eased by DGIF and are maintained and managed entirely by the agency, or
- access sites and facilities that may or may not be wholly-owned, leased, or eased property by DGIF, but nonetheless are cooperatively maintained and managed.

Differentiating between the two maintenance and management types is important because funding sources and legal agreements may dictate what on-site activities are permissible, how the partners allocate budget and personnel resources, as well as what types of boating infrastructure and amenities are provided, if any. Agreements typically contain language that establishes long-term maintenance expectations and provides legal recourse should any partner to the agreement not uphold their contractual obligation. Entering into a collaborative maintenance and management agreement with an external partner can bring benefits in that land acquisition or site development costs and/or maintenance responsibilities often are shared among the partners, reducing the burden on a single entity.

DGIF-Managed Sites and Facilities

The simplest form of ownership that provides clear maintenance expectations and establishes definitive property boundaries are BA sites that are owned, leased, or eased by DGIF alone and are managed and maintained only by the agency. Examples include BA sites on DGIF Wildlife Management Areas (WMAs) and Public Fishing Lakes (e.g., the Palmyra boat ramp [Figure 3]). Due to limits imposed by agency funding and personnel constraints, these BA sites and facilities often provide only minimal infrastructure and few additional amenities. However, the agency endeavors to **protect** the public by providing a personally and physically safe and secure

experience for Virginia’s citizens and visitors. To that end, at a *minimum*, DGIF provides at its own boating access sites the following infrastructure:

- *Water access*: a ramp and/or shoreline water access to launch and/or retrieve boats on all water body types in Virginia (a full description of ramp types is found in the “Types of Boating Access and Facilities” heading in this section of the document).
- *Parking*: a place to park a vehicle while launching and/or retrieving a boat. The minimal surface material provided typically will be grass, soil, or gravel; however, larger properties designed for trailered boat activities and/or high-volume use may provide asphalt or concrete parking surfaces and designated parking spaces. Decisions about whether to designate parking spaces (e.g., trailered boat vs. car spaces) are influenced by the type of parking lot surface (i.e., gravel lots requiring frequent regrading are difficult to maintain marked spaces). The minimum number of parking spaces and other design considerations (such as trailer turn-around space) are determined by the parcel size and land topography.
- *Signs*: signage with the agency logo and a brief description of permitted site use activities. BA site signage is important to communicate with users and to meet law enforcement needs. Details regarding sign size, material, and placement is guided by the DGIF “*Boating Access Maintenance Manual*.”
- *ADA compliance*: barrier free use, as accommodated by the physical and topographic features of the BA site.

Cooperatively Managed Sites and Facilities

A more complex form of ownership, with varying degrees of clarity regarding maintenance and management agreement execution, are BA sites that may or may not be wholly-owned by DGIF, but are cooperatively maintained and managed in some capacity. The most common form of cooperative partnership is an agreement to manage and/or maintain a BA site with a local government or municipality. Partners commit to a legally binding “Cooperative Agreement” that lays out maintenance and management responsibilities for each party, the duration of agreement, and a process for dissolving the partnership, if necessary.

During the development of some large facilities, partner(s) may be required to provide matching funds (e.g., in-kind, local funds) to agency-provided federal grant funds, which reduces the agency’s fiscal burden. The BA sites that are managed cooperatively generally provide at least one hardened boat ramp, lighted parking, and courtesy piers; some of these sites also may have running water, bathrooms, trash cans, and picnic tables. As an example, Osborne Pike Landing (Figure 4) is a wholly DGIF-owned property that operates under a cooperative maintenance agreement in which the partner provides trash can service in the DGIF “trailered boat only” parking area. Though property management at Osborne Pike is governed by a land use and maintenance agreement with Henrico County Parks and Recreation, the public likely does see any outward difference in why certain activities are permitted in the yellow-outlined area (e.g.,

courtesy pier fishing provided by Henrico County Parks and Recreation) versus the red-outlined area (e.g., no fishing off courtesy boat docks provided by DGIF) (Figure 4).

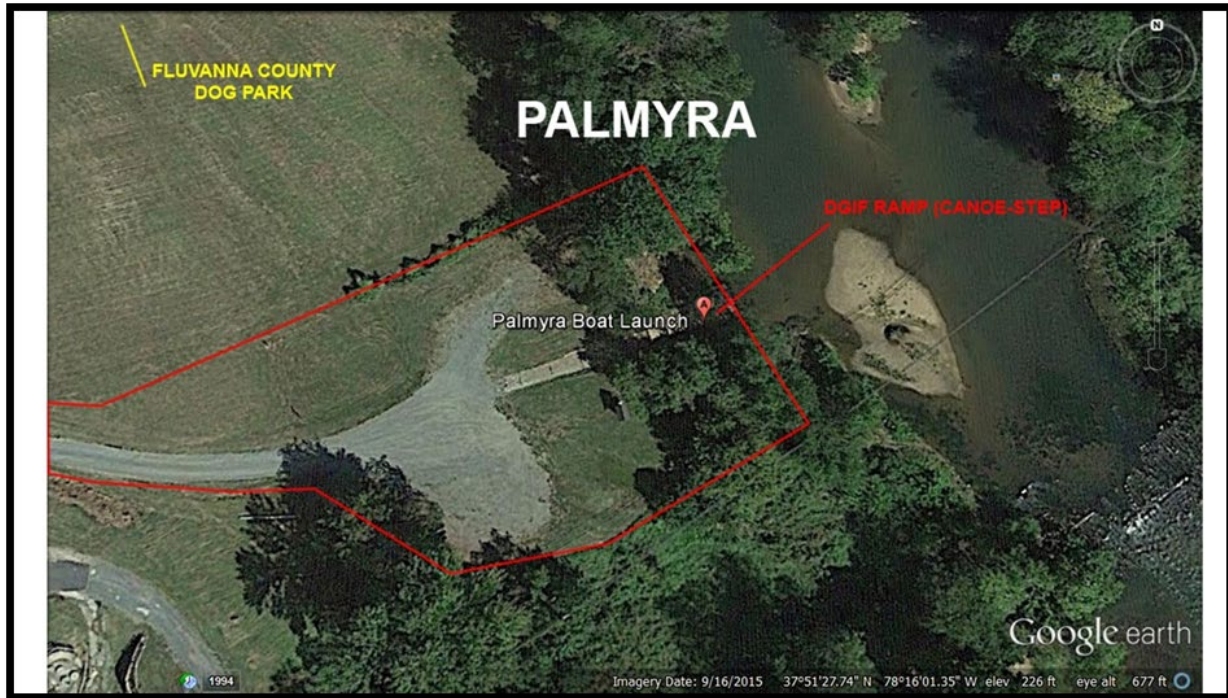


Figure 3. Aerial view of Palmyra, a wholly DGIF-owned and maintained BA site on the Rivanna River.



Figure 4. Aerial view of Osborne Pike Landing, Henrico, VA, a DGIF-owned BA facility that operates under a cooperative management agreement with Henrico Parks and Recreation to provide trash services in the DGIF “boat trailer only” parking area.

Types of Boating Access Sites and Facilities

Given the diverse factors that can influence the design and development of agency-owned and/or managed BA sites and facilities, each BA site is somewhat unique. Facilities range from rustic boat launch sites that provide only unimproved access to the water (i.e. single ramp constructed of permeable material, limited parking, and no additional amenities) to boat launch sites with improved ‘facilities’ (i.e. one or more ramps constructed of hardened material, larger parking area, and may include amenities such as trash cans and bathrooms). At a *minimum*, DGIF endeavors to provide Virginia residents and visitors safe water-access through three types of sites or facilities:

- hand-carry boat access sites,
- trailered boat access sites and facilities, and
- hybrid water-access sites and facilities.

Hand-Carry Boat Access Site

If it is possible to float a “boat” on a body of water, someone likely will try to do so. To provide safe water-access opportunities to launch or retrieve non-powered and small motorized boats, the DGIF maintains rustic or unimproved “hand-carry boat access sites” for low-impact shoreline water access. Because the locations of where these types of access are provided often are limited in size or the level of intended use is low, infrastructure typically is minimal and amenities (i.e. trash cans, bathrooms, changing areas) are not provided. These sites generally consist of a small, permeable surface parking area (i.e. no designated parking spaces) and a hand-carry boat ramp. Hand-carry ramps facilitate launching and retrieving small, motorized watercraft (e.g., John boat) and non-motorized watercraft. Depending on site conditions, access may be via a constructed slide (Figure 5), a ramp surface consisting of a permeable material (e.g., gravel, natural river stones, landscape matting, dirt) (Figure 6), and/or a short, concrete slab extended into the water (Figure 7). At larger “improved” facilities that also include a separate hand-carry ramp (e.g., West Point), water access via the hand-carry facilities may include a constructed steel barrier (Figure 9b) to prevent the launch or retrieval of trailered boats.



Figure 5. Water access provided via reinforced steps on either side of a wooden boat slide to facilitate launching and retrieving hand-carry boats (Little Page Bridge, Pamunkey River, Virginia). (Credit: John Kirk)



Figure 6. A narrow, pervious surface (e.g., gravel, dirt) water access site designed primarily for hand-carry boats (Morris Creek, Virginia). (Credit: John Kirk)



Figure 7. A wider boat launch constructed of pervious surface (e.g., gravel, dirt) with a short concrete slab at the water's edge. This example is primarily designed for hand-carry boats; however, if water levels are appropriate, small, motorized trailered boats also could use this ramp (Baywood on New River, Virginia). (Credit: Toby McClanahan)

Trailer Boat Access Facility

In the past, a simple 12-foot wide concrete or wood ramp was sufficient to launch or retrieve most trailered boats; however, larger ramps often are needed to safely and efficiently launch and retrieve watercraft used in today's diverse boat-based recreation. As noted previously, the type of infrastructure and amenities provided at an individual trailered BA site depends on ownership, restrictions on permissible on-site activities (due to funding mechanism), and/or the type of water body accessed. For instance, among some of the newer and recently renovated cooperatively-managed BA facilities on popular bodies of water, a dock or pier (Figures 8 and 9b), a large parking area, and more than 1 hardened boat ramp (e.g., concrete or asphalt) may be present to accommodate more boats and vehicles. In contrast, a trailered facility adequate to launch or retrieve small, motorized, trailered boats may consist of only a gently sloped water-access constructed of tamped-down gravel, which also would be ideal for any boats that can be hand-carried to the water, where allowed (Figure 6 above).



Figure 8. Hardened water-access primarily for trailered boat use, although non-powered boats also might be allowed to use this ramp (Deep Point, Piankatank River, Virginia). (Credit: John Kirk)

Hybrid Boat Access Facility

To facilitate the quick and safe movement of people and boats on and off the water, especially at some of the larger, busier BA sites, the DGIF provides separate activity-specific ramps and facilities (e.g., hardened ramps intended for trailered boats and hand-carry ramps for non-powered boats and small, motorized boats). The West Point BA access facility (Figures 9a and 9b) is an example of a recently updated DGIF-owned hybrid facility that is cooperatively managed with the local municipality.



Figures 9a and 9b. West Point BA access facility provides a hardened hand-carry boat ramp (9a) and multiple hardened trailered boat ramps (9b) (West Point River, Virginia). (Credit: John Kirk)

Boating Access Site and Facility Acquisition and Closure

Overview

In addition to maintaining and managing approximately 235 BA sites, the Lands and Facilities Program oversees the acquisition of new BA sites and, where necessary or appropriate, the closure of existing BA sites or termination of cooperative agreements. As water-based wildlife-related recreation needs and demands change over time, the DGIF likely will face situations that require difficult decisions regarding trade-offs in how to prioritize meeting its mission. In its effort to provide safe and cost-effective public boating access, the DGIF should conduct periodic cost-benefit analyses of managing and maintaining the BA sites and facilities in its inventory, especially those that may be unused or underutilized.

Existing Acquisition Policy

Acquiring land to develop future BA sites should be dependent on meeting defined agency and BA Program needs, addressing unserved spatial locations on important bodies of water, and aligned with funding sources and their associated restrictions. Currently, DGIF uses two processes through which the public may request a new BA site: (1) tiered review selection process, and (2) grants to localities.

Tiered review selection process

To better meet wildlife conservation goals and outdoor recreation opportunities desired by the public, the DGIF should work to conduct an appraisal of public access needs and water-based resources that support wildlife-based recreation in Virginia. Based on such an assessment, where needs to acquire new DGIF-owned and/or cooperatively managed BA sites have been identified, the “Tiered Review Selection Process” should guide decision-making. This system evaluates and selects water-access opportunities that meet agency strategic need and fulfill the DGIF’s vision and mission using four levels or tiers. The process also ensures equal consideration among new BA site requests, which begin with the submission of a “Boating Access Request and Selection” form. Additionally, the tiered review process evaluates justifications offered for developing a new BA site and suggests a prioritization of use of funds derived from user contributions. Of special note, boating access project requests that cost more than \$30,000 are tracked through a separate “Capital Planning and Facilities” review process.

In the past, a less structured process served agency operational needs; however, given the changing demographics, desires, and needs of the BA constituency in Virginia a new approach is recommended. As such, an opportunity exists for the DGIF BA Program to align or incorporate the existing “Tiered Review Selection Process” into the existing land acquisition processes and to develop an agency-wide policy that guides the purchase, lease, and/or easement of land with boating and water access potential. This effort will minimize duplication of internal acquisition review processes. Moreover, seeking land acquisition opportunities that meet multiple agency mission needs, results in more efficient use of agency funds.

Grants to Localities

The Grants to Localities program was designed to provide financial grants and consulting expertise to municipalities or local governments wishing to develop public boating access. While the program has not been funded for several years, communities still express interest in participating in this type of collaborative engagement as a potential means to meet growing public demand for access. Given that interest, the agency should conduct an evaluation of the program to assess whether the program actually contributes effectively in meeting targeted access needs identified by the agency (i.e. rather than adding only opportunistic, but not priority, access). If financial and personnel resources again become available, guidance is needed to assure that DGIF enters into future agreements under such a program only in ways that facilitate meeting critically defined priority needs.

Existing Closure Policy

The DGIF manages the land and water resources entrusted to its care using transparent processes, by engaging with the public, and identifying priority needs. The DGIF also has a fiduciary responsibility to use the funding it receives from public sources wisely and to allocate those resources to priority needs. To meet this obligation, a periodic review of the BA site inventory is needed to assess whether each facility continues to fulfill strategic need. Currently, the Boating Access Program uses the “Boat Access Separation Document” to guide decision-making on whether to close or retire a BA site. The agency, in several instances, has transferred ownership and management responsibilities to another partner or let a standing agreement lapse without renewal. Opportunities exist to revisit this guidance and ensure its alignment with other land-use decision-making policies of the agency.

CHAPTER 2: THE VIRGINIA BOATING ACCESS STUDY

OVERVIEW

Virginia’s Department of Game and Inland Fisheries (DGIF) owns or shares maintenance responsibilities for approximately 235 BA sites and facilities across the Commonwealth. The lands and waters associated with BA sites, held in trust, are managed to provide public access to Virginia’s diverse aquatic resources for fishing, hunting, and wildlife-related recreation. As the social, demographic, and economic make-up of Virginia’s citizenry changes and continues to evolve, so do the interests of citizens in how they wish to access and use the Commonwealth’s waters. According to the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation survey (US Fish and Wildlife Service, 2018), in 5 years since the previous National Survey was conducted (i.e. 2011 – 2016), participation in hunting declined 16% and hunting-related spending was down 26%, whereas, the total number of people fishing increased by 8% and fishing-related spending was up by 3%. In contrast, participation in wildlife-watching activities increased by 20% over that same period (US Fish and Wildlife Service 2018). Historically, Virginia license sales and the number of persons participating in traditional hunting, fishing, and trapping activities mirrored the national trend. If Virginia follows its previous pattern of mirroring the national trend, then it is fair to speculate that the Commonwealth will experience a decline in some state-issued license sales and grant-based monies from collected federal excise taxes on hunting and fishing related equipment. This presents a strategic planning challenge for the agency to address increasing BA maintenance and management costs while activity-based funding is primed to decline.

As certain activity-based funding resources are projected to shrink (e.g., hunting) or only increase modestly (e.g., fishing), DGIF expects demand for public water access will increase for multiple reasons. According to the National Marine Manufacturer Association, “*The close of 2017 marked our sixth consecutive year of growth in new boat sales and recreational boating expenditures, and we expect that trend to continue through 2018, and possibly beyond*” (<https://www.nmma.org/press/article/21678>). Sales of non-powered watercraft are difficult to quantify, yet numerous examples exist (e.g., growth in water trails and blueways, growth in water-based activities such as stand-up-paddle boards and pack rafting) that suggest participation in non-powered water-based recreational activities and other uses of BA sites will grow as well. Additionally, results from the 2017 Virginia Outdoors Demand Survey found that “...70% consider it very important to have access to outdoor recreation,” which represents a 15% increase since the 2011 survey (Draft 2018 Virginia Outdoors Plan, pg. 11). As a part of this Boating Access Study, participants in a survey were asked to contrast their intended future use of BA sites in the coming year with that of the current year, to which approximately 49% stated a likelihood of making ‘more’ visitations and ~45% said ‘about the same’ rate (Wolter & Parkhurst, 2018). At the same time, a new, non-traditional, and growing constituency of users is bringing additional, and sometimes conflicting, management challenges to the agency as they seek use of BA sites. As a result, the ability of the agency to fulfill existing maintenance needs, while also trying to accommodate demands and expectations of new BA site users, presents unique issues. Clearly, DGIF should not expect less need for BA site maintenance, but rather should anticipate a concurrent, and likely increasing, need for an adaptive management response.

To better understand emerging management challenges, DGIF initiated a 3-year study to examine boating access issues across Virginia, including an assessment and characterization of current and potential future use of BA sites, users' preferences and satisfaction with facilities, and opinions and attitudes about issues related to accessing the state's waters. All research activities and data collection were conducted in compliance with Virginia Tech Institutional Review Board authorization (#16-041).

The Virginia Boating Access Study (hereafter referred to as 'the study') makes use of mixed-method strategies to gather information through three interrelated data-collection phases:

- Phase I: a series of 8 regional focus group meetings among key stakeholder groups
- Phase II: a yearlong engagement effort with BA users through on-site, face-to-face interviews (N=2,678) conducted at 20 BA sites selectively chosen to represent the breadth and diversity of BA facilities, coupled with making hourly observations (N=4,874) of demand and use activities at these sites. Additionally, a sub-sample of the face-to-face interview subjects (N=129) was asked to participate in a self-reply survey to gather greater depth of understanding about use and preferences, and
- Phase III: administration of statewide mail survey (N=242), respondents using a DGIF BA site (n=149).

Note: due to the sampling framework, analytical emphasis is on the data collected during Phase II (May 2016 – April 2017). At the time of this writing, this is the only known statewide, comprehensive study of boating access management and, as such, establishes a baseline of information relevant to the project's maintenance and management goals. Study methodology and data should be reassessed, in preparation for the management plan review process (i.e., every 10 years).

Based on the integrated findings obtained from all three phases, the Technical Advisory Committee (TAC) constructed this boating access plan, which sets forth and prioritizes management goals, objectives, strategies, and operational guidance policies for DGIF-owned and/or cooperatively-managed BA sites and facilities across the Commonwealth. Data and findings presented in this chapter are not exhaustive. Detailed information on data and statistical analysis, syntheses of findings, and recommendations is contained in the *Virginia Boating Access Study: Final Report* (Wolter & Parkhurst, 2018).

CHAPTER 3: DGIF BOATING ACCESS GUIDING PRINCIPLES AND MANAGEMENT GOALS

The guiding principles and management goals, objectives, and strategies presented in this boating access management plan are developed from data collected as a part of the *Virginia Boating Access Study (2015 – 2018)*. Information that helped shape these plan elements came from survey work conducted during that study, input the DGIF Technical Advisory Committee (TAC) and other agency staff, public comments gathered via open regional public meetings, and a 30-day online open public comment period. A summary report of the public comments is in Appendix A.

GUIDING PRINCIPLES

Overarching guiding principles are broad and apply to all DGIF-owned and/or cooperatively-managed BA sites and facilities in Virginia. The following statements of principle will guide the DGIF as it implements this Boating Access Site and Facilities Management Plan.

- **Water access:** to provide opportunities for Virginia’s citizens and visitors to connect with natural resources through water-based wildlife recreation (e.g., fishing, hunting, trapping, water-based wildlife viewing) and, where compatible with the aforementioned priority uses, other boat-based recreational activities. Water access principles include:
 - Activities permitted at BA sites and facilities must be consistent with maintaining and enhancing aquatic habitat and water quality.
 - Priority will continue to be given to wildlife-based recreational pursuits. Connecting constituents to Virginia’s outdoor water resources via other non-wildlife-related recreational boating activities may be allowed, provided these forms of water-based recreation do not interfere with or preclude traditional wildlife-based recreation activities.
- **Safety:** to provide safe and secure opportunities for Virginia’s citizens and visitors to access and enjoy the state’s waters. A safe and enjoyable experience will be supported by enforcement of all applicable laws and regulations, on both land and waters, by Virginia’s Conservation Police Officers and other law enforcement entities.
- **Fiscal responsibility:** to manage and allocate the agency’s funds and personnel resources in ways that comply with state and federal funding requirements and restrictions, and to do so in a manner that allows transparency with constituents.
- **Communication:** to provide appropriate two-way communication between the agency and the public it serves. Communication principles include:
 - Communicate primarily in English but make efforts to include secondary languages where appropriate.
 - Clearly communicate information about laws and regulations, including allowable activities and uses, to facilitate the publics’ understanding of differences that exist

among types of BA sites and facilities that DGIF provides vs. those the others may provide.

- Explore and identify mechanisms and technology platforms for information dissemination that effectively target both traditional water-based wildlife recreation constituents as well as other recreational boating users.
- Provide up-to-date information in electronic or on-line formats for each DGIF-owned or cooperatively-managed BA site.



Figure 10. Fishing tournament at Whitethorne boating access facility on the New River (Credit: Doug Goldsmith).

MANAGEMENT GOALS, OBJECTIVES, AND STRATEGIES

For the purposes of this plan, goals are broad, visionary statements that capture and define issues of importance about boating access maintenance and management or offer guidance on how specific aspects of the Boating Access Program should be administered over the next 10 years. Each goal has one or more objectives that spell out in specific, measurable, and time-sensitive ways *what specifically needs to be accomplished* to attain that goal and *when it will be done*, assuming funding availability and consistency with agency priorities. While not all aspects of a goal may be attained within the 10-year framework of the plan, objectives represent the agency's intent in terms of what it wants to accomplish, and by when during the 10-year life of the plan. Under each objective are actionable strategies that represent a suggested means, method, approach, or defined technique to achieve the preceding objective (i.e. *how an objective can be accomplished*). Although strategies identify acceptable ways to accomplish what is stated in an objective, the agency is not committing itself to implement all that may be listed. Rather, listed strategies represent a comprehensive summary of what the agency deems to be feasible, biologically and/or engineering sound (in terms of science), and fiscally responsible options at its disposal. By exclusion (i.e. items not in the list), it also defines what the agency will not consider or accept as reasonable means to achieve the objective, given the criteria noted above. The work outlined herein can only be accomplished with the collaboration and participation of units from across the DGIF. The Wildlife Resources Division's Lands and Facilities unit will take primary responsibility for advancing the strategies, objectives and goals of this plan, with input and engagement from other divisions to ensure full consideration of needs and opportunities.

Goal 1: Conduct a Comprehensive Boating Access Site and Facility Inventory Assessment

Under its mission statement, the DGIF has expressed its commitment to conserve the state's aquatic resources, which are held in trust by the agency for current and future generations, to connect the public to nature through wildlife-related water-based activities, and to protect Virginia's citizens, visitors, and their property by providing safe water-access opportunities. To facilitate fulfilling these responsibilities, having an accurate, up-to-date database of facilities, the type of infrastructure present, an assessment of current condition, and other pertinent information is a critical starting point. Further, developing and adopting consistent terminology regarding BA sites and facilities will promote better communication, increase understanding of the agency's boating access inventory, and help assess whether the agency is meeting constituent needs. An up-to-date database also supports fiscal responsibility through the prioritization of maintenance activities and personnel duties, helps inform decision-making on the acquisition of new water-access sites and/or the closure of under-utilized sites, and facilitates tracking, measuring, and evaluating outcomes of policies, communication efforts, or outreach and education programs.

At this time, the agency's existing boating access inventory database requires updating, revision, and perhaps restructuring to account for necessary categories of information currently not found in the database (such as complete descriptions of boat ramp types, ownership designations, and

maintenance agreement responsibilities). Finally, having a comprehensive database for all BA sites and facilities owned, leased, accessed by easement, and/or cooperatively-managed by DGIF facilitates measuring progress as management goals and objectives proposed in this document are implemented.

- **Objective 1: Within 5 years, construct a comprehensive, up-to-date database that identifies and describes all existing DGIF wholly-owned and cooperatively-managed sites and facilities for which it has management responsibility.**
 - **Strategy 1A:** Identify the critical BA maintenance and management information and assessment metrics needed to accurately establish the current state of conditions for all BA site and facilities and create/populate an effective database that incorporates said metrics.
 - **Strategy 1B:** Within the agency, locate and evaluate the usefulness of data currently residing in existing databases or other spreadsheets that can be consolidated into a single, readily accessible database that serves the needs of the Boating Access Program.
 - **Strategy 1C:** By Administrative Region, record and cross-check (i.e. conduct field-based spot checks to ground-truth inventory information) the current status/condition and physical characteristics of each BA site and facility, its ownership status, whether a maintenance agreement exists (and has defined effective dates), the type of water body served, and the type(s) of boat ramp provided for every access in the inventory.
 - **Strategy 1D:** Examine and assess the existing cooperative maintenance and management agreement process and recommend changes, as necessary, to improve functionality and monitoring (e.g., establish consistent language, terms, length of agreement/duration of contract, mutual expectations, provisions for enforcing agreement breeches and terminating agreements).
 - **Strategy 1E:** Fully characterize the agency's current BA inventory according to spatial distribution (i.e. where it exists on the landscape) and type of water body accessed, including an evaluation of a site's usefulness in relation to all other public water-access provided regionally by other entities (e.g., DCR, USFWS, Army Corps, private marinas).
 - **Strategy 1F:** Develop and implement a functional evaluation rubric that accurately assesses the current condition of and/or maintenance needs at all BA sites as means to facilitate prioritization of personnel time, budget allocations, and capital improvement requests.
 - **Strategy 1G:** Characterize the current ecological and social carrying capacity of DGIF BA sites in each of the primary types of water bodies in Virginia as means to assess the health of aquatic systems and whether users' experiences will be affected negatively by changes in the level of activity and future water-access demands.

- **Objective 2: Within 5 years, conduct a comprehensive assessment of *future* demands and needs for BA sites and facilities with an eye toward adopting a forward-looking view about BA site and facility management that shifts operational policy from opportunistic and/or reactive to transparent and strategic-based.**
 - **Strategy 2A:** Utilize census data, the Chesapeake Bay Study, DCR’s Outdoors Plan, and DGIF’s Recreation Plan or any other relevant sources of information to identify the types of need and recreational demands that currently exist for boating access.
 - **Strategy 2B:** Fully characterize and predict future BA site and facility inventory demand by water-based activity type. This information is particularly important for identifying target stakeholder groups and communications needs.
 - **Strategy 2C:** Fully characterize and predict future BA site and facility inventory demand by water body type. This information is particularly important for communicating trip planning and water-access details with the public (e.g., connecting greenways to blueways).
- **Objective 3: Within the tenure of this plan, develop and adopt region-specific boating access site and facility management plans, based on the types of water bodies to which access is provided and in response to the specific boating access demands confronted that are unique to each region.**
 - **Strategy 3A:** Using information provided from the updated inventory database (Objective 1) and the knowledge and expertise of personnel assigned to each administrative region, identify and prioritize or rank routine maintenance tasks to be performed, facility replacements and/or improvement needs, and capital projects anticipated for existing BA sites within each region. This effort should account for the specific characteristics inherent in providing access across the diversity of water types and user demands in that region.
 - **Strategy 3B:** Incorporate data from the analysis of future needs and demands (Objective 2), including location (by water type) and type of facilities desired or deemed necessary to meet demand, into the regional management plan. Each entry should provide a ranking or importance assessment to guide decision-making on allocation of personnel and funds as resources become available.

Goal 2: Clarify DGIF’s Boating Access Site and Facilities Use and Activity Policies

The DGIF has much to be proud of given the public’s current satisfaction and high ratings of services provided at BA sites and facilities across the Commonwealth (as revealed in data obtained from the Virginia Boating Access Study). However, that study also revealed that public participation in water-based recreation activities is likely to increase in the future, and in ways that could differ from traditional uses of sites, thereby placing greater demands on a program already under stress (in terms of funding, personnel, and resources available to maintain the current level of service). On one hand, this is a positive finding because the agency’s mission to

connect the public to nature through wildlife-related water-based activities is being attained; by having safe access to the waters of the state, users are forming positive memories through experiences that likely will keep the person actively participating through time. In contrast, expected increases in water-based recreation activities may represent an area of concern. As the frequency-of-use intensification of water-based activities occurs, maintenance needs at existing sites and facilities increase proportionally. Changes in intensity of use of existing sites are likely to differ across administrative regions, necessitating differential increases and/or shifts in maintenance frequency, human resource allocations, and funding among regions. Moreover, an increase in water-based activity participation also may affect the public's perceptions and negatively impact user experience (i.e. satisfaction with fishing or wildlife-watching expectations). If satisfaction declines or conditions become crowded, demand for expanded or additional new water-access sites can be anticipated.

Boating access site users view water-access sites as being much more than just a "boat ramp." In fact, users see BA sites as being analogous to trailheads and, as such, many among the public are currently using and want to continue using these public access spaces in ways that are not compatible with established allowable or priority activity at certain sites. Few participants recognized or demonstrated understanding of distinctions about who (public versus private, and among public entities) provided the access they were using or that policy and/or operational differences exist among the entities who provide water access. A large proportion of BA site users were not aware that certain activities or uses of a BA site are permitted, whereas others are restricted or prohibited. Because of this knowledge gap, many users were surprised that an activity they wished to pursue may not be allowed universally by those who provide access to the state's waters. Inconsistent interpretation of the policies that define allowable activities and variable enforcement of said policies or regulations across and within DGIF administrative regions exacerbates uncertainty. More importantly, a large proportion of agency personnel themselves were not aware of the fact that many commonly observed activities or uses of the DGIF BA sites are not authorized at certain sites. Need exists to improve understanding of policy, both internally and externally, and to clarify what constitutes acceptable public use of BA sites and facilities (particularly in the context of grant funding restrictions).

- **Objective 1: Within 5 years, define and clarify what constitutes the suite of allowable activities (e.g., primary, secondary) at and acceptable uses of each boating access site in the DGIF boating access inventory.**
 - **Strategy 1A:** Examine all deeds, easements, cooperative agreements, and site-specific grant fund documentation to identify language and directed statements that may impose use restrictions or establish policy on allowable activities at BA sites.
 - **Strategy 1B:** Evaluate the findings of the social and ecological assessments (Goal 1, Objective 1, Strategy 1G) in terms of the potential need to impose restriction on use or activities to protect or assure the continued sustainability of aquatic or other ecologic resources associated with or affected by a BA site.
 - Identify known and emerging concerns about the potential impacts of water-based recreational activities on the health and sustainability of aquatic resources and evaluate techniques to monitor for, avoid, or remediate said concerns.

- Incorporate information from the Virginia Wildlife Action Plan to locate and assess impacts of use of BA sites on species of concern.
 - Involve agency personnel who have special knowledge or familiarity with at-risk species and/or habitats that may not be well-represented in the Virginia Wildlife Action Plan or other databases of ecologically sensitive areas.
- **Strategy 1C:** Examine the Special Use Permits program to assess how permits have been used and currently are being used and determine whether or not activities occurring via this mechanism are consistent with DGIF’s standards of acceptable or allowable use.
 - Determine what activities or uses, such as organized fishing tournaments, photography, and land-based wildlife watching, should be allowable with a DGIF Special Use Permit (i.e. time bound event-based permit for a fee) *or* Access Permit (i.e. day or annual use of WMAs and DGIF Public Fishing Lakes for activities other than stated primary uses and is fee-based).
 - Engage with agency personnel in appropriate Divisions to assure that allowable uses identified above are not in conflict stated primary uses nor violate funding requirements and constraints.
- **Strategy 1D:** Based on findings of the assessments above, establish a formal policy that defines the list of acceptable activities and uses for different types of BA sites and facilities to be applied consistently across the DGIF inventory, ensuring that the needs of different agency units are understood and that conditions imposed by the policy do not limit the functioning of the agency.
- **Strategy 1E:** Develop a position statement that is consistent with the policy established for sites and facilities of a similar type and function (i.e. Bay or tidal rivers vs. DGIF Public Fishing Lakes) that defines any limitations or restrictions imposed for each type of site in the inventory.
- **Objective 2: Within 2 years, formulate and adopt a definition to address the current uncertainty about what constitutes a “boat,” “vessel,” “watercraft,” or other “personal conveyance device” upon the waters of the Commonwealth.**
 - **Strategy 2A:** Examine all extant rules and regulations adopted by the Board of Game and Inland Fisheries and the DGIF to identify language and current usage relative to devices and/or craft used to convey people on the waters of the Commonwealth.
 - **Strategy 2B:** Research the Code of Virginia and the Administrative Code to identify and establish how current statutes define devices and/or craft used to convey people on the waters of the Commonwealth.
 - **Strategy 2C:** Identify situations of conflict and/or where inconsistency exists in current terminology or use among regulations and statutes; establish areas of commonality and disparity, especially with reference to existing U.S. Coast Guard policy and regulation, and identify areas in need of modification to alleviate said disparity and provide consistent, legally appropriate language.

- **Strategy 2D:** Attempt, as accurately as possible, to anticipate how future trends and new technologies may influence what potentially should be included under a revised definition.
- **Strategy 2E:** Evaluate the implications that a new or revised definition may have on users and the DGIF, with specific reference to issues such as registration and titling, regulations related to boating safety, and other “on the water” requirements.
- **Objective 3: After successfully addressing Objectives 1 and 2, and thereafter throughout the tenure of this plan, enforce the rules and regulations, as adopted, consistently at all BA sites.**
 - **Strategy 3A:** Involve personnel from the Enforcement Division in the development of policy (Objective 1) and definitions (Objective 2) to assure outcomes are enforceable.
 - **Strategy 3B:** Assure that information disseminated to users (the public) provides the necessary language to properly inform them of policy on allowable use and acceptable activities and facilitate proper enforcement.

Goal 3: Establish Formal Boating Access Site and Facilities Maintenance Policies and Operational Protocols

Currently, the DGIF lacks a comprehensive BA site and facilities infrastructure maintenance policy that would prioritize maintenance needs and responsibilities (see Appendix D), which, in turn, would facilitate decision-making and cost-efficient allocation of funding and personnel resources. Establishing such a policy would define, for the agency and for users, what tasks, maintenance priorities, and operational responsibilities are most important and distinguish those from other considerations that might be aesthetic, but not essential. Secondly, it would establish the minimum level of maintenance services users can expect from the agency across all sites and facilities. Existing DGIF BA Program maintenance specialists unanimously identified “maintaining user safety” as the most important and overriding factor that currently takes precedent over all other maintenance operations; however, after safety, guidance on what defines maintenance priorities was lacking. As a result, decision-making on personnel and monetary allocations, especially when resources become strained, likely will be inhibited by the lack of an effective prioritization, and may lead to inefficient optimization. Operationalizing a standardized policy statewide also would help ensure consistent messaging with the public and empower staff to facilitate the agency’s mission to conserve, connect, and protect while providing Virginia’s citizens and visitors with safe water-access opportunities.

- **Objective 1: Within 2 year of plan adoption, develop and implement a policy that defines and prioritizes maintenance responsibilities and needs at DGIF BA sites and facilities, taking into consideration issues relating to safety, water accessibility needs, site aesthetics, budget considerations, ownership/partnership agreements, and site physical and social limitations.**

- **Strategy 1A:** Examine and evaluate all maintenance tasks and responsibilities (Appendix B) and establish a prioritized hierarchy of said activities, by type of access provided and/or water type served.
 - Tasks/responsibilities should be ranked as critically essential, important, less important, or potentially non-essential in terms of meeting the agency's obligation of providing access to the waters of the Commonwealth.
 - A rationale for each ranking, as assigned, should be provided.
 - An assessment of the effect the ranked prioritization may have on compromising user safety and satisfaction should be completed.
- **Strategy 1B:** Establish estimated relative costs associated with the performance of routine maintenance tasks and administrative responsibilities (Appendix B).
 - Estimate labor investment as cost/hour of performance.
 - Estimate equipment investment as operational cost/hour of use
 - Estimate materials and supplies investment, in general terms, as cost/item, cost/ton, cost/sq. ft., cost/board ft., etc.
 - Generate an estimate of depreciation, where appropriate.
 - Identify differences and/or disparities between agency-performed activities vs. contractual or bid work.
 - Determine whether maintenance items classified as less important or potentially non-essential would compromise or be in violation of conditions of any standing agreements or other legal obligations if left unattended.
 - Adjust rankings to address compromising factors.
- **Strategy 1C:** Based on the output from above strategies, develop a framework to prioritize, with explanation, all maintenance tasks and establish an appropriate generalized schedule of the frequency with which each task should be performed, by type of access and/or water type served.
- **Objective 2: Within 3 years, develop and implement a formal process for evaluating and prioritizing needs and requests for BA site and facilities improvement and/or expansion.**
 - **Strategy 2A:** Establish an estimated repair and/or replacement schedule for the various types of infrastructure maintained at BA sites.
 - Incorporate knowledge of site specific or environmental conditions that might influence or alter estimated repair/replacement frequencies (e.g., coastal [tides, salt] vs. freshwater, high vs. low current waters, excessive frequency or level of use).
 - Incorporate maintenance costs/economic information from Objective 1, Strategy 1B, to further clarify the scope of repair/replacement conditions, trade-offs or alternative options, and other factors that may influence decision-making on whether to repair or replace infrastructure (i.e., allow for a cost/benefit type of analysis).

- **Strategy 2B:** Utilizing data on future demand (collected under Goal 1), identify BA sites currently in the DGIF inventory that would benefit most from improvement or expansion, thereby enhancing the agency's ability to meet anticipated access needs
 - Identify and evaluate particular types of infrastructure to be added to or modified at a particular site, relevant to the type of anticipated demand (e.g., adding a separate or supplemental hand carry ramp, adding another trailered ramp, extending or adding piers) that brings greatest enhancement.
 - Incorporate consideration of meeting and improving ADA compliant access.
- **Strategy 2C:** From among potential improvements and/or expansions identified above, distinguish those that can be performed by current DGIF staff from those that require outside/private contractual assistance.
- **Strategy 2D:** Within each administrative region, develop and periodically re-evaluate/update a prioritized list of potential large-scale capital projects for consideration and initiation should necessary resources become available.
- **Objective 3: Within 2 years, complete an analysis of the current funds used to support the Boating Access Program, and effect actions that maximize cost-effective and fiscally responsible use of available funds.**
 - **Strategy 3A:** Review the current use and allocation of existing funds to assure that said use maximizes efforts to fulfill relevant priority needs of the Boating Access Program mission.
 - **Strategy 3B:** Evaluate the merits of modifying or adjusting existing revenue sources (i.e. licenses, permits, registrations) before pursuing and instituting new fees and/or assessments.

Goal 4: Formalize a Boating Access Site and Facility Acquisition and Closure Policy

In addition to maintaining and performing management duties for approximately 235 BA sites, the Wildlife Resources Division's Lands and Facilities unit also assumes responsibility for providing administrative oversight for the acquisition of new BA sites and potential closure of existing, but underutilized or no longer functional, BA sites. In some cases, the DGIF acquires desirable parcels through direct real estate transactions on the open market, which then are developed into new BA sites. In other cases, the DGIF works with other entities to acquire right of use (i.e. easement) to properties that provide opportunity to gain access to waters otherwise unavailable. Although typically small in number, the DGIF also receives land via donation, bequeath requests, or other similar actions of benefactors (which sometimes come with specific instructions or imposed limitations on desired use). Finally, a large number of BA sites now in the DGIF's inventory are managed under Cooperative Agreements with local municipalities or other parties and display an array of shared commitments by signatory partners.

Historically, acquisitions generally have been the result of opportunistic events rather than from a strategic process that targets specific regional needs or attempts to fill identified voids in access to particular stretches of water. Presently, the Boating Access Program uses the Tiered Review Selection Process to evaluate the merits of potential acquisitions. This system uses a defined set of criteria that ranks physical site characteristics, anticipated infrastructure development needs, and anticipated post-construction maintenance needs and costs to produce a ranked assessment for a tract or potential site. This system does not evaluate or rate sites in terms of addressing strategic regional needs, but instead emphasizes engineering and construction parameters. It remains unclear whether output from the Tier Review system becomes a critical factor in all BA site acquisition decisions.

Similarly, standardized guidance is lacking for when (or if) the agency should terminate an existing cooperative agreement or easement relationship, or de-authorize and close out an existing BA site. Closing a BA site and/or transferring ownership may be justified when sites are (1) underutilized, (2) no longer meet DGIF strategic need, or (3) costs to maintain safe water-access exceed benefits to the public. Language exists in most cooperative agreements regarding conditions under which a relationship may be terminated; however, these criteria have rarely been implemented or, when applied, are done so inconsistently. Regarding closure, agency records reveal very few instances where de-authorization has been considered or implemented, regardless of the level of use a site receives or the costs incurred in maintaining the site.

Finally, the Boating Access Program's acquisition/closure decision process currently operates in isolation from or without coordination with other land acquisition protocols within the agency, most notably, those associated with the Wildlife Resources Division's acquisition of terrestrial lands. At the time of this document, that program was undergoing a re-evaluation, presenting an opportunity to evaluate whether a single, agency-wide policy to guide acquisitions and closures merits consideration rather than maintaining separate and potentially inconsistent systems.

- **Objective 1: Within 5 years, complete an examination of all property acquisitions and agreements into which the DGIF has entered that provide boating access and evaluate whether and how those actions fulfill the agency's mission of providing safe public boating access.**
 - **Strategy 1A:** Examine all cooperative agreements in the DGIF inventory (Goal 1) for relevant contributions to the Boating Access Program.
 - As much as possible, determine why the agreement was completed and whether justifications have been realized (i.e. what benefits were anticipated, have they been achieved).
 - Analyze and critically assess the true costs (in personnel and direct expenditures) incurred individually by all parties to an agreement in maintaining that agreement.
 - Assess the current status of agreements (i.e. is the agreement current and legally valid, have stipulations of the agreement been upheld by all parties, etc.) and evaluate whether justification exists to renew or terminate the relationship.

- **Strategy 1B:** Review all property acquisitions or purchases by and land transfers to the DGIF that now exist in the DGIF inventory for their contribution to the Boating Access Program.
 - Ascertain the justification for why the acquisition was made.
 - Determine whether the acquisition filled a strategic need or a regional need.
 - Ascertain whether results from the Tier Review Selection Protocol were applied to or factored into the decision to acquire BA sites.
- **Strategy 1C:** Review current easement agreements in the DGIF inventory to assess whether these agreements are meeting defined BA needs and priorities. In cases where easements may not be providing outcomes in keeping with defined BA policy and desired outcomes, identify the reason(s) and evaluate whether or not to continue, modify, or terminate the agreement
- **Objective 2: Within 5 years, conduct a strategic evaluation of BA needs, by region and by water type, to identify and prioritize types and locations of critical unmet access need that will guide future acquisitions efforts.**
 - **Strategy 2A:** Examine all BA sites currently in the DGIF inventory and assess spatially the waters currently served by each site.
 - **Strategy 2B:** By water type and by administrative region, identify and locate all other existing BA sites (public and private, non-DGIF) to waters of the state.
 - **Strategy 2C:** Using findings from the above noted assessment and information from the intra-agency and interagency analyses of strategic boating needs (e.g., Virginia Outdoors Plan, Chesapeake Bay Boating Access Study), evaluate the spatial distribution of and projected BA needs (unserved and/or underserved waters) by water type and administrative region.
 - **Strategy 2D:** Rank identified waters for which BA need exists within each administrative region that represent highest acquisition desire.
 - **Strategy 2E:** Identify other entities and potential partners (public and/or private) with whom DGIF might collaborate to acquire and maintain BA to fulfill an identified need within a region or specific water type.
- **Objective 3: Within 2 years, examine and update the Tiered Review Selection Protocol, then adopt this tool as the primary decision-making mechanism for use when evaluating potential sites for acquisition or entering into new collaborative boating access ventures.**
 - **Strategy 3A:** Review and evaluate the metrics currently incorporated in the Tiered Review Selection protocol to determine their efficacy and identify potential metrics for consideration to include that would provide better assessment and discrimination in site selection.

- Examples of evaluation metrics to include:
 - technical and/or engineering criteria based on the physical and topographic features of the site (e.g., slope/grade, water current or wave action, drainage, size of area available for parking/turning vs. anticipated demand/needs);
 - assessment of strategic value gained within a region and among water types (i.e. fulfillment of an identified need; proximity to other nearby access sites);
 - estimate of projected maintenance costs incurred should the site be developed;
 - other metrics as deemed appropriate.
 - **Strategy 3B:** Apply the revised/enhanced Tiered Review Selection Protocol in all cases where acquisition of property for new access is being considered and in situations where the DGIF is considering entering into a new cooperative management or easement agreement.
- **Objective 4: Within 2 years, develop and implement a policy on BA site closure and/or retirement.**
 - **Strategy 4A:** Define criteria for what constitutes “unused,” “underutilized,” and “not meeting strategic need” in relation to BA sites and facilities.
 - **Strategy 4B:** Monitor and evaluate existing BA sites and facilities in the DGIF inventory to identify those that are underutilized and/or not meeting identified DGIF strategic need. Identify BA sites where maintenance and operational costs incurred in keeping the site open and functional significantly exceed the benefits obtained in doing so.
 - **Strategy 4C:** Based on the findings from Objective 1, identify BA site agreements for which contractual stipulations currently are not or historically have not been met and that may be considered candidates for closure or termination.
 - **Strategy 4D:** In cases where an assessment reveals that established criteria for “unused,” “underutilized,” and “not meeting strategic need” have been met; costs incurred to continue maintaining and operating a BA site are prohibitive relative to the benefits received, or stipulations of a cooperative agreement have not been upheld, and where efforts to correct or bring conditions into compliance have failed, initiate proceedings to close, terminate, or transfer ownership of said facility, wherever reasonable to do so.

Goal 5: Improve Awareness and Understanding of DGIF’s Boating Access Program and Pertinent Laws, Regulations, and Restrictions

As noted earlier in this document, a substantial proportion of BA site users made no distinction between and among access providers, knew little about the DGIF or its mission, and were unaware of restrictions or constraints imposed upon uses and/or activities at certain BA sites (or the reasons for why such restrictions existed). Even among users who stated some degree of familiarity with the DGIF, many knew little about differences in how the agency provided access or the agreements (and the attached conditions) the agency had entered into in providing access. This lack of knowledge and awareness leads to significant confusion among users about the

types of facilities and amenities offered and what constitutes an “allowable” use or activity at a particular BA site. In addition, numerous examples exist of inconsistent, incomplete, or erroneous information being disseminated to the public on boating access issues. Given the ever-changing demographics of users, as well as their differing levels of experience, the potential of conflict among users appears to be increasing.

The same can be said even within the agency, as personnel outside the BA Program demonstrated little knowledge or familiarity with the activities and mission of this unit. In fact, many agency personnel who participated in various components of the Boating Access Study expressed a lack of awareness about prioritized uses of and restrictions imposed on activities at BA sites, details of organizational funding, and demands placed on BA Program staffs in maintaining these facilities. There is also a significant level of inconsistency in existing messaging going out to staff and a general lack of communication and interaction between other divisions within the agency and the BA Program. Efficient and cost-effective enforcement of regulations may be hampered by the lack of formal operational policies or consistent application of existing protocols.

SUBGOAL 5A: IMPROVE KNOWLEDGE AND AWARENESS OF THE DGIF BOATING ACCESS PROGRAM INTERNALLY AMONG AGENCY STAFF AND PERSONNEL

- **Objective 1: Within 2 years, implement communications that informs and clarifies understanding of the Boating Access Program among DGIF personnel.**
 - **Strategy 1A:** Enhance communication across all divisions to assure that agency personnel have a consistent understanding of the BA Program, its operational responsibilities, and restrictions within which it must function; assure that all sectors are working collaboratively toward a common mission.
 - **Strategy 1B:** Enhance opportunities to share information in agency inventories and other databases across divisions to avoid duplication of effort and to improve the accuracy and quality of data.

SUBGOAL 5B: IMPROVE KNOWLEDGE AND AWARENESS OF THE DGIF BOATING ACCESS PROGRAM AMONG TRADITIONAL AND NON-TRADITIONAL WATER-BASED BOATING AND RECREATIONAL USERS

- **Objective 1: Within 2 years, and continuing thereafter throughout the tenure of this plan, develop and implement a targeted outreach initiative for water-based recreational users about the DGIF Boating Access Program.**
 - **Strategy 1A:** Develop appropriate messages for diverse water-based recreational user audiences to address the following identified needs:
 - Introduce and clarify what DGIF is, what its mission and vision are, and how it differs from other state agencies.
 - Describe agency funding, and any imposed constraints or restrictions associated with the use of said funds relative to creating and maintaining BA sites.

- Describe and clarify the different types of water access DGIF maintains (hand-carry, trailered, hybrid), distinctions between wholly-owned and maintained vs. cooperative arrangements, and the facilities and amenities typically provided at each site type.
- Distinguish priority uses and/or applicable restrictions that are imposed on activities at different DGIF BA sites.
- **Strategy 1B:** Evaluate outreach methods best suited for disseminating information to stakeholders from different demographic and recreational interest sectors.
- **Strategy 1C:** Incorporate information about the Boating Access Program (i.e. types of accesses, restrictions/permitted activities, facilities provided) into the Boating Safety and Education Training Program.
- **Strategy 1D:** Include information about the Boating Access Program, with specific reference to allowable use and acceptable activities at DGIF BA sites, as part of the material received when anyone registers or titles a boat in Virginia.
- **Strategy 1E:** Conduct an evaluation of need and anticipated costs for producing information and materials in secondary languages appropriate to user audiences, recognizing the demographic make-up within each administrative region; where feasible, implement and monitor a pilot program for information delivery in a secondary language relevant to a region and evaluate its effect on user compliance and satisfaction.
- **Objective 2: Within 3 years, revise and disseminate an accurate, up-to-date information database on the inventory of DGIF maintained BA sites across the Commonwealth.**
 - **Strategy 2A:** Assure that any listing of BA sites presented in the Fishing and Boating Digest is accurate, current, and represents the entire inventory of facilities provided and/or maintained by DGIF
 - **Strategy 2B:** Produce and maintain an up-to-date map and information resource on the agency's web site as means to quickly and visually disseminate information on BA site availability and facilities.
 - **Strategy 2C:** As much as possible, clearly distinguish in the information being disseminated the type of access provided (e.g., hand carry, trailered, hybrid), amenities provided, and prohibitions imposed as means to properly set user expectation.
 - **Strategy 2D:** Provide timely updates to users of any operational or policy changes that may affect use of a BA site.
 - Use DGIF web site, Facebook, email blast, or other suitable and efficient method(s) of communication to notify users of closures, intended repair work, unsafe conditions, changes in allowable use, or other situations affecting use of a BA site.

- **Objective 3: During the tenure of the plan, assure that agency staffs whose job responsibilities bring them into frequent contact with the public convey a uniform and consistent presentation of agency policy on allowable uses and acceptable activities at BA sites.**
 - **Strategy 3A:** Conduct training to improve knowledge and understanding of employees on prohibited or restricted activities or uses, conveying a consistent rationale for why restrictions are in place, and assuring that a uniform interpretation and/or statement of policy is delivered whenever engaging with the public.
 - **Strategy 3B:** Provide timely informational updates to agency staffs on changes of policy and additions or closures of BA sites to enhance interactions with the public.

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APPENDIX A: DRAFT PLAN PUBLIC COMMENTS

From November 6 – December 7, 2018, a summary and draft copy of this management plan was posted on DGIF’s website for the public to review and provide comments and feedback electronically. Below are all comments received through the website and email communications. The comments are exactly as submitted and to ensure anonymity any identifying information is not included here. All comments are considered equally and, where appropriate, incorporated into the final draft BA management plan. For illustrative purposes, the comments are grouped by overarching theme categories; however, like most things related to BA sites, themes are often intertwined which makes it difficult to separate comments into neat categories.

BOATING ACCESS PROGRAM FUNDING

1. Hello, these comments are from [a commercial outfitter]. As we read Virginia Boating Access Site and Facility Management Plan - DRAFT, pages 54 - 56 illustrate that the department is considering charging some sort of user access fees. First, we are all for DGIF getting dedicated funding stream like VA Parks or other state agencies. When appropriate we will help lobby for that. However, we are very concerned that DGIF would implement a per boat or per person fee to use the river access points. If implemented poorly without consideration for commercial outfitters it could end our tourism focused business.
2. I'm really glad you guys are taking-on this project. As an avid boater and fisherman, I want to see that Virginia's waterways, both flowing and still, are protected and accessible. This may not be the most coherent set of comments from the public, but here are few suggestions. 1. Implement a more comprehensive program to generate funds through boat launch permits to be displayed on watercraft (mainly the non-motor kind), similar to Pennsylvania. Offer a yearly, weekly, and daily permit at a easy-to-digest amount: \$25, \$10, \$5. It'll help keep track of who or where folks will be, generate conservation and maintenance funds, and offer the ability to ensure folks know the regulations to ensure their safety and safety of first responders.
3. Hunters, fishermen, and registered boaters have consistently footed the bill for public access on our waterways and afield and are often interrupted in their lawful activities by other recreational users (who don't pay for the privilege). It is time for there to be a user fee for other recreational interests. This fee should be consistent with at least the cost of a hunting or fishing license on an annual basis. It should apply to all users of the properties whether for kayaking/tubing, bird watching, hiking, etc. Any plan that does not immediately address this obvious discrepancy is unsatisfactory.
4. I am forwarding my friends' comment because I concur with his opinion. There is a vast population of recreational users of waterways, parks, preserves, WMA's and natural areas that do not have interest in hunting or fishing, but they are your indirect "customers", just the same. It is time they pay excise tax for their specialized equipment just like your traditional users. All folks who enjoy our outdoors should help support the essential work that the DGIF and relating state and federal agencies do for us. It's fair, ethical and will not depress the demand for the products that make their days in the field and water worthwhile.

5. Although funding is not the only aspect of the study, it sounds like money is an important issue with declining DGIF revenue due to lower #s of hunters. Interest in fishing is rising but no mention in the summary telling how much the shortfall is currently and what an extrapolation might forecast about the future. If money is a significant current problem that the I'd say it's time for the General Assembly to step up and consider a modest state excise tax on outdoor recreational items other than firearms and fishing equipment, similar to the Pittman Robertson and Dingell Johnson Acts do federally. That's my two cents.

EMERGING BOATING ACCESS SITE CHALLENGES

Parking

1. I just wanted to address the shortage of parking due to the closure of the overflow railroad parking lot across the tracks from the Whitethorn Boat Ramp on the New River. When the face to face study was going on there was plenty of parking but due to recent closure there is only room for 8 trucks with trailers. This boat launch is very important because it is the only public access on the New river for over 25 miles. The parking is full most of the time and it is causing problems for recreational boating and fishing programs. There is enough space to double the size of parking using DGIF land by extending the parking lot up to the Toms Creek confluence. Please take this into consideration and relook at the study with the new closure.
2. Increase space for parking of vehicles and trailers at the public boat ramp at Lynnhaven. When bridge project is finished it should provide more space for fishermen to use the facility, so we don't see a ramp closed no parking sign at peak usage times.
3. I would like to also speak up about the conditions at Whitethorn boat ramp. I have used the ramp for the last 40 years. The parking situation at the facility is a joke. 8 trucks and trailers is not sufficient parking for this area. The restricted access is very disappointing and frustrating!!!! I have seen as many as 40 vehicles down there before the railroad decided to not let people park on their property. Please take a look at this site again and please ask boaters their opinions. Thank you for your time!

Rules & Regulations, Law Enforcement, and Safety

1. I recently have witnessed a lot of law enforcement agencies training canine teams at the boat ramp in Franklin Va. I think this is a terrible idea. it intimidates patrons using the facility and there is a risk of injury to the public if one of these dogs targeted a citizen launching a boat. Talk about bad PR and a huge lawsuit. Please stop.
2. I split my time between VA and NJ. When I am in NJ I routinely fish from my canoe in Pennsylvania. Pennsylvania requires a launch permit for all unregistered watercraft. I suggest Virginia do the same. NJ had a problem with non-hunters and non-fisherman using Wildlife Management Areas (WMAs). I believe they required users of WMAs to place a copy of their fishing or hunting license on their dashboards to show they should be allowed there. NJ also discussed a plan for a non-hunters and non-fisherman to buy a decal for their care to allow use of a WMA. I am not sure if this was instituted, but I suggest this as a way to get non-boaters in VA who use the BA sites to help fund the sites. Finally, you must enforce the rules you develop.
3. I have a home and boat on Hawtree Creek and there is a boat ramp access on the creek. The problem of safety on our creek is a grave concern. We have numerous boaters and personal

watercraft that speed up the creek and out on to Lake Gaston. Our creek is narrow in places and has many swimmers, paddleboarders, kayakers and these speeding crafts disregard safety, come close to docks and create wakes that are impacting our shoreline, which is designated a "sensitive environment". Residents on the creek are doing a survey to gather data in hopes of changing our area to a slow or no wake water access to the main lake. We have had little success to taking to Mecklenburg County and Dominion Power. We have also talked to local VA Fishery people.

4. Please ensure that all applicable laws are followed.
5. Under “Boating Access Program Administration” the draft states that DGIF experiences “...inconsistent monitoring and /or enforcement of ... agreements...”. We agree there is inconsistent and often inappropriate enforcement. In Roanoke, three fishermen received tickets for trespassing from DGIF for accessing the river under a railroad trestle. The three went to court on the same day. The judge tossed the tickets out and told DGIF not to bring such “violations” into his court again. What we have is too many DGIF police with too little to do. Here is room for cost reduction. Here is a way to stop infuriating DGIF customers.
6. At the Alpine landing on the James River, three DGIF wardens were looking for violators when some boaters drove down to the water’s edge to pick up their boats. The wardens tried to prevent this because a county sign at the access said no driving down to the water. The sign allowed for commercial outfitters to drive down, but not for handicapped boaters. After some words with boaters, the wardens allowed the handicapped boaters to load their boats and leave. This should not be a DGIF issue. It is a county issue, which in fact is now under review for changing. Again, DGIF is only aggravating its customers.
7. Elsewhere on the James River near Glasgow, DGIF police have been threatening boaters with tickets if they exit the river by crossing the railroad tracks. Exiting the river this way is due to the lack of legal crossings allowed by CSX railroad. CSX should be policing the tracks, not DGIF. Again, DGIF is alienating its own constituents.

Communication and Outreach & Education

1. The Purposes for boat access should be clearly listed to prevent loitering and non-boaters from crowding the access. It would also help minimize litter and help lower maintenance needs.
2. This perhaps should go out to our members to give them a heads up on public water access and opportunity to make a comment during the public commentary period.
3. Please find comments of [large statewide river advocacy group] regarding the DGIF Draft Boating Access Plan. We were disappointed to receive the request for comments second-hand from a fellow boater and not directly as a major stakeholder using access to the rivers of Virginia.
4. Other disputes have arisen between DGIF and county officials that have created anger and distrust between them, resulting in access site problems.

User Conflicts

1. I do not think our ramps should be used for activities other than launching and retrieving boats. Shore fishing from these ramps only produces trash and litter and conflicts between boaters and shore/pier fisher people.

BOATING ACCESS SITE AMENITIES AND CHARACTERISTICS

1. As an avid river fisherman who spends over 175-200 days a year on the river. I'm disappointed at the ramp access we have. I use rafts and jet boats. Looks like the new ramps being put in only cater to kayaks and canoes. It would be nice to be able to gain access to the river by launching my rafts or drift boat. These style boat have been gaining popularity in the last several years. Plus, they draft less water and are safer than most personal watercraft. I wouldn't have a problem having to pay extra if I could benefit and get use out of accessibility of the put ins that are in place. Heck some of the new ones are even cabled off! What's up w/that?
2. It would be great if at every bridge over floatable water there was reasonable access, parking and simple take in take out.
3. Every Va. boat ramp I have ever been to has a port-a-potti, except one, GOSNOLDS HOPE PARK. The park has restrooms, but it closes at sunset, so fisherman have no access to a bathroom at night. Plus, the surrounding bathrooms are not close to the boat ramp. Thank You.

BOATING ACCESS PLANNING AND COLLABORATION OPPORTUNITIES

1. I am [removed for anonymity] of the [a fishing club], which is associated with the Center in Charlottesville (formerly the Senior Center). We have worked with the Albemarle County Department of Parks and Recreation to get improvements to BA sites on the Rivanna Reservoir and the Rivanna River. There are many more potential sites. Our members are keenly interested in this issue in general and in several BA sites in particular. Can you recommend someone we could meet with to discuss this?
2. Constructing public river access sites at vehicular bridge crossings is a strategy for expanding boating access to the rivers of the Commonwealth of Virginia. In July 2015, Governor Terry McAuliffe executed a Memorandum of Understanding between the Virginia Department of Transportation, Virginia Department of Conservation and Recreation, and DGIF to expand public access to state waters. The intention of the MOU is to evaluate the feasibility of public access adjacent to bridges included in VDOT's six-year plan. The James River Association encourages DGIF to expand boating access to rivers in the James River watershed and across the Commonwealth via bridge crossings in coordination with VDOT and DCR.
3. DGIF boating access sites could accommodate additional outdoor recreation activities in some instances. Paddle-in camping, for example, is a desired recreational activity on the James River. DGIF boating access sites present opportunities for primitive camping. Additional management capacity of boating access sites with potential to accommodate additional outdoor recreation activities can be achieved through partnerships with local governments and other organizations. DGIF should pursue partnerships with local governments and organizations to adequately manage access sites. Thank you for your consideration of my comments.
4. This survey done by DGIF is reminiscent of a survey done back in 1990 when DGIF was also in need of additional funding. At that time DGIF was looking at paddlers for additional money and was considering paddle boat registration. Boaters demanded that a study be done of the return on such a program and the result showed that the administrative costs would exceed the income. The idea was dropped. At that point DGIF agreed to do several stakeholder meetings across the

state to consider alternate funding ideas. The upshot of that process was a bill in 1994 that dedicated the 2% watercraft sales tax to DGIF instead of the general fund. Vic Thomas introduced the bill which resulted in about \$10 million for DGIF programs. We believe such a process is called for again, if DGIF wants to locate additional funding.

5. The draft Boating Access Site...Plan was put together by DGIF personnel. That process has not included input from major constituents like river and boating organizations.
6. Back in 1990, DGIF had a boating advisory committee. It functioned for about 8 years but then was dissolved under a new administration. This advisory committee performed an excellent service for all kinds of boater constituents. Such a committee or one similar could once again provide help and service to DGIF to resolve boat site issues.
7. DGIF has stated that in the Va Tech survey, "...participants eagerly offered ideas and suggestions about ways DGIF could collaborate with municipalities, boating clubs, land trusts, conservation organization and businesses to help address financial... resource gaps." This is very similar to the previous outreach by DGIF for funds back in 1990. It provides a direction for DGIF to move toward. The draft plan ends with 5 Goal Statements. They are fine goals, but they do not address how the "...participants" would be able to provide their input, ideas and suggestions to the DGIF process. The model is already available. DGIF should put together an advisory group that would go on the road around the state, meeting with and listening to its constituents, who are very willing and able to help support DGIF in a fiscally responsible way. We [24+ affiliate organizations] encourage DGIF to look back at that model and look forward to something similar for today.
5. The access at Howardsville on the James is another example of DGIF not working with its constituents. In this case, DGIF would not listen to local boaters who showed how DGIF could open up a closed access by making improvements to the access site. Instead, DGIF ended up paying a nearby property holder \$10,000 per year for use of the owner's property for parking. This was a waste of good DGIF dollars.

BOATING ACCESS SITE-SPECIFIC

1. The Barrett's landing boat launch in the city of Franklin Virginia. The city of Franklin has decided to install two yellow Gates to access the boat launch and they close the Gates when it snows, I am an avid duck Hunter and use the launch allot and was wondering how they can close off a state funded and maintained launch. Thanks.
2. It is of concern that the city of Franklin closes Barrett's landing boat ramp at any time they please. They have installed a locked gate that they control as they wish. The ramp was built by taxpayer money, state funds and the Pittman Robertson tax. They have locked us out during duck season with no other ramp to access our blinds. We have asked the city for a compromise of letting us know before they lock it to no avail. The gate should not even exist. I'm available for further discussion or a compromise so we can access the ramp when needed.
3. I think that it is unfair that the city of Franklin has decided to lock access to a state public boat ramp by closing a gate whenever they feel like it at Barrett's landing. I understand the gate being closed when the property is flooded. However, it shouldn't be closed all the time. There are many of us who use this boat ramp to launch our boats during duck hunting season. I think an acceptable alternative would be to close it but not lock it. They could put a sign up in inclement

weather that states you may access at your own risk. Then allow us to open and close the gate behind us.

4. I launch a boat allot at the city of Franklin Virginia, Barrett's landing boat ramp. How is the city able to put up Gates to close the ramp, why is this allowed? I'm an avid fisherman and duck Hunter and the best time to hunt the rivers is when it snows and in two instances the city closed the ramp on us when it snowed. I could maybe understand high water but snow. How do y'all allow to do this I'm sure this ramp was funded by hunters and this is not right to take away a water access from us because of snow... Thanks.
5. Tried to fish out of the Howardsville boat landing numerous times this season when the water gets low the ramp needs to be dugout. Seems like ramp cleaner pushes the mud straight out into river. Other times. Weeks after high water ramp will have 2ft plus of mud. Seems like it's the forgotten spot for maintenance Very frustrating. Thanks.

BOATING ACCESS SITE OWNERSHIP TYPES

1. I truly hope it is not the Depts direction to do away with partnership owned ramps like at Rt 611 Joyners Br. Rd on the Blackwater river as that is the only access on that part of the river.

BOATING ACCESS SITES ON UNDERSERVED WATERS

1. I believe boating access is crucial to the public as a whole, not just the sportsmen community but also for those who wish to just go for a leisurely paddle or boat ride. It is also important for youth, especially Boy scouts who do various activities and trips on the water. While there are numerous boat access points throughout Fauquier and the surrounding counties, access to the Rappahannock river is lacking with Kelly's Ford being the only place to launch other than pulling off the side of the road or asking for permission from private land owners.
2. Need a public ramp on the Pamunkey River in Eastern Hanover County. Close down all Public Ramps in Counties or Cities like Newport News if hunting is not allowed in their waters. No Duck blinds to be issued within four miles of a public boat ramp. These can be floating waterfowl blind zones which would give hunters with floating blind tags an area to hunt.
3. I strongly support fair public access to all rivers, lakes and waterways in our country. I own both power and paddle crafts. I take friends and family often on the water and we all enjoy being out there. We all just wish there was more access in our area.
4. Sirs, I appreciate the fact that you are looking for ideas on how to improve boating access in our waters. I live in Smithfield, and while we have ready access to a wide range of water and fishing opportunities, one local body of water has basically no easy access. I'm talking about the Nansemond River. There is a small, very poor private ramp in a creek near Suffolk, and I refuse to use it. The next closest ramp is well up Bennett Creek. From talking to other boaters, it's at least two miles to open water in a shallow creek that is unmarked, and no wake the entire way. Nansemond River should be a great fishery but would be a long run from any existing boat ramp. I urge you to give serious consideration to changing this situation.
5. More public boating access is needed on the Potomac River below Quantico, Va. Leesylvania is too expensive, (even for Virginia residents who pay the same price as non-residents), it is also a

major hassle to get home from Leesylvania State Park because of the tremendous traffic issues always present on I-95. The facilities down river on Aquia Creek are a major rip-off due to price they charge to launch your boat, and they have no decent facilities (no restroom, other than a lousy port-a-Jon leaning on uneven ground). I not aware of any boat launch access in Potomac Creek, and it may not be feasible due to the shallow water in that area. Fairview Beach has a ramp, but they rip you off as well in the price to launch, we need access down River!

6. We need a boat ramp near key bridge to reduce congestion at Gravelly point during the summer months.
7. I would like to see the DGIF take over the Currioman Landing on the Potomac River, which is currently unusable due to heavy sand intrusion. In addition, I would like to see public accesses on the Corrotoman River, the main body of Mobjack Bay, and on the North side of the Piankatank River. Also, this is probably a moot point due to the lack of cooperation from the city of Manassas, but the public is owed an access site on Lake Manassas.
8. We need a DGIF boat ramp on the Potomac either inside Aquia creek or inside Potomac creek. The current fees being charged by Hope Springs on Aquia is obscene but we have no other options currently. The opening of the Tidewater state park ramp in 2019 will not change this need as they are putting this access on the end of Brent point facing directly into the E/SE winds. It will be unusable for most folks with any wind 10 mph+ and navigating the unmarked wrecks in that area is going to prove deadly for the average boater. Then the fact you have almost 10 miles to travel off HWY1 on twisting roadways to get there makes it even more unsafe.

BOATING ACCESS MANAGEMENT PLAN-SPECIFIC

1. Goal 1 looks like someone is looking for an expensive computer database management system. Microsoft office contains a database called access, anyone with a 2-day class should be able to develop a database to enter all parameters to manage boat ramps. What an am saying is do not waste money on a contract to develop this database. Write it in-house, you will be required to tell the contractor what you want in it anyway. It can print out a form to go to each boat ramp to report on its condition. This is really simple stuff, please do not waste our money on a contractor.
2. I agree with the goals as stated. In the "Overarching Principles" it is imperative that the plan recognize the many years of funding contributions that fishers and hunters have made to establish the foundation for all BA access and management, and that the plan's focus and 1st principal guarantee that fishing, hunting, trapping and recreational boating (those paying boat registration fees) are considered "protected users" of all DGIF and partner BA sites--- that is these groups cannot ever be excluded from using current or future agency and agency/partner BA sites.
3. This document entirely fails to mention ecological responsibility or stewardship obligations with regard to these natural locations. Desire for use is a reason to allow access to BA sites only anticipated use is sustainable. While it is the role of citizens to express their desires in this matter, it is not the role of citizens to—nor are they capable of—accurately assessing ecological sustainability. This is among the fundamental obligations of VDGIF. In fact, as a citizen, I'm not even capable of expressing my view unless fully informed on these matters. I urge you to fulfill this vital obligation so that I and my fellow citizens can responsibly and democratically participate in this process.
4. In determining the plan, please ensure that all applicable laws are followed, and all efforts are made to ensure that wildlife and their environment is not threatened by the plan. - Thank you.

5. The draft states that "...hunting spending is down 26%...". Then it proceeds to direct new funding efforts towards boat sites. There is a mis-connect here. If funding is down due to hunter declines in spending, then the focus should start with a look at what reductions in hunter programs can be made to reduce expenses. This has not been done from what we know. There is no appropriate connection from hunting to boat sites.

GENERAL COMMENTS

1. I have used dozens of water access sites in Virginia and have been pleased with those maintained by VDGIF.
2. I am writing you on behalf of the James River Association regarding the Department of Game and Inland Fisheries' draft boating access site and facility management plan. The James River Association is a champion of public river access and advocates for the creation of new boating access sites, parks, and public spaces along the James River and its tributaries. Publicly accessible boat ramps, canoe slides, and shoreline access sites managed by DGIF and other agencies provide important motorized and non-motorized boating access to the James River and its tributaries for many Virginians and visitors. Additionally, these sites generate economic activity important to local economies. My colleagues and I appreciate the role DGIF plays in ensuring people have opportunities to enjoy their waterways.
3. On behalf of our 24+ affiliate organizations, thank you for listening.

MISCELLANEOUS AND NON-DGIF BOATING ACCESS SITES

1. There needs to be change in Dickenson county with the buck harvest...you need to only allow one buck tag per hunter and put a restriction on antlers...3 points on one side or something to that extent. It is honestly not worth hunting here anymore...way to many small bucks are being killed. It would also be nice if all the land that is leased could become P.A.L.S land...a small percentage of people has access to a large percentage of land in the county...that has caused over-crowding for everyone else to contend with...THINGS NEED TO CHANGE! Maybe when you start losing license sales you will rethink things...
2. I annually stay at Staunton River State Park and launch my boat from the main park launch to fish John H. Kerr reservoir. I have commented several times on the park surveys that the lighting needs improved at the boat ramp. It is difficult to say the least to locate the ramp at night when returning from up or down the lake and the parking lot is dark with typically only a few lights working which makes it difficult to see in order to secure your boat. While I understand by the layout that the trees block the light from the lake side; I do think a bright light could be installed at the ramp in order to provide a visual focal point when returning to the ramp at night. Thank you for any considerations you may have.
3. In addition to the planned kayak ramps, Pocahontas State Park would really benefit from a dock constructed next to the trailer-compatible boat ramp. This would allow putting in and taking out to move much more efficiently (today, I tie off at the floating docks near the rental area and walk back to the ramp). Also, I have found that the parking area designated for the ramp is typically filled by non-boaters (cyclists and hikers who want closer access to the bridge). This makes parking difficult, especially as trailer-sized spots are frequently taken by non-trailer vehicles.

4. Concerning boating access to Virginia waters, it would be helpful to boaters if DGIF or the state of Virginia provided financial assistance to marinas that have boat ramps available for public use, to help them maintain the ramps. Many boaters use marinas rather than state-maintained ramps because they are more convenient to the boater's destination. Many of those ramps, especially around the Chesapeake Bay, are in poor condition, making it difficult to launch and retrieve boats. Many of the marinas seem reluctant to properly maintain their boat ramps. Perhaps some financial incentive from the state would help.

APPENDIX B: VIRGINIA'S BOATING ACCESS SITE AND FACILITY MAINTENANCE: TECHNICAL REPORT

INTRODUCTION

The Commonwealth of Virginia owns a statewide system of lands and facilities located on diverse waterbodies from the Chesapeake Bay and tidal rivers to inland freshwater lakes, ponds, and rivers. At the time of this writing, the lands and waters associated with approximately 235 boating access (BA) sites and facilities are held in public trust by the Virginia Department of Game and Inland Fisheries (DGIF) and managed with the goal to provide present and future generations of residents and visitors of this state water-access to enjoy wildlife-based recreation opportunities that are consistent with the ecological and cultural carrying capacity of state waters. On-the-ground practices used to achieve these goals are supported through funds generated from hunting, fishing, and trapping license sales and Federal grant programs, especially those administered by the U. S. Fish & Wildlife Service (USFWS). These grant programs require DGIF to establish the purpose (e.g., aquatic habitat conservation, provide access for fishing, hunting, and trapping opportunities, water-based wildlife watching) for which the property is to be purchased and establish management intent in perpetuity or until such time that the original purpose for purchase is achieved.

As indicated within Virginia's Boating Access Site and Facility Management Plan, the primary overarching management goal is to provide safe opportunities for Virginia's citizens and visitors to connect with natural resources through wildlife-based recreation (e.g., fishing, hunting, trapping, water-based wildlife viewing) and recreational boating consistent with maintaining and enhancing aquatic habitat and water quality by not exceeding ecological and social carrying capacities. **All other uses and other human activities are secondary and must not conflict with the primary intended use.** The current management practices described below support the agency's overarching management goal as outlined in this plan.

This Technical Report presents the variety of BA site and facility management practices regularly utilized on DGIF-owned and/or cooperatively-managed BA sites and facilities and serve as a reference and guide for DGIF staff in the future. However, it is important to recognize that special circumstances or extreme events may require implementation of special management techniques. For example, extreme weather events (e.g., tornadoes, hurricanes, ice storms, flooding) or severe infestations of nonnative or invasive pests (e.g., fire ants) and/or invasive plants (e.g., kudzu) may require a site-specific management plan to address issues caused by these events.

In addition to providing regular maintenance service, BAM staff often interact frequently with the public, and therefore, are the first source of BA-related information. BAMs also spend a portion of their time meeting customer service needs by responding to public complaints and other boating and/or fishing related information needs.

Approximately once per month Boating Access Maintenance (BAM) staff visually inspect each BA site to assess maintenance needs to ensure public safety. Note that DGIF managed BA sites and facilities are “launch at your own risk”. There is an inherent risk associated with launching and retrieving boats, and therefore, it is the responsibility of the user to evaluate current conditions for use. The specific BA site and facility management techniques used to maintain a safe access to the Commonwealth’s waters are defined and described using the following format:

- 1) **Definition** – what it is, description of the tool/implement or the specifics of the technique;
- 2) **Application** – how is it used, description of conditions under which it would be used;
- 3) **Management Goal or Desired Outcome** – why it is used, description of the end-product;
- 4) **Implications** – the advantages and/or disadvantages associated with this technique; and,
- 5) **Alternatives** – a list of other techniques that may create similar outcomes.

It is important to recognize that in performing maintenance activities, like any other landowner, DGIF is obligated to procure appropriate permits and approvals before disturbing soils or conducting work on structures. The agency cooperates with other state and federal agencies to ensure compliance with regulations and permitting processes. Individual project leaders and land managers are responsible for determining which permits or reviews may be needed and securing these permits or reviews from the appropriate agency or entity.

BOATING ACCESS SITE AND FACILITY MAINTENANCE TECHNIQUES

Bulldozing or Excavating

Definition: Bulldozing and/or excavating is the use of a bulldozer, front-end loader, track-hoe or similar heavy equipment used to move dirt, soil, debris, and other material.

Application: These techniques are used to maintain a safe and unobstructed access to water and the site or facility itself. Excavators are used to armor shorelines, push slabs, excavate soil for constructing boat ramps, and install culverts. Roads and parking lots are constructed and maintained with bulldozers, tractors, and other heavy equipment. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain and enhance boating access to Virginia’s waters.

Implications: The operation of heavy equipment is relatively expensive and can also cause soil displacement if Best Management Practices (BMPs) are not implemented.

Alternatives: The prime alternative is to replace heavy equipment use with shovels, picks, and other hand tools.

Surface Grading

Definition: Surface grading is the use of a tractor with a grade box attachment or similar earth-leveling equipment.

Application: This technique is used to level a parking area, road, or boat ramp surface to remove ruts and potholes to prevent soil erosion and run-off into aquatic systems. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain and enhance entrances and parking lots on BA sites and facilities.

Implications: The operation of heavy equipment is relatively expensive and can also cause soil displacement if Best Management Practices (BMPs) are not implemented.

Alternatives One alternative is to replace heavy equipment use with shovels, picks, and other hand tools. Another alternative is to pave, concrete, or install semi-permeable pavers the BA site and facility entrances and parking areas; however, the topography of some BA sites and facilities are not amenable to paving or concrete application.

Stone or Gravel Application (entrance and parking)

Definition: Applying and/or transporting stone or gravel to BA sites and facilities requires a dump truck, bulldozer, front-end loader, track-hoe or similar earth-moving equipment to transport and move material on-site.

Application: This technique is used to maintain a parking area, road, or boat ramp surface by filling-in ruts and potholes to prevent soil erosion and run-off into aquatic systems. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain and enhance parking lots and unimproved hand-launch boat ramps on BA sites and facilities.

Implications: The operation of heavy equipment is relatively expensive and can also cause soil displacement if Best Management Practices (BMPs) are not implemented.

Alternatives: One alternative is to contract third-party delivery of materials and replace heavy equipment use for moving material on-site with shovels, picks, and other hand tools. Another alternative is to pave the BA site and facility entrances and parking areas; however, the topography of some BA sites and facilities are not amenable to paving or concrete application.

Asphalt Application (entrance and parking)

Definition: Applying or transporting asphalt to BA sites and facilities requires a dump truck, bulldozer, front-end loader, track-hoe or similar earth-moving equipment to transport and move material on-site.

Application: This technique is used to maintain a parking area, road, or boat ramp surface by filling-in ruts and potholes to prevent soil erosion and run-off into aquatic systems. This practice is applicable statewide; however, the topography of some BA sites does not allow the application of asphalt.

Management Goal or Desired Outcome: The goal of this application is to maintain and enhance parking lots on BA sites and facilities. Use of this maintenance technique is driven, primarily, by costs such as the expense of continuous grading and gravel replacement.

Implications: The operation of heavy equipment is relatively expensive and can also cause soil displacement if Best Management Practices (BMPs) are not implemented.

Alternatives: One alternative is to contract third-party delivery of materials and replace heavy equipment use for moving material on-site with shovels, picks, and other hand tools. Another alternative is to *not* pave the BA site and facility entrances and parking areas; however, the topography of some BA sites and facilities are not amenable to using stone or gravel surfaces. Another alternative is to pave, concrete, or install semi-permeable pavers

Mowing or Brush Hogging

Definition: Mowing and/or brush hogging is the use of a grass mower (e.g., push and ride/zero-turn) or a tractor with a PTO-driven brush-hog attachment.

Application: This technique is used to manage the growth of undesired vegetation. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safety and enhance our constituents experience on BA sites and facilities.

Implications: On BA sites and facilities with grassy parking areas and/or gravel and paved parking areas ringed by vegetation, not controlling plant growth may create a fire safety issue for vehicles due to hot mufflers on long, dry grasses. Excessive vegetation may attract natural populations of ticks, snakes, and other wildlife, which may present a health safety issue. Excessive vegetation may prevent shoreline anglers, crabbers, and/or clambers from accessing the water.

Alternatives: The primary alternative is to pave the parking area; however, the topography of some BA sites and facilities are not amenable to paving. A secondary alternative is to not mow or mow less frequently. Another alternative is herbicide application.

Weed-Eating

Definition: Weed-eating is the use of a hand-held weed-eater/trimmer.

Application: This technique is used to manage the growth of undesired vegetation. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safety and enhance our constituents experience on BA sites and facilities.

Implications: On BA sites and facilities with grassy parking areas and/or gravel and paved parking areas ringed by vegetation, not controlling plant growth may create a fire safety issue for vehicles due to hot mufflers on long, dry grasses. Excessive vegetation may attract natural populations of ticks, snakes, and other wildlife, which may present a health safety issue. Excessive vegetation may prevent shoreline anglers, crabbers, and/or clambers from accessing the water.

Alternatives: The primary alternative is herbicide application. A secondary alternative is to not weed-eat or do it less frequently.

Tree and Shrub Trimming and Removal

Definition: Tree and shrub trimming is the use of a hand-held lopper, pole saw, and/or chain saw to remove undesired wood vegetation.

Application: This technique is used to manage the growth of undesired woody vegetation. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safety and enhance our constituents experience on BA sites and facilities. Maintain adequate line of sight for law enforcement.

Implications: Manage height clearance for launching and retrieving boats, minimize parking hazards, and to keep boat ramp accessible. Aging woody vegetation may present an overhead safety hazard. Excessive vegetation may attract natural populations of ticks, snakes, and other wildlife, which may present a health safety issue. Excessive vegetation may prevent shoreline anglers, crabbers, and/or clambers from accessing the water.

Alternatives: None.

Herbicide Application

Definition: Application of herbicides controls undesirable vegetation (e.g., woody vegetation and phragmites) to promote desirable habitat enhancements and aesthetics.

Application: Herbicides can be applied to control undesirable vegetation and to create conditions favorable for desired vegetation and conditions. The application of herbicides to control vegetation is applicable statewide.

Management Goal or Desired Outcome: Regular use of herbicides can reduce the need for mowing or other mechanical applications to manipulate vegetation.

Implications: Use of herbicides is often confused with the use of insecticides, which are generally considered more toxic to humans and therefore less desirable. Modern herbicides are safe and effective, can be expensive to purchase but are generally inexpensive in effect due to the reduced use of machinery and staff. Unintended application to desired vegetation cannot be

reversed and often must be applied more than once to achieve the desired effect. A pesticide applicators license is required by the Virginia Department of Agriculture and Consumer Services (VDACS) to purchase and apply herbicides.

Alternatives: Mechanical control of vegetation (e.g., mow, weed-eat) and/or none.

Mud Removal

Definition: Mud removal requires the use of a bulldozer, front-end loader, track-hoe or similar earth-moving equipment.

Application: This technique is used to ensure safe access to BA sites and facilities after significant weather events. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access on BA sites and facilities after inclement weather.

Implications: The operation of heavy equipment is relatively expensive and can also cause soil displacement if Best Management Practices (BMPs) are not implemented. Not removing mud prevent users from accessing a BA site or facility for their intended activity.

Alternatives: None.

INFRASTRUCTURE AND WATER-ACCESS MAINTENANCE TECHNIQUES

Boat Dock or Fishing Pier Construction, Maintenance, and Repair (Fixed-Height)

Definition: Fixed-height boat docks or fishing pier construction and repair requires pressure treated lumber or synthetic lumber (e.g., AZEK, TREX, plastic composite).

Application: This technique is used to construct and repair fixed-height boat docks and fishing piers. This practice is applicable statewide; however, water type and cost-benefit analyses on a site by site basis dictates use of synthetic wood material (e.g., saltwater).

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access and enhance the users experience on BA sites and facilities.

Implications: Not constructing or repairing fixed-height docks with the appropriate materials leads to deterioration that creates a safety issue for BA site and facility users. Additionally, depending on the aquatic environment (e.g., freshwater versus saltwater) some materials may weather those environments better. For instance, while pressure treated wood is more cost-effective it may require replacement sooner in saltwater environments.

Alternatives: None.

Boat Dock or Fishing Pier Construction, Maintenance, and Repair (Floating-Height)

Definition: Floating-height boat docks or fishing pier construction and repair requires aluminum materials, pressure treated lumber or synthetic lumber (e.g., AZEK, TREX, plastic composite).

Application: This technique is used to construct and repair floating-height boat docks and fishing piers. This practice is applicable statewide. This practice is applicable statewide; however, water type and cost-benefit analyses on a site by site basis dictates use of synthetic wood material (e.g., saltwater).

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access and enhance the users experience on BA sites and facilities.

Implications: Not constructing or repairing floating-height docks with the appropriate materials leads to deterioration that creates a safety issue for BA site and facility users. Additionally, depending on the aquatic environment (e.g., freshwater versus saltwater) some materials may weather those environments better. For instance, while pressure treated wood is more cost-effective it may require replacement sooner in saltwater environments.

Alternatives: None.

Trailer Boat Ramp Construction, Maintenance, and Repair

Definition: Boat ramp materials used to construct and/or repair trailer boat ramps are concrete (e.g., poured, pre-formed slabs, articulated concrete block) or compacted gravel substrate that extends into the water to facilitate the launching or retrieving of motorized and trailer boats.

Application: This technique is used to reduce soil erosion and provide safe water access on BA sites and facilities for trailer boats. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access and enhance the users experience on BA sites and facilities.

Implications: Not constructing a boat ramp designed for trailer boats results in potentially unsafe access.

Alternatives: Unimproved boat access only.

Hand-Carry Boat Ramp Construction, Maintenance, and Repair

Definition: Boat ramp materials used to construct and/or repair hand-carry boat ramps are concrete (e.g., poured, pre-formed slabs, articulated concrete block), compacted gravel substrate, and/or dirt that extends into the water to facilitate the launching or retrieving of small motorized (e.g., John boat) and hand-carry boats.

Application: This technique is used to reduce soil erosion and provide safe water access on BA sites and facilities. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access and enhance the users experience on BA sites and facilities.

Implications: Non-permanent, may be safety issue, hard to clean, potential for getting stuck.

Alternatives: Use boat ramps designed for trailered boats.

Parking Lot Construction, Maintenance, and Repair

Definition: Materials used to construct and/or repair parking lots are grass/dirt, compacted gravel substrate, concrete slabs, and/or asphalt.

Application: This technique is used to reduce soil erosion and provide safe water access on BA sites and facilities. This practice is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to provide and maintain safe parking for water access and enhance the users experience on BA sites and facilities.

Implications: There aren't any alternatives to not having a parking area. Shuttle bus?

Alternatives: None.

SHORELINE STABILIZATION AND HABITAT MANAGEMENT TECHNIQUES

Shoreline Stabilization: Hardening

Definition: Hardening a shoreline or bank requires installing rip-rap, gabion stone, and/or articulated concrete block.

Application: Using a tractor or excavator, rip-rap or other hard structure is placed along the shoreline or bank. Hand placement of materials is sometimes used.

Management Goal or Desired Outcome: The goal of this application is to stabilize shorelines and banks to prevent soil erosion; thus, maintaining water and aquatic habitat quality.

Implications: Not using hard or rock-like materials to stabilize shorelines or banks may lead to soil erosion, which compromises water quality and aquatic habitat. Soil erosion that is not managed may also present a safety issues such as shoreline anglers could slip and fall into the water.

Alternatives: The prime alternative to hardening shorelines and banks is planting trees and shrubs.

Shoreline Stabilization: Planting Trees and Shrubs

Definition: Planting trees and shrubs is defined as planting seedlings in a defined area to establish a specific woody or shrubby vegetative cover.

Application: Tree and shrub planting occurs on BA sites where an enhanced diversity of tree and shrub species is desired. This process is applicable statewide.

Management Goal or Desired Outcome: The goal of this application is to plant trees and shrubs to maintain and enhance water quality and aquatic habitats. Planting tree seedlings and shrubs will eventually provide shade for shoreline anglers, course organic material for aquatic habitats, and help lower water temperatures, which in turn, increases dissolved oxygen in certain water bodies (e.g., freshwater streams, rivers, and small fishing lakes).

Implications: Planting trees and shrubs is relatively labor-intensive and expensive. Site preparation and maintenance with herbicide is required to reduce competition and promote planting success. Tree shelters and ground-cover mats are sometimes used to reduce browsing and competition, but such processes are expensive and prone to failure.

Alternatives: The prime alternative to planting trees and shrubs is to allow the area to regenerate naturally from existing tree seeds and sprouts. Tree species composition and competition is often managed through herbicide applications.

OTHER MAINTENANCE AND MANAGEMENT CONSIDERATIONS

Signage

Definition: Post signs to notify all BA site and facility users, as well as visitors, the intended purpose of the water-access and allowable land-based uses.

Application: All signage is constructed of durable material, secured to posts sunk into the ground, and placed in an area viable to all users and visitors.

Management Goal or Desired Outcome: To clearly communicate allowable uses at each BA site and facility.

Implications: People not being able to find the ramp and not understanding permitted uses.

Alternatives: None.

Site and Facility Cleanliness

Definition: When present at BA sites and facilities, staff will remove miscellaneous refuse (e.g., public litter, items washed ashore during storms/floods, used fishing line).

Application: The agency does not provide trash receptacles nor regular trash removal service. The BA site and facility cleanliness checks occur in conjunction with regular maintenance checks.

Management Goal or Desired Outcome: The goal of this application is to maintain safe water access and enhance the users experience on BA sites and facilities.

Implications: Unhealthy and unsafe conditions for the public, which may result in decline of user satisfaction and experience on BA sites and facilities.

Alternatives: Collaborate with the public and boating groups (e.g., other municipalities, advocacy groups, community service needs, etc.) to provide free trash pick-up and general site cleaning. Develop a program such as “Adopt-A-Ramp” to provide this service.

Maintenance Sub-Contractor Administration

Definition: Overseeing of sub-contractors for maintenance needs at boating access sites and facilities.

Application: Grass Mowing, trash pick-up, port-a-John service, and/or dock and ramp repairs.

Management Goal or Desired Outcome: Supplement the allocation of financial and staff resources.

Implications: May be costly, get varying degrees of service, and additional staff time not used for on-site maintenance and management.

Alternatives: Hire additional wage positions and/or other DGIF staff. Not use contractors for BA site maintenance.

Cooperative Maintenance Agreement Administration

Definition: Ensure compliance of cooperative agreement by grantee and takes action if necessary to enforce contractual obligations.

Application: Through in-person site checks, staff ensures that grantee is adhering to terms of agreement with DGIF.

Management Goal or Desired Outcome: Ensures oversight that grantee complies with cooperative agreement and funding requirements or restrictions.

Implications: Loss of site, loss of funds, grantee may have to pay back funds. Partner or other entity controls BA site with no DGIF involvement, which may result in loss of access site and cannot maintain DGIF’s high safety standards.

Alternatives: Do not enter into cooperative maintenance agreements or exercise ownership control through the “Boating Access Separation Document.”

APPENDIX C: GLOSSARY OF TERMS AS CURRENTLY DEFINED

Boat/Vessel Types:

- **Virginia Code Title 29.1-700:**
 - **"Motorboat"** means any vessel propelled by machinery whether or not the machinery is the principal source of propulsion.
 - **"No wake"** means operation of a motorboat at the slowest possible speed required to maintain steerage and headway.
 - **"Operate"** means to navigate or otherwise control the movement of a motorboat or a vessel.
 - **"Owner"** means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation, but the term excludes a lessee under a lease not intended as security.
 - **"Personal watercraft"** means a **motorboat** less than sixteen feet in length which uses an inboard motor powering a jet pump, as its primary motive power and which is designed to be operated by a person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside, the vessel.
 - **"Vessel"** means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
 - **"Waters of the Commonwealth"** means any public waters within the territorial limits of the Commonwealth, the adjacent marginal sea and the high seas when navigated as a part of a journey or ride to or from the Virginia shore.

- **Non-Powered:** boats that are non-motorized and do not require registration in Virginia. Examples include, stand-up paddle boards, canoes, kayaks, and inflatable vessels that float on a navigable waterway and are steerable.

Water Types:

- **Lakes and reservoirs:** Bodies of fresh water surrounded by land and are large enough to accommodate the largest of freshwater boats.
- **Ponds:** bodies of fresh water surrounded by land and are restricted to the size of boats they can accommodate.
- **Public Fishing Lakes:** Manmade reservoirs of fresh water which are owned by DGIF and built with fishing license dollars. These boating access sites are managed for the exclusive purpose of recreational fishing.
- **Inland Rivers (non-tidal):** bodies of freshwater vary from shallow and narrow flowing water that are restricted to paddle-sports, to very deep and wide bodies of flowing or tidal waters that can accommodate the largest boats.
- **Tidal Rivers:** Rivers, Bays and Oceans can be Tidal. Rivers change to non-tidal waters at the "fall-line". This is the point where the rivers start to become restrictive for use. These waters can be either salt-water, Fresh-water or Brackish.

- **Bays:** In Virginia are typically salt-water and tidal rivers that can accommodate the larger boats.
- **Ocean or Marine:** Salt-water and tidal and can accommodate the largest of water vessels.

Allowable BA Site and Facility Uses:

- Water-based activities defined through agency policy and in accordance with funding mechanisms and restrictions.

Non-Allowable BA Site and Facility Uses:

- All activities out of compliance according to agency policy and associated funding restrictions.