

AGENDA

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

August 22, 2018
9:00 am

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

1. Recognition of Employees and Others
2. Approval of the May 31, 2018 Board meeting Minutes
3. Public Comments – Non Agenda Items
4. Virginia Department of Health – Dr. David Gaines
5. Committee Meeting Reports:

Action

Wildlife, Boat, and Law Enforcement:

- Aquatic Regulations
- Commercial Harvest of Snapping Turtle Regulation
- Wildlife Regulation Review Cycle Outline and Schedule

Final Action

Action

Finance, Audit, & Compliance:

- FY 18 End of Year Finance Report Summary
- State Audit Update
- Lifetime License Proposal

Action

Education, Planning, & Outreach:

- R-3 Update – Restore The Wild
- Paddle Sports Update

6. Closed Session

7. Director's Report

8. Chairman's Report

9. Additional Business/Comments

10. Next Meeting Date: Thursday, October 25, 2018

11. Adjournment

Draft Board Meeting Minutes

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

May 31, 2018
9:00 am

Present: Mrs. Catherine Claiborne, **Chairwoman**, Mr. Leon Boyd, **Vice-Chairman**, Mr. Clayton Spruill, Mr. Douglas Dear, Mr. Ryan Brown, Dr. Mamie Parker, Mr. Watkins Abbitt, Mr. Brian Vincent, **Absent:** Mrs. Nicole Butterworth, Mr. H. S. Caudill; **Executive Director:** Mr. Robert W. “Bob” Duncan; **Senior Leadership Team:** Mr. Gary Martel, Mr. Lee Walker, Dr. Gray Anderson, Dr. Mike Bednarski, Major Scott Naff, Major Bryan Young, Mr. David Whitehurst, Mr. Darin Moore, Mr. Jeff Trollinger.

Ms. Kelci Block, Assistant Attorney General attended the Board meeting.

Mr. Spruill arrived at 9:15 am

The Chairwoman opened the meeting at 9:00 am. The Chairwoman welcomed everyone and noted for the record that a quorum was present for the meeting. The Chairwoman called on Board Member Leon Boyd to read the Mission Statement and CPO Cody Hash to lead the Pledge of Allegiance to the flag.

Recognition of Employees and Others: The Chairwoman called on Director Bob Duncan for recognitions.

The Director called on Mr. Lee Walker who introduced Ms. Susie Gilley who was selected as the NEAFWA Information and Education Professional of the Year.

The Director introduced Mr. Steve Goldman, Security Manager from Wells Fargo Bank who came to present Lt. Travis Murray a Certificate of Appreciation for capturing a Bank Robber at the bank on April 27, 2018.

The Director called on Major Scott Naff who introduced the Law Enforcement K-9 Unit. Major Naff retired K-9 Dog Scout and presented a Plaque to Scout and Senior Officer Richard Howald.

Approval of the April 12, 2018 Board Meeting Minutes:

The minutes of the April 12, 2018 minutes have been distributed and posted to the website for review. The Chairwoman called for a motion to approve the minutes. Dr. Parker made a motion to approve the April 12, 2018 Board minutes as submitted. It was seconded by Mr. Brown. Ayes: Claiborne, Spruill, Vincent, Abbitt, Boyd, Parker, Dear, Brown.

Public Comments (Non-Agenda Items): The Chairwoman called for Public Comments:

- Mr. Richard W. Hall of Martinsville, VA spoke regarding DGIF Citizen Complaint Process

Presentation on Mounted Fox Hunting: The Chairwoman called on Director Bob Duncan for an Introduction.

The Director introduced Mr. William Burnette who gave a presentation on Mounted Fox Hunting in Virginia.

Committee Meeting Reports:

Wildlife, Boat, and Law Enforcement Committee:

The Chairwoman called on Mr. Watkins Abbitt, Chairman of the Wildlife, Boat, and Law Enforcement Committee for a report.

Mr. Abbitt reported that the Wildlife, Boat, and Law Enforcement Committee met on Wednesday, May 30, 2018 and had an informational presentation and discussion on CWD (Chronic Waste Disease) and an update on Feral Hogs.

Mr. Abbitt asked that at the August committee and board meetings the Department staff have proposals on CWD for the Board Members to discuss.

The Chairwoman called for a 5 minute break at 10:20 am

The meeting reconvened at 10:25 am

Finance, Audit, and Compliance Committee:

The Chairwoman called on Mr. Leon Boyd, Chairman of the Finance, Audit, and Compliance Committee for a report.

Mr. Boyd announced that the Finance, Audit, and Compliance Committee did not meet on Wednesday, May 30, 2018. Mr. Boyd called on Mr. Darin Moore to give the 2019 Operating and Capital Outlay Budgets. Mr. David Whitehurst gave an update on the repairs and improvements at the DGIF Buildings and boat ramps.

After discussion and questions, the Chairwoman thanked Mr. Moore and Mr. Whitehurst for their presentations.

The Chairwoman called for a motion, Mr. Boyd made a motion, Ms. Chairwoman, I moved that the Board approve the 2019 Operating and Capital Outlay Budgets. It was seconded by Mr. Dear. Ayes: Claiborne, Spruill, Vincent, Abbitt, Boyd, Parker, Dear, Brown

Mr. Brown made a motion, Ms. Chairwoman, I make a motion to approve, starting in FY19, the use of a portion of the Lifetime License Endowment Fund, specifically the interest and principal associated with lifetime license holders who are no longer counted in Federal Certification, and to direct the department to develop a plan for using this money for Recruitment, Retention and Reactivation (R3) and for other Outreach purposes and to present this plan for the Board's approval at the August meeting. Mr. Abbitt seconded the motion. Ayes: Claiborne, Spruill, Vincent, Abbitt, Boyd, Parker, Dear, Brown.

Education, Planning, and Outreach:

The Chairwoman called on Mr. Clayton Spruill, Chairman of the Education, Planning, and Outreach Committee for a report.

Mr. Spruill announced that the Education, Planning, and Outreach Committee did not meet on Wednesday, May 30, 2018.

Mr. Spruill called on Board Member Mr. Leon Boyd, Chairman of the Nominations Committee to present the Nominations Committee Report. Mr. Boyd reported that the Nominations Committee met on Wednesday, May 30, 2018. Mr. Brown made a motion to nominate Mr. Douglas Dear for Chairman of the Board and Dr. Mamie Parker for Vice-Chairman, Mr. Boyd asked for any nominations from the floor and hearing none, he seconded Mr. Brown's motion. Mr. Abbitt closed the Nominations. Ayes: Claiborne, Spruill, Vincent, Abbitt, Parker, Dear, Boyd, Brown

Closed Session:

The Chairwoman called on Mr. Dear to read the Closed Session Motion.

*Closed Meeting Motion
May 31, 2018*

Madam Chair,

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

- (i) The performance of the Director*

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712 (F), the board requests legal counsel, the Department Executive Director and the Deputy Director, as it believes their

presence will reasonably aid the Board in its consideration of topics that are the subject of the meeting.

It was seconded by Mr. Boyd. Ayes: Claiborne, Spruill, Vincent, Abbitt, Boyd, Parker, Dear, Brown

The Board went into Closed session at 11:30 am

The Board reconvened at 1:00 pm

The Board Chairwoman called on Mr. Brown to read the Certification of Closed Meeting.

*Certification of Closed Meeting
May 31, 2018*

WHEREAS, the Board of Game and Inland Fisheries conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Game and Inland Fisheries hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

It was seconded by Mr. Boyd. Ayes: Claiborne, Spruill, Vincent, Abbitt, Boyd, Parker, Dear, Brown

The Board Secretary conducted the following voice roll call vote:

Ms. Claiborne – Aye

Mr. Spruill – Aye

Mr. Vincent – Aye
Mr. Boyd – Aye
Dr. Parker – Aye
Mr. Brown – Aye
Mr. Dear – Aye
Mr. Abbitt – Aye

Director’s Report: The Director reported on:

- The Director called on Dr. Gray Anderson to give an update on the Spring Turkey season
- The Director reported that he and Deputy Director Gary Martel and Planning and Finance Director Darin Moore had a joint meeting with the new Director at VMRC, Mr. Steve Bowman and two of his Administrative staff.
- The Director reported that DGIF is working on a Fishing Tournament.

Chairwoman’s Report: The Chairwoman handed out plaques to Board Members whose term end on June 30, 2018 and thanked them for their service:

- Mr. Watkins Abbitt, Jr.
- Mr. Clayton Spruill
- Mr. R. Brian Ball - He was promoted to the Secretary of Commerce and Trade

Mr. Boyd presented the Chairwoman with her end of year Chairwoman’s plaque and a gift from the Board Members and thanked her for a great year serving as Chairwoman.

Additional Business/Comments: Mr. Abbitt made a comment that the Board needs to discuss the Retirement and Workmen Compensation Presumption Act to include Tick-borne diseases.

Adjournment: The Chairwoman asked if there were any further comments or business, hearing none, she adjourned the meeting at 1:20 pm

Respectfully submitted,
/s/ Frances Boswell

**DEPARTMENT OF GAME AND INLAND
FISHERIES**



**FINAL REGULATION RECOMMENDATIONS
AQUATIC WILDLIFE RESOURCES
DIVISION**

August 2018

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Appendix A. Creel and Length Limit Table

4VAC15-320-25. Creel and length Limits.

Note: All recommended language of amendment for this portion presented in Appendix A.

AMERICAN SHAD

SUMMARY: The recommendation is to modify creel limit for American shad to no possession statewide. This change eliminates the current 10 fish per day limit on possession in certain rivers draining into North Carolina – possession already being prohibited elsewhere in the state. The Atlantic States Marine Fisheries Commission (ASMFC) has required states prohibit harvest of American shad unless an acceptable sustainable fisheries management plan supports same.

RATIONALE: American shad is an anadromous fish species that inhabits coastal rivers in eastern Virginia. Even though individuals of the species may be found in inland rivers they are federally regulated because their life cycle requires them to utilize coastal bays and ocean waters. Given the species traditional importance in fisheries and its current depleted status, American shad has garnered a lot of attention from federal fisheries regulators. The ASMFC Interstate Fishery Management Plan for American shad requires states to limit harvest, prohibiting harvest where no sustainable fisheries management plan can be implemented.

COMMENTS: 2

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

- Concern about commercial fisheries
- Request for smaller bag limit, rather than no possession

AMENDMENTS:

None.

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board. Staff involved in current coast-wide stock assessment.

4VAC15-320-25. Creel and length Limits. (continued)

BLACK BASS (LARGEMOUTH, SMALLMOUTH, SPOTTED)

SUMMARY: The recommendation for Claytor Lake is to remove the minimum size on spotted and largemouth bass, increase the minimum size of smallmouth bass to 14", and increase the creel limit on spotted bass to 15 fish per day.

RATIONALE: There is a need to change the creel and length limits for smallmouth and spotted bass on Claytor Lake due to the high abundance of spotted bass, which is causing population level impacts on smallmouth bass and potentially on largemouth bass through interspecific competition.

During angler surveys on Claytor Lake from March to November 2017 and during informal conversations with anglers who fish Claytor Lake, a majority of anglers want the Department to reduce the densities of spotted bass in the lake. Based on long-term trends in electrofishing bass catch per hour at fixed sites on Claytor Lake, spotted bass populations have increased relative to largemouth and smallmouth bass populations, confirming angler observations. Based on the same electrofishing dataset, smallmouth bass populations have declined relative to spotted bass populations over the same period, while largemouth bass populations have remained relatively stable. Predator diet studies on Claytor Lake demonstrated significant dietary overlap primarily between spotted and smallmouth bass, with less significant overlap with largemouth bass. This regulation is intended to decrease the abundance of the spotted bass population, in order to protect the integrity of the smallmouth bass population and avoid potential impacts to the largemouth bass population, which are both preferred bass fisheries on Claytor Lake.

COMMENTS: 6

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

- Support for protection of smallmouth bass
- Concern over lack of protection for largemouth bass
- Concern over lack of protection for spotted bass
- Concern about tournaments

AMENDMENTS:

None

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

BLACK BASS (LARGEMOUTH, SMALLMOUTH, SPOTTED)

SUMMARY: The recommendation is to add a 20” minimum size and a 1 fish per day creel limit for smallmouth bass in the Levisa Fork River.

RATIONALE: Staff has been contacted by interested anglers about the possibility of developing a trophy smallmouth bass regulation on the Levisa Fork River in Buchanan County. Anecdotal evidence indicates relatively heavy fishing pressure at times for smallmouth bass, particularly in the vicinity of Grundy and downstream to the Virginia/Kentucky state line. Documented catches of smallmouth suggest the possibility of developing a trophy fishery is certainly feasible. Unfortunately, staff has virtually no data on the Levisa Fork River that could inform this regulation change due to poor access for boat electrofishing. However, there is a fish consumption prohibition in effect on a portion of the Levisa Fork River from Grundy downstream to the Virginia/Kentucky state line for all species. In addition, a fish consumption advisory is in effect for all species upstream for a majority of the mainstem Levisa Fork River in Buchanan County. Since the consumption of fish is so restricted on the Levisa Fork River as a result of PCB contamination, the opportunity presents itself to develop the best smallmouth bass fishery possible.

COMMENTS:

None.

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

None.

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

CATFISH

SUMMARY: The recommendation is to add a limit of only 1 blue catfish per day, over 32", in Lake Gaston.

RATIONALE: The Blue Catfish fishery has become very popular in Kerr Reservoir and Lake Gaston. Blue Catfish on the Virginia side of Kerr Reservoir are currently managed with a 20 fish/day, only one fish greater than 32 inches regulation. The North Carolina side of Kerr Reservoir and Lake Gaston were not managed with the same regulation.

The North Carolina Wildlife Resource Commission will now manage Lake Gaston and the North Carolina side of Kerr Reservoir with a similar regulation as VDGIF. DGIF will need to adopt the regulation for Lake Gaston.

Add the regulation that only one Blue Catfish greater than 32 inches may be harvested from Lake Gaston. There will still be no creel limit restricting harvest.

COMMENTS: 5

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

-Respondents requested that the Rappahannock River be placed under similar regulations and presented evidence of a trophy blue catfish fishery in that system.

AMENDMENTS:

None.

STAFF COMMENTS: Staff supports the regulation as proposed by the Board. Staff will propose protective regulations for the Rappahannock River during the 2020 regulatory cycle.

4VAC15-320-25. Creel and length Limits. (continued)

CRAPPIE

SUMMARY:

The recommendation is to add a 9” minimum size to all crappie harvested from Briery Creek and Sandy River reservoirs.

RATIONALE:

Results from 2016 creel survey indicated over 60% of crappie harvested from Sandy were 7” or less which is not sustainable. Consequently, overall population abundance and angler yield has declined significantly from Sandy River Reservoir and Briery Creek Reservoir.

Based on the results from creel surveys and age data, a Yield-Per-Recruit (YPR) was conducted to evaluate the effect of increasing the minimum length limit from 0”. The YPR model was simulated with 8”, 9”, and 10” minimums. Results from the YPR suggested that the 9” minimum would maximize the angler yield of the fishery and handle increased fishing pressure. A 9” minimum and 25/day creel limit is necessary to increase the adult spawning stock, overall size structure and angler yield. The current statewide regulation does not utilize the full potential of the crappie fisheries at either reservoir and are being growth-overfished. Increasing the minimum size to 9” will increase the longevity of fish in the system by an average of 1.5 years, thus giving crappie enough time to spawn and replenish the stock.

COMMENTS:

None

AMENDMENTS:

None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)
CRAPPIE

SUMMARY:

The recommendation is to add a 9” minimum size and 25 fish creel limit for crappie in Buggs Island (Kerr) Reservoir.

RATIONALE:

The crappie fishery at J.H. Kerr Reservoir has historically been the best crappie fishery in Virginia and one of the best in the southeastern U.S. Recent declines in abundance have anglers and biologists concerned about the overall health of the population in the reservoir. Currently, there is no regulation on the size or number of crappie that can be harvested in Kerr. The crappie fishery is consistently one of the most popular fisheries in Kerr Reservoir and harvest rates are very high (49% in 2012). Numerous anglers have contacted the Department about their concerns for the decline in the fishery.

With high harvest and reduced density of crappie in the Kerr population, protection is warranted to help the population recover and improve angler satisfaction levels. Crappie densities in Department trap net samples have fallen from a high of 36.8 fish/net in 2002 to 4.1 fish/net in 2016. Crappie caught by anglers declined significantly (60% reduction from the 2007 creel to the 2012 creel) in this time period as well. With a reduction in overall system productivity, increasing predator numbers leading to competition for forage, and consistently high fishing pressure there is a need for protective regulations.

COMMENTS: 15

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

- More protection requested
- Would potentially benefit guides

AMENDMENTS:

None

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

ROCK AND ROANOKE BASS

SUMMARY: The recommendation is to add the Blackwater, Falling, and Smith rivers and their tributaries to the list of geographic exceptions for Roanoke bass. This will also impose a creel limit of 5 (in aggregate with rock bass) and a minimum size of 8”.

RATIONALE: Rock bass and Roanoke bass are the only members of genus *Ambloplites* in Virginia. The former is native to the Tennessee drainage while the latter occurs in the Roanoke and Chowan systems. Rock bass stocking into the Roanoke drainage has resulted in severe impacts to Roanoke bass populations. In many of these rivers, rock bass has extensively hybridized or totally replaced Roanoke bass. In a recent agency-funded study, researchers found the only genetically pure Roanoke bass populations are in the Nottoway and Meherrin rivers and tributaries of the Chowan system, and in three Roanoke drainage tributaries; Blackwater River (Franklin Co.), Falling River (Appomattox and Campbell Co.) and Smith River (Henry, Franklin and Patrick Co.).

Currently there is no statewide daily or length limit for Roanoke bass except in the Nottoway and Meherrin rivers and tributaries. In these systems, the daily limit is 5 in aggregate with rock bass. Additionally, the minimum length limit is 8 inches.

The reason for the change is to protect the remaining genetically pure populations of Roanoke bass in the Roanoke drainage. The change will also align with the current limits of Roanoke bass in the Nottoway and Meherrin rivers.

COMMENTS:

None.

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

None.

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

ROCK AND ROANOKE BASS

SUMMARY: The recommendation is to modify the existing statewide creel limit of Roanoke and rock bass to be considered in aggregate at 25 per day.

RATIONALE: Rock and Roanoke bass are the only members of genus *Ambloplites* in Virginia. The former is native to the Tennessee drainage while the latter is in the Roanoke and Chowan systems. Rock bass are in most streams containing Roanoke bass due to public and private stocking.

Currently there is no statewide daily or length limit for Roanoke Bass except in the Nottoway and Meherrin rivers and tributaries where the daily limit is 5 in aggregate with Rock Bass.

Regulations allow for 25 rock bass per day statewide with no length limit.

Because both species appear very similar, the current regulation could pose an angler and enforcement issue.

The reason for the change is to make it easier for anglers to follow and law enforcement to enforce creel limits for rock and Roanoke bass.

COMMENTS:

None.

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

None.

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)
STRIPED BASS, WHITE BASS, AND THEIR HYBRIDS

SUMMARY: The recommendation is to adjust the size and bag limits for striped bass and hybrid striped bass in Buggs Island (Kerr) Reservoir, including the Staunton River to Leesville Dam and the Dan River to Union Street Dam in Danville, to a 20” minimum size and 2 fish per day creel limit from October 1 to May 31 and no minimum size and a 4 fish per day creel limit from June 1 to September 30.

RATIONALE: Currently, striped bass and striped bass hybrids in Kerr Reservoir are regulated with a 24-inch minimum length limit from October 1 to May 31 and no length limit from June 1 to September 30. The daily creel limit is two striped bass per day from October 1 to May 31 and four fish per day from June 1 to September 30. Anglers complain that they catch very few fish over 24 inches at any time in Kerr Reservoir and few fish that size are captured in annual fall gill nets.

Unfortunately, growth rates have declined in the past 10 years due to a number of potential causes. Decreased productivity of the system, copepod infestation, and competition with other apex predators are likely causes of the decline. As a result, few fish are reaching 24 inches and anglers are becoming frustrated with the regulation.

Reducing the length limit during the cool season will increase angler success and provide more fish for harvest in the reservoir. The new regulation will be a 20-inch minimum length limit from October 1 to May 31 and no length limit from June 1 to September 30. The daily creel limit will remain two striped bass per day from October 1 to May 31 and four fish per day from June 1 to September 30. This regulation will also increase angler satisfaction for Staunton River anglers during the spring, spawning run up the Staunton River.

COMMENTS: 2

ISSUES/VALUES IDENTIFIED THROUGH PUBLIC COMMENT PERIOD:

-Request 22”, rather than 20” minimum size

AMENDMENTS:

None

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

STRIPED BASS, WHITE BASS, AND THEIR HYBRIDS

SUMMARY: The recommendation is to impose a 14” minimum size and a 10 fish per day creel limit on white bass in Buggs Island (Kerr) Reservoir, including the Staunton River to Leesville Dam and the Dan River to Union Street Dam in Danville.

RATIONALE: The White Bass population was historically very healthy in the Staunton River drainage. Changes in flow regime over time have resulted in severe declines throughout Virginia and the Staunton was no exception. Recovery of the species is of great interest for biologists and anglers in the region. Recovery through stocking and protection by regulation to limit harvest are tools we plan to use to hopefully re-establish a fishable population in Kerr Reservoir, Staunton River, and the Dan River.

The White Bass fishery was once very popular in the Staunton River drainage. If we can recover the fishery through stocking, it will be necessary to protect the establishing fishery through regulation (creel and/or length limits). A regulation change will also be necessary to match a statewide regulation already imposed by the North Carolina Wildlife Resources Commission (14” minimum length limit, 10 fish/day creel limit). VDGIF and NCWRC try to enforce the same regulations on shared waters like Kerr Reservoir, Lake Gaston, and the Dan River. Imposing a 14 inch minimum length limit and a 10 fish /day creel limit on Kerr Reservoir, Staunton River, and Dan River to help recover the population to a level which will increase angler satisfaction. Age and growth information shows that White Bass in the system grow quickly and should reach the minimum size limit in just two to three years.

COMMENTS: 2

ISSUES IDENTIFIED: None

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

4VAC15-320-25. Creel and length Limits. (continued)

STRIPED BASS, WHITE BASS, AND THEIR HYBRIDS

SUMMARY: The recommendation is to adjust the size and bag limits for striped bass and hybrid striped bass in Claytor Lake and its tributaries to a 20” minimum size and 2 fish per day creel limit from September 16 to June 30 and to no minimum size and a 4 fish per day creel limit from July 1 to September 15.

RATIONALE: There is a need to change the creel and length limits for striped bass and striped bass hybrids on Claytor Lake due to reduced striped bass angler catch rates and angler interest in striped bass conservation. Since striped bass and striped bass hybrids are difficult for anglers to distinguish, they will be treated as functional equivalents under this regulation change.

During the summer season, striped bass ‘hole up’ from the Claytor Dam area to the Claytor Lake State Park area at depths of 50 to 60 feet. Under these conditions, they are subject to diminished oxygen levels at the temperature levels they prefer, leading to die-offs of larger striped bass in some years due to physiological stress and angler catch and release behavior, while smaller striped bass are less impacted. Recent years when this phenomenon occurred include 2002, 2007, 2010, and 2016. Striped bass hybrids, which are more tolerant of higher temperatures and lower dissolved oxygen conditions, are largely unaffected by either the physiological stress or angler catch and release behavior. During angler surveys on Claytor Lake from March to November 2017, targeted interviews were conducted with anglers who indicated they were fishing for striped bass or striped bass hybrids. In those surveys, 25% of these anglers cull striped bass and striped bass hybrids, behavior which adds to catch and release mortality. In addition, 75% of striped bass and striped bass hybrid anglers indicated that they either rarely or never catch their daily limit of 4 striped bass and striped bass hybrids combined.

COMMENTS: 4

ISSUES IDENTIFIED:

- Requested smaller minimum size
- Habitat conditions

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

TROUT

4VAC15-20-190. Definitions; "Designated Stocked Trout Waters."

SUMMARY: The recommendation is to add "Delayed Harvest" in the definition of "Designated Stocked Trout Waters."

RECOMMENDED LANGUAGE OF AMENDMENT:

1 **4VAC15-20-190. Definitions; "Designated Stocked Trout Waters."**
2 When used in regulations of the board, "designated stocked trout waters" will include those
3 waters that are stocked with harvestable-sized trout and are listed by the director in the annual
4 Trout Stocking Plan. These waters will only be considered designated stocked trout waters from
5 October 1 through June 15, both dates inclusive, except for fee fishing waters covered by
6 4VAC15-320-10 et seq., delayed harvest waters covered by 4VAC15-330-10 et seq., and urban
7 fishing waters covered by 4VAC15-330-20 et seq. Designated stocked trout waters are either
8 posted by the department with appropriate "stocked trout waters" signs or are posted as fee
9 fishing areas under 4VAC15-320-10 et seq. or delayed harvest waters under 4VAC15-330-10 et
10 seq.

RATIONALE: The Law Enforcement Division has requested that Delayed Harvest be included in the definition of "designated stocked trout waters" so that regulatory authority will be established in order to require a trout license to fish in these (Delayed Harvest) waters. Currently, a trout license is required (in the regulation pamphlet) to fish in Delayed Harvest waters from October 1 – June 15. However, this requirement has no regulatory authority.

A need exists to provide this regulatory authority in order to successfully convict individuals of fishing in Delayed Harvest waters without a trout license.

To provide regulatory authority to require a trout license in order to fish in Delayed Harvest waters. This will be accomplished by adding Delayed Harvest waters to the definitions included under "Designated Stocked Trout Waters" in 4VAC15-20-190.

COMMENTS: 7

ISSUES IDENTIFIED:

- Need more officers in field
- Make sure signage is correct

STAFF COMMENTS: Staff supports the regulation as proposed by the Board. Signage concerns have been forwarded to appropriate staff.

TROUT (Continued)

4VAC15-330-10. Season; General Open Season.

SUMMARY: The recommendation is to add language restricting adults from fishing in areas stocked for kid’s fishing days from noon the day before the event to the end of the event.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-330-10. Season; General Open Season.

1
2 Except as otherwise specifically provided in the sections appearing in this chapter, there shall be
3 a year-round season for taking trout. However, angling in designated stocked trout waters shall
4 only be permitted from 5 a.m. until one hour after sunset, except for waters designated by the
5 director as Trout Heritage Waters and listed in the annual trout stocking plan (as referenced in
6 4VAC15-20-190). Trout Heritage Waters will be closed to fishing on the Friday prior to the first
7 Saturday in April and will reopen to fishing at 9 a.m. on the first Saturday in April. Kids fishing
8 events that are sponsored by the Department and held on designated stocked trout waters shall be
9 posted on site with a closure to adults (anglers over 15 years of age) from noon the day before
10 the event until the conclusion of the special event. Any person over the age of 15 and
11 accompanying a child who is incapable of hooking and landing a fish unassisted, shall be
12 properly licensed to fish in designated stocked trout waters.

RATIONALE: DGIF staff has been involved in Kid’s Fishing Events for decades. Some of the most popular events are geared around the catchable trout program and are one day events. Unfortunately, problems are rampant around the state with adults fishing the events when advertised as only open to youth (generally 15 and under). Many of these adults show no “shame” and displace youth trying to fish. Law enforcement staff has requested a regulation change to address this issue and provide them flexibility in dealing with problems.

COMMENTS: 6

ISSUES IDENTIFIED:

- Concerns over abuse

AMENDMENTS:

None

STAFF COMMENTS:

Staff supports the regulation as proposed by the Board.

TROUT (Continued)

4VAC15-330-150. Special Provision Applicable to Stewarts Creek Trout Management Area; Certain Portions of the Dan, Rapidan, South Fork Holston and Staunton Rivers, the Brumley Creek, East Fork of Chestnut Creek, Little Stony Creek, Little Tumbling Creek, Big Tumbling Creek, North Creek, Roaring Fork, Spring Run, Stony Creek, Venrick Run, South River, and Their Tributaries.

SUMMARY: The recommendation is to add sections of Wolf and Beaver Creek to the list of trout waters that require anglers to use artificial lures with single hooks.

RECOMMENDED LANGUAGE OF AMENDMENT:

1 ~~4VAC15-330-150. Special provision applicable to Stewarts Creek Trout Management Area; certain portions~~
2 ~~of the Dan, Rapidan, South Fork Holston and Staunton rivers, the Brumley Creek, East Fork of Chestnut~~
3 ~~Creek, Little Stony Creek, Little Tumbling Creek, Big Tumbling Creek, North Creek, Roaring Fork, Spring~~
4 ~~Run, Stony Creek, Venrick Run, South River, and their tributaries trout fishing using artificial lures with~~
5 ~~single hook.~~

6 It shall be lawful year around to fish for trout using only artificial lures with single hooks within:

- 7 1. The Stewarts Creek Trout Management Area in Carroll County.
- 8 2. The Rapidan and Staunton rivers and their tributaries upstream from a sign at the Lower
9 Shenandoah National Park boundary in Madison County.
- 10 3. The Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric
11 Project powerhouse in Patrick County.
- 12 4. The East Fork of Chestnut Creek (Farmers Creek) and its tributaries upstream from the Blue
13 Ridge Parkway in Grayson and Carroll Counties.
- 14 5. Roaring Fork and its tributaries upstream from the southwest boundary of Beartown
15 Wilderness Area in Tazewell County.
- 16 6. That section of the South Fork Holston River and its tributaries from the concrete dam at
17 Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture
18 Station in Smyth County.
- 19 7. North Creek and its tributaries upstream from a sign at the George Washington National
20 Forest North Creek Campground in Botetourt County.
- 21 8. Spring Run from it confluence with Cowpasture River upstream to a posted sign at the
22 discharge for Coursey Springs Hatchery in Bath County.
- 23 9. Venrick Run and its tributaries within the Big Survey Wildlife Management Area and Town
24 of Wytheville property in Wythe County.
- 25 10. Brumley Creek and its tributaries from the Hidden Valley Wildlife Management Area
26 boundary upstream to the Hidden Valley Lake Dam in Washington County.

27 11. Stony Creek (Mountain Fork) and its tributaries within the Jefferson National Forest in
28 Wise and Scott Counties from the outlet of High Knob Lake downstream to the confluence of
29 Chimney Rock Fork and Stony Creek.

30 12. Little Stony Creek and its tributaries within the Jefferson National Forest in Scott County
31 from the Falls of Little Stony Creek downstream to a posted sign at the Hanging Rock
32 Recreation Area.

33 13. Little Tumbling Creek and its tributaries within the Clinch Mountain Wildlife
34 Management Area in Smyth and Tazewell Counties downstream to the concrete bridge.

35 14. ~~Effective January 1, 2018,~~ Big Tumbling Creek and its tributaries within the Clinch
36 Mountain Wildlife Management Area in Smyth County from a sign starting at the foot of the
37 mountain and extending upstream seasonally from October 1 until five days prior to the first
38 Saturday in April.

39 15. South River in the City of Waynesboro from the ~~Arch~~ Wayne Avenue Bridge downstream
40 2.2 miles to the Second Street Bridge.

41 16. Wolf Creek and its tributaries within the Abingdon Muster Grounds in the Town of
42 Abingdon from Colonial Road downstream to Stone Mill Road.

43 17. Beaver Creek and its tributaries within the boundaries of Sugar Hollow Park in the City of
44 Bristol.

45 All trout caught in these waters must be immediately returned to the water. No trout or bait may
46 be in possession at any time in these areas.

RATIONALE: DGIF staff has been working on the feasibility of developing an urban trout fishery in Wolf Creek located on the Abingdon Muster Grounds property within the Town of Abingdon. Fingerling trout have been experimentally introduced to monitor survival and growth within this highly productive spring creek. Trout have survived in this urban setting and need regulatory protection as public interest and use has increased. Currently, Wolf Creek falls under the statewide general trout regulations of 6 fish/day with a minimum 7” size limit. Additionally, the Virginia Department of Health has a fish consumption advisory in place within this watershed. This unique fishery cannot develop into a high quality fishery without special regulations which would restrict gear and harvest. The proposed change would place Wolf Creek within the Town of Abingdon property from Colonial Road downstream to Stone Mill Road under catch and release regulations with single hook artificial lures only allowed.

DGIF staff has been working on the feasibility of developing an urban trout fishery in Beaver Creek located at Sugar Hollow Park in Washington County near the City of Bristol. Fingerling trout have been experimentally introduced to monitor survival and growth within this highly productive spring creek. Trout have survived in this urban setting and need regulatory protection as public interest and use has increased. Beaver Creek also falls under the statewide general trout regulations of 6 fish/day with a minimum 7” size limit. This unique fishery cannot develop into a high quality fishery without special regulations which would restrict gear and harvest. Additionally, the VDH has a fish consumption advisory in place, and DGIF should enact regulations to restrict harvest at this site. The proposed change would place Beaver Creek

located within the boundaries of Sugar Hollow Park under catch and release regulations with single hook artificial lures only allowed.

COMMENTS: 4

ISSUES IDENTIFIED:

- Concern about unrelated language on the South River
- Concern about brown trout in the Rapidan River

AMENDMENTS: Modify 4VAC 15-330-150 to reflect concern about the South River

STAFF COMMENTS: Staff supports the amended regulation.

BAIT RESTRICTIONS

4VAC15-320-50. Fish Used As Bait Prohibited in Certain Waters.

SUMMARY: The recommendation is to prohibit the use of fish as bait in Big Stony Creek in Giles County, Dismal Creek in Bland and Giles Counties, Laurel Creek in Bland County and Cripple Creek in Smyth and Wythe Counties to aid in candy darter conservation efforts.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-320-50. Fish Used As Bait Prohibited in Certain Waters.

- 1 It shall be unlawful to use any species of fish as bait in the waters and tributaries of Lick Creek
- 2 in Smyth and Bland counties, Bear Creek in Smyth County, ~~and~~ Laurel Creek in Tazewell and
- 3 Bland counties, Big Stony Creek in Giles County, Dismal Creek in Bland and Giles Counties,
- 4 Laurel Creek in Bland County and Cripple Creek in Smyth and Wythe Counties.

RATIONALE: The candy darter is endemic to the New River drainage of Virginia and West Virginia. The species has recently been proposed federally threatened mainly due to the impacts from the introduction of the non-native variegate darter into its native range. In many candy darter streams in West Virginia, the species has disappeared or hybridized with variegate darters. Bluestone Reservoir at the border of West Virginia and Virginia acts as a barrier preventing the variegate darter from invading into the upper New River. Therefore, the most likely introduction pathway is by anglers using variegate darters as bait. If variegate darters were to make their way into the New River Valley of Virginia, we could lose one of the last candy darter strongholds. Because all candy darter streams are also stocked trout waters, the potential for bait fish introduction is increased. Virginia's candy darter streams include Big Stony Creek (Giles Co.), Dismal Creek (Bland and Giles Co.), Laurel Creek (Bland Co.) and Cripple Creek (Smyth and Wythe Co.).

COMMENTS: 4

ISSUES IDENTIFIED:

-Will adversely affect constituents who use live fish for bait.

AMENDMENTS:

None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

PERMITTING

4VAC15-320-140. Permits required for striped bass fishing rodeos; etc.

SUMMARY: The staff recommendation is to eliminate 4VAC15-320-50 because it is no longer necessary given the current characteristics of striped bass tournaments.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-320-140. ~~Permits required for striped bass fishing rodeos; etc.~~ (Repealed.)

1 ~~No person shall organize, conduct, supervise, or solicit entries for striped bass fishing~~
2 ~~tournaments, rodeos, or other striped bass fishing events on the inland waters of this~~
3 ~~Commonwealth, for which prizes are offered, awarded, or accepted, either in money or other~~
4 ~~valuable considerations, without having applied for and obtained a permit from the department to~~
5 ~~do so. Exercising a due regard for the distribution, local abundance, economic value, breeding~~
6 ~~habits, and natural growth potential of striped bass in the affected public water, the director is~~
7 ~~authorized on behalf of the board to issue or deny permits pursuant to this section, and to~~
8 ~~establish such special rules for each tournament as may be deemed necessary, after consulting~~
9 ~~with the state fish biologist and with the approval of the board's fish committee as designated~~
10 ~~from time to time by the chairman. Failure to comply with all special rules and other provisions~~
11 ~~of any permit issued pursuant to this section may be deemed grounds for denying the permittee a~~
12 ~~permit for a similar event to be held within three years from the date of such failure of~~
13 ~~compliance.~~

RATIONALE: Historically, data collected from striped bass tournament results were utilized in management of this species for waters where tournaments were popular. However, there are fewer of these tournaments being conducted and their formats have changed enough that data collected is no longer adequate or consistent enough to justify the continued requirement of the permit. Current tournament frequency is also low enough that there are no longer concerns to fisheries or overcrowded public ramps. In addition, some striped bass tournaments have converted to catch and release formats further reducing the concern for tournament overfishing.

COMMENTS: 2

ISSUES IDENTIFIED:

- Opposed to removal of requirement

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

FISHING METHODS

4VAC15-340-60. Seines, Traps, and Nets Prohibited in Certain Areas.

SUMMARY: The recommendation is to add language to 4VAC15-340-60 to clarify that this section of regulation does not intend to limit the use of cast or throw nets for the taking of bait fish in the Roanoke and Dan Rivers.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-340-60. Seines, Traps, and Nets Prohibited in Certain Areas.

1 A. It shall be unlawful to use seines and nets of any kind for the taking of fish from the public
2 waters of the Roanoke (Staunton) and Dan Rivers in Campbell, Charlotte, Halifax, and
3 Pittsylvania Counties, and in the City of Danville; provided, however, this section shall not be
4 construed to prohibit the use of hand-landing nets for the landing of fish legally hooked or the
5 taking of fish from these waters pursuant to the provisions of 4VAC15-360. In addition, this
6 section shall not be construed to prohibit the use of cast nets, also known as throw nets, for the
7 taking of bait fish.

8 B. In Lick Creek and tributaries in Smyth and Bland Counties, in Bear Creek and Hungry Mother
9 Creek above Hungry Mother Lake in Smyth County, and in Laurel Creek and tributaries
10 upstream of Highway 16 bridge in Tazewell and Bland Counties, in Susong Branch and
11 Mumpower Creek in Washington County and the City of Bristol, and in Timbertree Branch in
12 Scott County, it shall be unlawful to use seines, nets, or traps; provided, however, this section
13 shall not be construed to prohibit the use of hand-landing nets for the landing of fish legally
14 hooked.

RATIONALE: Language in the Virginia Game, Inland Fish and Boat Regulations and the Freshwater Fishing & Boating Digest prohibits the use of nets except for hand-landing nets. It was not the intention of this regulation to prohibit the use of cast nets for capturing live bait in the Dan and Staunton Rivers.

Anglers have historically been able to collect Gizzard Shad with cast nets in the Dan and Staunton Rivers for angling purposes. The language, as it is written, prohibits this use. There is no biological justification to prohibit this use.

COMMENTS: 3

ISSUES IDENTIFIED:

- Consider dip nets

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

FISHING METHODS (Continued)

4VAC15-350-70. Taking Common Carp, Grass Carp, Northern Snakehead, Bowfin, Catfish, and Gar with Bow and Arrow or Crossbow.

SUMMARY: The recommendation is to allow the taking of goldfish with bow and arrow or crossbow.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-350-70. Taking common carp, grass carp, northern snakehead, bowfin, catfish, goldfish, and gar with bow and arrow or crossbow.

- 1 A. Season. Except as otherwise provided by local legislation or as posted, it shall be lawful to
2 take common carp, northern snakehead, goldfish, and gar from the public inland waters of the
3 Commonwealth, grass carp from public inland waters of the Commonwealth except department-
4 owned or department-controlled lakes, and bowfin and catfish from below the fall line in tidal
5 rivers of the Chesapeake Bay, except waters stocked with trout, by means of bow and arrow or
6 crossbow.
- 7 B. Poison arrows or explosive-head arrows prohibited. It shall be unlawful to use poison arrows
8 or arrows with explosive heads at any time for the purpose of taking common carp, grass carp,
9 northern snakehead, bowfin, catfish, goldfish, or gar in the public inland waters of the
10 Commonwealth.
- 11 C. Fishing license required. All persons taking fish in the manner mentioned in this section shall
12 be required to have a regular fishing license.
- 13 D. Creel limits. Common carp, grass carp, northern snakehead, goldfish, and catfish – unlimited,
14 provided that any angler taking northern snakehead immediately kill such fish and notify the
15 department, as soon as practicable, of such actions and provided that any angler taking grass carp
16 ensure that harvested fish are dead. The creel limit for bowfin and longnose gar shall be five fish
17 per day.

RATIONALE: Goldfish (*Carassius auratus*) are an exotic fish species from Asia and Eastern Europe that is used in North American within the aquaculture and baitfish industries. There are known populations of goldfish in the Potomac River, and the species has been observed in other drainages by biological staff with VDGIF. This species has potential to negatively affect the native ecosystems they inhabit especially if their populations get too large. At this time, goldfish are omitted from the bow and arrow or crossbow (bowfishing) list of species, which are mostly exotic species, and it is illegal to harvest them with archery gear in Virginia. The use of angler harvest with archery gear could be a useful tool to control populations of goldfish especially with the growing popularity of the bowfishing sport. Additionally, neighboring states such as Maryland allow the use of archery gear for goldfish, and anglers fishing waters that are partially managed by both states are often confused by the difference in regulations between the states.

COMMENTS: 7

ISSUES IDENTIFIED:

-Suggest legalization of atlatl as method of take

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

4VAC15-20-50 Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal," and "domestic animal."

SUMMARY: This list is updated every two years with the species of aquatic wildlife that occur within the Commonwealth. This list has been updated with new species and revisions to scientific names.

RECOMMENDED LANGUAGE OF AMENDMENT:

4VAC15-20-50. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal," and "domestic animal."

- 1
2 A. In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the
3 meanings ascribed to them by this section when used in regulations of the board:
- 4 "Native animal" means those species and subspecies of animals naturally occurring in Virginia,
5 as included in the department's ~~2014~~ 2018 "List of Native and Naturalized Fauna of Virginia,"
6 with copies available in the Richmond and regional offices of the department.
- 7 "Naturalized animal" means those species and subspecies of animals not originally native to
8 Virginia that have established wild, self-sustaining populations, as included in the
9 department's ~~2014~~ 2018 "List of Native and Naturalized Fauna of Virginia," with copies
10 available in the Richmond and regional offices of the department.
- 11 "Nonnative (exotic) animal" means those species and subspecies of animals not naturally
12 occurring in Virginia, excluding domestic and naturalized species.
- 13 The following animals are defined as domestic animals:
- 14 Domestic dog (*Canis familiaris*), including wolf hybrids.
- 15 Domestic cat (*Felis catus*), including hybrids with wild felines.
- 16 Domestic horse (*Equus caballus*), including hybrids with *Equus asinus*.
- 17 Domestic ass, burro, and donkey (*Equus asinus*).
- 18 Domestic cattle (*Bos taurus* and *Bos indicus*).
- 19 Domestic sheep (*Ovis aries*) including hybrids with wild sheep.
- 20 Domestic goat (*Capra hircus*).
- 21 Domestic swine (*Sus scrofa*), including pot-bellied pig excluding any swine that are wild or
22 for which no claim of ownership can be made.
- 23 Llama (*Lama glama*).
- 24 Alpaca (*Lama pacos*).
- 25 Camels (*Camelus bactrianus* and *Camelus dromedarius*).

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

COMMENTS: 4

ISSUES IDENTIFIED:

- Concerns about definitions of trout
- Concerns over labeling of invasive, naturalized

AMENDMENTS: None

STAFF COMMENTS: Staff supports the regulation as proposed by the Board.

APPENDIX A: CREEL AND LENGTH LIMIT TABLE

4VAC15-320-25. Creel and length limits.

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4VAC15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass, spotted bass		5 per day in the aggregate (combined); No statewide length limits	Lakes	
			Briery Creek Lake	No bass 16 to 24 inches, only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Claytor Lake	No bass less than 12 inches <u>No smallmouth less than 14 inches; 15 spotted bass per day</u>
			Flannagan Reservoir	No bass less than 12 inches
			Lake Gaston	Only 2 of 5 bass less than 14 inches
			Leesville Reservoir	Only 2 of 5 bass less than 14 inches
			Lake Moomaw	No bass less than 12 inches
			Philpott Reservoir	No bass less than 12 inches
			Quantico Marine Base waters	No bass 12 to 15 inches
			Smith Mt. Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
		Rivers		

		Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell counties	No bass less than 20 inches, only 1 bass per day longer than 20 inches
		<u>Levisa Fork River – within the boundaries Buchanan County</u>	<u>No bass less than 20 inches, only 1 bass per day longer than 20 inches</u>
		Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 bass less than 14 inches
		James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No bass 14 to 22 inches, only 1 per day longer than 22 inches
		New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk Southern Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows dam downstream to the New River in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)	No bass 14 to 22 inches, only 1 per day longer than 22 inches

		North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line	No bass less than 20 inches, only 1 per day longer than 20 inches
		North Fork Shenandoah River – Rt. 42 bridge, Rockingham Co. downstream to the confluence with S. Fork Shenandoah at Front Royal	No bass 11 to 14 inches
		Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No bass less than 15 inches from March 1 through June 15
		Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte Co.	Only 2 of 5 bass less than 14 inches
		Shenandoah River – Confluence of South Fork and North Fork rivers, Front Royal, downstream, to the Warren Dam, near Front Royal Base of Warren Dam, near Front Royal downstream to Rt. 17/50 bridge Rt. 17/50 bridge downstream to VA - WV state line	No bass 11 to 14 inches No bass 14 to 20 inches, only 1 per day longer than 20 inches No bass 11 to 14 inches
		South Fork Shenandoah River - Confluence of North and South rivers, below Port Republic, downstream to Shenandoah Dam, near Town of Shenandoah	No bass 11 to 14 inches

			Base of Shenandoah Dam, near Town of Shenandoah, downstream to Luray Dam, near Luray	No bass 14 to 20 inches, only 1 per day longer than 20 inches
			Base of Luray Dam, near Luray, downstream to the confluence with North Fork of Shenandoah, Front Royal	No bass 11 to 14 inches
			Staunton River - Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No smallmouth bass less than 20 inches, only 1 per day longer than 20 inches
striped bass	landlocked striped bass and landlocked striped bass x white bass hybrids	4 per day in the aggregate; No fish less than 20 inches	Buggs Island (Kerr) reservoir including the Staunton River to Leesville Dam and the Dan River to Union Street Dam (Danville)	October 1 - May 31: 2 per day in the aggregate; No striped bass or hybrid striped bass less than 24 20 inches; June 1 - September 30: 4 per day in the aggregate; No length limit
			<u>Claytor Lake and its tributaries</u>	<u>September 16 – June 30: 2 per day in the aggregate, no striped bass or hybrid bass less than 20 inches;</u> <u>July 1 – September 15: 4 per day in the aggregate;</u> <u>No length limit</u>

		Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	2 per day in the aggregate; November 1 - May 31: No striped bass 30 to 40 inches; June 1 - October 31: No length limit
		Lake Gaston	4 per day in the aggregate October 1 - May 31: No striped bass or hybrid striped bass less than 20 inches June 1 - September 30: No length limit
	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters	
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day; No striped bass less than 18 inches	

white bass		5 per day; No statewide length limits	<u>Buggs Island (Kerr) Reservoir, including the Staunton River to Leesville Dam and the Dan River to Union Street Dam (Danville)</u>	<u>10 per day; no white bass less than 14 inches</u>
walleye		5 per day in the aggregate; No walleye or saugeye less than 18 inches	New River upstream of Buck Dam in Carroll County	No walleye less than 20 inches
			Claytor Lake and the New River upstream of Claytor Lake Dam to Buck Dam in Carroll County	February 1 - May 31: 2 walleye per day; no walleye 19 to 28 inches; June 1 - January 31: 5 walleye per day; no walleye less than 20 inches
sauger		2 per day; No statewide length limits		
yellow perch		No statewide daily limit; No statewide length limits	Lake Moomaw	10 per day
chain pickerel		5 per day; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs	No daily limit
northern pike		2 per day; No pike less than 20 inches		
muskellunge		2 per day; No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to Claytor Dam, including Claytor Lake	1 per day No muskellunge less than 42 inches

			New River - Claytor Dam downstream to the VA - WV state line	1 per day June 1 - last day of February: No muskellunge 40 to 48 inches; March 1 - May 31: No muskellunge less than 48 inches
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
crappie (black or white)		25 per day in the aggregate; No statewide length limits	Lake Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			<u>Buggs Island (Kerr) reservoir</u>	<u>No crappie less than 9 inches</u>
			<u>Briery Creek and Sandy River reservoirs</u>	<u>No crappie less than 9 inches</u>
			Flannagan and South Holston reservoirs	No crappie less than 10 inches
rock bass (redeye)		25 per day <u>in the aggregate with Roanoke bass</u> ; No statewide length limits	Gaston and Buggs Island (Kerr) reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County.	No daily limit

			Nottoway, and Meherrin, <u>Blackwater (Franklin County), Falling and Smith</u> rivers and their tributaries	5 per day in the aggregate with Roanoke bass; No rock bass less than 8 inches
Roanoke bass		No statewide daily limit <u>25 per day in the aggregate with rock bass;</u> No statewide length limits	Nottoway, and Meherrin, <u>Blackwater (Franklin County), Falling and Smith</u> rivers and their tributaries	5 per day in the aggregate with rock bass; No Roanoke bass less than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day; No statewide length limits	<u>Lake Gaston</u>	<u>No daily limit, except only 1 blue catfish per day longer than 32 inches</u>
			Kerr Reservoir	20 per day, except only 1 blue catfish per day longer than 32 inches
			James River and its tributaries below the fall line and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line	No daily limit, except only 1 blue catfish per day longer than 32 inches
			All rivers below the fall line other than the James River and its tributaries and the York River and its tributaries	No daily limit
yellow, brown, and black bullheads	No daily limit; No length limits			

American shad and hickory shad	Virginia waters of Lake Gaston and Buggs Island (Kerr) Reservoir and tributaries to include the Dan and Staunton rivers	No possession (catch and release only)		
	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		
	Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	10 per day in the aggregate; No length limits		
<u>American shad</u>		<u>No possession</u>		
anadromous (coastal) alewife and blueback herring	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		

	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest rivers, and their tributaries plus Back Bay	No possession		
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day; No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	4 per day; No sea trout less than 14 inches		
grey trout (weakfish)	Back Bay and tributaries including Lake Tecumseh and North Landing River and its tributaries	1 per day; No grey trout less than 12 inches		
southern flounder	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	6 per day; No flounder less than 15 inches		

northern snakehead		Anglers may possess snakeheads taken from Virginia waters if they immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925 No statewide daily limit No statewide length limits		
longnose gar		5 per day; No statewide length limits		
bowfin		5 per day; No statewide length limits		
American eel		25 per day; No eel less than 9 inches	Back Bay and North Landing River	No possession limit for those individuals possessing a permit obtained under 4VAC15-340-80
other native or naturalized nongame fish	See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for private use.			
endangered or threatened fish	See 4VAC15-20-130. Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.			
nonnative (exotic) fish	See 4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.			

Overview of the Commercial Harvest of Snapping Turtles in Virginia

In 2017, researchers from Virginia Commonwealth University completed a four-year study of the sustainability of commercial snapping turtle harvest, funded by the Virginia Department of Game and Inland Fisheries. The primary conclusion of that work, coupled with information submitted by harvesters in annual permit reports, is that the unregulated (unlimited) harvest of snapping turtles is not sustainable in Virginia, especially in coastal waters. Without some limitations placed on the industry, local populations of snapping turtles have been and will be lost, impacting both the industry itself and, importantly, the ecosystems in which these turtles live. Limited regulation is preferred (by staffs and by the harvesters) to a moratorium on commercial harvest. A moratorium would protect and allow local populations of snapping turtles to rebound and grow, but would impact this industry substantially. Our primary goal is to manage the harvest of breeding adults so that we can maintain or slightly increase snapping turtle populations while allowing for commercial harvest.

Snapping Turtle Life History: The snapping turtle is the second largest freshwater turtle in the United States. The geographic range of the snapping turtle is extensive. Snapping turtles are long-lived, with an estimated maximum life span in the wild exceeding 50 years, with males growing larger than females, and maximum weights exceeding 50 pounds. Snapping turtles become sexually mature at approximately 7 years of age in eastern Virginia. Female turtles lay a single clutch of 26–55 eggs each year, with low hatchling survival. Snapping turtles continue to lay eggs throughout adulthood, and lay larger clutches as they grow in size. As a result, older, larger females are critically important to long-term population growth and sustainability.

Commercial Harvest of Turtles: Many iconic and once-plentiful turtle species, such as the Central American river turtle, the pig-nosed turtle, and the alligator snapping turtle, have experienced steep population declines due to overharvesting and are now at historically low levels across much of their ranges. Turtles are commercially harvested for their meat, which feeds both local and international markets. China is the world's leading consumer of turtle meat, and Chinese consumption is considered a primary threat to the world's turtle populations. The collapse of Asian turtle populations over the last few decades, largely due to overharvesting, has resulted in a shift from local harvest of wild turtles to aquaculture and international import, increasing harvest pressures on turtle species around the world.

Over the past 15 years, snapping turtles specifically have come under increased pressure from commercial harvesters to meet the demands of the international food market. Increases in the U.S. export of live snapping turtles are cause for concern. Female snapping turtles are generally exported live to support aquaculture, but the bulk of males harvested in the US are butchered, canned, and exported as processed meat. Pregnant female snapping turtles fetch the highest prices from turtle exporters, because the presence of eggs increases their value to farming operations.

Commercial Harvest of Snapping Turtles in Virginia: The commercial harvest of snapping turtles can be highly variable, largely driven by market prices and by the availability of turtles. In 2013, more than 125,000 pounds of snapping turtles were reported as commercially harvested from Virginia waterways, with 70% of that harvest being made by out-of-state harvesters. Actual

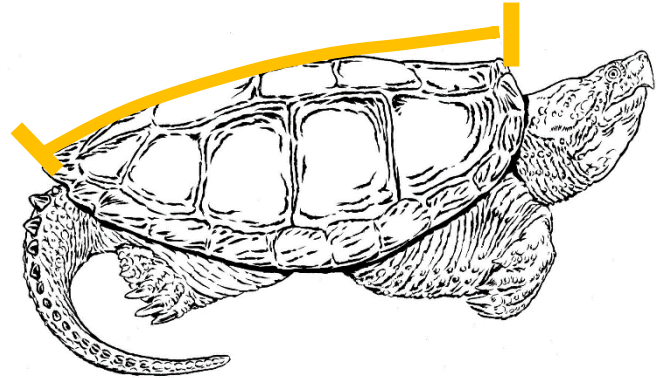
harvest, including recreational collection, is likely higher. Based on annual permit reports, the 2013 harvest nearly doubled the harvest from 2012, and represents a nearly 1300% increase in recorded harvest since 2002.

Turtle harvest laws and regulations in neighboring states have been tightened, which has resulted in increased pressure on Virginia's snapping turtle populations. The North Carolina Wildlife Resources Commission imposed a moratorium on commercial fishing of snapping turtles until the sustainability of harvest could be studied, and followed up that moratorium by instituting size (11" curved carapace length) and bag limits (10 per day; 100 annually) on commercial harvest.

Increased restrictions by the Maryland Department of Natural Resources included increasing the minimum size limit from 9½ inches curved carapace length to 11 inches, and limiting harvesting to tidal waters only.

Currently, Virginia is one of only a few states that still allow the unlimited harvest of snapping turtles. High turtle prices, combined with stricter regulations in neighboring states and weak regulations in Virginia, likely contributed to an increase in the number of Virginia commercial harvest permits sold to out-of-state watermen, from 1 to a peak of 26 during the past 15 years. From 2009-2013, out-of-state harvesters were responsible for as much as 70% of the total annual reported harvest of snapping turtles in Virginia. During this five-year period, approximately 400,000 pounds of turtles was harvested. The increase in the number of harvesters (especially from out-of-state) and the 1300% increase in snapping turtle harvest provide strong evidence that existing regulations are not sufficient to ensure the sustainability of Virginia's snapping turtle populations under the current commercial harvest regulations. Of all of the species that are commercially harvested in the Commonwealth, the snapping turtle is unique, with its long life, low hatchling survival, and delayed onset of sexual maturity. Our recommendations for regulatory action consider these life history characteristics in concert with the desires of the commercial harvest industry.

How curved carapace length is measured



4VAC15-360-30. Taking of snapping turtles, crayfish and hellgrammites for sale.

SUMMARY: The recommendation is to identify explicitly the conditions under which the continued commercial harvest of snapping turtles should occur to continue to be sustainable in Virginia.

RECOMMENDED LANGUAGE OF AMENDMENT:

1 4VAC15-360-30. Taking of snapping turtles, crayfish and hellgrammites for sale.

- 2 A. It shall **only** be lawful to take and sell snapping turtles ~~and hellgrammites~~ with a Permit to
3 Collect and Sell Snapping Turtles and Hellgrammites ~~or a Permit to Hold and Sell Certain~~
4 ~~Wildlife under such restrictions and conditions as the board may prescribe.~~ The director may
5 issue, deny, modify, suspend, or revoke a Permit to Collect and Sell Snapping Turtles and
6 Hellgrammites. Such permits shall be valid provided that the harvest of snapping turtles is
7 not otherwise prohibited by state or federal law or regulation. To be eligible to harvest
8 snapping turtles, an applicant must be a Virginia resident and submit an Annual Report
9 documenting harvest activity at least once in a two-year period.
- 10 1. The department will issue a maximum of 30 permits per year. No more than one
11 individual residing at a single address may be issued a permit. Permits are not
12 transferable.
 - 13 2. It shall be unlawful to harvest any snapping turtle with less than a 13-inch curved
14 carapace length.
 - 15 3. It shall be unlawful to harvest snapping turtles from October 1 through May 31.
 - 16 4. It shall be unlawful for permit holders to take any species other than snapping turtles.
 - 17 5. It shall be unlawful to operate more than 30 traps per permit. The permit number or name
18 and address of permittee shall be marked on all traps.
 - 19 6. Hoop nets or similar homemade traps shall be the only lawful form of trapping snapping
20 turtles. Hoop nets or other traps shall not exceed 6 feet in length with a throat opening
21 that does not exceed 36 inches.
 - 22 7. Permit holders must visit all traps at least once each day and remove all animals caught.
 - 23 8. Virginia residents permitted for the 2018 harvest season shall be automatically eligible
24 for renewal for the 2019 season. For subsequent years, previously-permitted harvesters
25 will be automatically renewed, contingent upon completion of reporting requirements as
26 detailed in conditions of the permit. Other permit applications will be issued in the order
27 received, to the maximum annual number.
 - 28 9. Failure to comply with the harvest and sales reporting requirements as detailed in
29 conditions of the permit shall be unlawful and may result in immediate permit revocation
30 or ineligibility for automatic renewal. It shall be the permit holder's responsibility to
31 report "No Activity" when no activity occurs during the permit period. If "No Activity"
32 is reported for two consecutive years, the permit holder will not be eligible for automatic
33 renewal.
- 34 B. It shall **only** be lawful to take and sell hellgrammites with a Permit to Collect and Sell
35 Snapping Turtles and Hellgrammites or a Permit to Hold and Sell Certain Wildlife under
36 such restrictions and conditions as the board may prescribe. It shall be lawful to hold and sell

37 crayfish with a Permit to Hold and Sell Certain Wildlife under such restrictions as the board
38 may prescribe.

RATIONALE:

In 2017, researchers from Virginia Commonwealth University completed a four-year study of the sustainability of commercial snapping turtle harvest, funded by the Virginia Department of Game and Inland Fisheries. The primary conclusion of that work, coupled with information submitted by harvesters in annual permit reports, is that the unregulated (unlimited) harvest of snapping turtles is not sustainable, especially in Virginia's coastal waters. Without some limitations placed on the industry, local populations of snapping turtles have been and will be lost, impacting both the industry itself and, importantly, the ecosystems in which these turtles live. Limited regulation is preferred (by staffs and by the harvesters) to a moratorium on commercial harvest. A moratorium would protect and allow local populations of snapping turtles to rebound and grow, but would impact this industry substantially. The DGIF's primary goal is to scale back on the harvest of breeding adults so that snapping turtle populations can be maintained or increase slightly while allowing for commercial harvest.

Virginia residency: From 2009-2013, out-of-state harvesters were responsible for as much as 70% of the total annual reported harvest of snapping turtles in Virginia. During this five-year period, approximately 400,000 pounds of turtles was harvested. Limiting commercial harvest to Virginia residents provides greater economic opportunity for those individuals and provides the Department with a greater ability to sustain the harvest through local communications and enforcement activities. Virginia commercial harvesters have requested this limitation.

13-inch curved carapace minimum length: Results from the 4-year study has indicated that this shell length is the minimum size needed to maintain an increasing population of snapping turtles, which allows for the continued commercial harvest. This metric is the most important one in managing the commercial harvest of turtles and will be re-evaluated in 7-10 years.

Limiting number of permits, number of traps allowed, permits per address, and net sizes: Limiting the number of permits issued, the number of traps allowable per permit, the number of permits per address and net sizes are all intended to manage the turtle harvest at approximately current annual harvest pressure, which supports sustainability of commercial harvest long-term. Labeling traps and requiring daily checking, such as is required for other commercial harvest activities (eeling, fur trapping) facilitates inspection and coordination by DGIF Law Enforcement Officers and limits the incidental taking of non-target species. Limiting the number of permits per address also promotes participation in the industry. Hoop nets and similar style nets are the most appropriate form of trapping for snapping turtles. The sizes specified relate to traps commercially available.

Duration of season: The recommended closure of commercial turtle harvest from October 1 through May 31 is intended to protect nesting females.