

Teleconference/Virtual

AGENDA

Board of Wildlife Resources
Wildlife and Boat Committee
7870 Villa Park Drive
Henrico, Virginia 23228

May 17, 2021
10:00 am

Committee Members: Ms. Catherine Claiborne, Chair, Mr. Leon Boyd, Mr. Frank Adams, Ms. Karen Terwilliger, Alternate and Mr. Tom Sadler, Alternate

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

1. Call to Order and Welcome
Ms. Catherine Claiborne

This meeting is proceeding under Item 4-0.01, subsection G of the Appropriation Act and section 2.2-3708.2 of the Code of Virginia. It is being held by electronic communication, as the COVID-19 virus has made a physical meeting of the Committee impracticable. This emergency imposed by COVID-19 is observed by Executive Orders by the Governor of Virginia. The Committee's actions today shall be solely limited to those matters included on the agenda; there is no public comment on non-agenda items. All of these proposed actions are statutorily required or necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

2. Approval of March 16, 2021 Committee Meeting Minutes
Ms. Catherine Claiborne
3. Public Comment – Non Agenda Item
Ms. Catherine Claiborne

Final Action

4. Final Action on Proposed 2021-2022 Wildlife Regulations
Dr. Gray Anderson

Final Action

5. CWD Update
Mr. Cale Godfrey

Action

6. Wildlife Division Update
Dr. Gray Anderson

7. Fish Division Update
Dr. Mike Bednarski

8. Director's Report
Mr. Ryan Brown

9. Chairman's Report
Ms. Catherine Claiborne

10. Next Meeting Date: To be Announced
Ms. Catherine Claiborne

11. Additional Business/Comments
Ms. Catherine Claiborne

12. Adjournment
Ms. Catherine Claiborne

Teleconference/Virtual

Draft Meeting Minutes

Wildlife and Boat Committee
Board of Wildlife Resources
7870 Villa Park Drive – Board Room
Henrico, VA 23228

March 16, 2021
2:00 pm

Present: Ms. Catherine Claiborne, **Chair;** Mr. Leon Boyd, Mr. Frank Adams, Ms. Karen Terwilliger, Alternate, **Absent:** Mr. Tom Sadler, Alternate. **Board Members** in attendance: Mr. Tammy Jo Grimes, Mr. John Daniel, **Executive Director:** Mr. Ryan J. Brown; **Director's Working Group:** Mr. Gary Martel, Mr. Lee Walker, Mr. Darin Moore, Dr. Mike Bednarski, Dr. Gray Anderson, Mr. Tom Guess, Ms. Paige Pearson, Colonel John Cobb.

The Chair called the Virtual meeting to order at 2:00 pm and noted for the record that a Quorum was present for today's meeting.

The Chair welcomed new Board members, Ms. Tammy Jo Grimes and Mr. Rovel Brown to the board.

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

The Chair called on the Board secretary for a roll call vote of Board members present: Ms. Catherine Claiborne, Mr. Leon Boyd, Mr. Frank Adams, Ms. Karen Terwilliger, Mr. John Daniel, and Ms. Tammy Jo Grimes

Approval of the January 20, 2021 Committee Meeting Minutes:

The Chair called for a motion to approve the January 20, 2021 Wildlife and Boat Committee meeting minutes. Mr. Boyd made a motion to approve the minutes of the January 20, 2021 Committee meeting. Mr. Adams seconded the motion.

The Board secretary called a roll call vote: Ayes: Claiborne, Adams, Boyd, Terwilliger

Public Comment - Non Agenda Item: The Chair called for Public Comment – Non-Agenda Items.

- Mr. Eric Gregory spoke regarding Deer Hound Hunting

The Chair thanked Mr. Gregory for his comments.

Proposed Regulation to Permit the Incidental Take of Migratory Birds:

The Chair called on Ms. Becky Gwynn for a Presentation.

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

Virtual Speakers on Incidental Take of Migratory Birds:

- Stephanie Taillon spoke on Incidental Take of Migratory Birds
- Evan Branosky spoke on Incidental Take of Migratory Birds
- Phil Abraham spoke on Incidental Take of Migratory Birds
- Andrea Wortzel spoke on Incidental Take of Migratory Birds

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

The Chair called for a motion. Ms. Terwilliger made a motion, Madame Chair, I move that the Wildlife and Boat Committee recommend to the Board of Wildlife Resources the adoption of the amendments made to the proposed incidental take of migratory bird regulation, following public comment, as presented by staff. It was seconded by Mr. Adams, The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

The Chair called for a second motion, Ms. Terwilliger made a motion, Madame Chair, I move that the Wildlife and Boat Committee recommend to the Board of Wildlife Resources to hear the updated information and engage in the discussion for further action on the incidental take of migratory birds regulations, as amended and presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

2021-2022 Proposed Migratory Game Bird Harvest Regulations: The Chair called on Dr. Gary Costanzo for a presentation.

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

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

The Chair called for a motion, Mr. Boyd made a motion, Madame Chair, I move that the Wildlife and Boat Committee approve to the Board the 2021-2022 Migratory Game Bird Season

and Bag limit. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

Proposal of 2021-2022 Wildlife Regulation Recommendations: The Chair called on Dr. Gray Anderson for a presentation.

Dr. Anderson presented the 2021-2022 Wildlife Regulation Recommendations and outlined by species or regulatory topic the staff recommendations.

Public Comments:

- Individual comment Forms Received: 1,722
- Online submissions: 1,562
- Email/hand-written submissions: 160
- Number of Comments Contained Within comment Forms: 2,038

After comments and questions, the Chair thanked Dr. Anderson for his presentation on staff recommendations.

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

Virtual Speaker on Elk:

- Stephanie Taillon spoke regarding Elk.

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

The Chair called for a motion. Mr. Boyd made a motion, Madame Chair, I move that the Wildlife and Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to the elk regulations as present by staff. It was seconded Mr. Adams.

The Chair called for a roll call vote: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Mr. Boyd made a motion, Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to chronic wasting disease regulations as presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Mr. Adams made a motion, Madame Chair, I move that the Wildlife & Boat committee recommend to the Board of Wildlife Resources proposing the

amendments to deer & muzzleloader hunting regulations as present by staff. It was seconded by Mr. Boyd. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Mr. Adams made a motion. Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to harvest reporting regulations as presented by staff. It was second by Mr. Boyd. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

Virtual Speakers on Bears:

- Stephanie Taillon spoke regarding Bears

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

The Chair called for a motion. Mr. Boyd made a motion, Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to bear and wild turkey regulations as presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Ms. Terwilliger made for a motion, Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to rabbit regulations as presented by staff. It was seconded by Mr. Boyd. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Ms. Terwilliger made a motion, Madame Chair, I move that the Wildlife and Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to wildlife diversity regulations as presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion. Mr. Boyd made a motion. Madame Chair, I move that the Wildlife and Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to lands & access regulations as presented by staff. It was seconded by Mr. Adams. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

Virtual Speakers on Definitions and Miscellaneous:

- Stephanie Taillon spoke regarding the Coyote and furbearer hunting contest
- Eric Fagerholm spoke regarding the Coyote and furbearer hunting contest
- Molly Armus spoke regarding the Coyote and furbearer hunting contest
- Michele Lute spoke regarding the Coyote and furbearer hunting contest

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

The Chair called for a motion. Mr. Adams made a motion, Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to Definitions and Miscellaneous Regulations as present by staff. It was seconded by Ms. Terwilliger. The Chair called for a roll call vote. Ayes: Claiborne, Adams, Boyd, Terwilliger

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

The Chair called for a motion, Ms. Terwilliger made a motion, Madame Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to general regulations as presented by staff. It was seconded Mr. Adams. The Chair called for a roll call vote: Ayes: Claiborne, Adams, Boyd, Terwilliger

Fish Division Update: The Chair called on Dr. Mike Bednarski for an update.

Dr. Bednarski reported:

- Governor Northam recently visited the Aquatic Wildlife Conservation Center and the Buller Fish Cultural Station in Marion, VA
- Gave an update on the Alabama Bass
- Gave an update on current problem with Zebra Mussels and how it was solved working through partnerships

Director's Report: The Chair called on Executive Director Ryan Brown for a report.

The Director reported:

- Thanked the Wildlife Division staff for all the work on the Regulation to Permit the Incident Take of Migratory Birds, and 2021-2022 Migratory Bird Harvest Regulations and the 2021-2022 Wildlife Regulations Recommendations, appreciates all the hours that went into these presentations.
- Hugh thanks to Dr. Mike Bednarski for all of his efforts taking care of the Zebra Mussel problem that arose recently and handled very efficiently and quickly.

Chair's Report: The Chair thanked everyone for attending the Wildlife and Boat Committee meeting and thanked staff for their presentations. The Chair asked if anyone had any further comments or questions, hearing none, she announced that next meeting will be determined and adjourned the meeting at 5:45 pm

Respectfully submitted,

Frances Boswell

/s/

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES



WILDLIFE REGULATION PROPOSALS

May 2021

DIVISION OF LEGISLATIVE SERVICE, VIRGINIA REGISTER OF REGULATION

Formatting and Grammatical Edits Effecting the Board Proposals

Background

Following the March 27, 2021 Board of Wildlife Resources and as required by the Code of Virginia, the Board's wildlife regulation proposals were submitted to the Virginia Register of Regulations. Following submission of the Board's wildlife regulation proposals, staff with the Commonwealth's Division of Legislative Services which publish the Virginia Register of Regulation effected several stylistic and grammatical changes to the numbering and format of the Board's proposals. ***These changes do not impact the intent, content, or implications of the Board's proposals.*** However, these changes have resulted in changes in the section designation, formatting of subsections, and grammatical corrections to the regulation language. Changes effected to the Board's wildlife regulation proposals are summarized in detail below.

Summary of Division of Legislative Services changes

1. ***4VAC15-20-250 (New) Definitions; Elk Management Zone*** – This proposal was incorporated into an existing regulation (4VAC15-20-10). Within 4VAC15-20-10 the definition of the Elk Management Zone has been designated as subsection B.
2. ***4VAC15-90-550 (New) Special elk hunting license – Conservation License Program*** – The definitions of “*Individual, cooperators, or wildlife conservation organizations*” and “*Proceeds*” has been removed from the main body of the regulation language and designated as subsection A within the regulation. Placing these definitions in subsection A resulted in changes to the enumeration of the remaining subsections.
3. ***4VAC15-90-89 Earn a buck (EAB)*** – Several formatting changes were made to the subsection structure of this regulation, and all subsections have been enumerated differently. Additionally, grammatical changes were effected in most subsections to clarify regulation language and references to localities subject to the provisions of each subsection.
4. ***4VAC15-200-11 (New) Wild rabbit carcass importation*** – The definitions of “*Import*” and “*Wild Rabbit*” were moved to 4VAC15-200-15 (New) and entitled “*Definitions*”. The importation requirements for whole carcasses or carcass parts of wild rabbits were moved to 4VAC15-200-50 (New) and will keep the original title of this proposal.
5. ***4VAC15-200-12 (New) Disposal of wild rabbit parts*** – This regulation has been designated 4VAC15-200-60. No other changes were effected.

Hunting & Trapping Regulation Proposals: Final Staff Recommendation Summary

ELK REGULATIONS

4VAC15-20-10 (formerly 4VAC15-20-250)	<i>Recommended as proposed</i>
4VAC15-20-65	<i>Recommended as proposed</i>
4VAC15-90-500 (New)	<i>Recommended as proposed</i>
4VAC15-90-510 (New)	<i>Recommended as proposed</i>
4VAC15-90-520 (New)	<i>Recommended as proposed</i>
4VAC15-90-530 (New)	<i>Recommended as proposed</i>
4VAC15-90-540 (New)	<i>Recommended as proposed, WITH MODIFICATION</i>
4VAC15-90-550 (New)	<i>Recommended as proposed</i>
4VAC15-270-10	<i>Recommended as proposed</i>

CHRONIC WASTING DISEASE REGULATIONS

4VAC15-90-10	<i>Recommended as proposed, WITH MODIFICATION</i>
4VAC15-90-89	<i>Recommended as proposed, WITH MODIFICATION</i>
4VAC15-90-260	<i>Recommended as proposed</i>
4VAC15-50-110	<i>Recommended as proposed</i>
4VAC15-90-293	<i>Recommended as proposed</i>

DEER & MUZZLELOADER HUNTING REGULATIONS

4VAC15-90-70	<i>Recommended as proposed</i>
4VAC15-90-80	<i>Recommended as proposed</i>
4VAC15-50-71	<i>Recommended as proposed</i>
4VAC15-90-90	<i>Recommended as proposed</i>
4VAC15-90-91	<i>Recommended as proposed</i>

HARVEST REPORTING REGULATIONS

4VAC15-90-231	<i>Recommended as proposed</i>
4VAC15-50-81	<i>Recommended as proposed</i>
4VAC15-240-81	<i>Recommended as proposed</i>
4VAC15-90-241	<i>Recommended as proposed</i>
4VAC15-50-91	<i>Recommended as proposed</i>
4VAC15-240-91	<i>Recommended as proposed</i>

BEAR & WILD TURKEY REGULATIONS

4VAC15-50-120	<i>Recommended as proposed</i>
4VAC15-240-20	<i>Recommended as proposed</i>
4VAC15-240-32	<i>Recommended as proposed</i>
4VAC15-240-40	<i>Recommended as proposed, WITH MODIFICATION</i>
4VAC15-240-60	<i>Recommended as proposed</i>

RABBIT REGULATIONS

4VAC15-200-15 (New) – formerly 4VAC15-200-11(New)	<i>Recommended as proposed</i>
4VAC15-200-30	<i>Recommended as proposed</i>
4VAC15-200-50 (New) – formerly 4VAC15-200-11(New)	<i>Recommended as proposed</i>
4VAC15-200-60 (New) – formerly 4VAC15-200-12(New)	<i>Recommended as proposed</i>

WILDLIFE DIVERSITY REGULATIONS

4VAC15-20-130

Recommended as proposed, WITH MODIFICATION

4VAC15-30-40

Recommended as proposed

4VAC15-360-60

Recommended as proposed

4VAC15-360-10 (effective July 1, 2021)

*Recommended as proposed***LANDS & ACCESS PROGRAM REGULATIONS**

4VAC15-20-100

Recommended as proposed

4VAC15-20-150

Recommended as proposed

4VAC15-20-151 (New)

Recommended as proposed

4VAC15-20-152 (New)

*Recommended as proposed***DEFINITIONS & MISCELLANEOUS REGULATIONS**

4VAC15-20-240

*Recommended as proposed***GENERAL REGULATIONS**

4VAC15-40-220

Recommended as proposed

4VAC15-40-240

Recommended as proposed

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Elk Regulations

4VAC15-20-10 – incorporation of 4VAC15-20-250 (New)
Definitions and Miscellaneous: In General: Definitions; generally

Summary:

The proposal is to define the Elk Management Zone in Virginia.

Proposed language of the amendment:

4VAC15-20-[25010]. Definitions; [~~“Elk Management Zone”~~ generally]

- A. Words and phrases used in any regulations made by the board shall have the same meaning, unless the context clearly indicates otherwise, as is given for such words and phrases in Title 29.1 (§ 29.1-100 et seq.) of the Code of Virginia.
- B. The following word or term when used in this chapter shall have the following meaning unless the context indicates otherwise:

"Elk Management Zone" means the Counties of (i) Buchanan, (ii) Dickenson, and (iii) Wise, and the cities and towns therein.

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

Rationale:

The Elk Management Zone (EMZ) is defined in the 2019-2028 Virginia Elk Management Plan that was endorsed by the Board of Wildlife Resources in March of 2019. The designation of the EMZ (i.e. Wise, Dickenson, and Buchanan Counties) serves to help guide the Department's management strategies and actions related to elk throughout Virginia. As outlined in the Elk Management Plan, the Department will manage elk to maintain a healthy and viable population within the EMZ. The proposal will define the counties that are within the EMZ and facilitate its use in other regulations.

4VAC15-20-65**Definitions and Miscellaneous: In General: Hunting, trapping, and fishing license and permit fees.****Summary:**

The proposal will (i) establish the fee for a special elk hunting license for residents and non-residents in accordance with § 29.1-305.01 and (ii) reduce the nonresident license fee for fishing in designated stocked trout waters.

Proposed language of the amendment:**4VAC15-20-65. Hunting, trapping, and fishing license and permit fees.**

In accordance with the authority of the board under subdivision 16 of § [29.1-103](#) of the Code of Virginia, the following fees are established for hunting, trapping, and fishing licenses and permits:

Virginia Resident Licenses to Hunt	
Type license	Fee
One-year Resident License to Hunt, for licensees 16 years of age or older	\$22.00
Two-year Resident License to Hunt, for licensees 16 years of age or older	\$43.00
Three-year Resident License to Hunt, for licensees 16 years of age or older	\$64.00
Four-year Resident License to Hunt, for licensees 16 years of age or older	\$85.00
County or City Resident License to Hunt in County or City of Residence Only, for licensees 16 years of age or older	\$15.00
Resident Senior Citizen Annual License to Hunt, for licensees 65 years of age or older	\$8.00
Resident Junior License to Hunt, for licensees 12 through 15 years of age, optional for licensees younger than 12 years of age	\$7.50
Resident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees younger than 16 years of age	\$15.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Fish)	\$99.00
Resident Hunting License for Partially Disabled Veterans	\$11.00
Resident Infant Lifetime License to Hunt	\$130.00
Resident Junior Lifetime License to Hunt, for licensees younger than 12 years of age at the time of purchase	\$260.00

Resident Lifetime License to Hunt, for licensees at the time of purchase:	
through 44 years of age	\$265.00
45 through 50 years of age	\$215.00
51 through 55 years of age	\$165.00
56 through 60 years of age	\$115.00
61 through 64 years of age	\$65.00
65 years of age and older	\$25.00
Totally and Permanently Disabled Resident Special Lifetime License to Hunt	\$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt or Freshwater Fish (also listed under Virginia Resident Licenses to Fish)	no fee
Virginia Resident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Resident Deer and Turkey Hunting License, for licensees 16 years of age or older	\$22.00
Resident Junior Deer and Turkey Hunting License, for licensees younger than 16 years of age	\$7.50
Resident Archery License to Hunt with archery equipment during archery hunting season	\$17.00
Resident Bear Hunting License	\$20.00
Resident Muzzleloading License to Hunt during muzzleloading hunting season	\$17.00
Resident Bonus Deer Permit	\$17.00
Resident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	\$22.00
<u>Resident Special Elk Hunting License (not required outside of the Elk Management Zone and only awarded to individuals through a Department elk license program)</u>	<u>\$40.00</u>
Virginia Nonresident Licenses to Hunt	
Type license	Fee
Nonresident License to Hunt, for licensees 16 years of age or older	\$110.00
Nonresident Three-Day Trip License to Hunt	\$59.00
Nonresident Youth License to Hunt, for licensees:	

younger than 12 years of age	\$12.00
12 through 15 years of age	\$15.00
Nonresident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees younger than 16 years of age	\$30.00
Nonresident Annual Hunting License for Partially Disabled Veterans	\$55.00
Nonresident Annual Hunting License for Totally and Permanently Disabled Veterans	\$27.50
Nonresident Infant Lifetime License to Hunt	\$275.00
Nonresident Lifetime License to Hunt	\$580.00
Virginia Nonresident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Nonresident Deer and Turkey Hunting License, for licensees:	
16 years of age or older	\$85.00
12 through 15 years of age	\$15.00
younger than 12 years of age	\$12.00
Nonresident Bear Hunting License	\$150.00
Nonresident Archery License to Hunt with archery equipment during archery hunting season	\$30.00
Nonresident Muzzleloading License to Hunt during muzzleloading hunting season	\$30.00
Nonresident Shooting Preserve License to Hunt within the boundaries of a licensed shooting preserve	\$22.00
Nonresident Bonus Deer Permit	\$30.00
Nonresident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	\$110.00
<u>Nonresident Special Elk Hunting License (not required outside of the Elk Management Zone and only awarded to individuals through a Department elk license program)</u>	<u>\$400.00</u>
Miscellaneous Licenses or Permits to Hunt	
Type license or permit	Fee

Waterfowl Hunting Stationary Blind in Public Waters License	\$22.50
Waterfowl Hunting Floating Blind in Public Waters License	\$40.00
Foxhound Training Preserve License	\$17.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Fish)	\$17.00

Virginia Resident and Nonresident Licenses to Trap	
Type license	Fee
One-year Resident License to Trap, for licensees 16 years of age or older	\$45.00
Two-year Resident License to Trap, for licensees 16 years of age or older	\$89.00
Three-year Resident License to Trap, for licensees 16 years of age or older	\$133.00
Four-year Resident License to Trap, for licensees 16 years of age or older	\$177.00
County or City Resident License to Trap in County or City of Residence Only	\$20.00
Resident Junior License to Trap, for licensees younger than 16 years of age	\$10.00
Resident Senior Citizen License to Trap, for licensees 65 years of age or older	\$8.00
Resident Senior Citizen Lifetime License to Trap, for licensees 65 years of age or older	\$25.00
Totally and Permanently Disabled Resident Special Lifetime License to Trap	\$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Trap	\$15.00
Nonresident License to Trap	\$205.00
Virginia Resident Licenses to Fish	
Type license	Fee
One-year Resident License to Freshwater Fish	\$22.00
Two-year Resident License to Freshwater Fish	\$43.00
Three-year Resident License to Freshwater Fish	\$64.00
Four-year Resident License to Freshwater Fish	\$85.00
County or City Resident License to Freshwater Fish in County or City of Residence Only	\$15.00
Resident License to Freshwater Fish, for licensees 65 years of age or older	\$8.00
Resident License to Fish in Designated Stocked Trout Waters	\$22.00

Resident License to Freshwater and Saltwater Fish	\$38.50
Resident License to Freshwater Fish for Five Consecutive Days	\$13.00
Resident License to Freshwater and Saltwater Fish for Five Consecutive Days	\$23.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Hunt)	\$99.00
Resident Fishing License for Partially Disabled Veterans	\$11.00
Resident Infant Lifetime License to Fish	\$130.00
Resident Special Lifetime License to Freshwater Fish, for licensees at the time of purchase:	
through 44 years of age	\$265.00
45 through 50 years of age	\$215.00
51 through 55 years of age	\$165.00
56 through 60 years of age	\$115.00
61 through 64 years of age	\$65.00
65 years of age and older	\$25.00
Resident Special Lifetime License to Fish in Designated Stocked Trout Waters, for licensees at the time of purchase:	
through 44 years of age	\$265.00
45 through 50 years of age	\$215.00
51 through 55 years of age	\$165.00
56 through 60 years of age	\$115.00
61 through 64 years of age	\$65.00
65 years of age and older	\$25.00
Totally and Permanently Disabled Resident Special Lifetime License to Freshwater Fish	\$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt and Freshwater Fish (also listed under Virginia Resident Licenses to Hunt)	no fee

Virginia Nonresident Licenses to Fish	
Type license	Fee
Nonresident License to Freshwater Fish	\$46.00
Nonresident License to Freshwater Fish in Designated Stocked Trout Waters	\$46.00 <u>\$22.00</u>
Nonresident License to Freshwater and Saltwater Fish	\$70.00
Nonresident Fishing License for Partially Disabled Veterans	\$23.00
Nonresident Annual Fishing License for Totally and Permanently Disabled Veterans	\$11.50
Nonresident License to Freshwater Fish for One Day	\$7.00
Nonresident License to Freshwater Fish for Five Consecutive Days	\$20.00
Nonresident License to Freshwater and Saltwater Fish for Five Consecutive Days	\$30.00
Nonresident Infant Lifetime License to Fish	\$275.00
Nonresident Special Lifetime License to Freshwater Fish	\$580.00
Nonresident Special Lifetime License to in Fish in Designated Stocked Trout Waters	\$580.00
Miscellaneous Licenses or Permits to Fish	
Type license or permit	Fee
Permit to Fish for One Day at Board-Designated Stocked Trout Fishing Areas with Daily Use Fees	\$7.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Hunt)	\$17.00
Special Guest Fishing License	\$60.00

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

Rationale:

Special Elk Hunting License: With the establishment of § 29.1-305.01, authority was given to the Board of Wildlife Resources to create a Special Elk Hunting License that would be applicable within the Elk Management Zone. The fees for the Special Elk Hunting License and any associated application for that license were also outlined within § 29.1-305.01. The proposal would define those outlined license fees, in regulation, for non-residents and residents along with the other license and permits that the Department administers.

The Special Elk Hunting License would only be valid within the Elk Management Zone and only be available through the license programs and procedures that the department outlines through other elk hunting regulation proposals.

Nonresident License to Freshwater Fish in Designated Stocked Trout Waters: With the passage of SB-1402, § 29.1-311 was modified to allow resident trout anglers to use a trip license to trout fish. This modification also eliminated the allowance for a 1-day trip license to be used by a nonresident to trout fish. These modifications were the first part of a plan proposed by the Aquatic Wildlife Resources Division to reduce trout fishing costs for non-residents. The second part involves reducing the cost of the nonresident trout license to equal that of the resident trout license, which is \$22.00.

4VAC15-90-500 (New)
Game: Deer: Elk hunting outside the Elk Management Zone

Summary:

The proposal will modify the existing elk hunting regulation section to become applicable only to those areas outside of the Elk Management Zone as elk hunting within the Elk Management Zone will be established in a separate regulation section.

Proposed language of the amendment:

4VAC15-90-~~85~~500. Elk hunting outside the Elk Management Zone.

~~A. Closed season. There shall be a continuous closed season for elk (Cervus elapses) hunting in Buchanan, Dickenson, and Wise counties.~~

~~B~~A. Open season. Except as otherwise provided by [4VAC15-90-510](#), it shall be lawful to hunt elk of either sex during (i) the general firearms deer seasons (as prescribed by [4VAC15-90-10](#) and [4VAC15-90-23](#)), (ii) the special archery seasons (as prescribed by [4VAC15-90-70](#)), and (iii) the special muzzleloading seasons (as prescribed by [4VAC15-90-80](#)) with bag limits as prescribed in [4VAC15-90-90](#).

~~C~~B. ~~Validating tags and checking elk by licensee or permittee.~~ Upon killing an elk, any licensed or permitted hunter shall validate a tag, on their special license for hunting deer and turkey or bonus deer permit, or special permit and check the elk in accordance with [4VAC15-90-231](#). ~~At the time of checking~~ Upon receiving a confirmation number, the hunter must call the department ~~upon receiving a check card or confirmation number~~ to schedule an inspection of the carcass and the site of kill for the collection of biological samples ~~for disease testing~~.

~~D~~C. Checking elk by persons exempt from license requirements or holding a license authorization number. Upon killing an elk, any person (I) exempt from license requirement as prescribed in § [29.1-301](#) of the Code of Virginia, (ii) issued a complimentary license as prescribed in § [29.1-339](#) of the Code of Virginia, (iii) holding a permanent license issued pursuant to § [29.1-301](#) E, or (iv) holding a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § [29.1-327](#) B of the Code of Virginia shall check the elk in accordance with [4VAC15-90-241](#). ~~At the time of checking~~ Upon receiving a confirmation number, the hunter must call the department ~~upon receiving a check card or confirmation number~~ to schedule an inspection of the carcass and the site of kill for the collection of biological samples ~~for disease testing~~.

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

Rationale:

With the passage of § 29.1-305.01 and the associated creation of a Special Elk Hunting License within the Elk Management Zone (EMZ), separate regulations needed to be established for elk hunting outside and within the EMZ. The proposal would clarify that elk can be harvested outside of the EMZ utilizing the special license for hunting deer and turkey or bonus deer permit and outline requirements for scheduling an inspection of the animal for the collection of biological samples. This proposal would also adjust language relating to the harvest reporting process to be consistent with other Department regulation proposals on harvest reporting requirements.

4VAC15-90-510 (New)
Game: Deer: Elk hunting within the Elk Management Zone

Summary:

This proposal outlines the seasons, bag limits, and tag validation associated with administering the hunting of elk within the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-510. Elk hunting within the Elk Management Zone.

- A. Open season; generally. It shall be lawful to hunt elk within the Elk Management Zone from the second Saturday in October through the following Friday, both dates inclusive.
- B. The seasonal bag limit for elk shall be one per season as prescribed on the special elk hunting license. The department shall determine the number and type of special elk hunting licenses distributed within a season and license year.
- C. Except as provided in 4VAC15-90-540 or 4VAC15-90-550 individuals selected to purchase a special elk hunting license shall not be eligible to receive a subsequent special elk hunting license for a period of three years.
- D. All licensed elk hunters and persons accompanying elk hunters are required to wear or display a blaze color as described in § 29.1-530.1 of the Code of Virginia.
- E. Upon killing an elk, any licensed hunter shall validate the tag on the hunter's special elk hunting license and report the elk in accordance with procedures outlined in 4VAC15-90-231. Upon receiving a confirmation number, the hunter must call the department to schedule an inspection of the carcass and the site of kill for the collection of biological samples.

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

Rationale:

With the passage of § 29.1-305.01 and the associated creation of a Special Elk Hunting License within the Elk Management Zone (EMZ), separate regulations needed to be established for elk hunting outside and within the EMZ. The proposed sections related to season bag limits, blaze color requirement, and tag validation and reporting are all consistent with subsequent sections in other big game species regulations. The requirement allowing the Department the opportunity to collect biological samples is consistent with regulations for hunting elk outside the EMZ. In accordance with the VA Elk Management Plan, biological sampling of elk is conducted on harvested or dead elk as part of a proactive disease sampling effort. Bag limits will be established to “manage elk in a manner that maintains a healthy and viable population within the EMZ” as prescribed by Conservation Goal 1 in the VA Elk Management Plan. The proposed 7-day open season would provide a balance between providing an adequate opportunity for hunters to pursue elk and minimizing potential disturbance on the overall elk herd. Since the number of special elk hunting license will be limited and only administered through a Department elk program, establishing an ineligibility period for an individual following a successful selection for a special elk hunting license, promotes a fair and equitable administration of licenses.

4VAC15-90-520 (New)

Game: Deer: Special provisions for hunting elk within the Elk Management Zone

Summary:

The proposal establishes provisions related to the methods of hunting elk within the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-520. Special provisions for hunting elk within the Elk Management Zone

- A. It shall be unlawful for any person to destroy the identity of the sex of any harvested elk unless and until requirements outlined in this section are met. Successful elk hunters are allowed to dismember the carcass to pack it out from the place of kill as long as evidence of the sex remains naturally attached to a major portion of the meat. Once the requirements for tag validation, reporting and biological sampling have been met in accordance with 4VAC15-90-510, evidence of sex is no longer required.
- B. Any elk found in the possession of any person without a validated (notched) license tag or documentation that the elk has been reported in accordance with 4VAC15-90-510, shall be forfeited to the Commonwealth to be disposed of as provided by law.
- C. It is unlawful for a person to fail to reasonably attempt to dress, care for, and remove from the field the edible portions of any harvested elk, at a minimum the meat from front shoulders, back quarters, and back-straps. Violation of this subsection shall constitute wanton waste for the purposes of section § 29.1-553.1 of the Code of Virginia.
- D. It shall be unlawful to hunt elk with dogs. This subsection shall not prohibit the use of tracking dogs, which may be used in accordance with § 29.1-516.1 of the Code of Virginia.
- E. It shall be unlawful to drive elk from any area, including man-drives, pushing with vehicles, or any other human action that is intended to cause animals to move into a harvestable situation.
- F. The special elk hunting license shall be valid on all private land, with written permission from the landowner, within the Elk Management Zone. The special elk hunting license shall also be valid on public lands as designated on an individual's special elk hunting license. This is only applicable to special elk hunting licenses awarded through the random drawing and conservation license programs.
- G. Elk hunters 15 years of age and younger or holders of an apprentice hunting license must be accompanied by and directly supervised by an adult who has a valid Virginia hunting license or is exempt from purchasing a hunting license. Adult hunters accompanying youth or apprentice hunters on a special elk hunt may not carry or discharge weapons.

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

Rationale:

This proposal relates to the pursuit of elk by hunters within the Elk Management Zone and the requirements of the hunter after the successful harvest of an elk. The requirement to maintain evidence of sex after an elk is successfully harvested is consistent with other big game species regulations but also includes requirements ensuring the Department has the opportunity to collect biological samples. In accordance with the VA Elk Management Plan, biological sampling of elk is conducted on harvested or dead elk as part of a proactive disease sampling effort. Because of the limited harvest opportunities for elk within the EMZ and the substantial investment in the VA elk restoration, the proposed wanton waste requirements will promote the maximum utilization of a harvested elk. Defining which lands a special elk hunting license is valid on allows the Department the ability to promote equitable portions of public lands to each hunter, while also allowing hunters the autonomy to pursue elk on any private lands they have permission to hunt on. Because elk are a herd animal, prohibiting both the use of dogs and man drives in the hunting of elk will limit disturbance to the elk herd and other elk hunters. Prohibiting the use of dogs in the hunting of elk is also consistent with similar restrictions for deer hunting within the Western portion of the Commonwealth. Sections related to youth or apprentice hunters are consistent with subsequent sections in other big game species regulations.

4VAC15-90-530 (New)

Game: Deer: Special elk hunting license – random drawing license program

Summary:

The proposal establishes and outlines the random drawing process for awarding special elk hunting licenses within the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-530. Special elk hunting license – random drawing license program

- A. The annual application period to enter the random drawing for a special elk hunting license shall be the February 1 to March 30, both dates inclusive, unless extended by the director. Individuals selected for a special elk hunting license via the random drawing will be notified by May 30 and must be purchased from the department within 30 days of notification.
- B. To enter the random drawing for a special elk hunting license, applicants shall:
 - 1. Complete the application for a special elk hunting license as provided by the department.
 - 2. Pay a nonrefundable application fee.
 - 3. Apply only once for each random drawing.
- C. Nonresidents shall not comprise more than 10%, or one drawn applicant, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.
- D. Applicants who physically reside within the Elk Management Zone shall comprise no less than 10%, or a minimum of one, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.
- E. A special elk hunting license awarded through the Random Drawing License Program shall not be transferable.
- F. An applicant drawn for a special elk hunting license may be rejected if it is determined that the applicant has been convicted of two or more wildlife violations within three years prior to the last date of the application period. In determining the applicants' eligibility, the Director shall take into account the nature and severity of the violations.
- G. The department will award unclaimed special elk hunting licenses to alternates that are drawn during the initial application and draw period in the order that the alternates are drawn.

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

Rationale:

The random drawing license program will be the most common means that a special elk hunting license is awarded. This process will provide an opportunity for any individual to draw a special elk hunting license while also prioritizing the opportunity for residents of Virginia and those applicants who reside within the Elk Management Zone. This prioritization of special elk hunting licenses is in accordance with recommendations within the VA Elk Management Plan to balance the benefits that elk provide through hunting opportunities and any potential negative impact from elk within the EMZ. Timelines for random drawing application and awarding of the special elk hunting license will provide sufficient time for an individual to apply and claim their license, if drawn, while also providing enough time for preparation prior to the elk hunting season. The random drawing timeline also provides the opportunity for the Department to award unclaimed special elk hunting licenses to alternates that are drawn during the initial

process. Prohibiting the transfer of a special elk hunting license, awarded through the random drawing license program, is intended to promote and ensure the equitability of the drawing and prevent the potential commercialization of elk in Virginia, which is a guiding principle of the North American Model of Wildlife Management. The proposal that a drawn applicant with a recent and frequent history of wildlife violations may be rejected, will ensure that the limited opportunities that are available to hunt elk within the EMZ are not afforded to those that may not pursue them in a legal and ethical manner.

4VAC15-90-540 (New)

Game: Deer: Special elk hunting license – Landowner License Program

Summary:

The proposal establishes and outlines a program to provide access for elk hunting on private lands within the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-540. Special elk hunting license – Landowner License Program

- A. Upon receipt of a valid Landowner License Program application from a landowner within the Elk Management Zone, the director or ~~their~~ the director's designee shall verify the application materials and have sole discretion in enrolling the property in the Landowner License Program. Applications must be received or postmarked by July 1 each year to be eligible for the Landowner License Program during that calendar year.
- B. A valid Landowner License Program application shall include:
 - 1. Landowner's name, home address, telephone number, and address of the property to be enrolled in the program.
 - 2. A recorded survey or other legal documentation certifying that the property to be enrolled is \geq greater than or equal to] 50 contiguous acres.
 - 3. ~~[Affidavit that elk hunters on the enrolled property shall not be charged a fee.]~~
 - 3. Original signature of the landowner.
 - 4. Only a single application per license year, per landowner.
- C. Landowners enrolled in the Landowner License Program maintain the right to limit access to certain areas of the property for safety or privacy reasons, provided a minimum of 50 acres are open to elk hunting. Areas of limited access must be outlined in the initial application. Enrollment in the Landowner License Program does not preclude or limit in any way the landowner from allowing other hunting or hunters on the property.
- D. The department shall determine and make available to the public a program guidance document outlining how landowners enrolled in the Landowner License Program shall accrue points toward a special elk hunting license, the number of points necessary to be awarded such license, and other program requirements. The program guidance document will be published annually prior to June 1.
- E. Landowners who accrue the necessary number of points, as defined in the program guidance document, on an enrolled property may request one either-sex special elk hunting license from the department. A request for a special hunting license must be submitted prior to July 1 in the year the license is to be used. Once a request for a special elk hunting license is made, landowners lose all accrued points. There is no time limit over which a landowner is required to accrue license points. Landowners shall not combine points from separate enrolled properties.
- F. Landowners enrolled in the Landowner License Program shall not subdivide contiguous properties under the same ownership into multiple, smaller parcels for the purposes of this program.
- G. License points cannot be sold or traded. License points are nontransferable if the property changes ownership, except that if the property is inherited from parents, grandparents or children, resident or non-resident, license points may be transferred. The department may request documentation to certify the relationship between seller and purchaser as well as a copy of bill of sale.

- H. Landowners receiving a special elk hunting license shall comply with all of the requirements established in this [administrative regulation section] as well as 4VAC15-90-510, 4VAC15-90-520 and Virginia Code § 29.1-305.01. Landowners that fail to comply with [either regulation this chapter] may forfeit any accrued license points, and may not be eligible to accrue new license points.
- I. A special elk hunting license awarded to the landowner shall only be used on the property enrolled with the department in the Landowner License Program.
- J. A landowner may transfer [or sell] the special elk hunting license to any person eligible to hunt in Virginia. [The special elk hunting license may not be sold.] Transfer of the special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during the year in which the special elk hunting license is requested. To report a transfer to the department, the landowner shall provide the department with the hunter's:
 - 1. Name
 - 2. Department customer identification number
 - 3. Address; and
 - 4. Telephone number
- K. [A landowner shall not charge a fee for hunters to hunt elk on properties enrolled in the Landowner License Program except as described in the program guidance document.]
- L. A special elk hunting license transferee may be rejected if it is determined that the transferee has been convicted of two or more wildlife violations, within three years prior to the last date of the application period. In determining the transferees' eligibility, the director shall take into account the nature and severity of the violations.

Staff Final Recommendation - Staff recommends adoption of the amendments as final in the form they were proposed with the following modifications: 1) remove language allowing the sale of a special elk hunting license through the Landowner License Program as the Federal Aid in Wildlife Restoration Program requires that the department be in direct control of all funds generated by the sale of licenses, and 2) clarify that a landowner may not charge a fee for hunters to hunt elk on the property except as may be outlined in the program guidance document.

Rationale:

Providing elk hunters with adequate lands to pursue elk will play an important role in the success the special elk hunting license program. The opportunity for landowners to earn points toward a special elk hunting license in exchange for providing access for elk hunting on their property (>50 ac) is a non-traditional path to promote public access and provide elk hunter's additional opportunity. This proposal does not limit the landowner's ability to control access to certain portions of the enrolled property or for uses other than elk hunting. A program guidance document will be published yearly, prior to the enrollment deadline, to describe the criteria for a landowner to enroll and earn points toward a special elk hunting license. Limiting the use of the special elk hunting license, earned by the landowner through this program, to the enrolled property balances the opportunity for the landowner to hunt elk and the Department's ability to follow the biological harvest strategy that is established within the EMZ. Allowing the transfer of the special elk hunting license through this program varies from other elk license programs because the landowner is earning the license in exchange for allowing public access for elk hunting, rather than it being awarded through a random drawing. The proposal that a license transferee with a recent and frequent history of wildlife violations may be rejected, will ensure that the limited

opportunities that are available to hunt elk within the EMZ are not afforded to those that may not pursue them in a legal and ethical manner.

4VAC15-90-550 (New)
Game: Deer: Special elk hunting license – Conservation License Program

Summary:

The proposal establishes and outlines a program to award a wildlife conservation organization with a special elk hunting license for the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-550. Special elk hunting license – Conservation License Program

- A. For the purposes of this section, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise:

“Individual, cooperators, or wildlife conservation organizations” mean those people of entities whose mission is to promote and ensure the conservation of Virginia’s wildlife resources or to promote opportunities for hunting, fishing, trapping, boating, or other wildlife-related recreation in Virginia.

“Proceeds” means the amount of money received by the cooperator or organization from the transfer of a special elk hunting license minus all expenses and administrative costs directly attributable to the transfer of the license or the implementation of the defined project.

- B. Upon receipt of a valid Conservation License Program application from an officer or other designated official representative of any individual, cooperator, or wildlife conservation organization, the director or ~~their~~ the director’s] designee shall verify the application materials and may select a program awardee annually. Applications must be received or postmarked no later than April 1 to be eligible for the Conservation License Program during that calendar year.

1. ~~[For the purposes of this section, “individual, cooperators, or wildlife conservation organizations” means those people or entities whose mission is to promote and ensure the conservation of Virginia’s wildlife resources and/or to promote opportunities for hunting, fishing, trapping, boating or other wildlife-related recreation within Virginia.]~~

- C. A valid Conservation License Program application shall include:

1. Cooperator or organization name, name of the individual designated to submit and receive official correspondence, address for such correspondence, and a telephone number.
2. Cooperator or organization mission statement.
3. A written application describing:
 - a. Cooperator or organization role in wildlife conservation in Virginia.
 - b. Cooperator or organization purpose and intent for requesting special elk hunting license through the Conservation License Program.
 - c. Cooperator or organization proposal for method of generating funds from transfer of the special elk hunting license to an eligible individual.
 - d. Cooperator or organization strategy to direct proceeds received from the transfer of the special elk hunting license and any matching funding toward wildlife conservation or wildlife-related recreation in Virginia’s Elk Management Zone.

- D. The director shall establish a Conservation License Program Committee to review program applications and submit a recommendation to the director to award no more than one special elk hunting license to a cooperator or organization whose application is deemed to provide the greatest benefit to wildlife conservation and wildlife-related recreation in Virginia per license

year. This committee shall be composed of a minimum of three individuals and make a recommendation to the director by May 1 each year.

- E. A cooperator or organization receiving a special elk hunting license must direct all proceeds from the transfer of such license, toward a project to improve and enhance wildlife habitat, wildlife populations, or wildlife-related recreation within the Elk Management Zone. The proposed strategy and requirements will be outlined in a memorandum of agreement between the department and the cooperator or organization.

1. [For the purpose of this section “proceeds” means the amount of money received by the cooperator or organization from the transfer of a special elk hunting license minus all expenses and administrative costs directly attributable to the transfer of the permit or the implementation of the defined project.]

- F. A cooperator or organization may transfer the special elk hunting license to any person eligible to hunt in Virginia. The generation of funds from the transfer of the special elk hunting license may only be conducted through a raffle.

- G. Transfer of the special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during which the special elk hunting license is valid. To report a transfer to the department, the cooperator or organization shall provide the department with the hunter's:

1. Name
2. Department customer identification number
3. Address; and
4. Telephone number

- H. A special elk hunting license transferee may be rejected if it is determined that the transferee has been convicted of two or more wildlife violations, within three years prior to the last date of the application period. In determining the transferees’ eligibility, the director shall take into account the nature and severity of the violations.

- I. A cooperator or organization awarded a special elk hunting license shall submit an annual report to the department regarding any proceeds received from the transfer of the license and an accounting of how those funds were directed toward wildlife conservation or wildlife-related recreation in the Elk Management Zone.

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

Rationale:

With the passage of § 29.1-305.01, authority was given to the Board of Wildlife Resources to establish guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. This proposal exercises that authority by creating an opportunity for the Department to promote wildlife management efforts and projects within the EMZ by allowing a partner to generate funds from the transfer of a special elk hunting license. That cooperator or organization must demonstrate a history and ability to effectively implement wildlife management and outline a plan for generating the funding, designing a wildlife management project, and executing that project within the EMZ.

The method of fund raising, through the transfer of the special elk hunting license by the cooperator or conservation organization, is limited to a raffle in an effort to generate funds for wildlife management while still providing an equitable chance for any eligible person to receive the special elk hunting license. The creation of a review committee would promote a versatile and comprehensive review of the applications in order to make a recommendation to the director. A memorandum of agreement (MOA) between the Department and the cooperator or conservation organization will create a legal document that outlines project details and program requirements. This MOA, along with the required annual report, will create cooperation and accountability and ensure the projects funded through this program are having the most benefit possible to wildlife management efforts in the EMZ. The proposal that a license transferee with a recent and frequent history of wildlife violations may be rejected, will ensure that the limited opportunities that are available to hunt elk within the EMZ are not afforded to those that may not pursue them in a legal and ethical manner.

4VAC15-270-10
Game: Firearms: Size rifles for hunting bear and deer.

Summary:

The proposal is to include elk in the list of species which must be hunted with rifles not less than 23 caliber and removes the 23 caliber restriction for humanely dispatching a bear, elk, or deer in circumstances where a smaller caliber weapon may be more appropriate.

Proposed Language of Amendment:

4VAC15-270-10. Size rifles for hunting bear, elk, and deer.

It shall be unlawful to use a rifle of a caliber less than 23 for the hunting ~~or killing~~ of bear, elk, and deer.

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

Rationale:

With the passage of § 29.1-305.01 and the associated creation of a Special Elk Hunting License within the Elk Management Zone (EMZ), separate regulations needed to be established for elk hunting outside and within the EMZ. As a result of that separation, certain regulations that previously applied to both deer and elk are no longer applicable to elk. Additional language is needed to include elk in those regulations. Removing the word “kill” from this regulation will allow the public and law enforcement personnel to humanely dispatch severely injured or diseased animals with weapons less than 23 caliber. It will also provide clarity that such weapons are lawful for management activities authorized by the Department.

Chronic Wasting Disease Regulations

4VAC15-90-10
Game: Deer: Open season; generally.

Summary:

The proposal is to create (i) both an early September antlerless only firearms deer season and a late (January through March) antlerless only firearms deer season countywide in Clarke County and on non-national forest lands in Frederick, Shenandoah, and Warren counties, (ii) an early September antlerless only firearms deer season on private lands in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties, and (iii) an early September antlerless only firearms deer season and a late (January through March) antlerless only firearms deer season in designated disease focus zones in Culpeper, Fauquier, Madison, Orange, Page, and Rappahannock counties.

Proposed language of amendment:

4VAC15-90-10. Open season; generally.

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

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, except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Amherst County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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 (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Bedford County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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
<u>Clarke County (antlerless deer only)</u>	<u>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</u>
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
<u>Culpeper County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Culpeper County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
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
<u>Fauquier County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Fauquier County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
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
<u>Frederick County (non-national-forest lands antlerless deer only)</u>	<u>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</u>
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

<u>Madison County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Madison County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
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, except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Nelson County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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
<u>Orange County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Orange County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
Page County	Saturday prior to the third Monday in November and for 14 consecutive days following

<u>Page County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
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 Ammunition Plant adjacent to the Town of Dublin)	Saturday prior to the third Monday in November and for 14 consecutive days following
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
<u>Rappahannock County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Rappahannock County (disease focus [areas zones] defined by the Department, antlerless deer only)</u>	<u>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</u>
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
<u>Shenandoah County (non-national forest lands antlerless deer only)</u>	<u>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</u>
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
<u>Warren (non-national forest lands antlerless deer only)</u>	<u>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</u>
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

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 with the following modification: changing the term “disease focus area” to “disease focus zone”. This modification will help reduce any potential public confusion which could between the terms “disease focus area” and “Disease Management Area” within the Department Chronic Wasting Disease program.

Rationale:

Antlerless only deer seasons in CWD management areas. Expanded antlerless harvest in specific disease management area (DMA) counties and disease focus zones (DFZ) within specified DMA counties is a management strategy aimed at reducing the spread and transmission of chronic wasting disease (CWD) in Virginia. The Department detected the first case of CWD in 2009 in Frederick County and has closely monitored both prevalence trends and the spread of the disease. Since hunting is recognized as a critical tool for CWD management, and CWD monitoring data suggests a recent amplified spread of the disease to new areas of northwest Virginia, expanded antlerless harvest throughout the DMAs is prudent.

CWD monitoring data suggests that the disease is firmly established in Frederick and Shenandoah counties. In recent years, CWD has also been detected in Clarke and Warren counties, and both counties are at an elevated risk for additional disease spread and establishment. Therefore, additional antlerless deer hunting opportunities are appropriate in all four counties. In five additional counties, a less aggressive expansion of antlerless harvest is being proposed. While CWD surveillance efforts have confirmed the disease within the counties of Culpeper, Fauquier, Madison, and Rappahannock, and in multiple counties adjacent to Orange County, surveillance data suggests that the disease was more recently introduced and is not yet firmly established in these areas.

The private land deer populations in Madison and Rappahannock counties is currently at the deer population management objective outlined in the Department’s deer management plan. Per the deer plan, staff will engage the stakeholder advisory committee who developed the plan to reduce the deer population objectives in these two counties and possibly other disease management area counties in the near future.

Proposals relative to DFZ’s will enable the Department to target additional harvest management approaches around new CWD detections as they are discovered. DFZs are defined as a local expansion of antlerless hunting opportunities in a focused area around an outlier CWD detection, which is located more than 5 miles from the nearest detection. The goals of expanded antlerless hunting opportunities in a DFZ

are to slow disease transmission in the immediate vicinity of a detection and to increase testing opportunities for deer harvested in close vicinity to an outlier CWD detection.

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

Summary:

The proposal is to (i) initiate EAB on private lands in Accomack, Amherst (west of Route 29), Carroll, Greene, Madison, Orange, Rockingham (east of Routes 613 and 731), Stafford, and Wythe counties, (ii) change the EAB requirement in Clarke, Frederick, and Warren counties from a two to one EAB requirement to a one to one EAB requirement, (iii) change the EAB requirement in James City and York counties from a one to one EAB requirement to a two to one EAB requirement, and (iv) reformat the regulation text.

Proposed language of amendment:

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

A. For the purposes of this section, the term "license year" [~~defines~~ means] 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 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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- B. Within a license year and within in each individual county listed in [this] subsection [(A)(1)], [you a hunter] must have taken at least one antlerless deer on private lands in that county before taking a second antlered deer on private lands in that county. In those counties listed in [this] subsection [(A)(1)] east of the Blue Ridge Mountains, [you a hunter] must have taken at least two antlerless deer on private lands in that county before taking a third antlered deer on private lands in that county.

[The counties subject to the provisions of this subsection are] Accomack, Albemarle, Amherst (west of Route 29), Bedford, Carroll, Clarke, Culpeper, Fauquier, Floyd, Franklin, Frederick, Grayson, Greene, Hanover, Henrico, Madison, Montgomery, Orange, Prince George, Pulaski, Rappahannock, Roanoke, Rockingham (east of Routes 613 and 731), Shenandoah, Stafford, Warren, and Wythe [counties].

- C. Within a license year and within in each individual county listed in [this] subsection [(B)(1)], [you a hunter] must have taken at least two antlerless deer on private lands in that county before taking a second antlered deer on private lands in that county. [You A hunter] also must have taken at least three antlerless deer on private lands in that county before taking a third antlered deer on private lands in that county.

[The counties subject to the provisions of this subsection are] James City and York [counties].

- D. Within a license year and within in each individual county listed in [this] subsection [(C)(1)], [you a hunter] must have taken at least two antlerless deer in that county before taking a second

antlered deer in that county. [You A hunter] must also have taken at least three antlerless deer in that county before taking a third antlered deer in that county.

[The counties subject to the provisions of this subsection are] Arlington, Fairfax, Loudoun, and Prince William (except on Department of Defense lands) [counties].

- E. Within a license year and within any city or town, except the cities of Chesapeake, Suffolk [~~east of the Dismal Swamp line~~], and Virginia Beach [you a hunter] must have taken at least one antlerless deer in that city or town before taking a second antlered deer in that city or town. In those cities and towns east of the Blue Ridge Mountains, [you a hunter] must have taken at least two antlerless deer in that city or town before taking a third antlered deer in that city or town.
- F. The [EAB Earn A Buck Program] does not apply to the Cities of Chesapeake, Suffolk [~~east of the Dismal Swamp line~~], and Virginia Beach.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: remove the phrase “(east of the Dismal Swamp line)” as it refers to the City of Suffolk in subsections E and F. Subsections E and F should refer to the entirety of the City of Suffolk.

Rationale:

EAB on private lands in Accomack, Amherst (west of Route 29), Carroll, Greene, Orange, Rockingham (east of Routes 613 and 731), Stafford, and Wythe counties. The private land deer populations in these eight counties are currently above their desired deer population management objective bracket in the Department’s deer management plan. All deer seasons (archery, muzzleloading, and firearms) are currently full season either-sex deer hunting on private lands in all these counties. The next step to increase the antlerless deer kill in these counties is to initiate EAB. The addition of EAB should assist in bringing these deer populations back down to their desired level(s).

EAB on private lands in Madison County. The private land deer population index for Madison County is currently within the desired deer population management objective bracket. However, Madison County was added to a new CWD disease management area in fall 2019, and in fall 2020, CWD was detected in Madison County. Additionally, CWD has been found in multiple neighboring counties. Per the deer plan, staff will engage the stakeholder advisory committee who developed the plan to reduce the deer population objectives in this county and possibly other disease management area counties in the near future.

Change the EAB requirement in Clarke, Frederick, and Warren counties. The proposal will reduce the EAB requirement in these three counties from a two to one EAB requirement to a one to one EAB requirement. This will match them up with Shenandoah County, creating a consistent EAB rule on private lands in these four counties. All four of these counties are in a CWD management area and, starting in fall 2021, they are proposed to have both an early September and a late January through March antlerless only firearms deer season. These additional antlerless seasons should more than compensate for scaling back EAB and will provide a more balanced approach to antlered and antlerless harvest, which is an important consideration for CWD management.

Change the EAB requirement in James City and York counties. The proposal will increase the EAB requirement in these two counties from a one to one EAB requirement up to a two to one EAB requirement. The private land deer populations in these two counties are currently above their desired deer population management objective bracket in the Department’s deer management plan. The addition of EAB should assist in bringing these deer populations back down to their desired level(s).

Format. Changes in format made in this version do not change the meaning of the regulation but make it more intuitive, readable, and easier to amend as needed in the future.

4VAC15-90-260

Game: Deer: Hunting with dogs prohibited in certain counties and areas.

Summary:

This proposal will more explicitly define current time restrictions on the use of dogs for hunting deer to enable the extension of deer firearms (open) seasons for disease and population management purposes. The proposal will make clear that the hunting of deer with dogs during any early or late antlerless only firearms deer season is prohibited.

Proposed language of amendment:

4VAC15-90-260. Hunting with dogs prohibited in certain counties and areas.

A. Generally. It shall be unlawful to hunt deer with dogs 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, Campbell (west of Norfolk Southern Railroad, and in the City of Lynchburg), Fairfax, Franklin, Henry, Loudoun, Nelson (west of Route 151), Northampton, Patrick and Pittsylvania (west of Norfolk Southern Railroad); and on the Amelia, Chester F. Phelps, G. Richard Thompson and Pettigrew Wildlife Management Areas, except that tracking dogs as defined in § [29.1-516.1](#) of the Code of Virginia may be used.

B. Special provision for Greene and Madison counties. It shall be unlawful to hunt deer with dogs ~~during the first 14 days on the Saturday prior to the third Monday in November and for 13 consecutive days following~~ in the counties of Greene and Madison, except that tracking dogs as defined in § [29.1-516.1](#) of the Code of Virginia may be used.

~~C. It shall be unlawful to hunt deer with dogs in any county or city during an open deer season(s) for antlerless deer only as defined in 4VAC15-90-10.~~

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

Rationale:

This proposal will maintain opportunities for hunting deer with dogs where and when they currently exist, while allowing extension of seasons for deer disease and population management. To address Chronic Wasting Disease (CWD) management needs, the Department is proposing that an early antlerless only firearms deer season be established on private lands in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties. This proposal will clarify that hunting deer with dogs is not allowed during this season. In Greene and Madison counties, the proposal will tie the 14 consecutive days when hunting deer with dogs is prohibited to the opening day of the traditional firearms deer season.

4VAC15-50-110

Game: Bear: Use of dogs in hunting bear.

Summary:

This proposal will more explicitly define current time restrictions on the use of dogs for hunting bears to enable the extension of deer firearms (open) seasons for disease and population management purposes in certain areas of Virginia.

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 ~~on the Saturday prior to the third Monday in November and for 15 consecutive days following 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 ~~on the Saturday prior to the third Monday in November and for 13 consecutive days following 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), and 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:

This proposal enables extension of deer firearms seasons without having to reduce bear chase or hound hunting opportunities where and when they currently exist. The Department currently needs to extend deer firearms seasons (open seasons) to address chronic wasting disease (CWD) management in northwestern Virginia; in the future, extensions of deer firearms seasons may be needed for population management purposes in certain other western counties. Without the proposed changes to this regulation, the Department would have to reduce opportunities to hunt bears with dogs in order to extend the deer firearms seasons in these areas. For example, the Department is currently proposing to add early antlerless firearms deer season (September) in Clarke, Shenandoah, Frederick, and Warren counties to address CWD. Dogs can be used to hunt bears in these counties during the 3-day early bear firearms season (late September). The current regulation language would prohibit these bear and deer hunting opportunities from running concurrently. Experience east of the Blue Ridge Mountains suggests that conflicts between bear hunters and deer hunters will be minimal as long as the first two weeks of the traditional deer firearms season in November excludes the hunting of bears with dogs.

4VAC15-90-293

Game: Deer: Unauthorized cervid parts, excretions, and carcass importation, movement, possession, and use.

Summary:

The proposal is to (i) add “cleaned jaw bones” to the list of parts permitted to be imported and possessed, (ii) enable the department to allow transport of whole deer carcasses and all parts from one disease management area (DMA) to another, (iii) allow transport of whole deer carcasses and all carcass parts out of a DMA directly to an authorized location in a different state, (iv) and enable the department to restrict transport of whole deer carcasses and all parts between portions of a DMA

Proposed language of amendment:

4VAC15-90-293. Unauthorized cervid parts, excretions, and carcass importation, movement, possession, and use.

A. The following words or terms, when used in 4VAC15-40-285, this section, and 4VAC15-90-294, shall have the following meanings unless the context clearly indicates otherwise:

"Cervid" means any member of the deer family Cervidae, including white-tailed deer, fallow deer, sika deer, elk, and reindeer.

"Import" means to transport a carcass or carcass parts, other than those outlined in subsection B of this section, into the Commonwealth in such a manner that the carcass or carcass parts are removed from their place of storage within a vehicle or other conveyance and placed or deposited within the Commonwealth. Deer harvested on properties that span the Commonwealth's boundary with an adjoining state shall not be considered imported.

B. No person shall import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating outside of the Commonwealth, except that the following carcass parts may be imported and possessed:

1. Boned-out meat;
2. Quarters or other portions of meat with no part of the spinal column or skull attached;
3. Hides or capes with no skull attached;
4. Clean (no meat or tissue attached) skulls or skull plates with or without antlers attached;
5. Clean (no meat or tissue attached) lower jaw bones;
56. Antlers (with no meat or tissue attached);
67. Upper canine teeth (buglers, whistlers, or ivories); and
78. Finished taxidermy products.

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

C. Any person who imports into Virginia any deer carcass or parts described in subsection A of this section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the department within 72 hours of receiving the notification. In order to facilitate the proper

disposal of any infected material, the department may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

D. No person shall transport any carcass or part of a carcass of any cervid out of any area designated by the department as a disease management area, except: ~~that the~~

1. carcass parts enumerated in subsection B of this section, ~~may be transported, and~~
2. carcasses ~~or and~~ parts ~~may be~~ transported ~~directly to to other~~ locations ~~or areas within the Commonwealth~~ designated by the department ~~or to specified locations in other states and provinces where it is legal to import such materials,~~ provided that such carcasses or parts are transported without ~~unnecessary~~ delay and secured within a vehicle ~~or other conveyance~~ during transit.

Provided further that, except for carcass parts enumerated in subsection B of this section, no person shall transport any carcass or part of a carcass of any cervid between administrative units of a disease management area when prohibited by the department. Provisions of this section shall not apply to employees of the department or another government agency, or their designees, working in an official disease investigation or management capacity.

E. No person shall for the purposes of taking or attempting to take, attracting, or scouting any wild animal in Virginia possess or use any substance or material that contains or purports to contain any 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.

Rationale:

(i) Clean jaw bones represent a low risk of CWD transmission and are frequently saved by hunters to determine the age of their harvested deer.

(ii) As Chronic Wasting Disease continues to spread across the landscape, the number of disease management areas (DMAs) is expected to increase. Carcass transport is a recognized disease transmission risk and carcass transport restrictions represent a burden to some hunters. Each DMA presents a certain level of disease transmission risk. Transport of whole carcasses or carcass parts from a moderate-risk disease DMA to another moderate-risk DMA likely represents a high level of hunter satisfaction and a moderate level of disease transmission risk. However, transport of whole carcasses from a high-risk DMA to a lower risk DMA represents the same level of hunter satisfaction but carries a significantly higher level of disease transmission risk. In order to optimize hunter satisfaction and disease transmission risk, unique carcass transport restrictions based upon local disease transmission risk assessments are proposed.

(iii) Some states, such as Maryland, permit the importation of whole deer carcasses from areas known to be affected by chronic wasting disease. The movement of deer carcasses out of a DMA directly to an authorized out-of-state location represents a low CWD transmission risk to white-tailed deer populations in Virginia and facilitates regional cooperation between state agencies.

(iv) As Chronic Wasting Disease continues to spread across the landscape, the number of counties added to DMAs is expected to increase. As is the case with carcass transport between DMAs, it is proposed that carcass transport restrictions within DMAs also be based upon local risk assessments.

Deer & Muzzleloader Hunting Regulations

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

Summary:

The proposed regulation amendment corrects a change in the Code of VA which defines a Common Interest Community (CIC) in subsection (G) of the archery deer hunting regulation. The code section changed from § 55.528 to § 54.1-2345.

Proposed language of amendment:

4VAC15-90-70. Archery hunting.

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

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

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

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

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section.

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

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

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except on national forest and department-owned lands) and counties with a human population density of 300 persons per square mile or more (except on national forest and department-owned lands), provided that its governing body submits by certified letter to the department prior to April 1, its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its

intent not to participate in the special urban archery season. When consistent with the department's deer management objectives and subject to the director's approval, a participating county may exclude from this season a geographic area by submitting a clear description of such area in a certified letter to the department prior to April 1.

G. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow during dates specified in subsection F of this section within the boundaries of any common interest community as defined in § ~~55-528~~ 54.1-2345 of the Code of Virginia provided that (i) the association submits by certified letter to the department prior to July 1 the association's request to participate in the special urban archery season and (ii) the department approves such request.

1. The special urban archery season will in no way supersede any local ordinance, any restriction in the association's governing documents, or the requirement to obtain a landowner's permission to hunt.

2. An association no longer participating in the special urban archery season shall submit notice of the association's intent not to participate in the special urban archery season. The association shall submit the certified letter to the department prior to July 1.

3. At its discretion, the department may suspend or revoke the special urban archery season in any association upon written notice to the association.

For the purposes of this subsection, "association" means the governing board or the authorized agent of the governing board of an association of property owners, condominium unit owners, or proprietary lessees.

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

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

Rationale:

In 2019 the VA Code section which defines a common interest community (§ 55.528) was repealed and amended to §54.1-2345. This regulation proposal simply updates the archery deer hunting regulation which permits the hunting of deer within CICs (as designated by subsections F and G of this regulation) to include the correct code section for the definition of a CIC.

4VAC15-90-80

Game: Deer: Muzzleloading gun hunting.

Summary:

The proposal is to (i) make both the early and late muzzleloading seasons full season either-sex deer hunting on private lands in Augusta County, (ii) add one either-sex deer hunting day on private lands in Dickenson County during the early muzzleloading deer season, (iii) clarify that four different types of muzzleloading guns are legal during the muzzleloading deer season(s), (iv) change the minimum caliber for muzzleloading rifles from .45 to .40 caliber and (v) address the pending change to the Code of Virginia which would require that only the projectile be loaded from the muzzle for muzzleloading rifles and muzzleloading shotguns.

Proposed language of amendment:

4VAC15-90-80. Muzzleloading gun hunting.

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

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

1. In all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County);
2. East of the Blue Ridge Mountains in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick;
3. On national forest lands in Frederick County; and
4. In the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

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

1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Oconeechee State Park), department-owned lands (except on Merrimac Farm Wildlife Management Area), and Philpott Reservoir.
2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson Counties.

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

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

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

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

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

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

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

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

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

H. ~~A muzzleloading gun, for the purpose of this section, means a single shot weapon 45-caliber or larger, firing a single projectile or sabot (with a .35-caliber or larger projectile) where the propellant and projective are loaded from the muzzle of the weapon. include:~~

1. single shot muzzleloading rifles .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;

2. muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;
3. muzzleloading pistols (one or more barrels) .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle;
4. muzzleloading revolvers .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

I. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while 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.

Rationale:

Augusta County. The private land deer population in Augusta County is currently above the desired deer population management objective in the Department's deer management plan. The addition of these additional either-sex deer hunting days should assist in bringing the deer population back down to its desired level.

Dickenson County. The private land deer population in Dickenson County is currently at its desired deer population objective in the Department's deer management plan; however, local staff feels that additional either-sex deer hunting opportunities can be provided at this time. Either-sex deer hunting regulations in this county have traditionally been very conservative. Currently, with the exception of the either-sex October archery season, only the last day of the late muzzleloading season is an either-sex deer hunting day (countywide; private lands and public lands). This will increase the number of muzzleloading either-sex deer hunting days on private lands in Dickenson from one to two days.

Defining legal muzzleloading guns. In the past, section H of the muzzleloading gun hunting regulation has been assumed to apply only to muzzleloading rifles. However, the Code of Virginia allows for four different types of muzzleloading guns for deer hunting in Virginia. The proposed changes will clarify what types of muzzleloading guns are legal for deer hunting during the muzzleloading deer season(s) and describe any special restrictions.

Changing the minimum muzzleloading rifle caliber from 45 to 40 caliber. This is a technical change that is not a substantive change, because in fall 2017 the Department changed the single projectile (or sabot) size for muzzleloading rifles down to less than or equal to 35 caliber. This change will accommodate a new 40-caliber muzzleloading rifle that has just come on the market (<https://cva.com/product-line/paramount-htr-rifle/>).

New FireStick Muzzleloading Technology/Rifle. If passed, 2021 House Bill 2298 (<https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2298>) changes the legal definition of a muzzleloading rifle and muzzleloading shotgun to note that only the projectile (or projectiles) has to be loaded from the muzzle of the gun. Previously, both the propellant and projectile had to be loaded from the muzzle of the gun. This change will make a new Federal FireStick technology (<https://www.federalpremium.com/firestick.html>) legal for muzzleloading rifles in Virginia (<https://www.traditionsfirearms.com/category/nitrofire-muzzleloader-series>) where the propellant is loaded from the rear of the barrel.

4VAC15-50-71

Game: Bear: Muzzleloading gun hunting.

Summary:

The proposal will clarify the different types of muzzleloading guns that are legal during the muzzleloading bear season, update language consistent with recent technological changes, and address pending changes to the Code of Virginia regarding muzzleloading guns.

Proposed language of amendment:

4VAC15-50-71. Muzzleloading gun hunting.

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

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

C. ~~A muzzleloading gun~~, for the purpose of this section, ~~means a single shot weapon 45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the propellant and projective are loaded from the muzzle of the weapon.~~ include:

1. single shot muzzleloading rifles .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;
2. muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;
3. muzzleloading pistols (one or more barrels) .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle;
4. muzzleloading revolvers .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while 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.

Rationale:

Defining legal muzzleloading guns. In the past, section C of the muzzleloading gun hunting regulation has been assumed to apply only to muzzleloading rifles. However, the Code of Virginia allows four different types of muzzleloading guns for bear hunting in Virginia. The proposed changes will clarify what types of muzzleloading guns are legal for bear hunting during the muzzleloading season(s) and describe any special restrictions.

Changing the minimum muzzleloading rifle caliber from 45 to 40 caliber. This is a technical change, not a substantive change. In fall 2017, the Department reduced the single projectile (or sabot) size for muzzleloading rifles to 35 caliber or greater. This change will accommodate a new 40-caliber

muzzleloading rifle that has just come on the market (<https://cva.com/product-line/paramount-htr-rifle/>). There are no concerns about lethality of this new weapon.

Requiring only the projectile(s) to be loaded from the muzzle. If passed, 2021 House Bill 2298 (<https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2298>) would change the legal definition of a muzzleloading rifle and muzzleloading shotgun to note that only the projectile (or projectiles) has to be loaded from the muzzle of the gun. Previously, both the propellant and projectile had to be loaded from the muzzle of the gun. This change will make a new Federal FireStick technology (<https://www.federalpremium.com/firestick.html>), where the propellant is loaded from the rear of the barrel, legal for muzzleloading rifles in Virginia.

4VAC15-90-90

Game: Deer: Bag limit, bonus deer permits and special antlerless provision for youth hunters.

Summary:

The proposal is to (i) establish an unlimited daily bag limit for deer in all the cities and towns in Virginia that allow deer hunting (except in the cities of Chesapeake, Suffolk, and Virginia Beach), (ii) create a uniform statewide deer bag limit of one deer per day on national forest, department-owned, and department-managed lands, and (iii) clarify that national forest lands in Amherst, Bedford, and Nelson are included under the west of the Blue Ridge Mountains bag limit.

Proposed language of amendment:

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

A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson Counties) is two per day, six per license year, three of which must be antlerless unless otherwise noted in this subsection.

1. The daily bag limit for deer is unlimited in the Counties (including the cities and towns within) of Arlington, Fairfax, Loudoun, and Prince William and in all the cities and towns that allow deer hunting (except in the cities of Chesapeake, Suffolk, and Virginia Beach).

2. Only one deer per day may be taken on national forest, lands in Amherst, Bedford, and Nelson Counties department-owned, and department-managed lands.

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

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

1. The daily bag limit for deer is unlimited in all the cities and towns that allow deer hunting.

2. Only one deer per day may be taken on national forest, department-owned, and department-managed lands ~~west of the Blue Ridge Mountains.~~

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

34. Only one elk per day may be taken ~~west of the Blue Ridge Mountains.~~

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

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

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

E. Deer hunters 15 years of age and younger, including those exempt from purchasing a hunting license and holders of an apprentice hunting license, when in compliance with all applicable laws and license requirements, may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties.

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

Rationale:

Unlimited daily bag limit in cities and towns. Over the past twenty plus years, the Department's deer management staff has taken a proactive and aggressive approach to urban deer management in cities and towns across Virginia. Examples include the establishment of an early and late urban archery deer season(s) which extends deer season to eight months each year and is open to participation for all cities and town in Virginia (except Chesapeake, Suffolk, and Virginia Beach). Forty-seven cities and towns are currently participating. Additionally, the Department has adopted regulations that make the muzzleloading and firearms seasons full season either-sex deer hunting in all cities and towns that allow deer hunting (except Chesapeake, Suffolk, and Virginia Beach). Simply put all cities and towns in Virginia (except the cities of Chesapeake, Suffolk, and Virginia Beach) currently have access to an eight month long deer season in which every deer hunting day is an either-sex deer hunting day. The only regulation currently limiting antlerless deer harvest in these areas is the current two deer per day daily bag limit. Staff recommends that the daily deer bag limit be made unlimited in all cities and towns in Virginia (except Chesapeake, Suffolk, and Virginia Beach).

Public land daily and season antlerless deer bag limits. The Department has documented a significant decline (~60%) in the deer kill on public lands west of the Blue Ridge and east of the Blue Ridge in Amherst, Bedford, and Nelson counties (e.g., National Forest and Department-owned lands)) over the past twenty plus years. To address this decline, the Department has significantly reduced public land either-sex deer hunting opportunities over the last decade or more.

During the last regulation cycle, a uniform statewide private land daily deer bag limit of two deer per day was established. At the same time, a bag limit of one deer per day was adopted for public lands west of the Blue Ridge and national forest lands in Amherst, Bedford, and Nelson.

The deer management staff recommends that a bag limit of one deer per day on public lands should be extended statewide to continue protecting the deer resource from overharvest while at the same time more equitably distributing the available public land deer resource between individual deer hunters and user groups.

National Forest lands in Amherst, Bedford, and Nelson counties. The inserted text corrects an omission in the current bag limit regulation. National forest lands in Amherst, Bedford, and Nelson are exempt from the East of the Blue Ridge Mountains bag limit and should have been added to the West of the Blue Ridge Mountains bag limit to maintain a consistent bag limit on all National Forest lands in Virginia.

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

The proposal is to change the general firearms either-sex deer hunting days for the counties/areas shown in the table below:

City/County/WMA	Change	Current	Proposed
Charles City	Increase	31	Full season
Chesterfield	Increase	8	15
Fluvanna	Increase	15	31
Goochland	Increase	31	Full season
King and Queen	Increase	8	15
King William	Increase	8	15
New Kent	Increase	31	Full season
Page (private lands)	Increase	7	Full season
Powhatan (except Powhatan WMA)	Increase	31	Full season
Rockingham (private lands west of Routes 613 and 731)	Increase	1	2
Spotsylvania	Increase	31	Full season
<u>Public Land</u>			
C.F. Phelps	Decrease	2	1
G.R. Thompson WMA	Increase	2	15
Hardware River WMA	Stay the same	15	15
Oakley Forest	Decrease	31	15
Rapidan WMA	Decrease	31	15
White Oak Mountain WMA	Increase	2	4

Proposed language of amendment:**4VAC15-90-91. General firearms season either-sex deer hunting days.**

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

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday and the last day.

-National forest lands: the last day.

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

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

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

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

-National forest lands: the last day.

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

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

-Featherfin WMA: the second and third Saturdays and the last 29 days.

Arlington County: full season.

Augusta County: full season.

-National forest and department-owned lands: the last day.

Bath County: the second Saturday and the last day.

-National forest and department-owned lands: the last day.

Bedford County: full season.

-National forest lands: the last day.

Bland County: the second Saturday and the last day.

-National forest lands: the second Saturday and the last day.

Botetourt County: full season.

-National forest and department-owned lands: the last day.

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

Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

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

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

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

-Featherfin WMA: the second and third Saturdays and the last 29 days.

Campbell County (east of Norfolk Southern Railroad): the second and third Saturdays and the last 29 days.

Campbell County (west of Norfolk Southern Railroad): full season.

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

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

Carroll County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

Charles City County: ~~the second and third Saturdays and the last 29 days~~ full season.

-Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

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

Chesapeake (City of): the second and third Saturdays and the last 13 days.

Chesterfield County: the second and third Saturdays and the last ~~six~~ 13 days.

Clarke County: full season.

Craig County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

Culpeper County: full season.

-Chester F. Phelps WMA: the second Saturday ~~and the last day~~.

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

-Cumberland State Forest: the second and third Saturdays.

Dickenson County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

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

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

Fairfax County: full season.

Fauquier County: full season.

-G. Richard Thompson WMA: ~~the second Saturday and the last day~~ the second and third Saturdays and the last 13 days.

-Chester F. Phelps WMA: the second Saturday ~~and the last day~~.

Floyd County: full season.

Fluvanna County: second and third Saturdays and the last ~~13~~ 29 days.

-Hardware River WMA: second and third Saturdays and the last 13 days.

Franklin County: full season.

-Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second Saturday and the last six days.

Frederick County: full season.

-National forest lands: the last day.

Giles County: full season.

-National forest lands: the second Saturday and the last day.

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

Goochland County: ~~the second and third Saturdays and the last 29 days~~ full season.

Grayson County: full season.

-National forest lands and Grayson Highlands State Park: the last day.

Greene County: full season.

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

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

Hanover County: full season.

Henrico County: full season.

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

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second Saturday and the last six days.

Highland County: the second Saturday and the last day.

-National forest lands: the last day.

-Department-owned lands: the second Saturday and the last day.

Isle of Wight County: full season.

-Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

James City County: full season.

King and Queen County: the second and third Saturdays and the last ~~six~~ 13 days.

King George County: the second and third Saturdays and the last 13 days.

King William County: the second and third Saturdays and the last ~~six~~ 13 days.

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

Lee County: the second Saturday and the last two days.

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

Loudoun County: full season.

Louisa County: the second and third Saturdays and the last 29 days.

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

Madison County: full season.

-Rapidan WMA: the second and third Saturdays and the last ~~29~~13 days.

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

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

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

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

Montgomery County: full season.

-National forest lands: the second Saturday and the last day.

Nelson County (east of Route 151): the second and third Saturdays and the last 29 days.

-James River WMA: the second Saturday and the last six days.

Nelson County (west of Route 151): full season.

-National forest lands: the last day.

New Kent County: ~~the second and third Saturdays and the last 29 days~~full season.

Northampton County: full season.

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

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

Orange County: full season.

Page County: ~~the second Saturday and the last six days~~full season.

-National forest lands: the last day.

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

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

Pittsylvania County (east of Norfolk Southern Railroad): the second and third Saturdays and the last 29 days.

-White Oak Mountain WMA: the second Saturday and the last three days.

Pittsylvania County (west of Norfolk Southern Railroad): full season.

Powhatan County: ~~the second and third Saturdays and the last 29 days~~full season.

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

Prince Edward County: the second and third Saturdays and the last six days.

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

-Featherfin WMA: the second and third Saturdays and the last 29 days.

-Prince Edward State Forest: the second and third Saturdays.

Prince George County: full season.

Prince William County: full season.

Pulaski County: full season.

-National forest lands: the second Saturday and the last day.

Rappahannock County: full season.

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

Roanoke County: full season.

-National forest and department-owned lands: the last day.

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

-National forest and department-owned lands: the last day.

Rockingham County: full season.

-National forest lands: the last day.

-Private lands west of Routes 613 and 731: the Second Saturday and the last day.

Russell County: the second Saturday and the last two days.

-Department-owned lands and the Channels State Forest: the last day.

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

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

Shenandoah County: full season.

-National forest lands: the last day.

Smyth County: full season.

-National forest lands, department-owned lands, and Hungry Mother State Park: the last day.

Southampton County: full season.

Spotsylvania County: ~~the second and third Saturdays and the last 29 days~~ full season.

-Oakley Forest WMA: the second and third Saturdays and the last 13 days.

Stafford County: full season.

Suffolk (east of the Dismal Swamp Line): the second and third Saturdays and the last 13 days.

Suffolk (west of the Dismal Swamp Line): full season.

Surry County: full season.

-Carlisle and Stewart Tracts of the Hog Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Sussex County: full season.

-Big Woods WMA (including the Parkers Branch Tract) and Big Woods State Forest: the second and third Saturdays and the last six days.

Tazewell County: the second Saturday and the last two days.

-National forest and department-owned lands: the last day.

Virginia Beach (City of): the second and third Saturdays and the last 13 days.

Warren County: full season.

-National forest lands: the last day.

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

-National forest lands, department-owned lands, and the Channels State Forest: the last day.

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

Wise County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Wythe County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

York County: full season.

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

Rationale:

Charles City, Goochland, King and Queen, King William, New Kent, Page, Powhatan, and Spotsylvania counties. The private land deer population index in these counties is currently above the desired deer population management objective bracket in the Department's deer management plan. Additional either-sex deer hunting days should assist in bringing the deer population back down to the desired level(s).

Chesterfield. The proposed increase in firearms either-sex deer hunting days in Chesterfield County is a proactive change. The private land deer population index in Chesterfield County is currently at the top end, but within the desired deer population objective bracket found in the Department's deer management

plan and has increased significantly over the past five years. Additional either-sex deer hunting days should assist in bringing the deer population back down slightly.

Fluvanna. The proposed increase in firearms either-sex deer hunting days in Fluvanna County is a proactive change. The private land deer population index in Fluvanna County is currently at the top end of its desired deer population objective bracket found in the Department's deer management plan; however, local staff feels that additional either-sex deer hunting opportunities can and should be provided at this time.

Rockingham (private lands west of Routes 613 and 731). In fall 2008, the Department created a special deer management unit in western Rockingham in response to public concerns regarding low deer numbers. Since that time, conservative deer regulations have been in place in this area on both public and private lands. Anecdotal comments would appear to indicate that deer populations have increased in this unit over the past decade, especially on private lands. Additionally, numerous comments were received during the public comment period for this regulation cycle requesting more either-sex deer hunting days in this area. Additional either-sex deer hunting day will not apply to public lands within this special management area.

C.F. Phelps and Rapidan WMA's. Local Wildlife Division WMA staff have requested a decrease in the number of firearms either-sex deer hunting days on these two areas.

G.R. Thompson WMA. The first CWD deer found in Fauquier County in fall 2019 was killed on the G.R. Thompson WMA. Wildlife Health staff has requested an increase on the number of either-sex deer hunting days on this area.

Hardware River WMA. The number of firearms either-sex deer hunting days are being increased in Fluvanna County from 15 to 31. The proposal will leave the number on the Hardware River WMA at 15 (no change).

Oakley Forest WMA. Oakley Forest WMA currently follows Spotsylvania County's either-sex deer hunting days. However, there is a need to separate the WMA from the county-wide season as Spotsylvania County is proposed for an increase to full season either-sex deer hunting. The deer population on Oakley Forest WMA appears to have reached the desired population level after several years of the current season structure. In order to stabilize the deer population, reducing the antlerless harvest is necessary to maintain the desired population level and retain hunter satisfaction.

White Oak Mountain WMA. Local Wildlife Division WMA staff have requested an increase in the number of firearms either-sex deer hunting days on this area.

Harvest Reporting Regulations

4VAC15-90-231

Game: Deer: Validating tags and checking deer by licensee or permittee.

Summary:

The proposal is to (i) address electronic deer tags and reporting deer using the eNotch feature of the Department's GoOutdoorsVA smartphone application, (ii) remove text related to checking, check stations, and check cards, (iii) simplify wording where possible and break the regulation into a simpler and more logical order, and (iv) amend the section on mandatory disease testing to include mandatory drop off of deer heads from designated areas on designated days.

Proposed language of amendment:

4VAC15-90-231. Validating tags and ~~checking~~ reporting deer by licensee or permittee.

A. Any person killing a deer shall, before removing the carcass from the place of kill, validate an appropriate tag on ~~his~~ their special license for hunting deer and turkey, bonus deer permit, or special permit by completely removing the designated notch area from the tag or by electronically notching a tag and reporting the deer using the department's mobile harvest reporting application. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a deer tag from any special license for hunting deer and turkey, bonus deer permit, or special permit prior to the killing of a deer. A deer tag that is mistakenly validated (notched) prior to the killing of a deer must be immediately voided by the licensee or permittee by writing, in ink, the word "VOID" on the line provided on the license tag. All electronically notched tags are permanent and cannot be voided.

B. Upon killing a deer and validating (notching) a license tag, bonus deer permit or special permit, as provided in subsection A of this section, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, ~~present the carcass and validated (notched) license tag, bonus deer permit or special permit to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the deer was killed or~~ report the kill through the department's automated harvest reporting system. ~~All deer killed after the first Saturday in January (as prescribed in 4VAC15-90-10 and 4VAC15-90-70) must be checked by telephone or Internet.~~ At such time, the person ~~checking or~~ reporting the carcass will be given a ~~game check card furnished by the department or a~~ confirmation number ~~from the automated reporting system~~. The successful hunter shall then immediately record the ~~game check card number or~~ confirmation number, in ink, on the line provided on the tag that was validated (notched) in the field. ~~If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.~~

C. ~~If After~~ the kill is reported ~~using the automated harvest reporting system~~, no ~~check card written documentation~~ is required as long as the hunter who killed the animal is in possession of the carcass. If the ~~automated harvest~~ reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. ~~Processed carcass parts of a deer killed legally in Virginia may be transported; however, upon request of any authorized law enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.~~

~~ED.~~ It shall be unlawful for any person to destroy the identity of the sex of any deer killed unless and until the license tag, bonus deer permit or special permit is validated (notched) and checked reported as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required in subsection A of this section, as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is ~~checked at a big game check station or reported through the automated harvest reporting system. Any deer found in the possession of any person without a validated (notched) license tag or documentation that the deer has been checked (via a big game check station or the automated harvest reporting system) as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law reported.~~

E. Processed carcass parts of a deer killed legally in Virginia may be transported. However, upon request of any authorized law-enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.

F. Any deer found in the possession of any person without a validated (notched) license tag or documentation that the deer has been reported as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

~~DG.~~ Upon killing a deer within an area designated by the department for deer disease management and on days designated by the department, the licensee or permittee shall present the carcass, ~~on the day of kill,~~ at, or submit carcass parts or samples as directed by the department to, a location designated by the department for the purposes of disease surveillance or biological monitoring.

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

Rationale:

eNotch. The proposal will address electronic deer tags and reporting deer using the eNotch feature of the Department's GoOutdoorsVA smartphone application.

Check stations and check cards. The proposal removes all references and text related to physical check stations and check cards. The Department of Wildlife Resources (DWR) plans to transition to 100% electronic harvest reporting starting September 1, 2021 at the beginning of the 2021-22 hunting season. All hunters (including those who are not required to purchase a license) who harvest a deer next fall will need to report their harvest by calling DWR (866-GOT-GAME), logging on to gooutdoorsvirginia.com, or by using the eNotch option of the GoOutdoorVA mobile phone application (free though the app store).

Mandatory harvest reporting, a cornerstone of DWR's game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004 DWR has offered some form of electronic reporting, and beginning in 2019 electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

Format. Over the past several decades changes to this regulation (transportation of processed parts, forfeiture, etc.) have become embedded in unrelated sections. Changes in format made in this version do not change the meaning of the regulation but make it more intuitive and readable.

Mandatory Disease Submission. For most of the past decade, the Department has required deer hunters in CWD positive or at risk areas to bring their deer to mandatory CWD sampling stations staffed by DWR staff and volunteers on designated days; typically the first and/or second Saturday of the firearms deer season. Staff would like to broaden this disease testing in CWD areas to include the mandatory dropping off of deer heads at unmanned collection sites set up in designated areas on designated days/seasons.

4VAC15-50-81

Game: Bear: Validating tags and checking bear and tooth submission by licensee or permittee.

Summary:

This proposal is to remove all references to checking, check stations, and check cards to reflect the requirement for all big game harvests to be reported electronically using either the telephone, internet, or GoOutdoors Virginia mobile harvest reporting application beginning in the 2021-22 hunting season.

Proposed language of amendment:

4VAC15-50-81. Validating tags and ~~checking reporting~~ bear and tooth submission by licensee or permittee.

A. Any person killing a bear shall, before removing the carcass from the place of kill, validate an appropriate tag on their special license for hunting bear or special permit by completely removing the designated notch area from the tag or by electronically notching a tag and reporting the bear using the department's mobile harvest reporting application. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special license for hunting bear or special permit prior to the killing of a bear. A bear tag that is mistakenly validated (notched) prior to the killing of a bear must be immediately voided by the licensee or permittee by writing, in ink, the word "VOID" on the line provided on the license tag. All electronically notched tags are permanent and cannot be voided.

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

C. ~~If the carcass is checked at a bear check station, upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass. If the kill is reported through the department's~~

~~automated harvest reporting system, A~~ a premolar tooth must be removed by the hunter immediately after reporting the kill through the department's automated harvest reporting system. The premolar shall be placed in an envelope furnished by the department and labeled with the hunter's full name, check confirmation number, date of kill, and the sex of the harvested bear. This envelope with premolar and accompanying information must be mailed or delivered to the department no later than 14 days after the close of the bear harvest season.

D. It shall be unlawful for any person to destroy the identity of the sex of any bear killed unless and until the license tag or special permit is validated (notched) and checked reported as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required in subsection A of this section, as long as they do not destroy the identity of the sex, and all the parts of the carcass are present when the bear is ~~checked at an authorized bear checking station or~~ reported through the automated harvest reporting system. Any bear found in the possession of any person without a validated (notched) license tag or documentation that the bear has been ~~checked- reported through the department's at an authorized bear checking station or~~ automated harvest reporting system as required by this section 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:

Beginning in the fall of 2021 all harvest reporting will occur electronically through either the telephone, internet, or GoOutdoors mobile application. Mandatory game checking, a cornerstone of DWRs game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004, DWR has offered some form of electronic reporting, and beginning in 2019, electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

The proposed amendments remove all references to physical check stations and check cards and adds language in reference to the “e-notch” feature of the mobile application which allows a hunter to electronically notch a tag on their license from their smartphone.

4VAC15-240-81

Game: Turkey: Validating tags and checking turkey by licensee

Summary:

This proposal is to remove all references to checking, check stations, and check cards to reflect the requirement for all big game harvests to be reported electronically using either the telephone, internet, or GoOutdoors Virginia mobile harvest reporting application beginning in the 2021-22 hunting season.

Proposed language of amendment:

4VAC15-240-81 Validating tags and ~~checking reporting~~ turkey by licensee.

A. Any person killing a turkey shall, before removing the carcass from the place of kill, validate an appropriate tag on his special license for hunting deer and turkey by completely removing the designated notch area from the tag or by electronically notching a tag and reporting the turkey using the department's mobile harvest reporting application. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a turkey tag from any special license for hunting deer and turkey prior to the killing of a turkey. A turkey tag that is mistakenly validated (notched) prior to the killing of a turkey must be immediately voided by the licensee by writing, in ink, the word "VOID" on the line provided on the tag. All electronically notched tags are permanent and cannot be voided.

B. Upon killing a turkey and validating (notching) a license tag, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, ~~present the carcass and validated (notched) license tag to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or~~ report his kill through the department's automated harvest reporting system. ~~Turkeys killed during the January season (as prescribed in 4VAC15-240-10) and the spring turkey seasons (as prescribed in 4VAC15-240-40 and 4VAC15-240-60) must be reported through the department's automated harvest reporting system. The person reporting the carcass will be given a game check card furnished by the department or~~ a confirmation number from the automated harvest reporting system. The successful hunter shall then immediately record the ~~game check card number or~~ confirmation number, in ink, on the line provided on the license tag that was validated (notched) in the field. ~~If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass.~~ If reported using the automated harvest reporting system, no check card is required as long as the hunter who killed the turkey is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the turkey was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed unless and until the license tag is validated (notched) and reported ~~to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or~~ by using the automated harvest reporting system as required by this section. Any turkey found in the possession of any person without a validated (notched) license tag or documentation that the turkey has been reported ~~to an authorized checking station or to an appropriate representative of the department~~

~~in the county or adjoining counties in which the turkey was killed or~~ by using the automated harvest reporting system as required by this section 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:

Beginning in the fall of 2021 all harvest reporting will occur electronically through either the telephone, internet, or GoOutdoors mobile application. Mandatory game checking, a cornerstone of DWRs game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004, DWR has offered some form of electronic reporting, and beginning in 2019, electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

The proposed amendments remove all references to physical check stations and check cards and adds language in reference to the “e-notch” feature of the mobile application which allows a hunter to electronically notch a tag on their license from their smartphone.

4VAC15-90-241

Game: Deer: Checking deer by persons exempt from license requirement or holding a license authorization number.

Summary:

The proposal is to (i) remove text related to checking, check stations, and check cards, (ii) simplify wording where possible and break the regulation into a simpler and more logical order, and (iii) amend the section on mandatory disease testing to include mandatory drop off of deer heads from designated areas on designated days.

Proposed language of amendment:

4VAC15-90-241. **Checking Reporting** deer by persons exempt from license requirement or holding a license authorization number.

A. Upon killing a deer, any person (i) exempt from license requirement as prescribed in § [29.1-301](#) of the Code of Virginia, (ii) issued a complimentary license as prescribed in § [29.1-339](#) of the Code of Virginia, (iii) holding a permanent license issued pursuant to § [29.1-301](#) E of the Code of Virginia, or (iv) holding a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § [29.1-327](#) B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, ~~present the carcass to an authorized checking station or to any appropriate representative of the department in the county or adjoining county in which the deer was killed or~~ report the kill through the department's automated harvest reporting system. ~~All deer killed after the first Saturday in January (as prescribed in 4VAC15-90-22 and 4VAC15-90-70) must be checked by telephone or Internet.~~ At such time, the person ~~checking or~~ reporting the carcass shall be given ~~a game check card furnished by the department or~~ a confirmation number ~~from the automated reporting system. If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If the kill is reported using the automated harvest reporting system,~~ the successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the ~~automated harvest reported~~ carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. ~~Processed carcass parts of a deer killed legally in Virginia may be transported; however, upon request of any authorized law enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.~~

B. It shall be unlawful for any person to destroy the identity (sex) of any deer killed until the deer is checked reported as required by this section. Successful deer hunters are allowed to dismember the carcass to 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 the carcass are present when the deer is ~~checked at a big game check station or reported through the automated harvest reporting system. Any deer that has not been checked (via a big game check station or the automated harvest reporting system) as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law~~ reported.

C. Processed carcass parts of a deer killed legally in Virginia may be transported; however, upon request of any authorized law enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.

D. Any deer that has not been reported as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.

~~CE~~. Upon killing a deer within an area designated by the department for deer disease management and on days designated by the department, the licensee or permittee shall present the carcass, ~~on the day of kill,~~ at, or submit carcass parts or samples as directed by the department to, a location designated by the department for the purposes of disease surveillance or biological monitoring.

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

Rationale:

Check stations and check cards. The proposal will remove all references and text related to physical check stations and check cards. The Department of Wildlife Resources (DWR) plans to transition to 100% electronic harvest reporting starting September 1, 2021 at the beginning of the 2021-22 hunting season. All hunters (including those who are not required to purchase a license) who harvest a deer next fall will need to check their harvest by calling DWR (866-GOT-GAME), logging on to gooutdoorsvirginia.com, or by using the eNotch option of the GoOutdoorVA mobile phone application (free though the app store).

Mandatory game checking, a cornerstone of DWR's game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004, DWR has offered some form of electronic reporting, and beginning in 2019 electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

Format. Over the past several decades changes to this regulation (transportation of processed parts, forfeiture, etc.) have become embedded in unrelated sections. Changes in format made in this version do not change the meaning of the regulation but make it more intuitive and readable.

Mandatory Disease Submission. For most of the past decade, the Department has required deer hunters in CWD positive or at risk areas bring their deer to mandatory CWD sampling check stations staffed by DWR staff and volunteers on designated days; typically the first and/or second Saturday of the firearms deer season. Staff would like to broaden this disease testing in CWD areas to include the mandatory dropping off of deer heads at unmanned collection sites set up in designated areas on designated days/seasons.

4VAC15-50-91

Game: Bear: Checking bear and tooth submission by persons exempt from license requirements or holding a license authorization number.

Summary:

This proposal is to remove all references to checking, check stations, and check cards to reflect the requirement for all big game harvests to be reported electronically using either the telephone, internet, or GoOutdoors Virginia mobile harvest reporting application beginning in the 2021-22 hunting season.

Proposed language of amendment:

4VAC15-50-91. Checking Reporting bear and tooth submission by persons exempt from license requirements or holding a license authorization number.

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

~~B. If the bear is checked at a bear checking station, the person checking the carcass shall surrender or allow to be removed one premolar tooth from the carcass. If the kill is reported through the department's automated harvest reporting system, a~~ A premolar tooth must be removed by the hunter immediately after reporting the kill through the department's automated harvest reporting system. The premolar shall be placed in an envelope furnished by the department and labeled with the hunter's full name, check confirmation number, date of kill, and the sex of the harvested bear. This envelope with premolar and accompanying information must be mailed or delivered to the department no later than 14 days after the close of the bear harvest season.

C. It shall be unlawful for any person to destroy the identity of the sex of any bear killed until the bear is checked reported as required by this section. Successful bear hunters are allowed to dismember the

carcass to 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 the carcass are present when the bear is ~~checked at an authorized bear check station or~~ reported through the automated harvest reporting system. Any bear that has not been ~~checked,~~ reported through the department's automated harvest reporting system as required by this section, found in the possession of any person exempt from the license requirements or holding a license authorization number 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:

Beginning in the fall of 2021 all harvest reporting will occur electronically through either the telephone, internet, or GoOutdoors mobile application. Mandatory game checking, a cornerstone of DWRs game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004, DWR has offered some form of electronic reporting, and beginning in 2019, electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

The proposed amendments remove all references to physical check stations and check cards for license exempt hunters.

4VAC15-240-91

Game: Turkey: Checking turkey by persons exempt from license requirement or holding a license authorization number

Summary:

This proposal is to remove all references to checking, check stations, and check cards to reflect the requirement for all big game harvests to be reported electronically using either the telephone, internet, or GoOutdoors Virginia mobile harvest reporting application beginning in the 2021-22 hunting season.

Proposed language of amendment:

4VAC15-240-91. Checking Reporting turkey by persons exempt from license requirement or holding a license authorization number.

A. Upon killing a turkey, any person exempt from the license requirement as described in § [29.1-301](#) of the Code of Virginia, or issued a complimentary license as prescribed in § [29.1-339](#), or the holder of a permanent license issued pursuant to § [29.1-301](#) E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § [29.1-327](#) B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever comes first, and without unnecessary delay, ~~present the carcass to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or~~ report his kill through the department's automated harvest reporting system. ~~Turkeys killed during the January season (as prescribed in 4VAC15-240-10) and the spring turkey seasons (as prescribed in 4VAC15-240-40 and 4VAC15-240-60) must be reported through the department's automated harvest reporting system.~~ The person reporting the carcass shall be given a ~~game check card furnished by the department or a~~ confirmation number from the automated harvest reporting system. ~~If checked at a big game check station, the game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass. If reported using the automated harvest reporting system,~~ No check card is required as long as the hunter who killed the turkey is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the turkey was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

B. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed until the turkey is reported ~~to an authorized checking station or to an appropriate representative of the department in the county or adjoining county in which the turkey was killed or~~ by using the automated harvest reporting system as required by this section. Any turkey that has not been reported ~~to an authorized checking station or to an appropriate representative of the department in the county or adjoining county or counties in which the turkey was killed or~~ by using the automated harvest reporting system as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number 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:

Beginning in the fall of 2021 all harvest reporting will occur electronically through either the telephone, internet, or GoOutdoors mobile application. Mandatory game checking, a cornerstone of DWRs game management program for more than 70 years, will remain vital for game management in Virginia for many years to come. Thus, it is critical that every hunter report their harvest using one of the electronic reporting systems. Since 2004, DWR has offered some form of electronic reporting, and beginning in 2019, electronic reporting options were available for all species for which reporting is required. In fall 2019, 86% of all deer, 93% of fall turkeys, 100% of spring turkeys, 100% of bobcats, and 58% of all bears were reported through an electronic reporting system.

The proposed amendments remove all references to physical check stations and check cards for license exempt hunters.

Bear & Wild Turkey Regulations

4VAC15-50-120

Game: Bear: Bear hound training season.

Summary:

This proposal will add Dinwiddie County to the list of counties allowing bear hound training season as originally intended when the training season was initiated in that area in 2013.

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 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, Greenville, 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 in 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, Dinwiddie, Essex, Gloucester, Greenville, Halifax, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Pittsylvania (east of the Norfolk Southern Railroad), Prince Edward, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York.

C. It shall be 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:

In 2013 when the November bear hound training season was initiated for numerous counties in the southern Piedmont and Northern Neck area, Dinwiddie County was inadvertently left off the list of included counties. Since the initiation of the season, Dinwiddie County has been listed in the DWR hunting digest as a participating locality with no issues. This regulation proposal simply will add Dinwiddie into the training season regulation as it was intended in 2013.

4VAC15-240-20

Game: Turkey: Open season; certain counties and areas; two-week season.

Summary:

This proposal will remove Orange County from the list of counties which have a two week fall turkey season and add it to the regulation for a six week fall turkey season (4VAC15-240-32).

Proposed language of amendment:

4VAC15-240-20 Open season; certain counties and areas; two-week season.

It shall be lawful to hunt turkeys 14 days immediately before the Saturday prior to the first Monday in November and on Thanksgiving Day in the Counties of Albemarle, Alleghany, Augusta, Bath, Greene, Highland, Madison, Page, ~~Orange~~, and Rockingham.

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

Rationale:

Current population trends and density estimates for Orange County show positive improvements in the status of the turkey population. Orange County currently has a moderate turkey density with a population trend that is increasing at a significant rate. Staff believe the population is stable enough to sustain an increased fall harvest opportunity based on the current population metrics. The remaining counties in this grouping of two week fall season do not currently indicate population trends of significant increases that would allow for additional fall harvest opportunities.

4VAC15-240-32

Game: Turkey: Open season; certain counties and areas; six week season

Summary:

This proposal seeks to add Orange County to the counties with a six week fall turkey season.

Proposed language of amendment:

4VAC15-240-32 Open season; certain counties and areas; six week season.

It shall be lawful to hunt turkeys 14 days immediately before the Saturday prior to the first Monday in November; on Thanksgiving Day and the day before; on the Monday nearest December 2 and for 12 days following, both dates inclusive; and on the second Saturday in January and for 14 days following in the Counties of Amherst, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Charlotte, Chesterfield, Cumberland, Floyd, Fluvanna, Frederick, Goochland, Halifax, Hanover, Henrico, Henry, Louisa, Lunenburg, Mecklenburg, Nottoway, Orange, Patrick, Pittsylvania, Prince Edward, Shenandoah, Spotsylvania, Tazewell, and Warren.

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

Rationale:

Current population trends and density estimates for Orange County show positive improvements in the status of the turkey population. Orange County currently has a moderate turkey density with a population trend that is increasing at a significant rate. Staff believe the population is stable enough to sustain an increased fall harvest opportunity based on the current population metrics.

4VAC15-240-40

Game: Turkey: Open Season; spring season for bearded turkeys

Summary:

The proposal is to allow hunting from ½ before sunrise to sunset throughout the entire spring turkey season.

Proposed language of amendment:

4VAC15-240-40. Open Season; spring season for bearded turkeys.

A. Except as otherwise provided in this section, it shall be lawful to hunt bearded turkeys from the second Saturday in April and for 35 days following, both dates inclusive, from 1/2 hour before sunrise to ~~[12:00 noon prevailing time during the first 23 days and from 1/2 hour before sunrise to sunset during the last 13 days of the spring season sunset 12:00 noon prevailing time during the first 16 days and from 1/2 hour before sunrise to sunset during the last 20 days of the spring season]~~.

B. Turkey hunters 15 years of age and younger and holders of an apprentice hunting license may hunt on the first Saturday in April and the following calendar day from 1/2 hour before sunrise to sunset, when in compliance with applicable license requirements and when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or an adult who is exempt from purchasing a hunting license. Adult hunters accompanying youth hunters or apprentice license holders on these days may assist with calling but they shall not carry or discharge weapons. Youth and apprentice turkey hunters are limited on this weekend to one turkey per hunter.

C. Upon receipt of an application from an officer or other designated official representative of any nonprofit organization that has support for sportsmen with impaired mobility as one of its mission statements, the director may issue a permit to an officer or representative of the organization that allows sportsmen with impaired mobility to hunt bearded wild turkeys from 1/2 hour before sunrise to sunset from the 10th through 16th days of the spring season. Such authorization shall be valid only when hunting during an authorized event. All participants shall be in compliance with all requirements of law and regulation that apply during the spring season, and bearded turkeys killed during these events shall count toward daily and annual bag limits.

D. Bearded turkeys may be hunted by calling.

E. It shall be unlawful to use dogs or organized drives for the purpose of hunting.

F. It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: reducing the opportunity for all-day spring turkey hunting to the final 20 days of the spring turkey season due to public concerns for potential biological impacts to the turkey population.

Rationale:

The Department routinely receives public input seeking additional spring turkey hunting recreation opportunity by providing all day hunting throughout the entire spring turkey season. This feedback

routinely references potential impacts of inclement weather on hunting opportunities and the current ½-hour before sunrise to noon time restriction limiting hunting opportunities due to work-related responsibilities. Frequently referenced are the particular challenges in offering youth spring turkey hunting opportunities due to school responsibilities and the abundance of extracurricular activities for youth during this time of year. Providing additional hunting opportunities during the spring season could have potential population-level impacts, especially as it relates to the unintentional or illegal take of adult hens during the breeding season. During the early portion of Virginia's spring turkey season, adult hens are still actively breeding and may be more vulnerable to unintentional or illegal harvest. This vulnerability decreases as the breeding season progresses and adult hens begin to lay eggs and incubate nests. If mortality of adult hens increases, potential population impacts could arise through decreased productivity within the turkey population. At the same time, spring harvest data suggest that turkey populations are generally stable at an all-time high level across most areas of Virginia. Recognizing the potential for biological impacts, this proposal is made to address demands for additional recreational opportunities and to aide in hunter recruitment.

4VAC15-240-60
Game: Turkey: Archery hunting.

Summary:

The proposal is to align the fall turkey archery season with the current statewide deer and bear archery season dates.

Proposed language of amendment:

4VAC15-240-60. Archery hunting.

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

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

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

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

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

Rationale:

Currently the fall turkey archery season ends one week earlier than the deer and bear archery season. The archery harvest during the fall season generally makes up approximately 5-7% of the total fall turkey harvest each year and thus does not likely pose a significant biological implication if one additional week was added to this season. By aligning the statewide archery season dates for deer, bear, and turkey this will likely limit hunter confusion with differing end dates while also increasing the opportunity for fall turkey hunting.

Rabbit Regulations

4VAC15-200-15 (New) – formerly 4VAC15-200-11 (New)
Game: Rabbits and Hares: Definitions.

Summary:

The proposal is to prohibit the import and possession of all whole wild rabbit carcasses originating from anywhere outside of Virginia. Restricting importation to dressed carcasses only minimizes the risk of introducing Rabbit Hemorrhagic Disease Virus Serotype 2 into the Commonwealth through the movement of potentially infected carcass parts.

Proposed language of amendment:

4VAC15-200-~~11~~15]. ~~Wild rabbit carcass importation~~Definitions.

The following words or terms, when used in ~~4VAC 15-200-12 and in~~ this ~~section~~chapter], shall have the following meanings unless the context clearly indicates otherwise:

“Import” means to transport a carcass or carcass parts, other than those outlined in ~~subsection B of this section~~4VAC15-200-60], into the Commonwealth in such a manner that the carcass or carcass parts are removed from their place of storage within a vehicle or other conveyance and placed or deposited within the Commonwealth. Rabbits harvested on properties that span the Commonwealth's boundary with an adjoining state shall not be considered imported.

"Wild Rabbit" means any member of the taxonomic order Lagomorpha, including rabbits, hares, and pika regulated by the Department of Wildlife Resources and not defined as domestic breeds by the American Rabbit Breeders Association.

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

Rationale:

Restricting the importation of wild rabbit carcass parts from animals harvested outside Virginia is an important preventative measure intended to reduce the risk of introducing Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV2) into the Commonwealth. Because the virus is present in the blood of infected rabbits, most parts of a carcass are contaminated with the virus. In addition, the virus survives for months in dead rabbit parts and can survive freezing. Due to the hardiness and high infectivity of this virus, rabbits can become infected after coming into contact with infectious carcass parts, therefore long distance movements of potentially infectious carcass parts is believed to be an efficient method of spread to new areas. Once circulating in a rabbit population, the virus causes high morbidity and mortality, potentially leading to severe local or landscape-level rabbit population declines. While it is not known for certain whether RHDV2 will spread across the United States to Virginia, the likelihood is high based upon the documented rapid spread of the disease across both Europe and Australia. To protect Virginia's rabbit species for all citizens, including Virginia rabbit hunters and rabbit dog enthusiasts, steps to limit the importation of potentially infectious rabbit carcass parts from other states are prudent. The DWR RHDV2 Management Plan outlines several pathways to minimize the risk of RHDV2 introduction and

4VAC15-200-30
Game: Rabbits and Hares: Trapping with box traps.

Summary:

The proposal is to limit the translocation of live wild rabbits box trapped in Virginia to within the county of capture in order to reduce the risk of spreading Rabbit Hemorrhagic Disease Virus Serotype 2 throughout the Commonwealth.

Proposed language of amendment:

4VAC15-200-30. Trapping with box traps.

It shall be lawful to trap rabbits with box traps from October 15 through January 31, both dates inclusive; provided, that no traps shall be set on the lands of another without written permission; provided further, that it shall be lawful to live-trap rabbits and transport them only within their county of capture, for release or restocking purposes in Virginia at any time, provided they are not released onto the lands of another without permission.

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

Rationale:

Limiting the translocation of wild rabbits is an important preventative measure intended to reduce the risk of spreading Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV2) across the Commonwealth. Live animal movement is believed to be the most efficient way to spread this highly infectious and lethal virus long distances. RHDV2 affects all rabbit, hare, and pika species, and spreads easily and rapidly through rabbit populations. Over 80% of infected rabbits may die from it, potentially causing severe local or landscape-level rabbit population declines. While it is not known for certain whether RHDV2 will spread across the United States to Virginia, the likelihood is high based upon the documented rapid spread of the disease across both Europe and Australia. To protect Virginia's rabbit species for all citizens, including Virginia rabbit hunters and rabbit dog enthusiasts, steps to limit the translocation of wild captured rabbits are prudent. The DWR RHDV2 Management Plan outlines several pathways to minimize the risk of RHDV2 introduction and spread in Virginia, including development of an RHDV2 outreach campaign, restricted importation of potentially infectious non-consumable parts of rabbits that originate from outside Virginia, elimination of the disposal of potentially infectious leftover carcass parts on the landscape in Virginia, and restricted translocation of live wild rabbits within Virginia. Because it is possible that the disease could be present in Virginia and remain undetected for some time, the inadvertent spread of RHDV2 across the Commonwealth may be avoided by limiting the translocation of potentially infected live wild rabbits.

4VAC15-200-50 (New) – formerly 4VAC15-200-11 (New)

Game: Rabbits and Hares: Unauthorized wild rabbit carcass importation and possession.

Summary:

The proposal is to prohibit the import and possession of all whole wild rabbit carcasses originating from anywhere outside of Virginia. Restricting importation to dressed carcasses only minimizes the risk of introducing Rabbit Hemorrhagic Disease Virus Serotype 2 into the Commonwealth through the movement of potentially infected carcass parts.

Proposed language of amendment:

4VAC15-200-[1150]. Wild rabbit carcass importation.

No person shall import or possess a whole carcass or any part of a carcass of a wild rabbit originating from outside the Commonwealth, except for a fully dressed carcass with the skin, feet, head, and internal organs removed.

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

Rationale:

Restricting the importation of wild rabbit carcass parts from animals harvested outside Virginia is an important preventative measure intended to reduce the risk of introducing Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV2) into the Commonwealth. Because the virus is present in the blood of infected rabbits, most parts of a carcass are contaminated with the virus. In addition, the virus survives for months in dead rabbit parts and can survive freezing. Due to the hardiness and high infectivity of this virus, rabbits can become infected after coming into contact with infectious carcass parts, therefore long distance movements of potentially infectious carcass parts is believed to be an efficient method of spread to new areas. Once circulating in a rabbit population, the virus causes high morbidity and mortality, potentially leading to severe local or landscape-level rabbit population declines. While it is not known for certain whether RHDV2 will spread across the United States to Virginia, the likelihood is high based upon the documented rapid spread of the disease across both Europe and Australia. To protect Virginia's rabbit species for all citizens, including Virginia rabbit hunters and rabbit dog enthusiasts, steps to limit the importation of potentially infectious rabbit carcass parts from other states are prudent. The DWR RHDV2 Management Plan outlines several pathways to minimize the risk of RHDV2 introduction and spread in Virginia, including development of an RHDV2 outreach campaign, elimination of the disposal of potentially infectious leftover carcass parts on the landscape in Virginia, restricted translocation of live wild rabbits within Virginia, and restricted importation of potentially infectious non-consumable parts of rabbits that originate from outside Virginia. Rabbit carcasses imported into Virginia from other states, either known to have RHDV2 or not, could be a primary vector for the introduction of RHDV2 into the Commonwealth and thus should be restricted to consumable parts only.

4VAC15-200-60 (New) – formerly 4VAC15-200-12 (New)
Game: Rabbits and Hares: Disposal of wild rabbit parts.

Summary:

The proposal is to prohibit the disposal of wild rabbit parts onto the landscape of the Commonwealth in order to reduce the risk of spreading Rabbit Hemorrhagic Disease Virus Serotype 2 via deposition of potentially infectious carcass parts on the landscape.

Proposed language of amendment:

4VAC15-200-~~41~~60]. Disposal of wild rabbit parts.

No wild rabbit carcasses or carcass parts may be discarded or disposed of directly on the ground. All such carcasses or carcass parts must be buried at least two feet below ground, incinerated, or securely bagged and discarded in household trash for ultimate disposal in a permitted landfill.

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

Rationale:

Eliminating the disposal of potentially infectious rabbit carcass parts on the landscape is an important preventative measure intended to reduce the risk of spreading Rabbit Hemorrhagic Disease Virus Serotype 2 (RHDV2) throughout the Commonwealth. Because the virus is present in the blood of infected rabbits, most parts of a carcass are contaminated with the virus. In addition, the virus survives for months in dead rabbit parts and can survive freezing. Due to the hardiness and high infectivity of this virus, rabbits can become infected after coming into contact with infectious carcass parts left on the landscape. Thus, disposal of infectious carcass parts on the landscape is believed to be an efficient method of spreading this highly infectious and lethal virus to new areas. Once circulating in a rabbit population, the virus causes high morbidity and mortality, thus potentially leading to severe local or landscape-level rabbit population declines. While it is not known for certain whether RHDV2 will spread across the United States to Virginia, the likelihood is high based upon the documented rapid spread of the disease across both Europe and Australia. To protect Virginia's rabbit species for all citizens, including Virginia rabbit hunters and rabbit dog enthusiasts, steps to limit the deposition of potentially infectious rabbit carcass parts on the landscape is prudent. The DWR RHDV2 Management Plan outlines several pathways to minimize the risk of RHDV2 introduction and spread in Virginia, including development of an RHDV2 outreach campaign, restricted translocation of live wild rabbits within Virginia, restricted importation of potentially infectious non-consumable parts of rabbits that originate from outside Virginia, and elimination of the disposal of potentially infectious leftover carcass parts on the landscape in Virginia. Animal scavengers, such as vultures, opossums, raccoons, and eagles, have the potential to move potentially infectious discarded rabbit carcasses long distances, thereby increasing the likelihood of the spread of RHDV2 across the Commonwealth.

Wildlife Diversity Regulations

4VAC15-20-130

Definitions and Miscellaneous: In General; Endangered and threatened species; adoption of federal list; additional species enumerated.

Summary:

The proposal is to (i) update the date reference to the federal list of endangered and threatened wildlife species; (ii) update the Virginia List of Endangered and Threatened Species to remove the state threatened barking treefrog, add the red-cockaded woodpecker and Clinch dace as endangered, and retain the black rail as endangered to reflect their status in Virginia more accurately; and (iii) update requirements regarding allowable incidental take of little brown and tricolored bats to reflect their status in Virginia and to reduce regulatory burden.

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 ~~May 7, 2019~~ [January 13, 2021](#) [April 30, 2021](#), and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to subdivision 12 of § [29.1-103](#) of the Code of Virginia, 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 §§ [29.1-501](#) and [29.1-502](#) of the Code of Virginia.

B. In addition to the provisions of subsection A of this section, 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, Clinch	Chrosomus sp. cf. saylori
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:

Endangered:

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

Threatened:

Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta

4. Birds:

Endangered:

Plover, Wilson's	Charadrius wilsonia
Rail, black	Laterallus jamaicensis
Woodpecker, red-cockaded	Dryobates borealis
Wren, Bewick's	Thryomanes bewickii bewickii

Threatened:

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

5. Mammals:

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>

6. Mollusks:

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>
Ghostsail, 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>

Threatened:

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>Iofluvialis</i>
Sandshell, black	<i>Ligumia recta</i>
Supercoil, brown	<i>Paravitrea septadens</i>

7. Arthropods:

Threatened:

Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

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 in this subsection:

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 department-permitted nuisance wildlife control operator with DGIF department-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	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 the buffer to a 1/4-mile radius with the following conditions: for	Little to no direct lethal taking expected.

		<p>known roosts; removal of animals from known roosts.</p>	<p>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, one 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 a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk.</p> <p><u>DGIF</u>department-permitted nuisance wildlife control operator with <u>DGIF</u>department-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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		<p>Facility or project operations when conducted in accordance with a DGIF-approved plan associated with these species.</p>	<p>Development and implementation of a plan that avoids, minimizes, and mitigates incidental take associated with an otherwise lawful activity.</p> <p>The plan shall include, but not be limited to, documenting the specific condition or action, the specific mitigation to be taken, and the expected incidental take.</p>	<p>Little to no direct lethal taking expected.</p>
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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 April 30, 2021.

Rationale:

Adoption of the updated and modified federal list of endangered and threatened wildlife species:

Maintaining the currency of the Board's adoption of the 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. The updated date of April 30, 2021, reflects the most recent final rule federal action.

Changes to the State List of Endangered and Threatened Species

- A. *Removal of the barking treefrog as a threatened species:*** The Barking Treefrog (*Hyla gratiosa*) is the largest treefrog species in North America ranging from southern New Jersey and Delaware, southward along the southeastern Coastal Plain through most of the Florida Peninsula, and westward to southeastern Louisiana. It was listed as State Threatened under Virginia's Endangered Species Act on 1 January 1991. According to the 1993 draft Barking Treefrog Recovery Plan, the primary threats that warranted listing were loss of habitat and collection for the pet trade.

Barking Treefrogs have been found breeding in a variety of semi-permanent and permanent wetlands, including cypress-gum swamps, sinkholes, flooded farm fields, road-side ditches, and interdunal swales, many of which are relatively abundant throughout southeastern Virginia. In 1991, there had only been 11 observations of Barking Treefrogs made in Chesterfield, Isle of Wight, Mathews and Surry counties, with unverified sites in Greenville, Southampton and Sussex counties. Since 1999, there have been 71 new observations documented, including ones from several new counties and cities (Brunswick, Gloucester, Greenville, Lunenburg, Nottoway, Prince George, Southampton, Sussex, and Virginia Beach). Only a handful of these observations are from previously documented sites.

The threat of collection for the pet trade is a serious problem for many species of reptile and amphibian. In the past 15 years, however, there have only been two observed incidents of Barking Treefrogs being sold in the Commonwealth. In one instance, the animals were being sold at a PetSmart in James City County, but were removed from display and sale once the issue was brought to the attention of the store manager. In the second instance, the animals were being sold online by a private vender.

Based on the amount of suitable habitat, the lack of evidence that collection for the pet trade is a threat, and the number of new observations recorded since its listing, the proposal is that the Barking Treefrog be removed from the state list of endangered and threatened species. Further, the Board-proposed changes to 4VAC15-360-10 would continue to protect this species from unpermitted possession, collection, sale, etc., since it is a Species of Greatest Conservation Need listed in Virginia's 2015 Wildlife Action Plan.

- B. Addition of the Clinch dace as an endangered species:** In 1999, a species new to science, the Clinch Dace, *Chrosomus* sp. cf. *saylori*, was discovered in the upper Clinch drainage of Virginia. Since its discovery, the DWR has funded multiple studies to learn basic information needed to conserve the species. Although it remains undescribed, its life history, morphometric and meristic data support its classification as a distinct species.

Like other members of its genus that are headwater specialists, the Clinch Dace is found in streams less than third order and wetted widths averaging 13 feet. Conversely, Clinch Dace may occur at lower local densities than any of the other *Chrosomus* dace due to its more specialized diet (mainly insectivorous), higher trophic position, shorter lifespan (2 years), and lower reproductive success.

Subsequent sampling have found only 15 populations in Russell and Tazewell counties, with a total occupied stream length of just under 20 miles and estimated global population of 6,700 individuals. These populations are small and fragmented; gene flow between them is restricted, maybe non-existent. Further, riparian land use and mining pose significant threats to essential habitat. As such, the Clinch Dace was designated as a Federal Species of Concern and is included in Virginia's Wildlife Action Plan as a Species of Greatest Conservation Need, Tier I - Critical Conservation Need. All studies recommend additional protections including federal and state listing. Two other members of the genus, Blackside Dace (*C. Cumberlandensis*) and Tennessee Dace (*C. tennesseensis*), are federal and state listed respectively. The extremely rare occurrence of the Clinch Dace, and immediate threats to its habitat, warrant its inclusion on the state list of endangered and threatened species as an endangered species and it being afforded all protections of the Virginia Endangered Species Act.

- C. Addition of Red-cockaded Woodpecker as Endangered:** In 2020, the U.S. Fish and Wildlife Service proposed to downlist the red-cockaded woodpecker (*Dryobates borealis*) from endangered to threatened under the federal Endangered Species Act. The U.S. Fish and Wildlife Service noted that, through partnerships with the U.S. Department of Defense and the U.S. Forest Service, more than 1.3 million acres of longleaf pine stands (the species' preferred habitat) have been established and hundreds of cavity inserts have been placed in trees to expand and support nesting. Additionally, the number of pairs of red-cockaded woodpeckers has increased by 50% since the time of initial listing.

Virginia is the northernmost extent of the range of this species. In the Commonwealth, the species is only known from two locations – the Piney Grove/Big Woods complex in Sussex County and the Great Dismal Swamp National Wildlife Refuge in the cities of Suffolk and Chesapeake. By 1998, the year in which The Nature Conservancy acquired its Piney Grove Preserve, the Virginia population of red-cockaded woodpecker was nearly extirpated, consisting of only 3 potential breeding groups on the Preserve. Aggressive habitat and cavity management on the Preserve, completed by a translocation program active through 2005, has enabled that population to grow to 15 potential breeding groups numbering just over 100 birds. In the past five years, birds from this population have begun pioneering off of the Preserve and onto the DWR's abutting Big Woods Wildlife Management Area, where habitat and cavity management strategies complement those at Piney Grove. A single pair of woodpeckers has nested on the WMA in each of the past two years, and the DWR expects more birds to establish breeding groups on Big Woods. The population at the Great Dismal Swamp National Wildlife Refuge is in

the process of being established via translocations of birds from other populations since 2015, coupled with selective habitat management. Currently, the Refuge population numbers only 11 birds in 3 potential breeding groups. Both locations are highly vulnerable to significant weather events, such as hurricanes and ice storms, as well as wildfires and outbreaks of pine bark beetles. Such events could cause critical losses and erase years of gains by doing untold damage to cavity trees, upon which the birds rely for roosting and nesting. These events could also damage the species' foraging base, which consists of younger, smaller pine trees; these trees are vital in replacing current cavity trees as the latter die out over time. The need to continue aggressive efforts to enhance the species in Virginia, including protection under the Virginia Endangered Species Act, are imperative to its persistence in the state and reflective of its imperiled status in the Commonwealth.

- D. *Retain the state endangered status for the Eastern Black Rail:*** The Eastern Black Rail was state listed as endangered in 2012 following the first systematic breeding survey conducted in areas with suitable habitat on Virginia's coastal plain. Only 16 individuals were detected at 12 sampling points along the eastern shore of the Chesapeake Bay in Accomack County. No Black Rails were detected on the seaside of the Delmarva Peninsula, the western shore of the Chesapeake Bay, along the James, York or Nansemond rivers, or in Back Bay. Only two Black Rails were documented during the Commonwealth's second coastal survey conducted in 2014; both detections were made at Saxis Wildlife Management Area. Virginia's current estimate ranges between 0 and 10 pairs. Several scattered observations of Black Rails have been recorded within the inner Coastal Plain, Piedmont and Mountain regions of the Commonwealth since the late 1930s, although none of these records included confirmation of breeding activity.

The Chesapeake Bay marshes of the Delmarva Peninsula from Dorchester County, Maryland, through Accomack County, Virginia, have long been considered the most important region in the Mid-Atlantic for Black Rails. Black Rail surveys conducted on the bayside and seaside of the Maryland's Delmarva Peninsula in 1990-1992, 2007 and again in 2014 reported a 90% decline in the number of locations where they were found during this 25 year period. Results from Virginia and Maryland suggest that recent dramatic population declines are rapid and devastating. Factors driving the near extirpation of Maryland's and Virginia's breeding population are not completely understood, but likely include habitat loss and degradation due to sea level rise, development, marsh burning and mosquito ditching as well as predation, invasive plants, low reproductive rates, low overwinter survival and environmental contaminants.

In 2020, the U.S. Fish and Wildlife Service (USFWS) listed the Eastern Black Rail as threatened, despite the >75% decline in the range-wide population during the last 10-20 years. The USFWS based its decision on the wide-ranging nature of the Eastern Black Rail and the opportunity to engage with a diversity of partners to work collaboratively on its recovery. This approach puts a considerable amount of responsibility on states to ensure the species receives the highest degree of protection and management attention at the local level. Typically, when a species on the state list achieves a federal listing status, staff recommends removal of it from the state list and adoption of the federal status. However, in this instance, retaining the species' status as endangered in Virginia affords the DWR the greatest opportunity to meet its obligation of protection and affirms the critical degree of imperilment of this species in the state.

E. *Update incidental take allowances for little brown and tricolored bats.* In 2015, the Board of Wildlife Resources added the little brown and tri-colored bats to the list of state endangered and threatened species as endangered species. Concurrent with that action, the Board also adopted certain provisions under which the incidental take of these two species would be allowed. One of these provisions included “facility or project operations when conducted in accordance with DGIF-approved plan associated with these species.” Since 2015, the DWR has been monitoring population changes of these two species through winter hibernacula counts and documenting summer occurrence and roost identification through multiple DWR-funded mist-netting and acoustic surveys. Due to the continued decline of both species as documented through winter hibernacula counts, and the lack of discovering new roosts through mist-net surveys, staff believes that incidental take resulting from facility or project operations is inconsequential (because there are so few animals of either species on the landscape) and that the development of an “approved plan” for facility or project operations provides little to no conservation gain. As such, the Board proposal removes this specific requirement, which will also reduce regulatory burden, as there is little to no expected incidental take regardless.

Additional housekeeping changes are offered to update the use of “DGIF” to the more appropriate reference of “department.”

4VAC15-30-40**Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals; Importation requirements, possession, and sale of nonnative (exotic) animals.****Summary:**

The proposal is to remove the Mexican axolotl from the list of predatory and undesirable species that cannot be imported, possessed or sold within the Commonwealth without a permit.

Proposed language of amendment:**4VAC15-30-40. Importation requirements, possession and sale of nonnative (exotic) animals.**

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed in the following table and in [4VAC15-20-210](#) that the board finds and declares to be predatory or undesirable within the meaning and intent of § [29.1-542](#) of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia.

AMPHIBIANS			
Order	Family	Genus/Species	Common Name
Anura	Bufonidae	Rhinella marina	Cane toad*
	Pipidae	Hymenochirus spp. Pseudohymenochirus merlini	African dwarf frog
		Xenopus spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	All species, <u>except</u> <u>Ambystoma</u> <u>mexicanum</u>	All mole salamanders, <u>except</u> <u>Mexican axolotl</u>
BIRDS			
Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	Myiopsitta monachus	Monk parakeet*
Anseriformes	Anatidae	Cygnus olor	Mute swan
FISH			
Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	Catostomus microps	Modoc sucker
		Catostomus santaanae	Santa Ana sucker

		Catostomus warnerensis	Warner sucker
		Ictiobus bubalus	Smallmouth* buffalo
		I. cyprinellus	Bigmouth* buffalo
		I. niger	Black buffalo*
	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.	Piranhas
	Cobitidae	Misgurnus anguillicaudatus	Oriental weatherfish
	Cyprinidae	Aristichthys nobilis	Bighead carp*
		Chrosomus saylori	Laurel dace
		Ctenopharyngodon idella	Grass carp or white amur
		Cyprinella caerulea	Blue shiner
		Cyprinella formosa	Beautiful shiner
		Cyprinella lutrensis	Red shiner
		Hypophthalmichthys molitrix	Silver carp*
		Mylopharyngodon piceus	Black carp*
		Notropis albizonatus	Palezone shiner
		Notropis cahabae	Cahaba shiner
		Notropis girardi	Arkansas River shiner
		Notropis mekistocholas	Cape Fear shiner
		Notropis simus pecosensis	Pecos bluntnose shiner

		Notropis topeka (= tristis)	Topeka shiner
		Phoxinus cumberlandensis	Blackside dace
		Rhinichthys osculus lethoporus	Independence Valley speckled dace
		Rhinichthys osculus nevadensis	Ash Meadows speckled dace
		Rhinichthys osculus oligoporus	Clover Valley speckled dace
		Rhinichthys osculus ssp.	Foskett speckled dace
		Rhinichthys osculus thermalis	Kendall Warm Springs dace
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Cyprinodontiformes	Poeciliidae	Gambusia gaigei	Big Bend gambusia
		Gambusia georgei	San Marcos gambusia
		Gambusia heterochir	Clear Creek gambusia
		Gambusia nobilis	Pecos gambusia
		Peociliopsis occidentalis	Gila topminnow
Gasterosteiformes	Gasterosteidae	Gasterosteus aculeatus williamsoni	Unarmored threespine stickleback
Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby
		Neogobius melanostomus	Round goby
Perciformes	Centrarchidae	Micropterus henshalli	Alabama bass
	Channidae	Channa spp. Parachanna spp.	Snakeheads

	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
	Elassomatidae	Elassoma alabamae	Spring pygmy sunfish
	Percidae	Crystallaria cincotta	Diamond darter
		Etheostoma chermocki	Vermilion darter
		Etheostoma boschungii	Slackwater darter
		Etheostoma chienense	Relict darter
		Etheostoma etowahae	Etowah darter
		Etheostoma fonticola	Fountain darter
		Etheostoma moorei	Yellowcheek darter
		Etheostoma nianguae	Niangua darter
		Etheostoma nuchale	Watercress darter
		Etheostoma okaloosae	Okaloosa darter
		Etheostoma phytophilum	Rush darter
		Etheostoma rubrum	Bayou darter
		Etheostoma scotti	Cherokee darter
		Etheostoma sp.	Bluemask (= jewel) darter
		Etheostoma susanae	Cumberland darter
		Etheostoma wapiti	Boulder darter
		Percina antesella	Amber darter
		Percina aurolineata	Goldline darter
		Percina jenkinsi	Conasauga logperch
		Percina pantherina	Leopard darter
		Percina tanasi	Snail darter
Scorpaeniformes	Cottidae	Cottus sp.	Grotto sculpin
		Cottus paulus (= pygmaeus)	Pygmy sculpin

Siluriformes	Clariidae	All species	Air-breathing catfish
		Noturus baileyi	Smoky madtom
		Noturus crypticus	Chucky madtom
		Noturus placidus	Neosho madtom
		Noturus stanauli	Pygmy madtom
	Ictaluridae	Noturus trautmani	Scioto madtom
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel
MAMMALS			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs,* Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species	Weasels, Badgers,* Skunks and Otters
		(except Mustela putorius furo)	Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongooses, and Fossas
	Herpestidae	All Species	Mongooses*
	Hyaenidae	All Species	Hyenas and Aardwolves*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Leporidae	Brachylagus idahoensis	Pygmy rabbit
		Lepus europeaeus	European hare
		Oryctolagus cuniculus	European rabbit
		Sylvilagus bachmani riparius	Riparian brush rabbit

		Sylvilagus palustris hefneri	Lower Keys marsh rabbit
Rodentia		All species native to Africa	All species native to Africa
	Dipodidae	Zapus hudsonius preblei	Preble's meadow jumping mouse
	Muridae	Microtus californicus scirpensis	Amargosa vole
		Microtus mexicanus hualpaiensis	Hualapai Mexican vole
		Microtus pennsylvanicus dukecampbelli	Florida salt marsh vole
		Neotoma floridana smalli	Key Largo woodrat
		Neotoma fuscipes riparia	Riparian (= San Joaquin Valley) woodrat
		Oryzomys palustris natator	Rice rat
		Peromyscus gossypinus allapaticola	Key Largo cotton mouse
		Peromyscus polionotus alloparys	Choctawhatchee beach mouse
		Peromyscus polionotus ammobates	Alabama beach mouse
		Peromyscus polionotus niveiventris	Southeastern beach mouse
		Peromyscus polionotus peninsularis	St. Andrew beach mouse
		Peromyscus polionotus phasma	Anastasia Island beach mouse

		Peromyscus polionotus trissyllepsis	Perdido Key beach mouse
		Reithrodontomys raviventris	Salt marsh harvest mouse
	Heteromyidae	Dipodomys heermanni morroensis	Morro Bay kangaroo rat
		Dipodomys ingens	Giant kangaroo rat
		Dipodomys merriami parvus	San Bernadino Merriam's kangaroo rat
		Dipodomys nitratoides exilis	Fresno kangaroo rat
		Dipodomys nitratoides nitratoides	Tipton kangaroo rat
		Dipodomys stephensi (including D. cascus)	Stephens' kangaroo rat
		Perognathus longimembris pacificus	Pacific pocket mouse
	Sciuridae	Cynomys spp.	Prairie dogs
		Spermophilus brunneus brunneus	Northern Idaho ground squirrel
		Tamiasciurus hudsonicus grahamensis	Mount Graham red squirrel
Soricomorpha	Soricidae	Sorex ornatus relictus	Buena Vista Lake ornate shrew
MOLLUSKS			
Order	Family	Genus/Species	Common Name
Neotaenioglossa	Hydrobiidae	Potamopyrgus antipodarum	New Zealand mudsnail
Veneroida	Dreissenidae	Dreissena bugensis	Quagga mussel
		Dreissena polymorpha	Zebra mussel
REPTILES			
Order	Family	Genus/Species	Common Name

Crocodilia	Alligatoridae	All species	Alligators, caimans*
	Crocodylidae	All species	Crocodiles*
	Gavialidae	All species	Gavials*
Squamata	Colubridae	Boiga irregularis	Brown tree snake*
CRUSTACEANS			
Order	Family	Genus/Species	Common Name
Decapoda	Cambaridae	Cambarus aculabrum	Cave crayfish
		Cambarus zophonastes	Cave crayfish
		Orconectes rusticus	Rusty crayfish
		Orconectes shoupi	Nashville crayfish
		Pacifastacus fortis	Shasta crayfish
		Procambarus sp.	Marbled crayfish
	Parastacidae	Cherax spp.	Australian crayfish
	Varunidea	Eriocheir sinensis	Chinese mitten crab

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A of this section, a person, company, or corporation possessing any nonnative (exotic) animal, designated with an asterisk (*) in subsection A of this section, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded with a seamless band.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A of this section that may be used for personal use, in the manufacture of products, or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business, or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Wildlife Resources.

E. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997,

may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

F. Exception for snakehead fish. Anglers may legally harvest snakehead fish of the family Channidae, provided that they immediately kill such fish and that they notify the department, as soon as practicable, of such actions.

G. Exception for feral hogs. Anyone may legally trap feral hogs with written permission of the landowner, provided that any trapped hogs are not removed from the trap site alive and are killed immediately.

H. Exception for grass carp. Anglers may legally harvest grass carp of the family Cyprinidae only from public waters of the Commonwealth. It is unlawful to harvest grass carp from any public inland lake or reservoir. Anglers taking grass carp must ensure that harvested grass carp are dead.

I. Exception for Alabama bass. Anglers may possess live Alabama bass of the family Centrarchidae only on the body of water from which the fish were captured, provided that the angler does not live transport these fish outside of the body of water from which the fish were captured. Anglers may only release live Alabama bass back into the body of water from which the fish were captured. Anglers may legally harvest Alabama bass provided that the anglers ensure all harvested Alabama bass are dead.

J. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

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

Rationale:

In 2013, the regulations pertaining to *Ambystoma* salamander species were amended due to changes in nomenclature and similarities in appearance between various Ambystomid species (mole salamanders). As such, the Mexican axolotl (*Ambystoma mexicanum*) was added to the list of predatory and undesirable species purely by its taxonomic association. Mexican axolotls are relatively popular in the pet trade and are available exclusively from captive breeders. There is no evidence to support that Mexican axolotls are a threat to native salamander species and should not be precluded from importation or possession in the Commonwealth.

4VAC15-360-60

Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish; Prohibit the sale of salamander and madtom species.

Summary:

The proposal is to exempt the Mexican axolotl (*Ambystoma mexicanum*) from being prohibited for sale.

Proposed language of amendment:

4VAC15-360-60. Prohibit the sale of salamander and madtom species.

It shall be unlawful to sell any species of madtom (*Noturus* sp.) and any species of salamander with the exception of nonnative newts (*Salamandridae*) [and Mexican axolotls \(*Ambystoma mexicanum*\)](#).

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

Rationale:

In 2013, the regulations pertaining to *Ambystoma* salamander species were amended due to changes in nomenclature and similarities in appearance between various Ambystomid species (mole salamanders). As such, the Mexican axolotl (*Ambystoma mexicanum*) was added to the list of predatory and undesirable species purely by its taxonomic association. Mexican axolotls are relatively popular in the pet trade and are available exclusively from captive breeders. There is no evidence to support that Mexican axolotls are a threat to native salamander species and should not be precluded from sale in the Commonwealth.

4VAC15-360-10

Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish; Taking aquatic invertebrates, amphibians, reptiles and nongame fish for personal use.

Summary:

The proposals are to (i) limit the number of native and naturalized amphibians and reptiles that can be held in personal possession; (ii) protect from collection those reptiles and amphibians designated as Species of Greatest Conservation Need in Virginia's 2015 Wildlife Action Plan; (iii) remove the use and sale of salamanders as bait; (iv) preclude the collection of reptiles and amphibians on all state and federal lands (not just those within a defined geographic area) without an appropriate permit or license; and (v) establish an online registry to report those animals legally held prior to the effective date of the amendment. By making these proposal, the Department of Wildlife Resources will eliminate the loopholes in which illegal trafficking of reptiles and amphibians in the Commonwealth has been operating and be proactive to future illegal trade issues. The proposal also includes requiring snapping turtles harvested for personal use have a minimum curved-line carapace (top shell) length (CCL) of 13 inches, for consistency with commercial harvest requirements and protection of the species.

Proposed language of amendment:

4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles and nongame fish for personal use.

A. Possession limits. Except as otherwise provided for in § [29.1-418](#) of the Code of Virginia, [4VAC15-20-130](#), [4VAC15-320-40](#), and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale ~~or export~~ no more than ~~one individual of any native or naturalized (as defined in 4VAC15-20-50) species of amphibian or reptile per physical address, five individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of amphibian and reptile~~ and 20 individuals of any single native or naturalized (as defined in [4VAC15-20-50](#)) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see [4VAC15-320-25](#) for anadromous blueback herring limits), white perch, yellow perch, alewife (see [4VAC15-320-25](#) for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland waters of the Commonwealth other than department-owned or department-controlled lakes. Anglers taking grass carp must ensure that all harvested grass carp are dead.

2. See [4VAC15-320-25](#) for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), ~~salamanders (each under six inches in total length)~~, crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant

to the provisions of [4VAC15-360-60](#) and [4VAC15-360-70](#). However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June 1 to September 30 and must have a minimum curved-line carapace length of 13 inches. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken or possessed in any number for private use: red-eared slider, and all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan eastern hellbender, diamondback terrapin, and spotted turtle.

6. Native amphibians and reptiles, as defined in [4VAC15-20-50](#), that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

- a. Period of captivity does not exceed 30 days;
- b. Animals must be liberated at the site of capture;
- c. Animals must have been housed separately from other wild-caught and domestic animals; and
- d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

7. Native or naturalized amphibians and reptiles, as defined in 4VAC15-20-50, may not be taken or possessed in any number from state or federal land without an appropriate permit or license.

B. Methods of taking species in subsection A of this section. Except as otherwise provided for in the Code of Virginia, [4VAC15-20-130](#), [4VAC15-320-40](#), and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A of this section may only be taken (i) by hand, hook and line; (ii) with a seine not exceeding four feet in depth by 10 feet in length; (iii) with an umbrella type net not exceeding five by five feet square; (iv) by small minnow traps with throat openings no larger than one inch in diameter; (v) with cast nets; and (vi) with hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § [29.1-416](#) of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ [29.1-418](#) and [29.1-568](#) of the Code of Virginia, it shall be unlawful to take the spiny riversnail (*Io fluviatilis*) in the Tennessee drainage in Virginia (Clinch, Powell, and the North, South, and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels from any inland waters of the Commonwealth.

~~D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth, and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.~~

D. Reduction of possession limits for native and naturalized amphibians and reptiles. Any person in possession of legally-obtained native and naturalized amphibians and reptiles, as defined in 4VAC15-20-50, prior to the change in personal possession allowances in subsection A effective July 1, 2021, must declare such possession to the department by January 1, 2022, in a manner prescribed by the department. This declaration shall serve as authorization for possession only and is not transferable.

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

Rationale:

Reducing the personal possession of amphibians and reptiles: The illegal trade in wildlife is a \$20 billion/year global problem that involves ~7,000 species. A sizeable component of this threat to wildlife is the illegal pet trade. The Virginia Department of Wildlife Resources has seen an increase in the illegal trafficking of reptiles, turtles in particular, over the past several years. This trend is not limited to Virginia, but is occurring throughout much of the eastern United States, where the greatest abundance and diversity of turtle species occur in North America.

Recently, there have been several significant arrests and cases made in Florida, Georgia, South Carolina, New York and New Jersey. These cases involved hundreds, sometimes thousands, of turtles. Currently, one box turtle of exceptional color and pattern may bring as much \$20,000 in China. Although Virginia has not experienced cases of the same magnitude, there is some evidence to indicate that similar activities are occurring in the Commonwealth. Turtles are being illegally poached for sale on the black market for food, used in traditional medicines and religious ceremonies, and as products and souvenirs.

The primary loophole in existing Virginia regulations in which these individuals have been working is the 5 individuals per person, which allows, for example, a family of four to possess up to 20 turtles of any species. This Board proposal would implement an incremental and pragmatic approach to personal possession, allowing Virginians to experience and develop an appreciation for these often under-appreciated species, without disconnecting the public from the resource or impacting populations negatively. Because staffs are unable to predict the next trend(s) in the reptile and amphibian pet trade, the proposal also includes protection from personal possession all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan. Additionally, the proposal would disallow collecting of reptiles and amphibians on all federal and state lands in the state, rather than a small subset; these lands are home to many of the more significant breeding and hibernating areas for reptiles and amphibians. This approach should avoid the need to amend regulations frequently as issues emerge.

Should the Board adopt this proposal, the Department would implement a mechanism through its GoOutdoorsVirginia site to facilitate and support reporting of native and naturalized species of reptiles and amphibians currently being held legally in private possession. The proposed approach does not impact the commercial sale of non-native reptiles and amphibians or the few exceptions for the commercial sale of native or naturalized reptiles and amphibians (captive-bred Red Cornsnake and Eastern Kingsnake).

Establishing minimum size for personal harvest of snapping turtles: In 2019, the Board of Wildlife Resources adopted new regulations pertaining to the commercial harvest of snapping turtles, including increasing the minimum harvest size of 11-inch curve-lined carapace length (CCL) to 13 inches. This size increase was based on four years of research that demonstrated a 13-inch CCL was the minimum size that could be harvested and still maintain a positive population growth rate. Currently, there is no size limit for the recreational harvest of snapping turtles for personal use, which can be up to five per day. Creating a recreational minimum harvest size limit of 13-inch CCL eliminates inconsistencies and protects snapping turtle populations for future generations.

Lands & Access Program Regulations

4VAC15-20-100

Definitions and Miscellaneous: In General: Prohibited Use of Vehicles on Department-Owned Lands.

Summary:

The proposal is to allow class one and two electric power-assist bicycles to be used on Department-owned lands where traditional bicycles are allowed, and prohibit class three electric power-assist bicycles as per § 46.2-904.1.

Proposed language of amendment:

4VAC15-20-100. Prohibited Use of Vehicles on Department-Owned Lands.

It shall be unlawful on department-owned lands to drive through or around gates designed to prevent entry with any type of motorized vehicle or to use such vehicles to travel anywhere on such lands except on roads open to vehicular traffic. Any motor-driven vehicle shall conform with all state laws for highway travel; provided, that this requirement shall not apply to the operation of motor vehicles for administrative purposes by department-authorized personnel on department-owned lands. Nothing in this section shall be construed to prohibit the use of Class one or two electric power-assisted bicycles as defined in § 46.2-100 where traditional bicycles are allowed. Class three electric power-assisted bicycles as defined in § 46.2-100 are prohibited. Nothing in this section shall be construed to prohibit the department from allowing the use of wheelchairs or other power-driven mobility devices by individuals with mobility disabilities in accordance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327).

For the purposes of this section, the term "wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistive mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

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

Rationale:

The General Assembly passed legislation in 2020 (§ 46.2-904.1) to allow the use of class one and two electric power-assist bicycles where traditional bicycles are allowed. This code section also allows for the prohibition of class III electric assist bicycles on bicycle paths or multi-use paths. Amending this regulation would clarify what electric power-assist bicycle usage is allowed and prohibited on Department-owned lands.

A recent addition to the design of some bicycles is a small electric motor which provides an electric power-assist to the operation of the bicycle. Reducing the physical demand to operate a bicycle has expanded access to recreational opportunities, particularly to those with limitations stemming from age,

illness, disability or fitness, especially in more challenging environments, such as high altitudes or hilly terrain. These electric bicycles operate in the same manner as other types of bicycles and in many cases are virtually indistinguishable from other types of bicycles. The low power (750 watts) electric power-assist motors should not produce noise at levels that will disturb wildlife or interfere with other wildlife enthusiasts. Because these bicycles have similar frame and tire design, no substantial increase in road maintenance needs is expected.

As defined in 46.2-100, Class one and two electric power-assist bicycles have no more than three wheels, operable pedals, electric motors of 750 watts or less and a maximum speed of 20 miles per hour. Class three bicycles are capable of speeds up to 28 miles per hour. Because of the higher maximum speeds, class three bicycles are often prohibited from bicycle paths and multi-use paths. Although electric power-assist bicycle safety data are limited, at least one study concluded that injuries sustained by riders of class three bicycles are more severe than injuries sustained in class one and two or traditional bicycle incidents. The higher maximum speed could also reduce reaction time when encountering other users on multi-use paths. Because all DWR gated roads and barrier free trails are open to pedestrians and mobility devices, it is proposed that class three bicycles be prohibited on Department-owned lands.

4VAC15-20-150

Definitions and Miscellaneous: In General: Structures on department-owned lands and national forest lands.

Summary:

The proposal would establish a time-frame and duration for placing and leaving portable tree stands on department-owned lands.

Proposed language of amendment:

4VAC15-20-150. Structures on department-owned lands and national forest lands.

A. It shall be unlawful to construct, maintain or occupy any permanent structure, except by permit, on department-owned lands and national forest lands. This provision shall not apply to structures, stands or blinds provided by the department.

B. It shall be unlawful to maintain any temporary dwelling on department-owned lands for a period greater than 14 consecutive days. Any person constructing or occupying any temporary structure shall be responsible for complete removal of such structures when vacating the site.

C. It shall be unlawful to construct, maintain or occupy any tree stand on department-owned lands and national forest lands and on Department of Conservation and Recreation owned or controlled lands, provided that portable tree stands which are not permanently affixed may be used.

D. Portable tree stands which are not permanently affixed can be placed on department-owned lands on or after September 15th and must be removed on or prior to January 31st of the following calendar year. Tree stands will be considered abandoned and confiscated by the department if left on department-owned lands after January 31st.

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

Rationale:

The popularity and convenience of portable tree stands (i.e. ladder stands, climbing stands, lock-on stands) and blinds for hunting purposes has led to a significant increase in their use on department-owned lands. Further, DWR staff have observed an increase in the number of portable tree stands placed and subsequently left remaining attached to the tree, without obvious maintenance, throughout the year. Subsection C of the existing regulation makes it clear that it is unlawful to construct and maintain permanent tree stands; yet, it does not fully address the use of portable tree stands that remain attached to trees beyond the hunting seasons.

It is assumed that most hunters that own these stands leave them in place during the off-season to reduce the work of removing them, making it convenient to once again utilize the stand the following season. When portable stands are left attached to trees and not maintained throughout the year, there are a number of potential human safety issues and resource impacts. Nylon straps used to secure ladder stands, lock-on stands, and associated ladders/climbing sticks degrade over time when exposed to the elements, compromising the integrity and function of the nylon material and creating a potentially unsafe situation. Further, the trees to which portable tree stands are affixed will continue to grow and expand, eventually growing around parts of stands, straps, and ladders that will ultimately cause damage to the trees.

Portable/temporary tree stand and blind regulations and rules for public lands among other agencies and states vary in specificity and language, but generally establish time-frames/durations for which a portable stand or blind can be placed and remain afield. On the George Washington-Jefferson National Forest, portable tree stands are permitted as long as they are not permanently affixed and do not cause resource damage (i.e., cutting limbs, placing nails or bolts into trees is prohibited), but leaving a tree stand unoccupied for an extended period of time is prohibited. In Pennsylvania, tree stands on state land can be placed not more than two weeks before the first day of the deer season and must be removed no later than two weeks after the final deer season in that area. Maryland requires that tree stands and blinds used for hunting purposes be removed at the end of each day.

4VAC15-20-151 (New)

Definitions and Miscellaneous: In General: Manipulation of vegetation on department-owned land

Summary:

The proposal is to (i) prohibit planting, manipulating, cutting, mutilating, destroying, or removing vegetation and (ii) prohibit the removal of minerals, artifacts, or other property from department-owned lands unless otherwise provided for in this regulation section.

Proposed language of Amendment:

4VAC15-20-151. Manipulation of vegetation on department-owned land.

- A. It shall be unlawful to plant, manipulate, cut, mutilate, destroy, or remove vegetation or to remove other minerals, artifacts or other property from agency owned lands.
- B. Nothing in this section will prohibit the gathering of mushrooms, berry picking or the collection of other fruits
- C. The use of down and dead trees and branches for use as fire wood while camping on a WMA shall be allowed by individuals with a valid camping permit issued by the Department.
- D. The Department may issue permits for the collection of fire wood under conditions and in locations determined by the Department
- E. Nothing in this section shall prohibit Department employees, contractors or permittees from engaging in agriculture, forestry, herbicide application, or other habitat restoration and manipulation for the purpose of enhancing wildlife habitat and populations

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

Rationale:

Establishing food plots is a popular method for enhancing opportunities to harvest game. This practice is commonly performed by individuals on private property and sometimes by professional wildlife managers on public lands. Instances of individuals cultivating agency property and establishing personal food plots on WMAs have been increasing. This destroys existing vegetation and may introduce undesirable species. Individuals who engage in these activities are not aware of the potential presence of sensitive natural and historic sites and may inadvertently disturb or damage these resources. Furthermore, these plantings are established to benefit individuals as opposed the public at large. The presence of these unauthorized plantings can alter animal's movements and behavior and be contrary to established Wildlife Management Area plans.

4VAC15-20-152 (New)

Definitions and Miscellaneous: In General: Target shooting on department-owned lands.

Summary:

The proposal is to expressly prohibit target shooting on department-owned and department-managed lands except on designated ranges.

Proposed language of amendment:

4VAC15-20-152. Target shooting on department-owned lands

It shall be unlawful to target shoot on any department-owned or department-managed lands, except at designated ranges. Target shooting is defined as the discharge of a firearm (as defined in § 18.2-308.2:2), muzzleloader (as defined in 4VAC15-50-71), or archery equipment (as defined in 4VAC15-40-20) for purposes other than hunting, trapping or self-defense. Nothing in this regulation will prohibit department employees in execution of their duties from training with department-issued firearms.

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

Rationale:

Due to their often remote locations, the Department's Wildlife Management Areas and other properties are often used as locations for target shooting. This practice is currently prohibited by posted rule except at designated ranges but not specifically under regulation, creating issues with awareness and enforceability.

Unauthorized target shooting presents a hazard to users upon and neighbors to Department properties as shooters may not be using a proper backstop nor have awareness of what might exist downrange. Further, other users may be unaware of shooting activity and inadvertently enter into the line of fire. This activity differs from authorized hunting in the volume of fire and the fact that target shooters are not firing from an elevated position as are many hunters on a WMA. Hunting seasons are well defined and WMA users have an expectation that hunting activity is occurring during those time frames. Use of blaze orange or pink is required during certain seasons and is generally encouraged to create greater awareness and margin of safety. Properly licensed hunters have completed a hunter education course that emphasizes positive target identification and an appropriate backstop. In 2020 incidents related to target shooting on WMAs resulted in damage to private property and imminent threats to human safety.

Definitions & Miscellaneous Regulations

4VAC15-20-240

Definitions and Miscellaneous: In General: Use of drones for certain activities prohibited.

Summary:

This proposal is to modify the current unmanned aerial vehicles (drone/UAV) language to include a time restriction for use as related to hunting/scouting purposes.

Proposed language of amendment:

4VAC15-20-240. Use of drones for certain activities prohibited.

- A. Except as authorized by the Director or the director's designee, it shall be unlawful at any time for any person to use a drone or unmanned aircraft:
1. To hunt, take, or kill a wild animal or to drive or herd any wild animal for the purpose of hunting, trapping, or killing.
 2. ~~To attempt to locate, surveil, aid, or assist in the hunting of any wild animal.~~
 3. To harass any wild animal. For the purposes of this section, "harass" means any action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.
 4. On department-owned lands, except that department employees and contractors or agents acting on behalf of the department may use drones or other unmanned aircraft when addressing human safety, law enforcement, management, or other needs approved by the department.
- Provided further, it shall be unlawful for any person to hunt or assist another to hunt on the same calendar day on a property after having used a drone or unmanned aircraft to locate or surveil any wild animal during any open season.
- B. No part of this section shall be construed to restrict the use of drones or other unmanned aircraft for wildlife management activities conducted or authorized by the department; by employees of the United States government or any of its agencies whose responsibility includes fisheries and wildlife management; or by county, city, or town animal control officers in the performance of their official duties.

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

Rationale:

The unmanned aerial vehicles regulation was passed in 2019 without any time restrictions regarding usage during open hunting seasons. During deer committee discussions in 2021, law enforcement recommended adding a time component to this regulation to allow the use of drones when a person was not intending to go hunting within that calendar day. The addition of this time component (calendar day) now clarifies the intent of the original regulation.

General Regulations

4VAC15-40-220

Game: In General: Use of deadfalls prohibited; restricted use of snares.

Summary:

The proposal is to change the language defining the maximum permissible snare loop size from 12” in diameter to 38” in circumference.

Proposed language of amendment:

4VAC15-40-220. Use of deadfalls prohibited; restricted use of snares.

It shall be unlawful to trap, or attempt to trap, on land any wild bird or wild animal with any deadfall or snare; provided, that snares with loops no more than ~~12 inches in diameter~~ 38 inches in circumference and with the bottom of the snare loop set not to exceed 12 inches above ground level may be used with the written permission of the landowner. Snares with the top of the snare loop set higher than 12 inches above ground level must include a single-piece lock that is not power assisted, a cable stop that prevents the snare loop from closing smaller than 2-1/2 inches in diameter, and a break-away device that has been tested to break or disassemble at no more than 285 pounds pull.

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

Rationale:

The current regulation that restricts the maximum snare loop size to a diameter of 12” can cause confusion when the loop is set in a shape that is not perfectly round. Although a snare may have a loop that measures 12” in diameter when round, it may hang in a teardrop shape when set in the field and measure more than 12” from top to bottom. By defining the maximum loop size as having a 38” circumference, this confusion can be eliminated since the circumference does not change when the loop shape is modified. This change does not increase snare loop size, since a snare with a 38” circumference has a loop diameter of 12” when set perfectly round. This regulation will help reduce confusion by trappers when setting snares in the field.

4VAC15-40-240
Game: In General: Animal population control.

Summary:

The proposal is to allow the Director to issue special permits to take game and fur-bearing animals for the purpose of population reduction in situations where existing statutory and regulatory options for population reduction are not applicable.

Proposed language of amendment:

4VAC15-40-240. Animal population control.

Whenever biological evidence suggests that populations of game animals or fur-bearing animals may exceed or threaten to exceed the carrying capacity of a specified range, or whenever population reduction of a species is necessary to manage for another wildlife species, or whenever the health or general condition of a species indicates the need for population reduction, or whenever the threat of human public health and safety or significant economic loss indicates the need for population reduction, the director is authorized to issue special permits to obtain the desired reduction by licensed hunters or licensed trappers on areas prescribed by department wildlife biologists. Further, in situations where existing statutory and regulatory options for population reduction are not applicable, the director is authorized to issue special permits to obtain the desired population reduction by individuals named within the director's authorization document. Designated game species or fur-bearing species may be taken in excess of the general bag limits, during closed seasons, with all legal methods outlined in the Code of Virginia or board regulation, and with any type of lawful weapon, as defined in § 29.1-519 of the Code of Virginia and in board regulation, on special permits issued under this section under such conditions as may be prescribed by the director.

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

Rationale:

Over the past decade, Department staffs have encountered instances of property owners experiencing conflicts with overabundant game and furbearer populations, but where existing legal mechanisms to address the situation were not applicable. This proposal would amend the animal population control regulation to allow special permits to be issued to address these very unique management situations. As envisioned, this amendment would not result in the creation of a formal program but would be handled on a case by case basis as these limited situation arose.

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES



DISEASE MANAGEMENT AREA 3

CWD PRELIMINARY REGULATION RECOMMENDATIONS

May 2021

4VAC15-90-10
Game: Deer: Open season; generally.

Summary:

The recommendation is to allow (i) an early September antlerless only firearms deer season and a late (January through March) antlerless only firearms deer season in designated disease focus zones in Floyd, Montgomery, and Pulaski counties, and (ii) extend the general firearms season on non-national forest lands in Montgomery and Pulaski counties from two to four weeks.

Recommended language of amendment:

4VAC15-90-10. Open season; generally.

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

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, except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Amherst County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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 (except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Bedford County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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
<u>Clarke County (antlerless deer only)</u>	<u>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</u>
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
<u>Culpeper County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>

<u>Culpeper County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
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
<u>Fauquier County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Fauquier County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
Floyd County	Saturday prior to the third Monday in November and for 28 consecutive days following
<u>Floyd County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
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
<u>Frederick County (non-national-forest lands antlerless deer only)</u>	<u>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</u>
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
<u>Madison County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Madison County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
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 (<u>non-national forest lands</u>)	Saturday prior to the third Monday in November and for 14 <u>28</u> consecutive days following
<u>Montgomery County (national forest lands)</u>	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>
<u>Montgomery County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>

Nelson County (west of Route 151, except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Nelson County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
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
<u>Orange County (private lands and antlerless deer only)</u>	<u>First Saturday in September through the Friday prior to the first Saturday in October</u>
<u>Orange County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
Page County	Saturday prior to the third Monday in November and for 14 consecutive days following
<u>Page County (disease focus zones defined by the Department, antlerless deer only)</u>	<u>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</u>
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 Ammunition Plant adjacent to the Town of Dublin and national forest lands)	Saturday prior to the third Monday in November and for 14 28 consecutive days following
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
Pulaski County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Pulaski County (disease focus zones defined by the Department, 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
Rappahannock County	Saturday prior to the third Monday in November through the first Saturday in January
Rappahannock County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October
Rappahannock County (disease focus zones defined by the Department, 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
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
<u>Shenandoah County (non-national forest lands antlerless deer only)</u>	<u>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</u>
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
<u>Warren (non-national forest lands antlerless deer only)</u>	<u>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</u>
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

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.

Rationale:

Chronic wasting disease (CWD) was confirmed in Montgomery County at the conclusion of the 2020 – 2021 deer hunting season. In response to this detection, Disease Management Area 3 (DMA3) was created and includes Floyd, Montgomery, and Pulaski counties. The addition of two weeks of general firearms season in Montgomery and Pulaski counties will bring these counties into alignment with Floyd County. This two-week extension of the general firearms season aims to achieve three goals: 1. Slow the spread and transmission of CWD, 2. Reduce deer populations to meet objectives in these two counties, and 3. Create consistent general firearms seasons in all DMA3 counties, thereby streamlining hunting regulations for these counties and minimizing confusion for hunters.

Recommendations relative to Disease Focus Zones (DFZ) will enable the Department to target additional harvest management approaches around new CWD detections as they are discovered. To be proactive, this proposal includes counties within the DMA where CWD has not been detected (e.g., Floyd, Pulaski). DFZs are defined as a local expansion of antlerless hunting opportunities in a focused area around an outlier CWD detection, which is located more than 5 miles from the nearest detection. DFZs will be defined using clear geographic boundaries and communicated before hunting season through the annual hunting and trapping booklet and on the Department’s website. The goals of expanded antlerless hunting opportunities in a DFZ are to slow disease transmission in the immediate vicinity of a detection and to increase testing opportunities for deer harvested in close vicinity to an outlier CWD detection.

4VAC15-90-290

Game: Deer: Special quality deer management areas.

Summary:

The recommendation is to repeal this regulation as Chronic Wasting Disease has been discovered within 25 miles of the special Fairystone quality deer management area.

Recommended language of amendment:

~~4VAC15-90-290. Special quality deer management areas.~~

~~A. The board hereby designates the following areas posted by the Department of Wildlife Resources as special quality deer management areas with special antlered buck harvest.~~

~~B. Special Fairystone quality deer management area. It shall be unlawful to kill an antlered deer on the special Fairystone quality deer management area unless the deer has at least four antler points, each greater than one inch in length, on either the right or left antler.~~

Rationale:

Antler point restrictions are designed to encourage an older male age structure within a local deer herd. However, data from across the eastern U.S. clearly shows that CWD infection rates are the highest in older male age classes. During the 2019-2020 Wildlife Regulation Review and Amendment process, in order to reduce the risk of CWD transmission in deer populations where CWD has been confirmed, the Board of Wildlife Resources adopted a regulation amendment that prohibited the application of antler point restrictions in any county within 25 miles of a confirmed CWD positive location (4VAC15-90-290). Patrick County, which includes the Fairystone quality deer management area and its associated antler point restriction, is located within 25 miles of the recent CWD detection in Montgomery County. Removal of this special quality deer management area is therefore recommended.

CHRONIC WASTING DISEASE

MAY 2021

DISEASE MANAGEMENT AREA 3 (DMA₃)

Regulation Amendment Recommendations



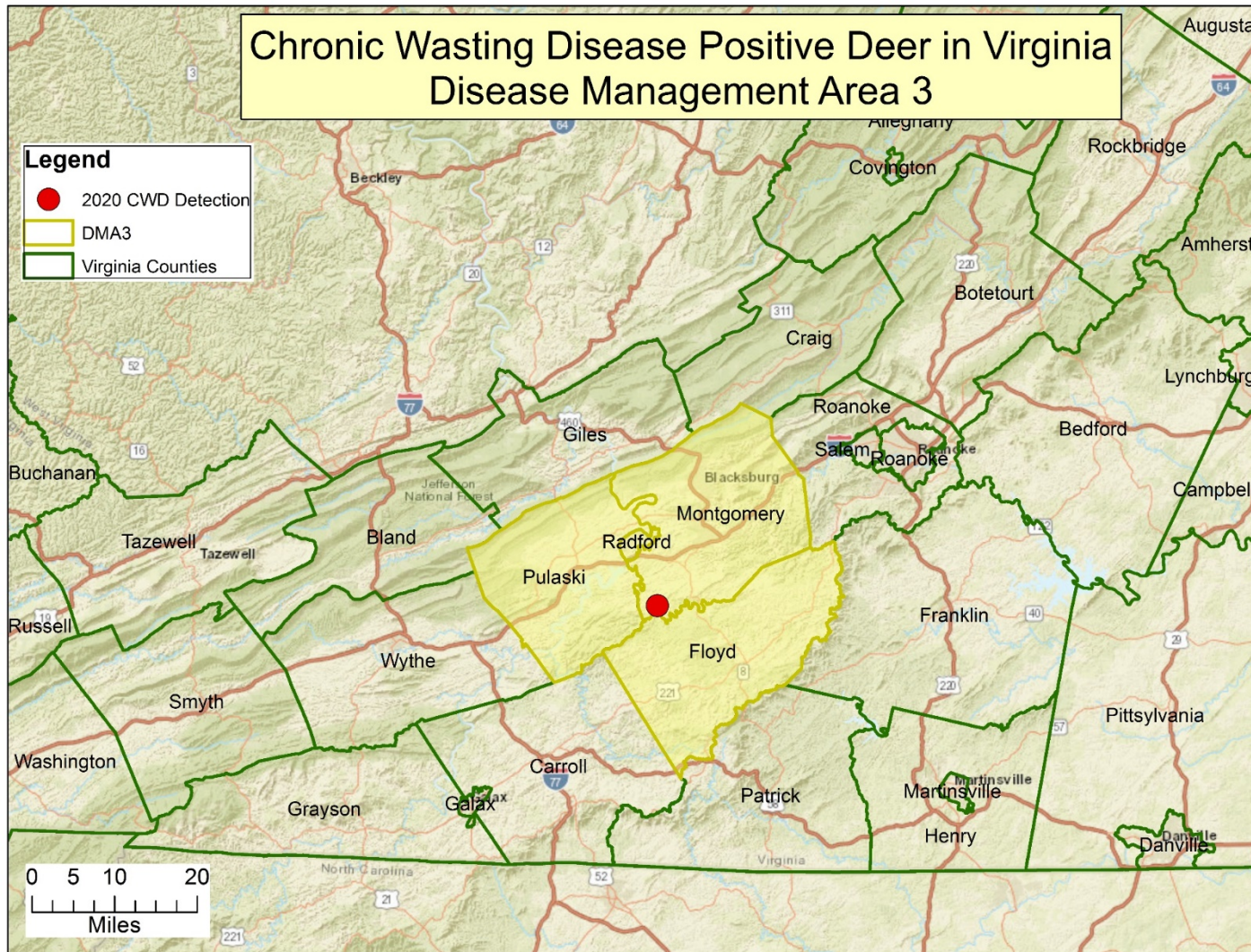
CONSERVE. CONNECT. PROTECT.

Montgomery Co. CWD – Quick Facts

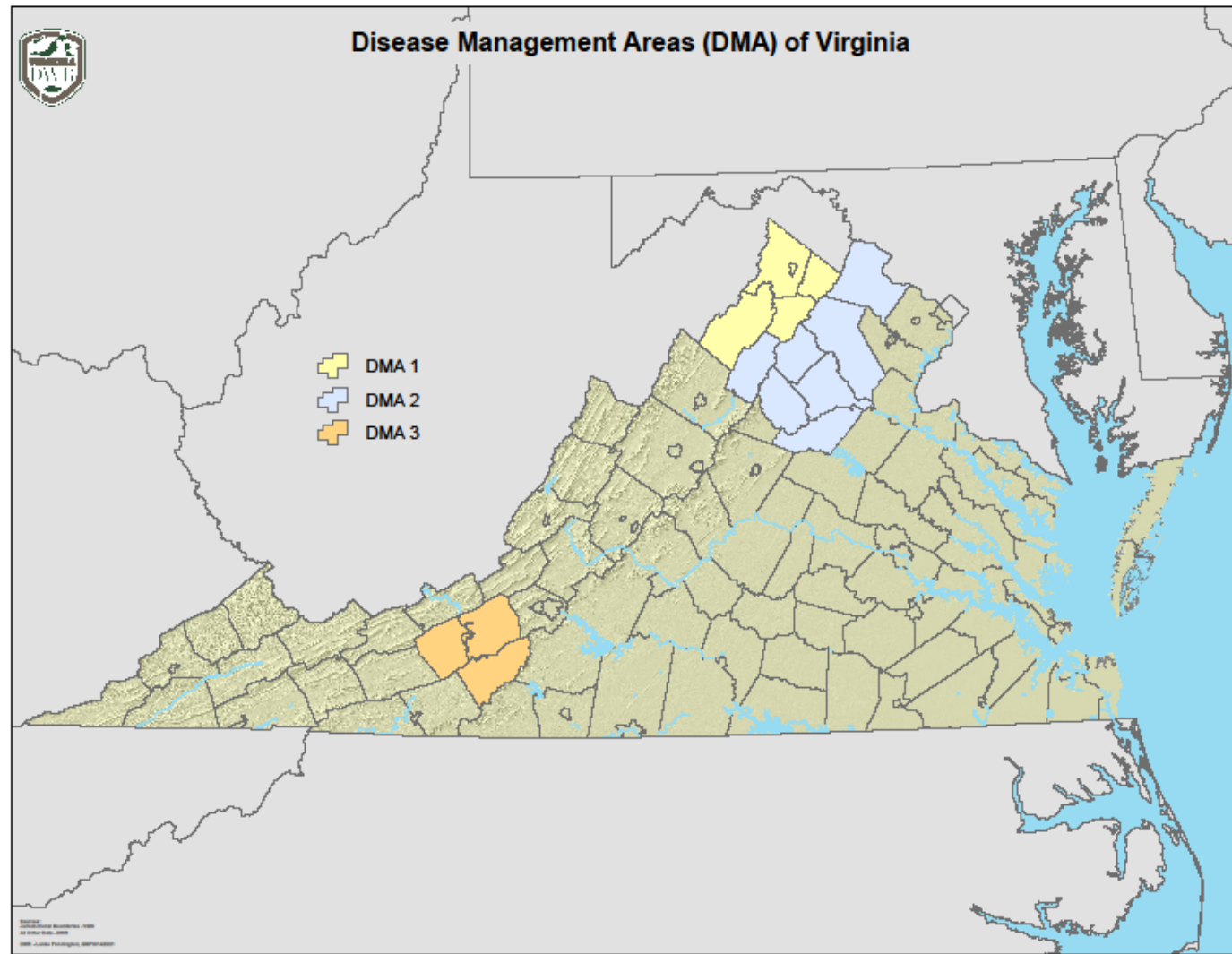
- 2½ year old buck taken by hunter in southwest Montgomery County
- Sample originated from Statewide Taxidermist CWD Surveillance Program
- Confirmatory CWD testing was conducted on original lymph node sample
- DWR Law Enforcement worked with hunter to confirm identification of suspect deer, collect DNA sample from the deer, and confirm harvest location
- DNA testing conducted to confirm match between lymph node sample and sample collected by CPO from suspect deer



Disease Management Area 3



CWD Disease Management Areas



Surveillance & Testing Actions – DMA3

Extensive surveillance planned within DMA3 and surrounding counties

- Mandatory CWD Sampling Stations
November 13th (opening day of firearms season)
- Voluntary CWD Testing Drop-Off Locations
- Local Deer Processors and Taxidermists
- Roadkills



Regulatory Actions Automatically Effective in DMA3

- **Prohibition on fawn rehabilitation**
- **Restricted transport of deer carcasses and high-risk carcass parts**
- **Year-round prohibition on feeding deer in counties within 25 miles of the CWD positive location:**

Bland

Craig

Franklin

Montgomery

Pulaski

Wythe

Carroll

Floyd

Giles

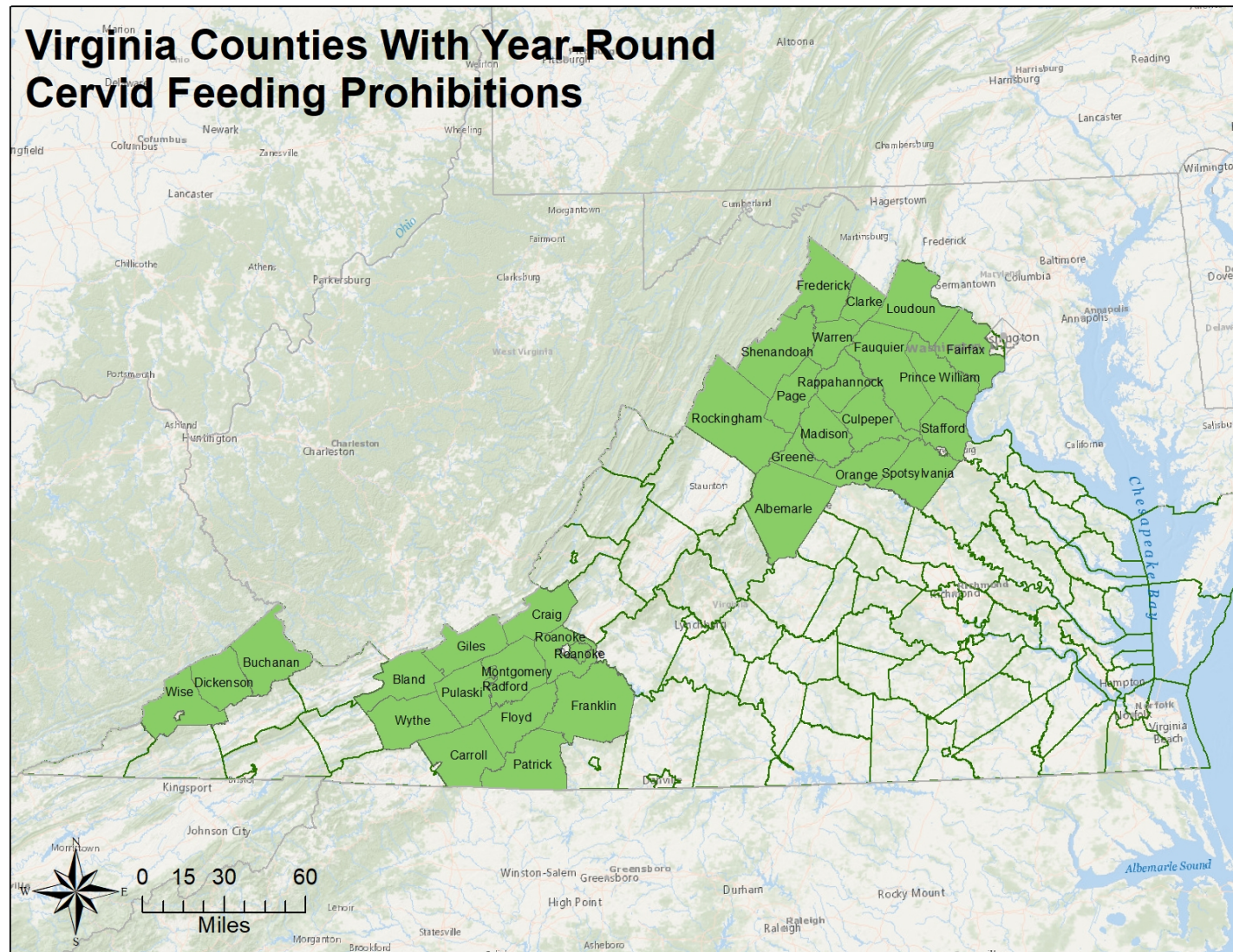
Patrick

Roanoke

Cities of Radford, Roanoke, and Salem



Year-Round Cervid Feeding Prohibited



Regulation Amendment **Recommendations**

4VAC15-90-10. Open Season; generally.

- Extend the General Firearms season from 2-weeks to 4-weeks on non-National Forest lands in Montgomery and Pulaski counties
- Allow for the establishment of “disease focus zones” around CWD positive locations in Floyd, Montgomery, and Pulaski counties

4VAC15-90-290. Special quality deer management areas.

- Repeal this regulation which establishes a special quality deer management area with associated antler point restrictions on Fairystone Wildlife Management Area and adjoining public lands



Next Steps

- 1. Recommend that the Board propose these regulations during the May 27th meeting – motion provided**
- 2. Conduct a public comment period over the summer months**
- 3. Bring proposals back to Committee and Board in August for final action**
- 4. Effective date of August 31, 2021 for implementation this fall**



Questions



Chronic Wasting Disease – DMA3

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources proposing the amendments to chronic wasting disease regulations for Disease Management Area 3 as presented by staff.



2021-22 WILDLIFE REGULATION REVIEW AND AMENDMENT PROCESS

BOARD REGULATION PROPOSALS
Staff Final Recommendations



CONSERVE. CONNECT. PROTECT.

2021-22 Wildlife Regulation Process

Oct 12 – Dec 11, 2020 -- Public Scoping Period: public comments solicited via web-based input forms, staffs contact constituent groups and/or individuals to assess regulatory concerns

January 20 & 21, 2021 – Wildlife & Boat Committee/DWR Board Meetings: preliminary review of issues, solicit Board regulatory concepts

Dec 14, 2020 – February 2021: Staff committees review input, analyze data, and consult with constituent groups and individual stakeholders to develop proposal-stage regulation amendment recommendations

March 16 & 18, 2021 – Wildlife & Boat Committee/DWR Board Meetings: Staffs present proposal-stage recommendations to the Board, public comments accepted on presented recommendations and additional recommendations, Board deliberates and proposes regulation amendments

March 26 – May 10, 2021: Regulation Proposal Comment Period: public input is solicited on the Board's proposed regulation amendments

May 17 & 27, 2021 – Wildlife & Boat Committee/DWR Board Meeting: Staffs present final recommendations to the Board, public comments accepted on proposed amendments, Board deliberates and votes on proposed regulation amendments

August 1, 2021: Effective date for regulations except 4VAC15-360-10 which will be effective July 1, 2021



Public Comments

Online Public Comments – 597

Elk – 86

Chronic Wasting Disease – 50

Deer & Muzzleloader – 67

Harvest Reporting – 18

Bear & Wild Turkey – 177

Rabbits – 18

Wildlife Diversity – 125

Lands & Access – 28

Definitions & Misc. – 10

General - 18

Email/Hand-Written Public Comments – 22

Total Public Comments - 619



Comment Summary & Staff Recommendations

- **Generally, public comment was supportive of the proposals**
- **Significant public interest in:**
 - 4VAC15-240-40 (All-day spring turkey hunting) where the public voiced concern for potential biological impacts to the turkey population
 - 4VAC15-360-10 (Taking of amphibians, reptiles, etc. for personal use) where comments were supportive of the Department's effort to address population impacts associated with personal use of these species but some specific groups interested in personal use expressed concern with new limits
- **Unless otherwise noted in this presentation, staff recommends adopting the amendments in the form they were proposed**



Division of Legislative Services

- Effected several stylistic and grammatical changes to the proposals
 - Changes do not impact intent and implications of proposals
1. **4VAC15-20-250 (New) Definitions; Elk Management Zone** –incorporated into 4VAC15-20-10 and designated as subsection B
 2. **4VAC15-90-550 (New) Special elk hunting license – Conservation License Program** – The definitions of “*Individual, cooperators, or wildlife conservation organizations*” and “*Proceeds*” moved and designated as subsection A; subsequent subsections renumbered
 3. **4VAC15-90-89 Earn a buck (EAB)** – Subsections renumbered; grammatical changes effected to clarify regulation language and references to localities subject to the provisions of each subsection
 4. **4VAC15-200-11 (New) Wild rabbit carcass importation** – definitions of “*Import*” and “*Wild Rabbit*” were moved to 4VAC15-200-15 (New); importation requirements designated as 4VAC15-200-50 (New)
 5. **4VAC15-200-12 (New) Disposal of wild rabbit parts** –designated 4VAC15-200-60 (New)



Elk

4VAC15-20-10. Definitions; generally (formerly 4VAC15-20-250). (pg. 5)

- Defines zone as Buchanan, Dickenson, and Wise counties

4VAC15-20-65. Hunting, trapping, and fishing license and permit fees. (pg. 6)

- Establish Resident (\$40) & Nonresident (\$400) Special Elk Hunting License for Elk Management Zone
- Reduce Nonresident license fee for fishing designated stocked trout waters (\$46 to \$22)

4VAC15-90-500. Elk hunting outside the Elk Management Zone. (pg. 13)

- Maintains all existing hunting regulations for elk outside the EMZ from 4VAC15-90-85
- Establishes separate section within existing regulation chapter for regulations specific to elk



Elk

4VAC15-90-510. Elk hunting within the Elk Management Zone. (pg. 14)

- Establishes open season – Second Saturday in October through following Friday
- Outlines bag limit, blaze color, and license tag validation and reporting requirements

4VAC15-90-520. Special provisions for hunting elk within the Elk Management Zone. (pg. 15)

- Outlines provisions for field dressing harvested elk, wanton waste, hunting techniques, and youth/apprentice hunters being accompanied/supervised by another

4VAC15-90-530. Special elk hunting license – random drawing license program. (pg. 17)

- Outlines application period, application requirements, and notification and future eligibility of successful applicants



Elk

4VAC15-90-540. Special elk hunting license – Landowner License Program. (pg. 19)

- Establishes program to provide free public access to hunt elk on private lands
- Outlines program details including application deadline, application requirements, accrual of points toward receiving a special elk hunting license, and guidelines for use of the special elk hunting license

Recommended Modification – Remove language on selling the license; clarify that a fee may not be charged to hunt elk except as provided in program guidance document

4VAC15-90-550. Special elk hunting license – Conservation License Program. (pg. 22)

- Establishes program to award a Special Elk Hunting License to a wildlife conservation organization
- Outlines program details including application deadline, application requirements, submission and review of organization's proposal, handling of proceeds generated, and transfer of Special Elk Hunting License to hunter



Elk

4VAC15-270-10. Size rifles for hunting bear and deer. (pg. 25)

- Includes elk in the list of species for which rifles $\geq .23$ caliber must be used for hunting
- Removes the word “killing” from the regulation to allow humane dispatch of these species in circumstances where firearms $< .23$ caliber would be the appropriate weapon choice



Elk

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adopting the proposed amendments to the elk regulations as presented by staff.



Chronic Wasting Disease

4VAC15-90-10. Open season; generally. (pg. 27)

- Creates early and late antlerless only firearms season in Clarke, Frederick, Shenandoah, and Warren counties (not on National Forest)
- Creates early antlerless only firearms season in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties
- Creates opportunity for either early or late antlerless only deer seasons in Culpeper, Fauquier, Madison, Orange, Page, and Rappahannock counties

Recommended Modification – Change “disease focus area” to “disease focus zone”

4VAC15-90-89. Earn a buck (EAB). (pg. 37)

- Reformats text into concise, more easily understood language
- Initiates EAB requirement in 9 counties (6- deer management; 3 – CWD management)
- Reduces # of antlerless deer which need to be harvested under EAB in 3 counties (CWD)
- Increased # of antlerless deer which need to be harvested under EAB in 2 counties (deer)

Recommended Modification – Remove “east of the Dismal Swamp line” reference in subsections E and F



Chronic Wasting Disease

4VAC15-90-260. Hunting with dogs prohibited in certain counties and areas. (pg. 42)

4VAC15-50-110. Use of dogs in hunting bear. (pg. 43)

- Initiation of early antlerless only deer season in several counties to address CWD impacted the existing language of these regulations
- Maintains all existing opportunities for hunting deer and bear with dogs

4VAC15-90-293. Unauthorized cervid parts, excretions, and carcass importation, movement, possession, and use. (pg. 44)

- Adds “cleaned jaw bones” to list of importable carcass parts
- Enables transport to authorized locations in other states
- Enables transport between separate DMAs unless prohibited
- Provides mechanism to allow transport from areas of low-risk to areas of high-risk, but prohibit transport from areas of high-risk to low-risk within a DMA



Deer & Muzzleloader Hunting

4VAC15-90-70. Archery hunting. (pg. 47)

- Updates Code reference for “Common Interest Communities”

4VAC15-90-80. Muzzleloading gun hunting. (pg. 49)

- Increases either-sex hunting days in Augusta and Dickenson (private lands) counties
- Clarifies types of muzzleloading weapons which can be used
- Accommodates new .40 caliber muzzleloader

4VAC15-50-71. Muzzleloading gun hunting. (pg. 52)

- Clarifies types of muzzleloading weapons which can be used
- Accommodates new .40 caliber muzzleloader



Deer & Muzzleloader Hunting

4VAC15-90-90. Bag limit, bonus deer permits and special antlerless provision for youth hunters. (pg. 54)

- Established unlimited daily bag limit in cities and towns (except Chesapeake, Suffolk, and Virginia Beach)
- Creates uniform 1 deer per day bag limit on national forest, department-owned, and department-managed lands
- Clarifies that national forest lands in Amherst, Bedford, and Nelson counties are included in the West of the Blue Ridge bag limit

4VAC15-90-91. General firearms season either-sex deer hunting days. (pg. 56)

- Increases either-sex hunting days in 11 counties or portions of the county
- Increases either-sex hunting days on 2 WMAs
- Decreases either-sex hunting days on 3 WMAs
- Removes 1 WMA from countywide season due to increase in either-sex hunting days in that county



Harvest Reporting

4VAC15-90-231. Validating tags and checking deer by licensee or permittee. (pg. 65)

4VAC15-50-81. Validating tags and checking bear and tooth submission by licensee or permittee. (pg. 68)

4VAC15-240-81. Validating tags and checking turkey by licensee. (pg. 70)

- Modified to reflect transition to 100% electronic harvest reporting beginning Sept 1, 2021



Harvest Reporting

4VAC15-90-241. Checking deer by persons exempt from license requirement or holding a license authorization number. (pg. 72)

4VAC15-50-91. Checking bear and tooth submission by persons exempt from license requirement or holding a license authorization number. (pg. 74)

4VAC15-240-91. Checking turkey by persons exempt from license requirement or holding a license authorization number. (pg. 76)

- Modified to reflect transition to 100% electronic harvest reporting beginning Sept 1, 2021



Chronic Wasting Disease, Deer & Muzzleloader, and Harvest Reporting

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adopting the proposed amendments to the chronic wasting disease, deer & muzzleloader hunting, and harvest reporting regulations as presented by staff.



Bear & Wild Turkey

4VAC15-50-120. Bear hound training season. (pg. 79)

- Correct error in text to add Dinwiddie County which should have been included in 2013

4VAC15-240-20. Open season; certain counties and areas; two-week turkey season. (pg. 80)

4VAC15-240-32. Open season; certain counties and areas; six-week turkey season. (pg. 81)

- Moves Orange County from two-week and places it in the six-week season



Bear & Wild Turkey

4VAC15-240-40. Open season; spring season for bearded turkeys. (pg. 82)

- Establishes all-day hunting throughout the spring turkey season

Recommended Modification – Reduce the timeframe for all-day spring turkey hunting from full-season to the last 20 days of the season

4VAC15-240-60. Archery hunting. (pg. 84)

- Makes season consistent with existing statewide archery season for deer and bear



Bear & Wild Turkey

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adopting the proposed amendments to bear & wild turkey regulations as presented by staff.



Rabbits

4VAC15-200-15. Definitions (formerly 4VAC15-200-11). (pg. 86)

- Define the terms “Import” and “Wild Rabbit” as used in Chapter 200

4VAC15-200-30. Trapping with box traps. (pg. 87)

- Would restrict transport of live-trapped rabbits to the county of origin (RHDV2)

4VAC15-200- 50. Unauthorized wild rabbit carcass importation and possession (formerly 4VAC15-200-11). (pg. 88)

- Would prohibit importing whole wild rabbit carcasses from other states, except those which a fully field dressed (RHDV2)

4VAC15-200-60. Disposal of wild rabbit parts (formerly 4VAC15-200-12) (pg. 89)

- Would prohibit wild rabbit carcasses and carcass parts from being discarded/disposed of on the landscape
- Requires such carcasses and/or parts to be buried (2-feet deep), incinerated, or bagged and disposed of in household trash for disposal in a landfill



Wildlife Diversity

4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated. (pg. 91)

- Update the date reference for the federal list
- Remove barking treefrog (ST); add red-cockaded woodpecker (SE) and Clinch dace (SE); retain black rail (SE) to reflect status in Virginia
- Reduce burden of incidental take requirements for little brown and tricolored bats

Recommended Modification – Cite the most recent version of the Federal Endangered and Threatened Species List which was updated on April 30, 2021

4VAC15-30-40. Importation requirements, possession, and sale of nonnative (exotic) animals. (pg. 101)

4VAC15-360-60. Prohibit the sale of salamander and madtom species. (pg. 110)

- Removes Mexican axolotl as a species that cannot be imported, possessed, or sold



Wildlife Diversity

4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for personal use. (pg. 111)

- Limit personal possession of native and naturalized amphibians and reptiles to 1 individual of any species per physical address
- Prohibit personal possession of any native and naturalized amphibians and reptiles designated as a Species of Greatest Conservation Need in the 2015 Wildlife Action Plan
- Prohibit use and sale of salamanders as bait
- Require appropriate permit for collection of amphibians and reptiles on all state and federal lands
- Establish online registry to report possession of native and naturalized amphibians and reptiles held prior to effect date of this regulation
- Require snapping turtles harvested for personal use to have a minimum curved-line carapace length of 13 inches



Rabbit and Wildlife Diversity

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adopting the proposed amendments to the rabbit and wildlife diversity regulations as presented by staff.



Lands & Access

4VAC15-20-100. Prohibited use of vehicles on DWR-owned lands. (pg. 116)

- Allow Class I and II electric power-assisted bicycles; prohibit Class III bicycles

4VAC15-20-150. Structures on department-owned lands and national forest lands. (pg. 118)

- Establish time frame & duration for placing/leaving portable tree stand on DWR lands

4VAC15-20-151. Manipulation of vegetation on DWR-owned lands. (pg. 120)

- Prohibits planting, manipulating, cutting, mutilating, destroying, or removing vegetation
- Prohibits removing minerals, artifacts, or other property

4VAC15-20-152. Target shooting on DWR-owned lands. (pg. 121)

- Prohibits target shooting except on designated ranges



Definitions & Miscellaneous

4VAC15-20-240. Use of drones for certain activities prohibited. (pg. 123)

- Modifies language to specify a time restriction for use of a drone as it relates to scouting/hunting purposes



General

4VAC15-40-220. Use of deadfalls prohibited; restricted use of snares. (pg. 125)

- Redefine the maximum permissible snare loop size from a diameter measurement to an equivalent circumference measurement

4VAC15-40-240. Animal population control. (pg. 126)

- Authorizes the Director to issue special permits to reduce game and fur-bearing animal populations where existing statutory and regulatory options are not applicable



Lands & Access, Definitions & Miscellaneous, and General

Motion

I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adopting the proposed amendments to lands & access, definitions & miscellaneous, and general regulations as presented by staff.



Questions



4VAC15-90-550 (New)

Game: Deer: Special elk hunting license – Conservation License Program

Summary:

The proposal establishes and outlines a program to award a wildlife conservation organization with a reserved special elk hunting license for the Elk Management Zone.

Proposed language of the amendment:

4VAC15-90-550. Special elk hunting license – Conservation License Program

- A. For the purposes of this section, the following words or terms shall have the following meanings, unless the context clearly indicates otherwise:

“Individual, cooperators, or wildlife conservation organizations” mean those people or entities whose mission is to promote and ensure the conservation of Virginia’s wildlife resources or to promote opportunities for hunting, fishing, trapping, boating, or other wildlife-related recreation in Virginia.

“Proceeds” means the amount of money received by the cooperator or organization from the transfer of a [reserved] special elk hunting license minus all expenses [, including the fees associated with the license,] and administrative costs directly attributable to the transfer of the license or the implementation of the defined project.

- B. Upon receipt of a valid Conservation License Program application from an officer or other designated official representative of any individual, cooperator, or wildlife conservation organization, the director or ~~their~~ the director’s] designee shall verify the application materials and may select a program awardee annually. Applications must be received or postmarked no later than April 1 to be eligible for the Conservation License Program during that calendar year.

1. ~~[For the purposes of this section, “individual, cooperators, or wildlife conservation organizations” means those people or entities whose mission is to promote and ensure the conservation of Virginia’s wildlife resources and/or to promote opportunities for hunting, fishing, trapping, boating or other wildlife-related recreation within Virginia.]~~

- C. A valid Conservation License Program application shall include:

1. Cooperator or organization name, name of the individual designated to submit and receive official correspondence, address for such correspondence, and a telephone number.
2. Cooperator or organization mission statement.
3. A written application describing:
 - a. Cooperator or organization role in wildlife conservation in Virginia.
 - b. Cooperator or organization purpose and intent for requesting [a reserved] special elk hunting license through the Conservation License Program.
 - c. Cooperator or organization proposal for method of generating funds from transfer of the [reserved] special elk hunting license to an eligible individual.
 - d. Cooperator or organization strategy to direct proceeds received from the transfer of the [reserved] special elk hunting license and any matching funding toward wildlife conservation or wildlife-related recreation in Virginia’s Elk Management Zone.

- D. The director shall establish a Conservation License Program Committee to review program applications and submit a recommendation to the director to ~~[award reserve]~~ no more than one special elk hunting license ~~[to for]~~ a cooperator or organization whose application is deemed to provide the greatest benefit to wildlife conservation and wildlife-related recreation in Virginia per license year. This committee shall be composed of a minimum of three individuals and make a recommendation to the director by May 1 each year.
- E. A cooperator or organization receiving a ~~[reserved]~~ special elk hunting license must direct all proceeds from the transfer of such ~~[license reservation]~~, toward a project to improve and enhance wildlife habitat, wildlife populations, or wildlife-related recreation within the Elk Management Zone. The proposed strategy and requirements will be outlined in a memorandum of agreement between the department and the cooperator or organization.
1. ~~[For the purpose of this section “proceeds” means the amount of money received by the cooperator or organization from the transfer of a special elk hunting license minus all expenses and administrative costs directly attributable to the transfer of the permit or the implementation of the defined project.]~~
- F. A cooperator or organization may transfer the ~~[reserved]~~ special elk hunting license to any person eligible to hunt in Virginia. The generation of funds from the transfer of the ~~[reserved]~~ special elk hunting license may only be conducted through a raffle.
- G. Transfer of the ~~[reserved]~~ special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during which the special elk hunting license is valid. To report a transfer to the department, the cooperator or organization shall provide the department with the hunter's:
1. Name
 2. Department customer identification number
 3. Address; and
 4. Telephone number
- H. A special elk hunting license transferee may be rejected if it is determined that the transferee has been convicted of two or more wildlife violations, within three years prior to the last date of the application period. In determining the transferees’ eligibility, the director shall take into account the nature and severity of the violations.
- I. A cooperator or organization ~~[awarded a who receives a reserved]~~ special elk hunting license shall submit an annual report to the department regarding any proceeds received from the transfer of the ~~[reserved]~~ license and an accounting of how those funds were directed toward wildlife conservation or wildlife-related recreation in the Elk Management Zone.

Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed with the following modification: indicate that the Conservation License Program “reserves” a special elk hunting license which the individual, cooperator, or wildlife conservation organization may transfer to an eligible hunter. This modified language will better align the Department’s program with the requirements of the Federal Aid in Wildlife Restoration program.

Rationale:

With the passage of § 29.1-305.01, authority was given to the Board of Wildlife Resources to establish guidelines permitting the transfer of special elk licenses to individuals, cooperators who assist in meeting agency hunting objectives, or wildlife conservation organizations whose mission is to ensure the conservation of Virginia's wildlife resources. This proposal exercises that authority by creating an opportunity for the Department to promote wildlife management efforts and projects within the EMZ by allowing a partner to generate funds from the transfer of a special elk hunting license. That cooperator or organization must demonstrate a history and ability to effectively implement wildlife management and outline a plan for generating the funding, designing a wildlife management project, and executing that project within the EMZ.

The method of fund raising, through the transfer of the special elk hunting license by the cooperator or conservation organization, is limited to a raffle in an effort to generate funds for wildlife management while still providing an equitable chance for any eligible person to receive the special elk hunting license. The creation of a review committee would promote a versatile and comprehensive review of the applications in order to make a recommendation to the director. A memorandum of agreement (MOA) between the Department and the cooperator or conservation organization will create a legal document that outlines project details and program requirements. This MOA, along with the required annual report, will create cooperation and accountability and ensure the projects funded through this program are having the most benefit possible to wildlife management efforts in the EMZ. The proposal that a license transferee with a recent and frequent history of wildlife violations may be rejected, will ensure that the limited opportunities that are available to hunt elk within the EMZ are not afforded to those that may not pursue them in a legal and ethical manner.