

AGENDA

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

May 18, 2022
10:00 am

Committee Members: Ms. Karen Terwilliger, Chair, Mr. Leon Boyd, Dr. Mamie Parker,
Mr. John Daniel, Alternate

DWR Staff Liaisons: Dr. Gray Anderson and Dr. Mike Bednarski and Mr. Tom Guess

1. Call to Order and Welcome
Ms. Karen Terwilliger
2. Approval of the March 23, 2022 Committee Meeting Minutes **Final Action**
Ms. Karen Terwilliger
3. Public Comment – Non Agenda Item
Ms. Karen Terwilliger
4. CWD Update and Proposed Regulations **Final Action**
Mr. Cale Godfrey
5. Aquatic Wildlife Regulations Staff Proposals **Action**
Dr. Mike Bednarski
6. Boat Regulations Staff Proposals **Action**
Mr. Tom Guess
7. Vulnerability of the DWR’s Coastal Assets to Sea Level Rise
Mr. Clay Ferguson, Virginia Coastal and Marine Policy Fellow

8. Wildlife Division Update
Dr. Gray Anderson

9. Fish Division Update
Dr. Mike Bednarski

10. Boating Division Update
Mr. Tom Guess

11. Director's Report
Mr. Ryan Brown

12. Chair's Report
Ms. Karen Terwilliger

13. Next Meeting Date: Wednesday, August 17, 2022
Ms. Karen Terwilliger

11. Additional Business/Comments
Ms. Karen Terwilliger

12. Adjournment
Ms. Karen Terwilliger

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

March 23, 2022
10:00 am

Present: Ms. Karen Terwilliger, **Chair**; Mr. Leon Boyd; **Absent:** Dr. Mamie Parker, Mr. John Daniel, **Board Members** in attendance: Mr. G. K. Washington, Ms. Catherine Claiborne; Ms. Tammy Grimes (Virtual), and Mr. Brian Vincent (Virtual); **Executive Director:** Mr. Ryan Brown; **Deputy Directors:** Ms. Becky Gwynn; Mr. Gary Martel; **Director's Working Group:** Mr. Darin Moore, Dr. Mike Bednarski, Dr. Gray Anderson, Mr. Bob Smet, Colonel John Cobb, Ms. Paige Pearson, Mr. Tom Guess

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

Approval of the January 19, 2022 Committee Meeting Minutes:

The Chair called for a motion to approve the January 19, 2022 Wildlife and Boat Committee meeting minutes. Mr. Boyd made a motion to approve the minutes of the January 19, 2022 committee meeting. Ms. Terwilliger seconded the motion.

The board secretary called the roll. Ayes: Terwilliger and Boyd

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

Mr. Eric Fagerholm spoke regarding elimination of lead in taking of wildlife

Migratory Game Bird Seasons and Bag Limits Proposal: The Chair called on Dr. Gary Costanzo for a presentation.

Dr. Costanzo gave a presentation on the Migratory Game Bird Seasons and Bag Limits Proposal.

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 & Boat Committee approve the 2022-2023 Migratory Game Bird Season and Bag limit recommendations as presented by staff, for consideration by the full Board at the March 24, 2022 meeting. It was seconded by Ms. Terwilliger.

The board secretary called the roll. Ayes: Terwilliger and Boyd

Regulation Amendment for Waterfowl Retriever Field Trial Dates: The Chair called on Dr. Gray Anderson for a presentation.

Dr. Anderson presented the Regulation Amendment for Waterfowl Retriever Field Trial Dates.

Comments from the Public:

- Phyllis Giroux spoke regarding the Retriever Amendment

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

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 the amendment to the “Field Trials: Authorized Dates” regulation as presented by staff. It was seconded by Ms. Terwilliger. The board secretary called the roll. Ayes: Terwilliger and Boyd

Proposed Lands Identification and Naming: The Chair called on Dr. Gray Anderson for a presentation.

Dr. Anderson presented the Proposed Lands Identification and Naming.

After comments and questions, The Chair thanked Dr. Anderson for his presentation.

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 the proposed property name change as presented by staff. It was seconded by Ms. Terwilliger. The board secretary called the roll. Ayes: Terwilliger and Boyd

CWD Update and Proposed Regulations: The Chair called on Mr. Cale Godfrey for a CWD Update.

Mr. Godfrey gave a CWD Update and Proposed Regulation.

After comments and questions, The Chair thanked Mr. Godfrey for his update.

The Chair called for a motion. Mr. Boyd made a motion. Madame Chair, I move that the Wildlife and Boat Committee recommend the Board of Wildlife Resources propose the amendments to the chronic wasting disease regulations for Disease Management Areas 2 and 3 as presented by staff. It was seconded by Ms. Terwilliger. The board secretary called the roll. Ayes: Terwilliger and Boyd

Aquatic and Boating Scoping Reporting Period Summary: The Chair called on Dr. Bednarski for a summary.

Dr. Bednarski gave an Aquatic and Boating Scoping Reporting Period Summary.

After comments and questions, The Chair thanked Dr. Bednarski for his summary.

Boating Regulations: The Chair called on Mr. Tom Guess for an update.

Mr. Tom Guess gave updates on Current Boating regulations and Boating regulation issues that are being worked on.

After comments and questions, The Chair thanked Mr. Guess for his update on Boating.

No-Net Loss, Net- Gain: enabling tidal wetlands to withstand sea-level rise:

The Chair called on Mr. Clay Ferguson, Virginia Coastal and Marine Policy Fellow for a presentation.

Mr. Ferguson presented a presentation on the No-Net Loss and Net-Gain: On enabling tidal wetlands to withstand sea-level rise.

After comments and questions, The Chair thanked Mr. Ferguson for his presentation.

Wildlife Division Update: The Chair called on Dr. Gray Anderson for an update.

Dr. Anderson reported:

- The new Bear Plan is being working on
- VPA-HIP Agreement is being worked on
- Elk Lottery

After comments and questions, the Chair thanked Dr. Anderson for his update.

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

Dr. Bednarski reported:

- Parasites has been found on Rainbow Trout

After comments and questions, the Chair thanked Dr. Bednarski for his update.

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

The Director reported:

- Heritage Day is April 2, 2022
- One Shot Turkey Hunt is April 23, 2022
- Annual Free Fishing Days are June 3-5, 2022
- Attended the North America conference where Relevancy Roadmap was discussed

- Falcon Cam is live and there is the first egg
- Annual HRBT efforts are beginning
- RAWA

Chair's Report: The Chair thanked everyone for attending the Wildlife and Boat Committee meeting. The employees at DWR are such stewards of Fish and Wildlife and the dedication from the staff is wonderful. The importance of RAWA and all of the work that is being done is appreciated. All of the updates were helpful and informative and the No-Net Loss, Net-Gain on the tidal wetlands presentation was excellent information.

The Chair asked if anyone had any further comments or questions, hearing none, she announced that the next meeting will be May 18, 2022 and adjourned the meeting at 12:25 pm.

Respectfully submitted,

Frances Boswell

/s/

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES



CHRONIC WASTING DISEASE REGULATION PROPOSALS

May 2022

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

Summary:

The proposal for Disease Management Area 2 is to (i) implement a January through March late antlerless only deer season on private lands in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties, and (ii) establish both a September early antlerless only deer season and a January through March late antlerless only deer season on private lands in Page County.

In Disease Management Area 3, the proposal is to (i) extend the firearms deer season from two to four weeks on private lands in Carroll County, (ii) establish a January through March late antlerless only deer season on private lands in Carroll, Floyd, Montgomery, and Pulaski counties, and (iii) create opportunity for an early September antlerless only deer season and a late (January through March) antlerless only deer season in designated disease focus zone(s) in Carroll County.

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 (<u>private lands</u>)	Saturday prior to the third Monday in November and for 14 <u>28</u> consecutive days following
<u>Carroll County (public lands)</u>	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>
<u>Carroll County (private lands and antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
<u>Carroll 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>
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
Clarke 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

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
Culpeper County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>
Culpeper 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
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
Fauquier County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>
Fauquier 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
Floyd County	Saturday prior to the third Monday in November and for 28 consecutive days following
<u>Floyd County (antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
Floyd 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

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
Frederick County (non-national-forest lands 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
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
Madison County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>
Madison 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
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 (non-national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Montgomery County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
<u>Montgomery County (non-national forest lands and antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
Montgomery 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
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
Orange County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>
Orange 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
Page County	Saturday prior to the third Monday in November and for 14 consecutive days following
<u>Page County (non-national forest lands and 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 (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
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 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
<u>Pulaski County (non-national forest lands and antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
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 <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>
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
Shenandoah County (non-national forest lands 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
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
Warren (non-national forest lands 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
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.

Rationale:

Chronic wasting disease (CWD), which was first detected in Frederick County in 2009, continues to spread across the landscape in Virginia. There are currently three Disease Management Areas (DMA) encompassing two CWD foci separated by over 160 miles. Eleven counties are known to be CWD-positive. The 2021 – 2025 DWR CWD Management Plan instructs staff to meet annually to review the DMA county-specific harvest and CWD surveillance data from the previous hunting season, along with the county deer population goals as stated in the current DWR Deer Management Plan. Liberalized harvest is a strategy used by most CWD-positive states to attempt to slow transmission of the disease between deer. Annual review of harvest and surveillance data allows staff to determine if additional hunting opportunity is necessary in DMA counties.

After reviewing the 2021 – 2022 data for the DMA2 counties, which include Culpeper, Fauquier, Loudoun, Madison, Orange, Page, and Rappahannock counties, it was determined that CWD-infected

deer continue to be found in the southern and eastern portions of DMA2. It was also ascertained that the additional harvest yielded in the early September season does not appear to be adequate to significantly slow disease transmission in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties. The proposed addition of a late (January through March) antlerless only firearms deer season in Culpeper, Fauquier, Madison, Orange, and Rappahannock counties aims to increase the number of deer harvested in these areas and thereby slow transmission of the disease within the local deer populations. Both an early (September) and late (January through March) antlerless only firearms season were added to Page County because the deer population objective is not currently being met and an insufficient number of samples have been submitted for testing, which has led to a lack of knowledge of the status of the disease within the county. The proposed regulatory changes for Page County also brings it into closer alignment with the other DMA2 counties, hopefully leading to less confusion for local hunters.

The 2021 – 2022 CWD surveillance data confirmed two additional CWD detections in DMA3; a single detection in Montgomery County, less than three miles from the 2020 detection, and a single detection in Floyd County, approximately 5 miles from the 2020 Montgomery detection. Carroll County was added to the DMA for the 2022 – 2023 hunting season due to the fact that the Floyd County detection was less than 10 miles from Carroll, as called for in the 2021 – 2025 DWR CWD Management Plan. The proposed addition of two weeks of general firearms season in Carroll County aims to create consistent general firearms seasons in all DMA3 counties, thereby streamlining hunting regulations for these counties and minimizing confusion for hunters. The proposed addition of a late (January through March) antlerless only firearms deer season in Carroll, Floyd, Montgomery, and Pulaski counties aims to increase the number of deer harvested and thereby slow transmission of the disease within the population. CWD detections in relative close proximity to one another strongly suggest that the disease is circulating in the local deer population and warrants additional harvest in an attempt to slow transmission between infected and healthy deer.

The proposal relative to disease focus zones (DFZ) enable the Department to target additional harvest around new CWD detections as they are discovered. This proposal prepares counties included within a DMA, such as Carroll County, for the creation of a DFZ when it is needed. 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.

4VAC15-90-80

Game: Deer: Muzzleloading gun hunting.

Summary:

The proposal is to allow full season either-sex deer hunting on private lands in Page County during the early and late muzzleloader seasons.

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 Occoneechee 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, Page, 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, Page, 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. Muzzleloading guns, for the purpose of this section, 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:

The 2021 – 2025 DWR CWD Management Plan instructs staff to meet annually to review the Disease Management Area (DMA) county-specific harvest and CWD surveillance data from the previous hunting season, along with the county deer population goals as stated in the DWR Deer Management Plan. Liberalized harvest is a strategy used by most CWD-positive states to attempt to slow transmission of the disease between deer, and annual review of harvest and surveillance data allows staff to determine if additional hunting opportunity is necessary in DMA counties.

After reviewing the 2021 – 2022 data for the DMA2 counties, it was determined that CWD-infected deer continue to be found in the southern and eastern portions of DMA2. It was also ascertained that an unacceptably low number of deer have been tested in Page County since it was added to DMA2 two years ago. In addition, the deer population objective is currently not being met in this county. Due to these reasons, and a desire to bring the county into closer alignment with the other DMA2 counties, it is proposed to allow full season either sex muzzleloader hunting in Page County.

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

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

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia that have established wild, self-sustaining populations, as included in the department's 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

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

The following animals are defined as domestic animals:

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

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

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

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

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

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

Domestic goat (*Capra hircus*).

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

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

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

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

Domesticated races of mink (*Mustela vison*) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.

Domesticated races of guinea pigs (*Cavia porcellus*).

Domesticated races of gerbils (*Meriones unguiculatus*).

Domesticated races of chinchillas (*Chinchilla laniger*).

Domesticated races of rats (*Rattus norvegicus* and *Rattus rattus*).

Domesticated races of mice (*Mus musculus*).

Domesticated breeds of European rabbit (*Oryctolagus cuniculus*) recognized by the American Rabbit Breeders Association, Inc. and any lineage resulting from crossbreeding recognized breeds. A list of recognized rabbit breeds is available on the department's website.

Domesticated races of chickens (*Gallus*).

Domesticated races of turkeys (*Meleagris gallopavo*).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (*Columba domestica* and *Columba livia*) and domesticated races of pigeons.

Domesticated races of guinea fowl (*Numida meleagris*).

Domesticated races of peafowl (*Pavo cristatus*).

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

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

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

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

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass,		5 per day in the aggregate (combined) No statewide length limits	Lakes	
			Briery Creek Lake	No largemouth or smallmouth bass 16 to 24 inches; only 1 largemouth or smallmouth bass per day in the aggregate longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Claytor Lake	No smallmouth bass less than 14 inches
			Flannagan Reservoir	No smallmouth bass less than 15 inches; No largemouth bass less than 12 inches
			Lake Gaston	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Leesville Reservoir	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches

			Lake Moomaw	No largemouth or smallmouth bass less than 12 inches
			Philpott Reservoir	No largemouth or smallmouth bass less than 12 inches
			Quantico Marine Base waters	No largemouth or smallmouth bass 12 to 15 inches
			Smith Mountain Lake and its tributaries below Niagara Dam	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Rivers	
			Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell Counties	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
			Levisa Fork River – within the boundaries Buchanan County	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass per day in the aggregate longer than 20 inches
			Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 largemouth or smallmouth bass less than 14 inches

		<p>James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond</p>	<p>No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches</p>
		<p>New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk Southern Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows Dam downstream to the New River</p>	<p>No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches</p>

		<p>in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)</p>	
		<p>North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line</p>	<p>No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches</p>
		<p>Potomac River - Virginia tidal tributaries above Rt. 301 bridge</p>	<p>No largemouth bass or smallmouth bass less than 15 inches from March 1 through June 15</p>
		<p>Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte County</p>	<p>Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches</p>
			<p>No largemouth bass or smallmouth bass 11 to 14 inches</p>

			Shenandoah River, South Fork Shenandoah River, North Fork Shenandoah River	No largemouth bass or smallmouth bass 11 to 14 inches
			Staunton River - Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No smallmouth bass less than 20 inches; only 1 per day longer than 20 inches
Alabama bass, spotted bass		No statewide daily limit No statewide length limits		

striped bass	landlocked striped bass and landlocked striped bass - white bass hybrids	4 per day in the aggregate No fish less than 20 inches	Buggs Island (Kerr) Reservoir, including the Staunton (Roanoke) River and its tributaries to Leesville Dam and the Dan River and its tributaries to Union Street Dam (Danville)	October 1 - May 31: 2 per day in the aggregate; no striped bass or hybrid striped bass less than 20 inches or greater than 26 inches June 1 - September 30: 4 per day in the aggregate; no length limit
			Claytor Lake and its tributaries	September 16 – June 30: 2 per day in the aggregate; no striped bass or hybrid bass less than 20 inches July 1 – September 15: 4 per day in the aggregate; no length limit
			Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	2 per day in the aggregate November 1 - May 31: No striped bass 30 to 40 inches June 1 - October 31: No length limit
			Lake Gaston	4 per day in the aggregate October 1 - May 31: No striped bass or

				hybrid striped bass less than 20 inches June 1 - September 30: No length limit
	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters		
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day No striped bass less than 18 inches		
white bass		5 per day No statewide length limits	Buggs Island (Kerr) Reservoir, including the Staunton (Roanoke) River and its tributaries to Leesville Dam	10 per day; no white bass less than 14 inches

			and the Dan River and its tributaries to Union Street Dam (Danville)	
			Lake Gaston	10 per day; no white bass less than 14 inches
walleye, saugeye		5 per day in the aggregate No walleye or saugeye less than 18 inches	Claytor Lake and the New River upstream of Claytor Lake Dam to Fries Dam in Grayson County	2 walleye per day; no walleye 19 to 28 inches
sauger		2 per day No statewide length limits		
yellow perch		No statewide daily limit No statewide length limits	Lake Moomaw	10 per day
			Below the fall line in all coastal rivers of the Chesapeake Bay	No yellow perch less than 9 inches; no daily limit

chain pickerel		5 per day No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs	No daily limit
northern pike		2 per day No pike less than 20 inches		
muskellunge		2 per day No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to Claytor Dam, including Claytor Lake	1 per day; no muskellunge less than 42 inches
			New River - Claytor Dam downstream to the VA - WV state line	1 per day June 1 - last day of February: No muskellunge 40 to 48 inches March 1 - May 31: No muskellunge less than 48 inches
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the	No daily limit

			Dan River and its tributaries to the Banister River, Halifax County and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	
crappie (black or white)		25 per day in the aggregate No statewide length limits	Lake Gaston and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Buggs Island (Kerr) Reservoir including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and	No crappie less than 9 inches

			the Dan River and its tributaries to the Banister River, Halifax County	
			Briery Creek and Sandy River Reservoirs	No crappie less than 9 inches
			Flannagan and South Holston Reservoirs	No crappie less than 10 inches
rock bass (redeye)		25 per day; in the aggregate with Roanoke bass No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Nottoway, Meherrin, Blackwater (Franklin County), Falling, and Smith Rivers and their tributaries	5 per day in the aggregate with Roanoke bass; no rock bass less than 8 inches

Roanoke bass		25 per day in the aggregate with rock bass No statewide length limits	Nottoway, Meherrin, Blackwater (Franklin County), Falling, and Smith Rivers and their tributaries	5 per day in the aggregate with rock bass; no Roanoke bass less than 8 inches
trout	See 4VAC15-330 . Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day; No statewide length limits	Lake Gaston	No daily limit, except only 1 blue catfish per day longer than 32 inches
			Kerr Reservoir including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County	20 per day, except only 1 blue catfish per day longer than 32 inches
			James River and its tributaries below the fall	No daily limit, except only 1 blue catfish per day longer than 32 inches

			line, Rappahannock River and its tributaries below the fall line, and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line	
			All rivers below the fall line other than the James River and its tributaries, Rappahannock River and its tributaries, and the York River and its tributaries	No daily limit
	yellow, brown, and black bullheads	No daily limit; No length limits		
hickory shad	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission in tidal rivers		

	Meherrin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest Rivers, and their tributaries plus Back Bay	10 per day No length limits		
American shad		No possession		
anadromous (coastal) alewife and blueback herring	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers		
	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest	No possession		

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

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

	and threatened species; adoption of federal list; additional species enumerated.
nonnative (exotic) fish	See 4VAC15-30-40 . Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.

Statutory Authority

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

Historical Notes

Derived from [Volume 19, Issue 05](#), eff. January 1, 2003; amended, Virginia Register [Volume 22, Issue 19](#), eff. July 1, 2006; [Volume 24, Issue 10](#), eff. January 1, 2008; [Volume 27, Issue 10](#), eff. January 1, 2011; [Volume 29, Issue 09](#), eff. January 1, 2013; [Volume 31, Issue 09](#), eff. January 1, 2015; [Volume 33, Issue 10](#), eff. January 1, 2017; [Volume 35, Issue 02](#), eff. January 1, 2019.

4VAC15-320-60. Approval required to stock fish into inland waters; Stocking Authorization.

- A. It shall be unlawful to stock any species of fish into any inland waters of the Commonwealth without first obtaining written approval to do so from the department. Nothing in this section shall be construed as restricting the use of native and naturalized species of fish in privately-owned ponds and lakes, except spotted bass, blue catfish, and their hybrids may not be stocked.
- B. The department shall issue a written stocking authorization within 15 business days of receipt of a completed Virginia Fish Stocking Authorization Form, unless the department determines that granting such authorization may (i) endanger any native or naturalized population of fish; (ii) introduce, enable, or enhance the spread of fish diseases, including parasites; or (iii) establish non-native or exotic aquatic species where such species may displace, threaten, or endanger native or naturalized species. Where an exception to issuance exists, the application shall be denied.

- C. The department shall set an expiration date for each stocking authorization issued, limit the authorization to a specific species of fish, and geographically limit the stocking authorization.
- D. The department is authorized to modify or revoke any stocking authorization where the department discovers any situation listed in subparagraph B to exist or where otherwise permitted by law or regulation.

4VAC15-330-150. Special Provision Applicable to Trout Fishing Using Artificial Lures with Single Hook.

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

1. The Stewarts Creek Trout Management Area in Carroll County.
2. The Rapidan and Staunton Rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County.
3. The Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County.
4. The East Fork of Chestnut Creek (Farmers Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties.

5. Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County.
6. That section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County.
7. North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County.
8. Spring Run from its confluence with Cowpasture River upstream to a posted sign at the discharge for Coursey Springs Hatchery in Bath County.
9. Venrick Run and its tributaries within the Big Survey Wildlife Management Area and Town of Wytheville property in Wythe County.
10. Brumley Creek and its tributaries from the Hidden Valley Wildlife Management Area boundary upstream to the Hidden Valley Lake Dam in Washington County.
11. Stony Creek (Mountain Fork) and its tributaries within the Jefferson National Forest in Wise and Scott Counties from the outlet of High Knob Lake downstream to the confluence of Chimney Rock Fork and Stony Creek.
12. Little Stony Creek and its tributaries within the Jefferson National Forest in Scott County from the Falls of Little Stony Creek downstream to a posted sign at the Hanging Rock Recreation Area.
13. Little Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth and Tazewell Counties downstream to the concrete bridge.
14. Big Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth County from a sign starting at the foot of the mountain and extending upstream seasonally from October 1 until five days prior to the first Saturday in April.
15. South River in the City of Waynesboro from the Wayne Avenue Bridge downstream 2.2 miles to the Second Street Bridge.
16. Wolf Creek and its tributaries within the Abingdon Muster Grounds in the Town of Abingdon from Colonial Road downstream to Stone Mill Road.
17. Beaver Creek and its tributaries within the boundaries of Sugar Hollow Park in the City of Bristol.

18. Green Cove Creek in Washington County from Route 859 downstream to its mouth.

19. Whitetop Laurel Creek in Washington County upstream from the mouth of Straight Branch to a sign posted at the Forest Service boundary just downstream of Taylor Valley, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction.

20. Smith Creek in Alleghany County from the Clifton Forge Dam downstream to a sign at the Forest Service boundary above the C & O Dam.

21. Snake Creek in Carroll County below Hall Ford and that portion of Little Snake Creek below the junction of Routes 922 and 674, downstream to Route 58

22. The North Fork Moormans River and its tributaries from the head of Sugar Hollow Reservoir upstream 0.3 miles to the Shenandoah National Park boundary.”

4VAC15-330-160. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Big Moccasin Creek, **Big Stoney Creek (Giles Co.)**, Chestnut Creek, Hardy Creek, Holliday Creek, Holmes Run, Indian Creek, North River, Passage Creek, Pedlar River, Piney River, North Fork of Pound and Pound rivers, Middle Fork of Powell River, and Roanoke River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures in Accotink Creek (Fairfax County) from King Arthur Road downstream 3.1 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Big Moccasin Creek (Scott County) from the Virginia Department of Transportation foot bridge downstream approximately 1.9 miles to the Wadlow Gap Bridge, **in Big Stoney Creek (Giles County) from the Glen Alton Bridge**

downstream approximately 2.1 miles to a sign posted just upstream of the Cherokee Flats Bridge, in Chestnut Creek (Carroll County) from the U.S. Route 58 bridge downstream 11.4 miles to the confluence with New River, in Hardy Creek (Lee County) from the Virginia Department of Transportation swinging bridge just upstream of the Route 658 ford downstream to the Route 661 bridge, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in Holmes Run (Fairfax County) from the Lake Barcroft Dam downstream 1.2 miles to a sign posted at the Alexandria City line, in Indian Creek within the boundaries of Wilderness Road State Park (Lee County), in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in the Piney River (Nelson County) in that portion of stream from the Piney River Trailhead (Route 151) to the Rose Mill Trailhead (Route 674) adjacent to the Blue Ridge Railway Trail, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Middle Fork of Powell River (Wise County) from the old train trestle at the downstream boundary of Appalachia extending approximately 1.9 miles downstream to the trestle just upstream of the Town of Big Stone Gap, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diuguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), and in the Roanoke River (City of Salem) from the Route 419 bridge upstream 2.2 miles to the Colorado Street bridge. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

4VAC15-350-60. Trotlines, juglines, limblines or set poles.

A. Generally. Except as otherwise provided by local legislation and by subsections B and C of this section, and except on waters stocked with trout and within 600 feet of any dam, it shall be lawful to use trotlines, juglines (single hook, including one treble hook, and line attached to a float), limblines or set poles for the purpose of taking nongame fish (daily creel (possession) and length limits for nongame fish are found in [4VAC15-320-25](#)) and snapping turtles (limits for snapping turtles are found in [4VAC15-360-10](#)), provided that no live bait is used.

Notwithstanding the provisions of this section, live bait other than game fish may be used on trotlines to take catfish in the Clinch River in the Counties of Russell, Scott, and Wise. Any person setting or in possession of a trotline, jugline, limblime or set pole shall have it clearly marked by permanent means with his name, address, and telephone number, and is required to check all lines at least once each day, remove all fish and animals caught, and completely remove all lines from the water, shoreline and tree limbs when not in use. This requirement shall not apply to landowners on private ponds, nor to a bona fide tenant or lessee on private ponds

within the bounds of land rented or leased, nor to anyone transporting any such device from its place of purchase.

B. Quantico Marine Reservation. It shall be unlawful to fish with trotlines in any waters within the confines of Quantico Marine Reservation.

C. Additional jugline requirements. Jugline sets (except as exempt under subsection A of this section) shall be restricted to 20 per angler and must be attended (within sight) by anglers at all times. Also, in addition to being labeled with the angler's name, address, and telephone number, jugs shall also be labeled with a reflective marker that encircles the jugs to allow for visibility at night.

4VAC15-350-70. Taking of fish with bow and arrow or crossbow.

A. Season. Except as otherwise provided by local legislation or as posted, it shall be lawful to take common carp, northern snakehead, goldfish, and longnose gar from the public inland waters of the Commonwealth, grass carp from public rivers and streams of the Commonwealth except public inland lakes and reservoirs, and bowfin and catfish from below the fall line in tidal rivers of the Chesapeake Bay, except waters stocked with trout, by means of bow and arrow or crossbow.

B. Poison arrows or explosive-head arrows prohibited. It shall be unlawful to use poison arrows or arrows with explosive heads at any time in the public inland waters of the Commonwealth.

C. Fishing license required. All persons taking fish in the manner described in this section shall be required to have a regular fishing license.

D. Creel limits. The creel limits for common carp, grass carp, northern snakehead, goldfish, and catfish shall be unlimited, provided that any angler taking northern snakehead immediately kill such fish and notify the department, as soon as practicable, of such actions and provided that any angler taking grass carp ensure that harvested fish are dead. The creel limit for bowfin and longnose gar shall be five fish per day from July 1 to April 14 and one fish per day from April 15 to June 30.

E. Retention requirement. Any common carp, grass carp, northern snakehead, goldfish, catfish, longnose gar or bowfin taken with bow and arrow or crossbow must be retained and may not be released back into or disposed of in the water. Any common carp, grass carp, northern snakehead, goldfish, longnose gar or bowfin taken with bow and arrow or crossbow may not be disposed of on property abutting the body of water of capture. These requirement shall not apply to private bodies of water or private property owned by the person who captured the fish and abutting the body of water of capture.

4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private 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, 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 in this subsection:

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 rivers and streams of the Commonwealth. It is unlawful to harvest grass carp from any public inland lake and reservoir. 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), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, of which no more than 20 individuals may be crayfish, 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. Any crayfish collected for use as fish bait may only be used as fish bait in the water body of capture.

5. 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.

6. 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.

7. 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.

8. 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 fluvialis*) 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 crustaceans. Except for the permitted collection of specimens as provided for in §§ [29.1-418](#) or the permitted taking for zoological, educational or scientific purposes as provided for in [29.1-568](#) of the Code of Virginia, it shall be unlawful to take any species of crayfish in the Big Sandy basin in Virginia (Russell Fork, Pound River, Cranes Nest River, McClure River, Levisa Fork, Dismal Creek, Knox Creek, and tributaries).

E. 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 of this section, 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.

4VAC15-360-20. Taking minnows and chubs for sale.

A. "Haul seine" defined. "Haul seine," as used in this section, when used in the inland waters of the Commonwealth above where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 15 feet in length, and when used in the public inland waters below where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 100 feet in length. Such a term shall be construed also to include umbrella type nets without limit as to size and also small minnow traps with throat openings no larger than one inch in diameter.

B. ~~Permit required.~~ It shall be unlawful to take minnow and chubs (Cyprinidae) for sale from the inland waters of the Commonwealth. ~~with a permit provided for in § 29.1-416 of the Code of Virginia except that it is unlawful to take threatened and endangered species as listed in [4VAC15-20-130](#)~~

E. Commercial bait operations. Commercial bait operations must have a Permit to Hold or Sell Certain Wildlife or a Permit to Propagate and Sell Certain Wildlife. With the exception of those species listed in [4VAC15-20-130](#), these operations may possess and sell unlimited quantities of minnows and chubs (Cyprinidae), when possession is accompanied by a valid invoice or bill of sale from an individual permitted under subsection B of this section or from a properly permitted aquaculture facility in Virginia or out-of-state.

4VAC15-370-45. Invasive Species Prevention

Before leaving the area where the watercraft has been removed from the water, all aquatic vegetation must be removed from the vessel, trailer, and equipment and disposed of on land. At the same time, watercraft operators must also remove or open water drain plugs from bilges of watercraft. Operators shall take reasonable measures to dry bilges, livewells, baitwells, and ballast tanks on a watercraft before its use on another body of water.

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES

BOATING DIVISION

**BOATING AND PERMITS REGULATION
RECOMMENDATIONS**

2022



Watercraft: Safe and Reasonable Operation of Vessels (*Move Over*)

Background: This is a new regulation requested by the Law Enforcement Division in order to keep their officers and the public safe during law enforcement and emergency operations. Often times when law enforcement and emergency vessels are conducting a boarding or communicating and working with other watercraft there is a danger that exists due to wakes from other vessels passing in close proximity.

Virginia Administrative Code

4 VAC 15-390-85. Operators to give right-of-way and reduce speed to no wake when approaching law enforcement vessels or fire/rescue vessels displaying certain warning lights on the waters of the Commonwealth; penalties.

Every motorboat, when approaching or passing within 200 feet of any law enforcement vessel or emergency services vessel that is displaying flashing blue or red lights, shall slow to no wake speed so that the effect of the wake does not disturb the activities of law enforcement or emergency services personnel. Where the operator of a motorboat fails to comply with this regulation, and where such failure endangers the life or limb of any person involved or endangers or damages the vessels involved, the operator shall be guilty of a Class 3 misdemeanor and, upon conviction, shall additionally be required to complete and pass a NASBLA approved safe boating course as required in Section 29.1-746 of the Code of Virginia.

Authority: § 29.1-735

Watercraft: Definitions

Background: The U.S. Coast Guard has done away with life jacket (PFD) types and have gone to a model more consistent with the European model and the Safety of Life at Sea (SOLAS) model wherein types are no longer used. Instead “wearable” and “throwable” are more consistent with the Code of Federal Regulations.

Virginia Administrative Code

VAC15-430-20. Definitions. As used in this chapter the following words and terms shall have the following meanings:

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

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

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

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

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

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

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

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

"Use" means operate, navigate, or employ.

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

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

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

Statutory Authority

§ 29.1-701 and 29.1-735 of the Code of Virginia.

Watercraft: Fire Extinguishers

Background: The U.S. Coast Guard has change the type codes on fire extinguishers from B-1, B-2, and B-3 to a model of 5-B, 20-B, and 160-B which is more in line with Underwriter's Laboratories and they have added an expiration date to the cylinder, added exemptions, and added stowage requirements along with the requirements to meet "good and serviceable" condition.

Virginia Administrative Code

4VAC15-430-170. Hand-portable fire extinguishers and semiportable fire extinguishing systems.

A. Hand-portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol, the letter indicating the type of fire that the unit could be expected to extinguish, and the number indicating the relative size of the unit.

B. For the purpose of this section, all required hand-portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; i.e., suitable for extinguishing fires involving flammable liquids, greases, etc.

C. All fire extinguishers must be on board and readily accessible; and in good and serviceable working condition meaning:

1. If the extinguisher has a pressure gauge reading or indicator it must be in the operable range or position.

2. Not expired or appear to have been previously used.

3. The lock pin is firmly in place.

4. The discharge nozzle is clean and free of obstruction.

5. The extinguisher does not show visible signs of significant corrosion or damage.

~~C. The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this section, only sizes I through III will be considered. Sizes I and II are considered hand-portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems that shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand-portable fire extinguishers and semiportable fire extinguishing systems are set forth in the following table:~~

(remove table)

Classification		Foam (gallons)	Carbon Dioxide (pounds)	Dry Chemical (pounds)
Type	Size			
B	I	1.75	4	2
B	II	2.50	15	10
B	III	12.00	35	20

D. All hand-portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

E. Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not acceptable as equipment required by this section.

F. Hand-portable or semiportable extinguishers that are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

G. The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

1. When the date on the inspection record tag on the extinguishers shows that six months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.
2. If the weight of the container is one-fourth ounce less than that stamped on container, it shall be serviced.
3. If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in neck of the container is intact; and if such disc is not intact, the container shall be serviced.
4. If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

H. The dry chemical, stored pressure, fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall not be carried on board motorboats or other vessels as required equipment.

Statutory Authority

§§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735 of the Code of Virginia.

4VAC15-430-180. Fixed fire extinguishing systems.

When a fixed fire extinguishing system is installed, it shall be of an approved *carbon dioxide* type, designed and installed in agreement with the applicable provisions required by the U.S. Coast Guard.

Statutory Authority

§§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735 of the Code of Virginia.

4VAC15-430-190. Fire extinguishing equipment required.

A. Motorboats.

1. All motorboats shall carry at least the minimum number of hand-portable fire extinguishers set forth in the following table, except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

Length, feet	Minimum number of B-I 5-B hand-portable fire extinguishers required ¹	
	No fixed fire extinguishing systems in machinery space	Fixed fire extinguishing system in machinery space
Under 16	1	0
16 to less than 26	1	0
26 to less than 40	2	1
40 to 65	3	2

¹One ~~B-II~~ 20-B hand-portable fire extinguisher may be substituted for two ~~B-I~~ 5-B hand-portable fire extinguishers.

2. Fire extinguishers are required if any one or more of the following conditions exist:
 - a. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
 - b. Double bottoms not sealed to the hull or that are not completely filled with flotation material.
 - c. Closed living spaces.
 - d. Closed stowage compartments in which combustible or flammable materials are stowed.
 - e. Permanently installed fuel tanks.
3. The following conditions do not, in themselves, require that fire extinguishers be carried:

- a. Bait wells.
- b. Glove compartments.
- c. Buoyant flotation material.
- d. Open slatted flooring.
- e. Ice chests.

B. Motorboats greater than 65 feet in length. ~~vessels.~~

1. All motorboats greater than 65 feet in length ~~vessels~~ shall carry at least the minimum number of hand-portable fire extinguishers set forth in the table below:

Gross tonnage		Minimum number of B-II 20-B hand-portable fire extinguishers
Over	Not over	
	50	2
50	100	2
100	500	3
500	1000	6
1000		8

2. In addition to the hand-portable fire extinguishers required by subdivision 1 of this subsection, the following fire-extinguishing equipment shall be fitted in the machinery space:

a. One Type ~~B-II 20-B~~ hand-portable fire extinguisher shall be carried for each 1,000 B.H.P. of the main engines or fraction thereof. However, not more than six such extinguishers need be carried.

b. On ~~motor vessels~~ motorboats of over 300 gross tons, either one Type ~~B-III 160-B~~ semiportable fire-extinguishing system shall be fitted, or alternatively, a fixed fire extinguishing system shall be fitted in the machinery space.

3. The frame or support of each Type ~~B-III 160-B~~ fire extinguisher required by subdivision 2 b of this subsection must be welded or otherwise permanently attached to a bulkhead or deck.

4. If an approved semiportable fire extinguisher has wheels and is not required by this section, it must be securely stowed when not in use to prevent it from rolling out of control under heavy sea conditions.

C. Barges carrying passengers.

1. Every barge of 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, ~~motor vessel~~ motorboats, or ~~steam vessel~~ shall be fitted with hand-portable fire

extinguishers as required by the table in subsection B of this section, depending upon the length of the barge.

2. Every barge of over 65 feet in length while carrying passengers when towed or pushed by a motorboat, ~~motor vessel~~ *motorboats*, or ~~steam vessel~~ shall be fitted with hand-portable fire extinguishers as required by the table in subsection B of this section, depending upon the gross tonnage of the barge.

Statutory Authority

§§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735 of the Code of Virginia.

4VAC15-430-200. ~~Fire extinguishing equipment on vessels contracted prior to November 19, 1952.~~ Condition and number of fire extinguishers required for recreational vessels built model year 2017 or earlier; those between 1953 and 2017, and those contracted prior to November 19, 1952.

A. Portable or previously installed extinguishers with extinguishing capacities that are less than what is required in the tables contained in 4VAC15-430-190 need not be replaced but must be maintained in good condition.

B. All extinguishers installed after August 22, 2016, must meet the applicable requirements in 4VAC15-160 through 4VAC15-210.

C. Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of 4VAC15-430-160 through 4VAC15-430-190 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of 4VAC15-430-160 through 4VAC15-430-190.

Watercraft: Commercial Vessel Safety Equipment Requirements

Background: The U.S. Coast Guard has done away with life jacket (PFD) types and have gone to a model more consistent with the European model and the Safety of Life at Sea (SOLAS) model; however, commercial vessels still use the “Type” system of life jackets or PFDs. Kapok and fibrous material are outdated and no longer approved for use.

Virginia Administrative Code

4VAC15-440-20. Lifesaving equipment required.

A. It shall be unlawful to operate a vessel to which this chapter applies unless it meets the requirements of this section.

B. Each vessel not carrying passengers for hire less than 40 feet in length must have at least one U.S. Coast Guard approved life preserver (Type I PFD), buoyant vest (Type II PFD), or marine buoyant device intended to be worn (Type III PFD), of a suitable size for each person on board. ~~Kapok and fibrous glass life preservers that do not have plastic-covered pad inserts as required by the U.S. Coast Guard are not acceptable as equipment required by this subsection.~~

C. Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one approved wearable (Type I PFD) life preserver of a suitable size for each person on board. ~~Kapok and fibrous glass life preservers that do not have plastic-covered pad inserts as required by the U.S. Coast Guard are not acceptable as equipment required by this subsection.~~

D. In addition to the equipment required by subsections B or C of this section, each vessel 26 feet in length or longer must have at least one approved ring life buoy, constructed in accordance with requirements of the U.S. Coast Guard.

E. Each vessel not carrying passengers for hire may substitute an immersion suit for a life preserver, buoyant vest, or marine buoyant device required under subsection B or C of this section. Each immersion suit carried in accordance with this subsection must be of a type approved by the U.S. Coast Guard.

F. On each vessel, regardless of length and regardless of whether carrying passengers for hire, an approved commercial hybrid PFD may be substituted for a life preserver, buoyant vest, or marine buoyant device required under subsection B or C of this section if it is:

1. Used in accordance with the conditions marked on the PFD and in the owner's manual;
2. Labeled for use on commercial vessels; and
3. In the case of a ~~Type V~~ *performance level 150* commercial hybrid PFD, worn when the vessel is underway and the intended wearer is not within an enclosed space.

Statutory Authority

§§ 29.1-501, 29.1-502, 29.1-701, and 29.1-735 of the Code of Virginia.

Definitions and Miscellaneous: In General

Background: There has been a concern by staff for some time concerning the fees associated with the Boat Ramp Special Use Permit and the Private/Commercial Use Permit fees. The agency sees a benefit to these permits or authorizations remaining in place, but the use of fees is not working as it was intended, it is not charged consistently, and primarily it is being charged for groups who are in many cases already registering and titling boats, and purchasing fishing licenses.

Additionally, there are two primary permit categories where permittees are consistently late in the application process which causes a serious backlog and administrative burden for the agency. Staff has determined in consult with the Executive Director that the Commercial and Educational/Scientific Use Exhibitor Permits; as well as, the Rehabilitation permits would benefit from a late fee rather than to have to administratively suspend or revoke permittees for being very late with their renewal applications.

Virginia Administrative Code

4VAC15-20-200. Fees for miscellaneous permits.

A. Pursuant to §§ 29.1-417, 29.1-418, 29.1-422 and other applicable provisions of the Code of Virginia, except as provided by this chapter the following annual fees shall be paid by applicants for the specified permits before any such permit may be issued. Additionally, there shall be a late fee assessed on certain permits for failure to renew permits by the deadline as per the permit conditions.

Boat Ramp Special Use		<i>Late Fee</i>
Nonprofit Public Use	\$10	<i>\$0</i>
Private/Commercial Use	\$50	<i>\$0</i>
Collect and Sell	\$50	
Commercial Nuisance Animals	\$25	
Exhibitors		
Commercial Use	\$50	<i>\$25</i>
Educational/Scientific Use	\$20	<i>\$10</i>
Exotic Importation and Holding	\$10	
Field Trial	\$25	
Foxhound Training Preserves	\$50	
Hold for Commercial Use	\$10	
Propagation	\$12.50	
Rehabilitation	\$10	<i>\$10</i>
Scientific Collection	\$20	
Special Hunting Permit	\$10	
Striped Bass Tournament	\$10	
Threatened & Endangered Species	\$20	
Trout Catch-Out Pond	\$50	

B. Veterinarians shall not be required to pay a permit fee or to obtain a permit to hold wildlife temporarily for medical treatment.

Statutory Authority

§§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

