

AGENDA

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

May 25, 2023
9:00 am

Call to Order and Welcome –

1. Recognition of Employees and Others:
2. Approval of the March 16, 2023 Board Meeting Minutes **Final Action**
3. Public Comments – Non - Agenda Items
4. Update: Ad Hoc Advisory Committee to Facilitate Collaborative Solutions for Hound-Hunter and Private Landowner Stakeholders
5. Committee Meeting Reports:

Wildlife and Boat Committee:

- Wildlife Regulation Proposals **Final Action**
- Boat Regulation Proposals **Final Action**

Finance, Audit & Compliance Committee:

- FY-24 Operating and Capital Budget Proposal **Final Action**

Law Enforcement Committee:

- Virginia Conservation Police Relevancy Plan

Education, Planning, and Outreach Committee:

- Virginia Wildlife Viewing Plan Update

Nominations Committee Report:

- Nominations Committee Report

6. Director's Report
7. Chairman's Report
8. Additional Business/Comments
9. Next Meeting Date: Thursday, August 17, 2023
10. Closed Session
11. Adjournment

Draft Board Minutes

Board of Wildlife Resources
7870 Villa Park Drive
Henrico, VA 23228

March 16, 2023

9:00 am

Present: Mr. G. K. Washington, **Chair,** Mr. Tom Sadler, **Vice Chair;** **Board Members:** Mr. Leon Boyd, Ms. Tammy Jo Franklin, Ms. Catherine Claiborne, Dr. Mamie Parker, Mr. Michael Formica (Virtual), Mr. Brian Vincent, Mr. George Terwilliger and Mr. Jon Cooper; **Absent:** Mr. John Daniel; **Executive Director:** Mr. Ryan Brown; **Deputy Director:** Ms. Becky Gwynn; **Director's Working Group:** Dr. Gray Anderson,(virtual) Mr. Mike Bednarski, Mr. Darin Moore, Ms. Paige Pearson, Mr. Bob Smet, Mr. George Braxton (virtual), Mr. Paul Kugelman, Mr. Tom Guess

The Chair called the meeting to order at 9:00 am. The Chair welcomed everyone to the meeting. The Chair noted for the record that a quorum was present.

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

The Chair called on Mr. Jon Cooper to read the Mission Statement.

The Board Secretary had a Roll Call Vote for attendance: Present: Leon Boyd, Catherine Claiborne, G. K. Washington, Tom Sadler, Jon Cooper, George Terwilliger, Mamie Parker, Michael Formica (virtual), Tammy Franklin, Brian Vincent
Absent: John Daniel

Recognitions of Employees and Others: The Chair called on Director Ryan Brown for Recognitions of Employees.

The Director called on Ms. Becky Gwynn for a recognition who introduced Ms. Jenny West, Director of the Wildlife Foundation as the recipient of the Robertson Award from the Wildlife Society.

Approval of the January 19, 2023, Board Meeting Minutes:

The minutes of the January 19, 2023, Board meeting minutes have been distributed and posted to the website for review. The Chair called for a motion to approve the minutes. Mr. Sadler made a motion to approve the January 19, 2023, Board meeting minutes. It was seconded by Dr. Parker. The board secretary called the roll. Ayes: Washington, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica (virtual), Claiborne, Cooper, Vincent

Public Comments – Non-Agenda Items:

The Chair called for Public Comments – Non-Agenda Items: Hearing none, he continued on with the meeting.

Establishing the Ad Hoc Advisory Committee to Facilitate Collaborative Solutions for Hound-Hunter and Private Landowner Stakeholders

The Chair called on Ms. Jenn Allen, Deputy Chief of the Wildlife Division who provided a report and update on the stakeholder committee being formed to discuss hound hunting and landowner conflicts.

- Mr. Matthew Gutmann spoke regarding Hound Hunting (person)
- Mr. Todd Grubbs spoke regarding Hound Hunting (person)
- Mr. Chris Patton spoke regarding Hound Hunting (person)
- Mr. Lonnie Peterson spoke regarding Hound Hunting (person)
- Mr. John Morse spoke regarding Hound Hunting (person)
- Mr. Kirby Burch spoke regarding Hound Hunting (person)
- Mr. Judge Charlton spoke regarding Hound Hunting (person)
- Mr. David May spoke regarding Hound Hunting (virtual)
- Mr. Gary Kimberlin spoke regarding Hound Hunting (virtual)
- Ms. Nichole Small spoke regarding Hound Hunting (virtual)

After questions and comments, the Chair thanked Ms. Allen for her presentation and the speakers who their time to come speak or to call in virtually.

Committee Reports:

Wildlife and Boat Committee:

The Chair called on Mr. Leon Boyd for a report of the March 15, 2023, Wildlife and Boat Committee Meeting.

Mr. Boyd gave an update of the Wildlife and Boat Committee Meeting on March 15, 2023.

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

The Chair called on Dr. Gary Costanzo for his presentation on the Migratory Game Bird Regulations Recommendations.

Dr. Costanzo presented the Migratory Game Bird Regulations Recommendations.

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

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board approve the 2023-2024 Migratory Game Bird Season and Bag Limit recommendations as presented by staff, to be advertised for public comments. It was second by Mr. Sadler. The board secretary called the roll. Ayes: Claiborne, Washington, Cooper, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica (virtual), Vincent

The Chair called on Mr. Cale Godfrey for an update on Wildlife Regulation Proposals.

Mr. Godfrey presented the 2023-24 Wildlife Regulation Proposals and the Public Comments received.

Mr. Godfrey presented the Deer & Elk Regulations:

- Ms. Stefanie Taillon spoke regarding the Deer and Elk Regulations (in person)

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose for public comments the amendments to the deer and elk regulations as presented by staff. It was seconded by Mr. Sadler.

The Board secretary called the roll: Ayes: Boyd, Claiborne, Cooper, Washington, Formica (virtual), Parker, Vincent, Franklin, Sadler, Terwilliger, 4VAC15-90-10, 4VAC15-90-80, 4VAC15-90-89, 4VAC15-90-90, 4VAC15-90-91, 4VAC15-90-530, 4VAC15-90-540.

Mr. Godfrey presented the Bear & Wild Turkey Regulations:

- Mr. Greg Austin spoke regarding the Bear & Wild Turkey Regulations (in person)
- Mr. Sean Clarkson spoke regarding the Bear & Wild Turkey Regulations (in person)
- Mr. Jared Hubbard spoke regarding the Bear & Wild Turkey Regulations (in person)
- Ms. Stefanie Taillon spoke regarding the Bear & Wild Turkey Regulations (in person)
- Mr. Steve Nicely spoke regarding the Bear & Wild Turkey Regulations (in person)
- Mr. Cody McCulloch spoke regarding the Deer Regulations

The Chair called for a motion. Mr. Cooper made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the bear and wild turkey regulations as presented by staff. It was seconded by Mr. Sadler. The Board secretary called the roll:

Ayes: Boyd, Claiborne, Cooper, Washington, Formica(virtual), Parker, Vincent, Franklin, Sadler, Terwilliger

4VAC15-50-10, 4VAC15-240-31, 4VAC15-240-32, 4VAC15-240-40, 4VAC15-240-51

Mr. Godfrey presented the General Regulations, Furbearer Regulations, and Small Game Regulations Proposals.

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the general regulations and the furbearer and small game regulations as presented by staff. It was seconded by Mr. Cooper.

Ayes: Boyd, Claiborne, Cooper, Vincent, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica(virtual)

4VAC15-20-66, 4VAC15-20-130, 4VAC15-40-195, 4VAC15-40-276, 4VAC15-40-285, 4VAC15-40-290 (NEW), 4VAC15-90-500, 4VAC15-90-510, 4VAC15-110-20, 4VAC15-110-25 (NEW), 4VAC15-110-35(NEW), 4VAC15-110-80, 4VAC15-230-60

Mr. Godfrey presented the Waterfowl & Waterfowl Blinds regulations.

- Mr. Cyrus Brame of the USFWS spoke regarding 4VAC15-260-86 (new)
- Ms. Amanda Daisy of the USFWS spoke regarding 4VAC15-260-86 (new)

The Chair called for a motion. Mr. Boyd made a motion, Mr. Chair, I move that the Board of Wildlife Resources propose the amendments to the waterfowl and waterfowl blind regulations as presented by staff. It was seconded by Mr. Sadler. The Board secretary called the roll: Ayes: Boyd, Claiborne, Cooper, Vincent, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica (virtual) 4VAC15-260-85 (New), 4VAC15-260-86 (New), 4VAC15-260-120

After comments and questions, the Chair thanked Mr. Godfrey for his presentations and the speakers for their comments.

Boat Regulation Proposals: The Chair called on Mr. Tom Guess for Boat Regulation Proposals.

Mr. Guess presented the Boat Regulations Proposals.

The Chair called for a motion, Mr. Boyd made a motion, Mr. Chair, I move that the Board approve the Boating Regulations that staff recommended to be released for public comment. It was seconded by Mr. Sadler. The board secretary called the roll:
Boyd, Claiborne, Cooper, Vincent, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica (virtual) 4VAC15-390, Chapter 420, 4VAC15-390-10, 4VAC15-390-11 through 70, VAC15-390-80, 4VAC15-390-85 through 140, 4VAC15-390-150 and 160, Chapter 420 4VAC15-420-10 (proposed) Chapter 420-4VAC15-420-20 through 110, 4VAC15-420

After questions and comments, the Chair thanked Mr. Guess for his presentation.

The Chair called for a Close Session at 12:30 pm and called on Mr. Sadler to read the Close Session Motion. It was seconded by Ms. Claiborne.

The board secretary called the roll: Ayes: Claiborne, Washington, Cooper, Boyd, Franklin, Sadler, Terwilliger, Formica(virtual), Vincent, Parker

Closed Meeting Motion, March 16, 2023

Mr. Chairman,

I move that the Board go into a closed meeting:

First, pursuant to Section 2.2-3711. A.3 of the Code of Virginia, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically regarding real estate located in Sussex County.

And secondly, pursuant to Section 2.2-3711. A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Department of Wildlife Resources, specifically regarding the performance of the Director.

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2-3712(F), the Board requests the Department Director, the Deputy Director, and the Real Property Manager to also attend this meeting, as it believes their presence will reasonably aid the Board in its consideration of topics that are the subject of the meeting.

The Board reconvened from Closed Session at 1:45 pm.

The Chair called on Ms. Claiborne to read the Certification of Closed Meeting. It was seconded by Mr. Sadler.

The board secretary called the roll. Ayes: Claiborne, Washington, Cooper, Boyd, Sadler, Terwilliger, Vincent, Franklin, Parker

Certification of Closed Meeting

March 16, 2023

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Wildlife Resources hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting

requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The board secretary called the roll. Ayes: Claiborne, Washington, Cooper, Boyd, Sadler, Terwilliger, Vincent, Franklin, Parker

The Chair called on Mr. Boyd for a motion, Mr. Chair, I move that the Board of the Virginia Department of Wildlife Resources authorize the Director to purchase +1,915 acres in the County of Sussex, VA including the procurement of certain due diligence items. It was seconded by Mr. Sadler. The board secretary called the roll: Ayes: Claiborne, Washington, Cooper, Vincent, Boyd, Franklin, Sadler, Parker, Terwilliger, Formica(virtual)

Finance, Audit, and Compliance Committee Report:

The Chair called on Mr. Tom Sadler to give an update on the March 15, 2023, Finance, Audit, and Compliance Committee meeting.

Mr. Sadler gave an update on the March 15, 2023, Finance, Audit, and Compliance Committee meeting.

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

The Chair called on Mr. Darin Moore for a presentation of the APA-Audit Report

After comments and questions, The Chair thanked Mr. Moore for his report.

The Chair called on Mr. John Kirk for an update.

Mr. Kirk gave an update and information on Capital Programs and Boating Access.

After comments and questions, the Chair thanked Mr. Kirk for his Update.

Law Enforcement Committee: The Chair called on Mr. Vincent to give an update on the March 15, 2023, Committee meeting.

Mr. Vincent gave an update on the March 15, 2023, Law Enforcement Committee meeting.

The Chair asked if there were any comments or questions from the public or the Board.

The Chair thanked Mr. Vincent for his Committee update.

Education, Planning, and Outreach Committee Report: The Chair called on Dr. Mamie Parker for an update on the Education, Planning, and Outreach Committee Report of the March 15, 2023, Committee meeting.

Dr. Parker gave an update of the EPO Committee meeting on March 15, 2023.

After comments and questions, the Chair thanked Dr. Parker for her report.

The Chair called on Mr. Tim Tassitano for a report.

Mr. Tassitano gave a report on 2023 Restore the Wild Art Contest.

After comments and questions, the Chair thanked Mr. Tassitano for his update on the Wild Art contest.

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

- Reported on the One-Shot Turkey Hunt
- Agriculture work with Mike Bednarski and Mamie Parker
- Law Enforcement Awards Event
- Appreciative for the CPO's attending the Law Committee meeting
- Board's goals for this agency and how far the department has come
- Restore the Wild
- Grant Program success
- North America Conference 3/20-3/24/23

The Chair thanked the Director for his report.

Chair's Report: The Chair commented on his appreciation for this agency and all the work that is done and the preparation and how it is made to look so easy.

The Chair also appointed the 2023-2024 Nominating Committee - Mamie Parker, Brian Vincent, and Catherine Claiborne

The Chair announced the next Board meeting date as Thursday, May 25, 2023, and adjourned the meetings at 2:45 pm.

Respectfully submitted,

Frances Boswell

/s/

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES



**BOARD REGULATION PROPOSALS
Staff Final Recommendations
May 2023**

Wildlife Regulation Proposals – Staff Final Recommendation Summary

Deer & Elk Regulations

4VAC15-90-10	<i>Recommended as proposed</i>
4VAC15-90-80	<i>Recommended as proposed</i>
4VAC15-90-89	<i>Recommended as proposed</i>
4VAC15-90-90	<i>Recommended as proposed</i>
4VAC15-90-91	<i>Recommended as proposed</i>
4VAC15-90-530	<i>Recommended as proposed</i>
4VAC15-90-540	<i>Recommended as proposed</i>

Bear & Wild Turkey Regulations

4VAC15-50-11	<i>Recommended as proposed</i>
4VAC15-240-31	<i>Recommended as proposed</i>
4VAC15-240-32	<i>Recommended as proposed</i>
4VAC15-240-40	<i>Do not recommend at this time</i>
4VAC15-240-51	<i>Do not recommend at this time</i>

General Regulations

4VAC15-20-66	<i>Recommended as proposed</i>
4VAC15-20-130	<i>Recommended as proposed</i>
4VAC15-40-195	<i>Recommended as proposed</i>
4VAC15-40-276	<i>Recommended as proposed</i>
4VAC15-40-285	<i>Recommended as proposed</i>
4VAC15-40-290	<i>Recommended as proposed</i>
4VAC15-90-500	<i>Recommended as proposed</i>
4VAC15-90-510	<i>Recommended as proposed</i>

Furbearer & Small Game Regulations

4VAC15-110-20	<i>Recommended as proposed</i>
4VAC15-110-25	<i>Recommended as proposed</i>
4VAC15-110-35	<i>Recommended as proposed</i>
4VAC15-110-80	<i>Recommended as proposed</i>
4VAC15-230-60	<i>Recommended as proposed</i>

Waterfowl & Waterfowl Blind Regulations

4VAC15-260-85	<i>Recommended as proposed</i>
4VAC15-260-86	<i>Recommended as proposed</i>
4VAC15-260-120	<i>Recommended as proposed</i>

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Deer & Elk Regulations

4VAC15-90-10

Game: Deer: Open season; generally.

Summary:

The proposal is to (i) add an early (September) antlerless-only firearms deer season on private lands in Carroll, Floyd, Montgomery, and Pulaski counties, (ii) add early and late (January through March) antlerless-only firearms deer seasons on private lands in Bedford and York counties, (iii) extend the general firearms deer season on private lands in Roanoke County from two to four weeks, (iv) simplify the provision for early and late antlerless-only firearms seasons in disease focus zones, and (v) provide for a 7-week general firearms deer season in cities and towns statewide.

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
<u>Bedford County (private 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>
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 (private lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Carroll County (public lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Carroll County (private lands and antlerless deer only)	<u>First Saturday in September through the Friday prior to the first Saturday in October and the</u> Sunday following the first Saturday in January through the last Sunday in March
Carroll 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
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 and the Sunday following the first Saturday in January through the last Sunday in March
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 and the Sunday following the first Saturday in January through the last Sunday in March
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
Floyd County (antlerless deer only)	<u>First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March</u>
Floyd County (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 and the Sunday following the first Saturday in January through the last Sunday in March
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
Montgomery County (non-national forest lands and antlerless deer only)	<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>
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 and the Sunday following the first Saturday in January through the last Sunday in March
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 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 (non-national forest lands and 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 (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>First Saturday in September through the Friday prior to the first Saturday in October and the</u> Sunday following the first Saturday in January through the last Sunday in March
Pulaski County (non-national forest lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the
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 and the Sunday following the first Saturday in January through the last Sunday in March
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
<u>Roanoke County (private lands)</u>	<u>Saturday prior to the third Monday in November and for 28 consecutive days following</u>
Roanoke County (<u>public lands</u>)	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
<u>York County (private 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>

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.~~

C. In addition to provisions of subsection A of this section, antlerless deer may be taken from the 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, both dates inclusive, within any disease focus zone designated by the department.

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

Rationale:

- (i) During the past hunting season, additional detections of Chronic Wasting Disease (CWD) were made in Floyd and Montgomery counties and CWD was detected for the first time in Pulaski County. With the continued spread of CWD within Disease Management Area (DMA) 3, additional antlerless harvest pressure is needed to reduce the deer population

- density and attempt to lower the risk for disease transmission among deer. The addition of the early antlerless-only firearms season will make seasons consistent with those in DMAs 1 and 2. In addition, the private land deer population indices in these four counties exceed population objectives in the Department's deer management plan.
- (ii) The private land deer population indices in Bedford and York counties have exceeded population objectives in the Department's deer management plan for a number of years, despite full-season, either-sex deer hunting seasons and earn a buck requirement. Both counties continue to experience human population growth and suburban/exurban development and a high number of associated human-deer conflicts, such as vehicle collisions and residential conflicts. The addition of early and late antlerless-only seasons is the next step to address deer populations in these counties.
 - (iii) The private land deer population index in Roanoke County slightly exceeds the population objective in the Department's deer management plan, despite having full-season, either-sex deer hunting seasons and the earn a buck requirement for over a decade. The county continues to experience human population growth and suburban/exurban development and a high number of associated human-deer conflicts, such as vehicle collisions and residential conflicts. Providing two additional weeks of general firearms deer hunting is the next step to address deer populations in this county before considering early and/or late antlerless seasons. Unlike Roanoke County, Bedford County has had the four-week firearm season since 2019 and its population index remains much further above target than does Roanoke's.
 - (iv) By adding a new subsection at the end of this regulation, this proposal will maintain the authorization for the Department to create disease focus zones (DFZs), as needed, in current and future DMAs without having to reference them individually by county in regulation. DFZs, first provided for in this regulation in 2021, are defined in the DWR CWD Management Plan 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 are defined using clear geographic boundaries and communicated before the 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 proximity to an outlier CWD detection.
 - (v) This proposal will provide additional flexibility to cities and towns managing deer by creating a uniform general firearms season framework. This firearms season would overlap existing archery, firearms, and muzzleloader seasons that are currently available to cities and towns. This proposal does not require that cities or towns allow firearms deer hunting; however, it does provide for that option if it would be advantageous for deer management efforts.

4VAC15-90-80

Game: Deer: Muzzleloading gun hunting.

Summary:

The proposal is to provide for (i) full-season, either-sex deer hunting on private lands during both the early and late muzzleloading seasons in Smyth County; (ii) one additional day of either-sex deer hunting during the early muzzleloading season on private lands in Lee, Russell, Tazewell, and Wise counties; (iii) full-season, either-sex deer hunting on private lands during the late muzzleloading season in Craig, Giles, and Scott counties; and (iv) either-sex deer hunting during the last six days of the late muzzleloading season on private lands in Dickenson County.

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, Smyth, Shenandoah, Warren, and Wythe Counties.

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

- (i) The private land deer population in Smyth County is currently above the desired deer population management objective in the Department's deer management plan. Providing additional either-sex deer hunting days during both the early and late muzzleloader seasons should assist in bringing the deer population back down to its desired level.
- (ii) Although private land deer populations in Lee, Russell, Tazewell, and Wise are currently meeting objectives in the Department's deer management plan, they can support an incremental increase in antlerless harvest, which will also provide additional recreational opportunity. In addition, the Lee County Farm Bureau has requested additional either-sex hunting opportunities to address damage concerns. Because the deer population trend in Lee County is stable to slightly decreasing, it is deemed more appropriate to add either-sex days during a muzzleloader season than during the general firearms season.
- (iii) The private land deer populations in Craig, Giles, and Scott counties are currently above the desired deer population management objective in the Department's deer management plan. The addition of these additional either-sex deer hunting days during the late muzzleloader season should assist in bringing the deer population back down to its desired level. Moreover, adding antlerless deer harvest opportunities in Craig and Giles counties is a proactive step with regards to chronic wasting disease in adjacent counties.
- (iv) Although the private land deer population in Dickenson County is currently meeting the objective in the Department's deer management plan, continued increases in the population trend and complaints regarding deer damage necessitate an incremental increase in antlerless harvest, which will also provide additional recreational opportunity.

4VAC15-90-89

Game: Deer: Earn a buck.

Summary:

The proposal is to (i) add private lands in Augusta, Botetourt, and Page counties to the earn a buck regulation and (ii) establish a single requirement for all counties in earn a buck regarding the number of antlerless deer (one) that must have been taken before a hunter can take their second antlered deer of the season.

Proposed language of amendment:

4VAC15-90-89. Earn a buck.

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

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

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

~~C. Within a license year and within in each individual county listed in this subsection, a hunter must have taken at least two antlerless deer on private lands in that county before taking a second antlered deer on private lands in that county. A hunter also must have taken at least three antlerless deer on private lands in that county before taking a third antlered deer on private lands in that county.~~

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

~~D.C.~~ Within a license year and within each individual county listed in this subsection, a hunter must have taken at least ~~two~~ one antlerless deer in that county before taking a second antlered deer in that county. A hunter must also have taken at least ~~three~~ two antlerless deer in that county before taking a third antlered deer in that county.

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

~~E.D.~~ Within a license year and within any city or town, except the cities of Chesapeake, Suffolk, and Virginia Beach, a hunter must have taken at least one antlerless deer in that city or town

before taking a second antlered deer in that city or town. In those cities and towns east of the Blue Ridge Mountains, a hunter must have taken at least two antlerless deer in that city or town before taking a third antlered deer in that city or town.

~~F.E.~~ The Earn A Buck Program does not apply to the Cities of Chesapeake, Suffolk, and Virginia Beach.

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

Rationale:

- (i) Private land deer population indices for Augusta, Botetourt, and Page counties have exceeded population objectives in the Department’s deer management plan despite having full-season, either-sex firearms regulations already in place. Adding the earn a buck requirement is the next step to increase the harvest of antlerless deer. In addition, establishing earn a buck in Page County will make it consistent with all the other counties in Disease Management Area 2 (DMA2).
- (ii) The earn a buck requirement has resulted in increased antlerless harvest and reductions in deer populations in most areas where it has been in effect. However, there has been little to no measurable difference in deer harvest or population impacts in counties having the requirement that two antlerless deer (i.e., Arlington, Fairfax, James City, Loudoun, Prince William, and York) vs. one antlerless deer (i.e., 27 other counties) must have been taken before a hunter can take their second antlered deer of the season. This proposal would simplify and standardize this provision of the earn a buck regulation, requiring hunters in any locality with earn a buck to harvest only one antlerless deer prior to harvesting a second antlered deer.

4VAC15-90-90

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

Summary:

The proposal is to remove the antler point restriction from Augusta County.

Proposed language of amendment:

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

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

1. The daily bag limit for deer is unlimited in the Counties, including the cities and towns within, of Arlington, Fairfax, Loudoun, and Prince William and in all the cities and towns that allow deer hunting (except in the Cities of Chesapeake, Suffolk, and Virginia Beach).
2. Only one deer per day may be taken on national forest, department-owned, and department-managed lands.
3. Only one elk per day may be taken.

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

1. The daily bag limit for deer is unlimited in all the cities and towns that allow deer hunting.
2. Only one deer per day may be taken on national forest, department-owned, and department-managed lands.
3. If a deer hunter kills two antlered bucks in a license year in Alleghany, ~~Augusta~~, Bath, Highland, or Rockbridge County, at least one of the antlered bucks must have at least four antler points, one inch or longer, on one side of the antlers. This subdivision shall not apply to any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting Disease.
4. Only one elk per day may be taken.

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

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

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

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

Rationale:

Chronic Wasting Disease (CWD) was detected in Madison County within 25 miles of Augusta County during fall 2022. As noted in subsection B.3 of this regulation, the antler point restriction “shall not apply to any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting Disease.” This 25-mile provision was adopted by the Board in 2019 to proactively reduce disease risks within a reasonable distance from known CWD positives. Data from across the eastern US clearly shows that CWD infection rates are the highest in older male age classes. Because antler point restrictions are designed to protect young antlered bucks and make the buck age structure older, maintaining antler point restrictions can amplify CWD transmission risks and be counter productive to controlling the spread of CWD across the landscape.

4VAC15-90-91

Game: Deer: General firearms season either-sex deer hunting days.

Summary:

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

City/County/WMA	Change	Current	Proposed
Bland	Increase	2	3
Chesapeake	Increase	15	Full season
Chesterfield	Increase	15	Full season
Gloucester	Increase	8	15
King George	Increase	15	31
Lancaster	Increase	15	31
Northumberland	Increase	15	31
Nottoway	Increase	8	15
Richmond	Increase	15	31
Suffolk (east of the Dismal Swamp line)	Increase	15	Full season
Virginia Beach	Increase	15	Full season
Westmoreland	Increase	15	31
<u>Public Land</u>			
Bland (National forests)	Increase	2	3
Craig (National forests and Department-owned lands)	Increase	2	3
Giles (National forests)	Increase	2	3
Nelson (Tye River WMA)	New	NA	7
Sussex (Big Woods and Flippo-Gentry WMAs, Big Woods State Forest)	Increase	8	Full season
Wythe (National forests and Department-owned lands)	Increase	2	3

Proposed language of amendment:

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

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

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday and the last day.

-National forest lands: the last day.

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

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

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

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

-National forest lands: the last day.

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

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

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

Arlington County: full season.

Augusta County: full season.

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

Bath County: the second Saturday and the last day.

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

Bedford County: full season.

-National forest lands: the last day.

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

-National forest lands: the second Saturday and the last two days.

Botetourt County: full season.

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

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

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

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

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

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

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

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

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

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

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

Carroll County: full season.

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

Charles City County: full season.

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

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

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

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

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

Clarke County: full season.

Craig County: full season.

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

Culpeper County: full season.

-Chester F. Phelps WMA: the second Saturday.

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

-Cumberland State Forest: the second and third Saturdays.

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

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

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

Fairfax County: full season.

Fauquier County: full season.

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

-Chester F. Phelps WMA: the second Saturday.

Floyd County: full season.

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

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

Franklin County: full season.

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

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

Frederick County: full season.

-National forest lands: the last day.

Giles County: full season.

-National forest lands: the second Saturday and the last two days.

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

Goochland County: full season.

Grayson County: full season.

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

Greene County: full season.

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

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

Hanover County: full season.

Henrico County: full season.

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

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

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

Highland County: the second Saturday and the last day.

-National forest lands: the last day.

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

Isle of Wight County: full season.

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

James City County: full season.

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

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

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

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

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

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

Loudoun County: full season.

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

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

Madison County: full season.

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

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

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

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

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

Montgomery County: full season.

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

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

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

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

-National forest lands: the last day.

New Kent County: full season.

Northampton County: full season.

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

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

Orange County: full season.

Page County: full season.

-National forest lands: the last day.

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

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

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

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

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

Powhatan County: full season.

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

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

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

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

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

Prince George County: full season.

Prince William County: full season.

Pulaski County: full season.

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

Rappahannock County: full season.

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

Roanoke County: full season.

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

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

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

Rockingham County: full season.

-National forest lands: the last day.

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

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

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

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

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

Shenandoah County: full season.

-National forest lands: the last day.

Smyth County: full season.

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

Southampton County: full season.

Spotsylvania County: full season.

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

Stafford County: full season.

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

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

Surry County: full season.

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

Sussex County: full season.

-Big Woods WMA (~~including the Parkers Branch Tract~~), Flippo-Gentry WMA, and Big Woods State Forest: ~~the second and third Saturdays and the last six days~~ full season.

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

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

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

Warren County: full season.

-National forest lands: the last day.

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

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

Westmoreland County: the second and third Saturdays and the last ~~1329~~ days.

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

Wythe County: full season.

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

York County: full season.

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

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

Rationale:

Private lands

Bland. The private land deer population index is currently above the desired deer population objective in the Department’s deer management plan. Providing an additional either-sex deer hunting day should assist in bringing the deer population back down to the desired level.

Chesapeake, Suffolk (east of the Dismal Swamp line), and Virginia Beach. The proposed increase in firearms either-sex deer hunting days in these cities is a proactive change to address continued human population growth, urban/suburban development, and agricultural damage from deer. The private land deer population indices for these cities are currently within the deer population objective brackets; however, local staffs believe that additional either-sex deer hunting opportunities can and should be provided at this time.

Chesterfield. Chesterfield County has exhibited one of the fastest rates of human population growth and suburban development of any county in Virginia and consistently has one of the highest levels of human-deer conflicts reported through the Department’s Wildlife Conflict Helpline. The county’s private land deer population index has increased significantly over the last five years and has exceeded the deer population objective. Staff recommends increasing either-sex deer hunting days to prevent further growth in the deer population.

Gloucester. The proposed increase in firearms either-sex deer hunting days in Gloucester County is a proactive change to address continued human population growth, urban/suburban development, and agricultural damage from deer. The private land deer population index for this county is currently within the deer population objective bracket; however, local staffs believe that additional either-sex deer hunting opportunities can and should be provided at this time.

King George, Lancaster, Northumberland, Richmond, Westmoreland. The proposed increase in firearms either-sex deer hunting days in these counties is a proactive change to address continued human population growth, urban/suburban development, and agricultural damage from deer while providing for geographic consistency in deer hunting regulations on the Northern Neck. The private land deer population indices for these counties are currently within - or borderline above (Lancaster) - the deer population objective brackets; however, local staffs believe that additional either-sex deer hunting opportunities can and should be provided at this time.

Nottoway. The private land deer population index exceeds the desired deer population management objective in the Department's deer management plan. Providing additional either-sex deer hunting days should assist in bringing the deer population back down to the desired level.

Public lands

Bland, Craig, Giles, Wythe. The addition of an either-sex firearms deer hunting day on National Forest and department-owned lands in these counties can assist with meeting deer population objectives on adjacent private lands while increasing recreational opportunities for public land hunters.

Nelson. Staff recommends providing the same either-sex firearms deer hunting days on the new Tye River WMA as has been provided on the James River WMA.

Sussex. Local staffs recommend increasing either-sex firearms deer hunting days on Big Woods WMA, Flippo-Gentry WMA (formerly Parkers Branch Tract of Big Woods WMA), and Big Woods State Forest to distribute hunting pressure and reduce the potential for hunter conflicts. The more conservative either-sex day format in recent years appeared to concentrate deer hunting pressure and harvest rather than reducing it.

4VAC15-90-530

Game: Deer: Special elk hunting license, random drawing license program.

Summary:

The proposal is to omit the specific dates for deadlines associated with the elk lottery.

Proposed language of amendment:

4 VAC 15-90-530. Special elk hunting license, random drawing license program.

A. The dates for the annual application period to enter the random drawing for a special elk hunting license shall be ~~February 1 to March 30, both dates inclusive, unless extended by the director published by the department annually and shall be no less than 30 days in duration.~~ Individuals selected for special elk hunting licenses via the random drawing ~~will~~ shall be notified ~~by May 30 no less than 60 days prior to the start of the elk hunt,~~ and special elk hunting licenses must be purchased from the department within 30 days of notification.

B. To enter the random drawing for a special elk hunting license, applicants shall

1. Complete the application for a special elk hunting license as provided by the department.
2. Pay a nonrefundable application fee.
3. Apply only once for each random drawing.

C. Nonresidents shall not comprise more than 10%, or one drawn applicant, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.

D. Applicants who physically reside within the Elk Management Zone shall comprise no less than 10%, or a minimum of one, whichever is greater, of all drawn applicants in any application pool for the random drawing license program.

E. A special elk hunting license awarded through the Random Drawing License Program shall not be transferable.

F. An applicant drawn for a special elk hunting license may be rejected if it is determined that the applicant has been convicted of two or more wildlife violations within three years prior to the last date of the application period. In determining an applicant's eligibility, the director shall take into account the nature and severity of the violations.

G. The department will award unclaimed special elk hunting licenses to alternates who are drawn during the initial application and draw period in the order that the alternates are drawn.

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

Rationale:

Deadlines were omitted to allow the department more flexibility in refining the overall elk hunting lottery timeline. It is customary for such operational details to be decided on and carried out by the Department, rather than being defined in the authorizing regulation itself. Adequate time is needed for the department to incorporate the results of annual elk population surveys (typically conducted in late winter and overlapping the currently specified lottery dates) into the annual elk license allocation process. Further, the department is currently contracting with Virginia Tech researchers to test elk population survey techniques and methods. Final research results should be reported in 2024, and flexibility in setting the elk lottery dates for 2024 would allow the department to implement an elk lottery timeline that aligns with the research findings. Aligning the Department's elk hunt lottery timeline with the Virginia Tech research results and data collected from annual elk population surveys will ensure that the number of allotted elk licenses are maximized each year. The Department will publicize the deadlines associated with the lottery on an annual basis as far in advance as possible. Minimum durations for the application period and notification process are included to provide assurance that adequate time will be provided for hunters to apply for the lottery and, if selected, prepare for the hunt.

4VAC15-90-540

Game: Deer: Special elk hunting license, Landowner License Program.

Summary:

The proposal is to (i) remove the specific program deadlines; (ii) omit the 50 contiguous acre requirement, (iii) specify that applications will be evaluated based on criteria listed in the program guidance document; and (iv) replace the provision for requesting an either-sex special elk hunting license with a provision for landowners entering a landowner lottery for a special elk hunting license.

Proposed language of amendment:

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

A. Upon receipt of a valid Landowner License Program application from a landowner within the Elk Management Zone, the director or the director's designee shall verify the application materials and have sole discretion in enrolling the property in the Landowner License Program.

~~Applications must be received or postmarked by July 1 each year to be eligible for the Landowner License Program during that calendar year. The application deadline shall be published by the department annually no less than 30 days prior to the deadline.~~

B. A valid Landowner License Program application shall include:

1. Landowner's name, home address, telephone number, and address of the property to be enrolled in the program.
2. A recorded survey or other legal documentation certifying the acreage and ownership of that the property to be ~~enrolled is greater than or equal to 50 contiguous acres.~~
3. Original signature of the landowner.
4. Only a single application per license year, per landowner.

C. Landowners enrolled in the Landowner License Program maintain the right to limit access to certain areas of the property for safety or privacy reasons, ~~provided a minimum of 50 acres are open to elk hunting.~~ Areas of limited access must be outlined in the initial application.

Enrollment in the Landowner License Program does not preclude or limit in any way the landowner from allowing other hunting or other hunters on the property.

D. The department shall determine and make available to the public a program guidance document outlining how landowners enrolled in the Landowner License Program shall accrue points toward a special elk hunting license, the number of points necessary to be awarded such license, a list of criteria by which applications and associated properties will be evaluated for enrollment in the program, and other program requirements. The program guidance document will be published annually no less than 30 days prior to ~~June 1~~ the application deadline.

E. Landowners who accrue the necessary number of points, as defined in the program guidance document, on an enrolled property may enter a landowner lottery for a special elk hunting

~~license. request one either sex special elk hunting license from the department. A request for a special elk hunting license must be submitted prior to July 1 in the year the license is to be used.~~ Once ~~a request for~~ a special elk hunting license is ~~awarded through the lottery, made, the~~ landowners loses all accrued points. There is no time limit over which a landowner is required to accrue license points. Landowners shall not combine points from separate enrolled properties.

F. Landowners enrolled in the Landowner License Program shall not subdivide contiguous properties under the same ownership into multiple, smaller parcels for the purposes of this program.

G. License points cannot be sold or traded. License points are nontransferable if the property changes ownership, except that if the property is inherited from parents, grandparents, or children, resident or nonresident, license points may be transferred. The department may request documentation to certify the relationship between seller and purchaser as well as a copy of bill of sale.

H. Landowners receiving a special elk hunting license shall comply with all of the requirements established in this section as well as 4VAC15-90-510, 4VAC15-90-520, and § 29.1-305.01 of the Code of Virginia. Landowners who fail to comply with this chapter may forfeit any accrued license points and may not be eligible to accrue new license points.

I. A special elk hunting license awarded to the landowner shall only be used on the property enrolled with the department in the Landowner License Program.

J. A landowner may transfer the special elk hunting license to any person eligible to hunt in Virginia. The special elk hunting license may not be sold. Transfer of the special elk hunting license must be reported to the department no less than one month prior to the opening day of the elk hunting season during the year in which the special elk hunting license ~~is requested awarded~~. To report a transfer to the department, the landowner shall provide the department with the hunter's:

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

K. A landowner shall not charge a fee for hunters to hunt elk on properties enrolled in the Landowner License Program except as described in the program guidance document.

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

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

Rationale:

- (i) Deadlines were omitted to allow the Department more flexibility in refining the overall elk hunt lottery timeline. It is customary for such operational details to be decided on and carried out by the Department, rather than being defined in the authorizing regulation itself. After administering the inaugural elk hunt in 2022, it is apparent that the dates initially listed in this regulation may not align well with the annual timeline for assessing elk population levels that would allow the Department to maximize the number of special elk hunting licenses issued each year and to properly plan, communicate, and implement the various elements of the elk hunt.
- (ii) The 50-contiguous acre minimum is proposed to be omitted because multiple landowners had ideal elk hunting properties for this past year's inaugural elk hunt that were less than 50 contiguous acres. Fifty acres appears to be arbitrary from a biological standpoint, and regional staffs would like to rely more on property-level features rather than a set acre minimum. This will benefit both landowners and public elk hunters. The landowners with parcels less than 50 acres from this past year's hunt were all directly adjacent to larger parcels that were enrolled in this program for 2022. Therefore, the smaller parcels would have contributed to a larger collective acreage available to hunters and enhanced public access to the adjoining larger parcels.
- (iii) A specification that states Landowner License applications and associated properties will be evaluated based on a list of criteria outlined in the program guidance document was added for transparency in how landowners will be enrolled or not enrolled in the program. Examples of such criteria would include presence of elk or elk sign, availability of access points for hunters, and location of property relative to other lands available for elk hunting.
- (iv) The provision for landowners requesting an either-sex special elk hunting license was replaced with a provision for landowners to enter a landowner lottery for a special elk hunting license for two reasons. First, instituting a lottery rather than processing "requests" will be a more equitable and transparent method of awarding special elk hunting licenses when the number of landowners interested in a license exceeds the number of available licenses. Second, "either-sex" was omitted to be more in line with the type of elk hunting licenses available at the time landowners are entering the lottery. For example, if antlered elk licenses are the only elk licenses being issued by the Department, then those will be the only option for elk licenses available through the landowner lottery.

Bear & Wild Turkey Regulations

4VAC15-50-11

Game: Bear: Open Season; Generally.

Summary:

The proposal is to add two weeks of general firearms season in 35 counties in southern and eastern Virginia and remove the 3-day early firearms season from 26 counties in northern and western Virginia.

Proposed language of amendment:

4VAC15-50-11. Open Season; Generally.

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

Location	Season
Accomack County	Closed
Albemarle County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Alleghany County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Amelia County	Monday nearest December 2 and for 19 days following; through the first Saturday in January, both dates inclusive.
Amherst County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Appomattox County	Monday nearest December 2 and for 19 days following; through the first Saturday in January, both dates inclusive.
Arlington County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Augusta County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Bath County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Bedford County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Bland County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Botetourt County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.

Brunswick County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Buchanan County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Buckingham County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Campbell County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Caroline County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Carroll County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Charles City County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Charlotte County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Chesapeake (City of)	October 1 through the first Saturday in January, both dates inclusive.
Chesterfield County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Clarke County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Craig County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Culpeper County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Cumberland County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>

Dickenson County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Dinwiddie County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Essex County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Fairfax County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Fauquier County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Floyd County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Fluvanna County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Franklin County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Frederick County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Giles County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Gloucester County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Goochland County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Grayson County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.

Greene County	Monday following the last Saturday in September and for two days following; and the The fourth Monday in November through the first Saturday in January, both dates inclusive.
Greensville County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Halifax County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Hanover County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henrico County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henry County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Highland County	Monday following the last Saturday in September and for two days following; and the The fourth Monday in November through the first Saturday in January, both dates inclusive.
Isle of Wight County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
James City County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
King and Queen County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
King George County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
King William County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Lancaster County	Monday nearest December 2 and for 19 days following- <u>through the first Saturday in January, both dates inclusive.</u>
Lee County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.

Loudoun County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Louisa County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Lunenburg County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Madison County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Mathews County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Mecklenburg County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Middlesex County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Montgomery County (southeast of I-81)	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Montgomery County (northwest of I-81)	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Nelson County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
New Kent County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Northampton County	Closed
Northumberland County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Nottoway County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Orange County	Fourth Monday in November through the first Saturday in January, both dates inclusive.

Page County	Monday following the last Saturday in September and for two days following; and † The fourth Monday in November through the first Saturday in January, both dates inclusive.
Patrick County	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Pittsylvania County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Powhatan County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Prince Edward County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Prince George County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Prince William County	Monday following the last Saturday in September and for two days following; and † The fourth Monday in November through the first Saturday in January, both dates inclusive.
Pulaski County (southeast of I-81)	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Pulaski County (northwest of I-81)	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rappahannock County	Monday following the last Saturday in September and for two days following; and † The fourth Monday in November through the first Saturday in January, both dates inclusive.
Richmond County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Roanoke County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rockbridge County	Monday following the last Saturday in September and for two days following; and † The fourth Monday in November through the first Saturday in January, both dates inclusive.

Rockingham County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Russell County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Scott County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Shenandoah County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Smyth County (southeast of I-81)	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Smyth County (northwest of I-81)	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Southampton County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Spotsylvania County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Stafford County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Suffolk (City of)	October 1 through the first Saturday in January, both dates inclusive.
Surry County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Sussex County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Tazewell County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.

Virginia Beach (City of)	October 1 through the first Saturday in January, both dates inclusive.
Warren County	Monday following the last Saturday in September and for two days following; and t The fourth Monday in November through the first Saturday in January, both dates inclusive.
Washington County (southeast of I-81)	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Washington County (northwest of I-81)	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Westmoreland County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.
Wise County	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Wythe County (southeast of I-81)	Monday nearest December 2 through the first Saturday in January, both dates inclusive.
Wythe County (northwest of I-81)	Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
York County	Monday nearest December 2 and for 19 days following- through the first Saturday in January, both dates inclusive.

B. Notwithstanding provisions of subsection A of this section, bears may be hunted from the first Saturday in October through the first Saturday in January, both dates inclusive, within the incorporated limits of any town or city that allows bear hunting.

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

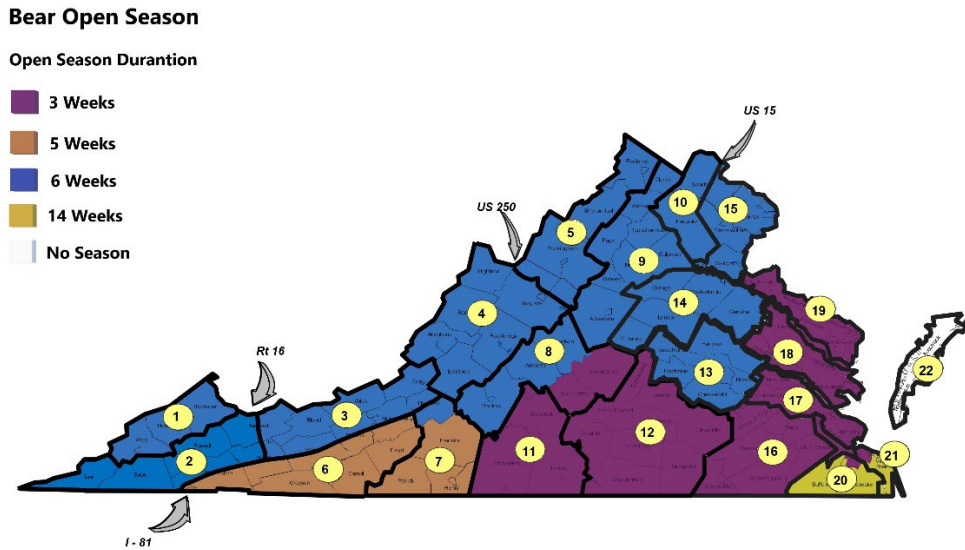
Rationale:

This proposal is designed to address both recent and longer-term black bear population trends to achieve objectives in the Black Bear Management Plan, which is under revision. Besides certain counties in southwestern Virginia, where the draft population objective is to slightly reduce bear populations, draft objectives for the rest of Virginia are to stabilize the bear population at 2020

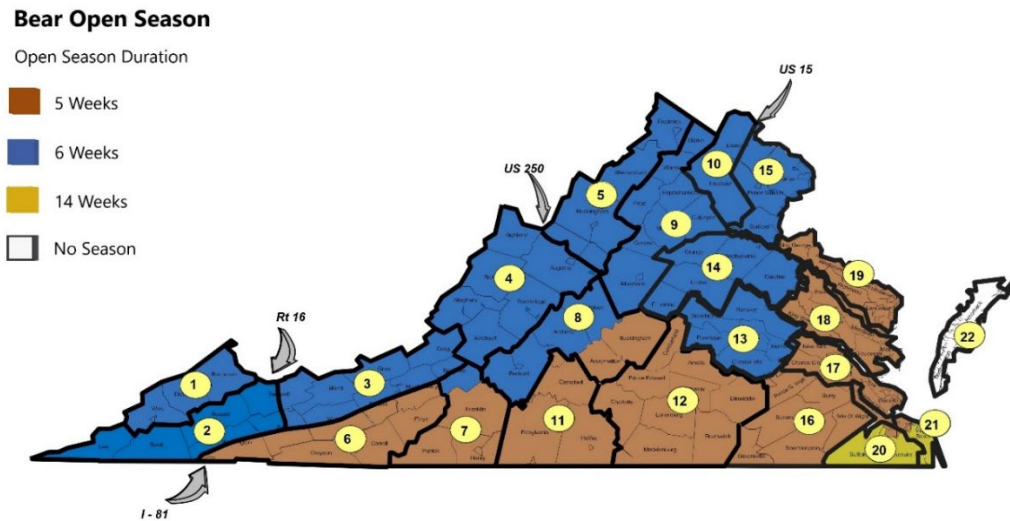
levels. Increasing black bear populations in several southern and eastern management zones supports stepwise approaches to increase bear harvest in order to stabilize bear populations. In contrast, recent and ongoing bear population declines observed in several western and northern management zones necessitate reductions in harvest. Specific changes are recommended in both the general firearms seasons (November and December) and early 3-day firearms seasons (September).

General firearms bear season

This proposal would change the general firearms bear seasons from those depicted on this map:



To the general firearms bear seasons depicted on the following map:

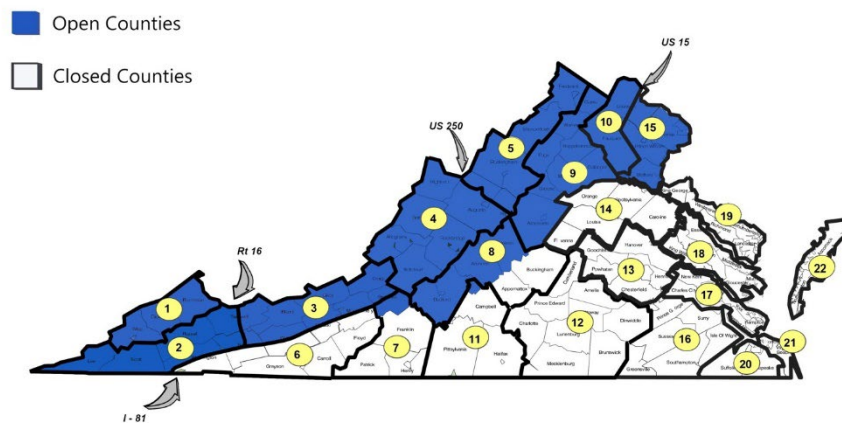


Two additional weeks of general bear firearms season are proposed for Zones 11, 12, 16, 17, 18, 19, and part of Zone 8 (Appomattox and Buckingham counties; see map above) to increase harvests and begin stabilizing bear populations. Bear populations across much of this area have demonstrated the greatest growth rate in the state over the last decade. Adding hunting opportunity at the end of the general firearms seasons will provide additional recreational opportunities for all types of hunters using different weapons and hunting methods.

3-day early bear firearms season

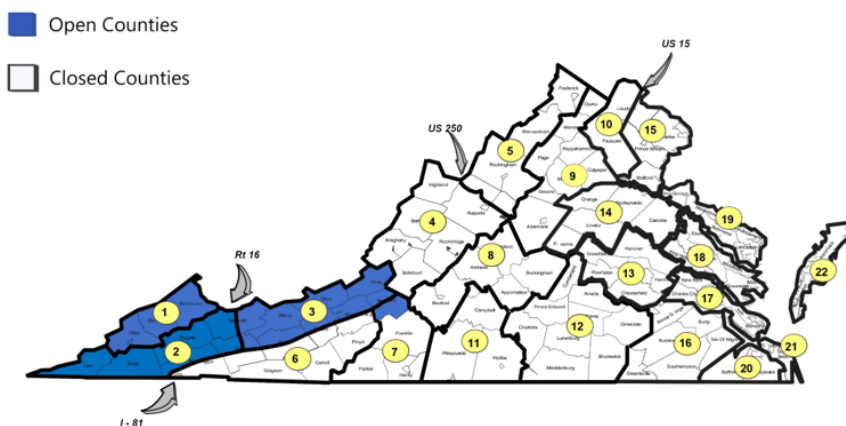
This proposal would change the 3-day early firearms bear seasons from those depicted on this map:

3 Day Early Firearms Season



To the 3-day early firearms bear seasons depicted on the following map:

3 Day Early Firearms Season



This proposal would remove the 3-day early firearms bear season in Zones 4, 5, 8, 9, 10, and 15. This 3-day season was established in 2017 to reduce bear populations in western and northern

zones according to interim bear population objectives (2017-2021). The intent has been to remove this early season once objectives were accomplished, as they have been over much of this area.

Harvest data and other information (conflict reports, constituent observations) suggest that bear populations in Zones 5, 9, and 10 have declined significantly in recent years. Previous objectives to reduce the bear population in these three zones have clearly been met and current populations are below the new draft objectives, which are to stabilize bear population at 2020 levels in these areas. In Zone 15, bear harvests during the 3-day season have been inconsequential, so it is recommended that the season be removed in this zone for geographic consistency in regulations.

The magnitude of population declines in Zones 5, 9, and 10 could be partially related to sarcoptic mange, a skin disease in bears. There is currently no evidence, in Virginia or elsewhere, that the disease limits bear populations over the long term; however, other states have observed cyclic outbreaks of mange that can impact bear populations locally for several years. The Department takes the problem of mange and its potential implications on black bears seriously as it continues to gather reports, conduct investigations, and collaborate with other states to determine long-term solutions and potential impacts on bear populations.

The proposal to remove the 3-day early firearms bear season in Zones 4 and 8 is made for two primary reasons. First, recent trends in harvest and other information (conflict reports, constituent observations) suggest that we have tentatively met previous objectives to reduce bear populations over much of this area. In addition, sarcoptic mange may already be playing some role as an additive bear mortality factor in certain parts of these zones. As mange continues to spread southward and eastward in Virginia, removing the 3-day early season in Zones 4 and 8 is a proactive measure to address potential population impacts over the next several years. With both factors in mind, the proposal will ease harvest pressure to ensure the bear population does not decline inordinately below the draft objectives, which are to stabilize bear population at 2020 levels in these areas.

4VAC15-240-31

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

Summary:

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

Proposed language of amendment:

4VAC15-240-31. Open season; certain counties and areas; four-week season.

It shall be lawful to hunt turkeys 14 days immediately before the Saturday prior to the first Monday in November, on Thanksgiving Day and the day before, and on the Monday closest to December 2 and for 12 days following in the Counties of Accomack, Amelia, ~~Charles City~~, Dinwiddie, Gloucester, Greensville, Isle of Wight, James City, Mathews, Middlesex, New Kent, Northampton, Powhatan, Prince George, Southampton, Surry, Sussex, and York (except on Camp Peary) and the City of Suffolk.

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

Rationale:

Current population trends and density estimates for Charles City County indicate a very high turkey density with a stable population trend. Staff believe the population can sustain an increased fall harvest opportunity based on the current population metrics. The remaining counties in this four week fall season grouping do not currently indicate population trends that would allow for additional fall harvest opportunities.

4VAC15-240-32

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

Summary:

This proposal is to add Charles City to the counties with a six week fall turkey season.

Proposed language of amendment:

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

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

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

Rationale:

Current population trends and density estimates for Charles City County indicate a very high turkey density with a stable population trend. Staff believe the population can sustain an increased fall harvest opportunity based on the current population metrics.

4VAC15-240-40

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

Summary:

This proposal is to allow the standard daily and season bag limit to apply to the youth and apprentice spring turkey hunting weekend.

Proposed language of amendment:

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

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

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

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

D. Bearded turkeys may be hunted by calling.

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

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

Staff Final Recommendation – Staff does not recommend adoption of the amendment at this time.

Rationale:

The youth and apprentice turkey hunting seasons were instituted to increase participation by new hunters without the competition from more experienced hunters. In 2014, the turkey season was expanded to include Sundays creating a youth and apprentice hunter weekend. However, the youth and apprentice season bag limits were maintained at 1 bird per hunter for the weekend as the effects of adding Sunday hunting were not known at the time, and there were concerns of over-harvesting turkeys early in the season. Subsequent monitoring indicates that additional harvest during the weekend season would not likely cause excessive harvests but would provide additional recreational benefit to new hunters. This proposal would allow a youth or apprentice hunter to harvest birds in accordance with the daily and season bag limits set by the Board in 4VAC15-240-70.

4VAC15-240-51

Game: Turkey: Youth and Apprentice fall turkey hunting weekend.

Summary:

This proposal is to allow the standard daily and season bag limit to apply to the youth and apprentice fall turkey hunting weekend.

Proposed language of amendment:

4VAC15-240-51. Youth and Apprentice fall turkey hunting weekend.

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

Staff Final Recommendation – Staff does not recommend adoption of the amendment at this time.

Rationale:

The youth and apprentice turkey hunting seasons were instituted to increase participation by new hunters without the stress of competition from experienced hunters. In 2014, the season was expanded to include Sundays creating a youth and apprentice hunting weekend. However, the youth and apprentice season bag limits were maintained at one bird per hunter per weekend as the effects of adding Sunday hunting were not known at the time and there were concerns of over-harvesting turkeys early in the season. Subsequent monitoring indicates that additional harvest during the weekend would not likely cause excessive harvests but would provide additional recreational benefit to new hunters. This proposal would allow a youth or apprentice hunter to harvest birds in accordance with the daily and season bag limits set by the Board in 4VAC15-240-70.

General Regulations

4VAC15-20-66

Definitions and Miscellaneous: In General: Admittance, parking, or other use fee at certain department-owned and department-managed facilities.

Summary:

This proposal aligns the regulation with the Code of Virginia (§ 29.1-113) after the Code was amended to remove mandatory fees at department boating access sites. The intent is to not charge a fee at department-owned or department-managed boat ramps.

Proposed language of amendment:

4VAC15-20-66. Admittance, parking, or other use fee at certain department-owned and department-managed facilities.

A. Pursuant to the authority of the board under § 29.1-103 (14) of the Code of Virginia and in accordance with § 29.1-113 of the Code of Virginia, a daily fee of \$3.00 or an annual fee equal to the price of an annual basic state resident fishing or hunting license is established for admittance, parking, or other use at department-owned or department-managed lands ~~boat launch sites~~, and public fishing lakes. Such fee shall not apply to (i) any person holding a valid hunting, trapping, or fishing license, or a current certificate of boat registration issued by the department; (ii) persons 16 years of age or younger; or (iii) ~~any person who is a passenger in but not the owner or operator of a paddlecraft or registered vessel.~~ the use of department-owned boat ramps.

B. Any person violating this section may be assessed a civil penalty of \$50 in lieu of any criminal penalty.

C. The director may waive fees for any person, group, or organization whenever such action is deemed to be in the department's interest. Any or all facilities may be closed by the director without notice due to an emergency or natural disaster. Full refunds or credits may be issued whenever the closure prevents any use of the facility during the term of the permit. Partial refunds of fees may be made in the interest of providing better customer service.

D. The director may allow deviations from established fees in the form of discounts or special promotions for the purpose of stimulating visitation and use of departmental facilities.

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

Rationale:

The intent of this change is to align our regulations with the Code of Virginia (§ 29.1-113). The Code was amended in 2022 and this proposed regulation amendment removes the access fee requirements from department-owned or department-managed boat ramps.

4VAC15-20-130

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

Summary:

The proposal is to (i) update the date reference to the federal list of endangered and threatened wildlife species and (ii) update the Virginia List of Endangered and Threatened Species to remove the state threatened sickle darter and state threatened Atlantic pigtoe to reflect their status in Virginia more accurately and improve regulatory certainty.

Proposed language of amendment:

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

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended as of ~~April 30, 2021~~ **December 28, 2022**, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to subdivision 12 of § [29.1-103](#) of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ [29.1-501](#) and [29.1-502](#) of the Code of Virginia.

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

1. Fish:

Endangered

Dace, Clinch	Chrosomus sp. cf. saylori
Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegated	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon

Threatened:

Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorbranchium

Darter, sickle	Percina williamsi
Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus

2. Amphibians:

Endangered:

Salamander, eastern tiger	Ambystoma tigrinum
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Threatened:

Salamander, Mabee's	Ambystoma mabeei
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3. Reptiles:

Endangered:

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

Threatened:

Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta

4. Birds:

Endangered:

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

Threatened:

Falcon, peregrine	Falco peregrinus
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis

Sparrow, Henslow's	<i>Ammodramus henslowii</i>
Tern, gull-billed	<i>Sterna nilotica</i>

5. Mammals:

Endangered:

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

6. Mollusks:

Endangered:

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

Threatened:

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

Pimpleback	Quadrula pustulosa pustulosa
Pistolgrip	Tritogonia verrucosa
Riversnail, spiny	Iofluvialis
Sandshell, black	Ligumia recta
Supercoil, brown	Paravitrea septadens

7. Arthropods:

Threatened:

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

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

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

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures.	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to	Little to no direct lethal taking expected.

			a willing and appropriately permitted wildlife rehabilitator.	
		Public safety or property damage risk – need for tree removal, application of prescribed fire, or other land management actions affecting known roosts; removal of animals from known roosts.	<p>Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase the buffer to a 1/4-mile radius with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, one tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates.</p> <p>Known roost trees: no tree removal, use of</p>	Little to no direct lethal taking expected.

			<p>prescribed fire, or other land management action within a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk.</p> <p>department-permitted nuisance wildlife control operator with department-recognized certification in techniques associated with removal of bats.</p> <p>Use of exclusion devices that allow individual animals to escape.</p> <p>Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.</p>	
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Staff Final Recommendation – Staff recommends adoption of the amendments as final in the form they were proposed.

Rationale:

Adoption of the updated and modified federal list of endangered and threatened wildlife species: Maintaining the currency of the Board’s adoption of the federal list is essential to clarifying the state and federal status of each affected species, ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species and maintaining regulatory certainty about the status of the species in Virginia.

Removal of the sickle darter and Atlantic pigtoe as threatened species: On December 16, 2021, the U.S. Fish and Wildlife Service officially added the Atlantic pigtoe, a freshwater mussel

species found in Virginia's Atlantic slope drainage, as a threatened species to the federal list of endangered and threatened species. On December 7, 2022, the U.S. Fish and Wildlife Service officially added the sickle darter, a freshwater fish species found in Virginia's Upper Tennessee River drainage, as a threatened species to the federal list of endangered and threatened species. The intent of 4 VAC 15-20-130 is for the Board to designate as state endangered or threatened those species that do not already appear on the federal list. Since these species are now on the federal list, the proposal is to remove them from the state list.

4VAC15-40-195

Game: In General: Visiting traps, generally; visiting completely submerged, body-gripping traps; use of remote trap check systems.

Summary:

The proposed updates remote trap check system requirements to incorporate the use of certain types of camera-based systems.

Proposed language of amendment:

4VAC15-40-195. Visiting traps, generally; visiting completely submerged, body-gripping traps; use of remote trap check systems.

A. Except as provided in subsections B and C of this section, it shall be unlawful to fail to visit all traps once each day and remove all animals caught.

B. Body-gripping traps that are completely submerged by water must be visited at least once every 72 hours.

C. Remote trap checking systems may be used in lieu of a physical trap visit when such systems (i) have a control unit or remote camera that reports trap status to a centralized application ~~database~~ at least once every 24 hours; (ii) ~~have notifications alarms that report provide notifications of~~ trap closures or activity at the trap site and system health issues within one hour of detection via email or ~~and~~ text-based messaging systems; and (iii) have on-demand ~~control unit testing~~ capabilities for determining ~~trap status,~~ signal strength, and battery condition via remote system check-in. If the control unit reports a trap closure or the camera sends a photo with an animal in a trap, the user is required to physically visit the trap within 24 hours of the time the trap was reported closed, or the photo was received. If the control unit or camera fails to report its current status within a 24-hour check-in period or reports a system health issue, the user is required to physically check the trap within 24 hours of the last ~~time an open trap signal was received~~ communication with the device.

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

Rationale:

In 2015, a provision was added to allow certain types of remote trap check systems to be used in lieu of a physical trap check. Since that time, there have been considerable technological advances in these systems, particularly among camera-based trap monitoring systems. These camera-based systems do not fit cleanly into the current language describing allowable systems, despite being more versatile and widely available. Electronic trap check and camera systems conforming to standards proposed in this regulation ensure that trap status is reliably determined and allows for quicker detection and removal of animals in traps.

4VAC15-40-276

Game: In General: Sale of small game animals and parts.

Summary:

This proposal allows the sale of non-meat turkey parts in accordance with regulation.

Proposed language of amendment:

4VAC15-40-276. Sale of **wild turkey and** small game animals and parts.

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

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

Rationale:

This proposal would allow individuals to offer for sale wild turkey taxidermy mounts, feathers, feet, spurs, etc. and align the sale of wild turkey parts with those of small game animals and cervids (4VAC15-90-280). Currently, turkey parts are only allowed to be sold under § 29.1-521 for the purpose of creating “turkey callers,” which has led to ambiguity as there is no clear definition within code.

4VAC15-40-285

Game: In General: Unauthorized feeding of cervids.

Summary:

The proposal is to prohibit feeding of cervids in cities and towns within designated counties that are within 25 miles of a confirmed detection of Chronic Wasting Disease.

Proposed language of amendment:

4VAC15-40-285. Unauthorized feeding of cervids.

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

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

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

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

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

Rationale:

It was an oversight to exclude cities and towns in the year-round prohibition on feeding cervids within proximity to Chronic Wasting Disease detections. Feeding deer in cities and towns represent similar risks as feeding deer within the counties that surround them. CWD is an infectious disease of cervids that spreads readily through animal-to-animal contact and environmental contamination by the disease agent. Because CWD transmission can be enhanced when deer are concentrated at artificial feeding sites, it is critical to prevent the placement of food, minerals, or salt in an expansive area surrounding an area known to be infected with the disease.

4VAC15-40-290 (New)

Game: General: Validating tags and reporting bear, deer, elk, turkey, or bobcat.

Summary:

The proposal is to combine regulations for validating tags and reporting the harvests of bears, deer, elk, turkeys, and bobcats, replacing and repealing 4 VAC 15-50-81, 4 VAC 15-50-91, 4 VAC 15-70-70, 4 VAC 15-90-231, 4 VAC 15-90-241, 4 VAC 15-240-81, 4 VAC 15-240-91. This new regulation will also add a requirement to report gray fox harvest and incorporate the prohibition on providing false information when reporting game harvests, replacing and repealing 4 VAC 15-40-300.

Proposed language of amendment:

4VAC15-40-290. Validating tags and reporting bear, deer, elk, turkey, or bobcat.

A. If a hunter holds a license or permit to kill a bear, deer, elk, or turkey:

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

2. Upon killing a bear, deer, elk, or turkey and validating (notching) a paper license tag, bonus deer permit or special permit, as provided in subsection A of this section, the hunter shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's electronic harvest reporting system. At such time, the person making the report will be given a confirmation number. The successful hunter shall then immediately record the confirmation number in ink on the line provided on the paper tag that was validated (notched) in the field.

3. After the harvest of a bear, deer, elk, or turkey is reported, no written documentation is required as long as the hunter who killed the animal or bird is in possession of the carcass. If the reported carcass is left unattended or transferred to the possession of another individual, written documentation that includes the successful hunter's full name, the date the animal or

bird was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

B. If a hunter is exempt from license requirements or holds a license authorization number as prescribed by the Code of Virginia (§ 29.1-301, 29.1-327, 29.1-339) and has killed a bear, deer, elk, or turkey:

1. The hunter shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's electronic harvest reporting system. At such time, the person making the report will be given a confirmation number. The hunter shall immediately create written documentation including the hunter's full name, the date the animal or bird was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. Any hunter or trapper who kills a bobcat shall report the kill within 24 hours through the department's electronic harvest reporting system. At such time, the person reporting the kill will be furnished with a confirmation number. The hunter or trapper shall immediately record this confirmation number in a location where it can later be retrieved to prove compliance with reporting requirements or to request a department seal. Any bobcat received by a taxidermist for mounting or tanning shall have written documentation securely attached to the carcass that includes the full name of the hunter or trapper, date of kill, and the harvest confirmation number.

D. Any hunter or trapper who kills a gray fox shall report the kill within 24 hours through the department's electronic harvest reporting system. At such time, the person reporting the kill will be furnished with a confirmation number. The hunter or trapper shall immediately record this confirmation number in a location where it can later be retrieved to prove compliance with checking requirements. Any gray fox received by a taxidermist for mounting or tanning shall have written documentation securely attached to the carcass that includes the full name of the hunter or trapper, date of kill, and the harvest confirmation number.

E. It shall be unlawful for any person to destroy the identity of the sex of any bear, deer, elk, or turkey killed until the harvest is reported as required by this section. Successful hunters may dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the animal or bird is reported.

F. Processed carcass parts of a bear, deer, elk, or turkey killed legally in Virginia may be transported. However, upon request of any authorized law-enforcement officer, sufficient verbal

or written information necessary to properly establish legal possession must be furnished immediately.

G. Upon killing a bear, deer, elk, or turkey within an area designated by the department for disease management and on days designated by the department, the hunter shall present the carcass at or submit carcass parts or samples as directed by the department to a location designated by the department for the purposes of disease surveillance or biological monitoring.

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

I. Any bear, deer, elk, or turkey found in the possession of any person that has not been reported as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

J. It shall be unlawful to provide false statements or record false information when tagging or reporting the harvest of any wild animal or bird to the department, any agent of the department, or any taxidermist.

~~4VAC15-40-300. Falsifying harvest information prohibited.~~

~~It shall be unlawful to provide false statements or record false information when tagging, checking, or reporting the harvest of any wild animal to the department, any agent of the department, or any taxidermist.~~

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

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

~~B. Upon killing a bear and validating (notching) a license tag or special permit, as provided in subsection A of this section, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's automated harvest reporting system. At such time, the person reporting the carcass will be given a confirmation number from the automated reporting system.~~

~~The successful hunter shall then immediately record the confirmation number, in ink, on the line provided on the tag that was validated (notched) in the field. If checked at an authorized bear check station, the black bear check card must be kept in possession with the carcass until the carcass is processed. After the kill is reported, no written documentation is required as long as the hunter who killed the animal is in possession of the carcass. If the reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. Processed carcass parts of a bear killed legally in Virginia may be transported; however, upon request of any authorized law enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.~~

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

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

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

~~A. Upon killing a bear, any person (i) exempt from license requirements as prescribed in § 29.1-301 of the Code of Virginia, (ii) issued a complimentary license as prescribed in § 29.1-339 of the Code of Virginia, (iii) holding a permanent license issued pursuant to § 29.1-301 E of the Code of Virginia, or (iv) the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's automated harvest reporting system. At such time, the person reporting the carcass shall be given a confirmation number from the automated reporting system. After the kill is reported using the automated harvest reporting system, the successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and~~

~~kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. Processed carcass parts of a black bear killed legally in Virginia may be transported; however, upon request of any authorized law enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.~~

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

~~C. It shall be unlawful for any person to destroy the identity of the sex of any bear killed until the bear is reported as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the bear is reported through the automated harvest reporting system. Any bear that has not been reported through the department's automated harvest reporting system as required by this section, found in the possession of any person exempt from the license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.~~

~~4VAC15-70-70. Checking requirements.~~

~~Any hunter or trapper who kills a bobcat shall report the kill within 24 hours through the department's automated harvest reporting system. At such time, the person reporting the kill will be furnished with a confirmation number. The hunter or trapper shall immediately record this confirmation number in a location where it can later be retrieved to prove compliance with checking requirements or to request a department seal. Any bobcat received by a taxidermist for mounting or tanning shall have written documentation securely attached to the carcass that includes the full name of the hunter or trapper, date of kill, and the harvest confirmation number.~~

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

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

~~B. Upon killing a deer and validating (notching) a license tag, bonus deer permit or special permit, as provided in subsection A of this section, the licensee or permittee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's automated harvest reporting~~

system. At such time, the person reporting the carcass will be given a confirmation number. The successful hunter shall then immediately record the confirmation number in ink on the line provided on the tag that was validated (notched) in the field. I

C. After the kill is reported, no written documentation is required as long as the hunter who killed the animal is in possession of the carcass. If the reported carcass is left unattended or transferred to the possession of another individual, written documentation that includes the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

D. It shall be unlawful for any person to destroy the identity of the sex of any deer killed unless and until the license tag, bonus deer permit, or special permit is validated (notched) and reported as required by this section. Successful deer hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required in subsection A of this section, as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is reported.

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

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

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

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

A. Upon killing a deer, any person (i) exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, (ii) issued a complimentary license as prescribed in § 29.1-339 of the Code of Virginia, (iii) holding a permanent license issued pursuant to § 29.1-301 E of the Code of Virginia, or (iv) holding a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's automated harvest reporting system. At such time, the person reporting the carcass shall be given a confirmation number. The successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

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

carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the deer is reported.

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

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

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

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

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

B. Upon killing a turkey and validating (notching) a license tag, as provided above, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, report the kill through the department's automated harvest reporting system. The person reporting the carcass will be given a confirmation number from the automated harvest reporting system. The successful hunter shall then immediately record the confirmation number, in ink, on the line provided on the license tag that was validated (notched) in the field. If reported using the automated harvest reporting system, no check card is required as long as the hunter who killed the turkey is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the turkey was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.

C. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed unless and until the license tag is validated (notched) and reported by using the automated harvest reporting system as required by this section. Any turkey found in the possession of any person without a validated (notched) license tag or documentation that the turkey has been reported by using the automated harvest reporting system as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

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

~~A. Upon killing a turkey, any person exempt from the license requirement as described in § 29.1-301 of the Code of Virginia, or issued a complimentary license as prescribed in § 29.1-339, or the holder of a permanent license issued pursuant to § 29.1-301 E, or the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever comes first, and without unnecessary delay, report his kill through the department's automated harvest reporting system. The person reporting the carcass shall be given a confirmation number from the automated harvest reporting system. No check card is required as long as the hunter who killed the turkey is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the turkey was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to the possession of another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass.~~

~~B. It shall be unlawful for any person to destroy the identity of the sex of any turkey killed until the turkey is reported by using the automated harvest reporting system as required by this section. Any turkey that has not been reported by using the automated harvest reporting system as required by this section found in the possession of any person exempt from license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.~~

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

Rationale:

This proposal will remove redundancies in regulation concerning validating tags and reporting the harvests of bears, deer, elk, turkeys, and bobcats. This new regulation, which also incorporates the prohibition on providing false information when reporting game harvests, would replace the following 8 regulations: 4 VAC 15-40-300, 4 VAC 15-50-81, 4 VAC 15-50-91, 4 VAC 15-70-70, 4 VAC 15-90-231, 4 VAC 15-90-241, 4 VAC 15-240-81, 4 VAC 15-240-91. The new reporting requirement for gray fox harvest is designed to obtain better information for managing this species in the future. Population trend information for gray foxes suggests that populations have been slowly declining for the past 20 years.

4VAC15-90-500

Game: Deer: Elk hunting outside the Elk Management Zone.

Summary:

The proposal is to replace the reference to the regulation *4VAC15-90-231. Validating tags and reporting deer by licensee or permittee* and *4VAC15-90-241. Reporting deer by persons exempt from license requirement or holding a license authorization number* to the new proposed regulation that combines validating tags and reporting the harvests of certain game and furbearing species 4VAC15-40-290.

Proposed language of amendment:

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

- A. Open season. Except as otherwise provided by 4VAC15-90-510, it shall be lawful to hunt elk of either sex during (i) the general firearms deer seasons as prescribed by 4VAC15-90-10 and 4VAC15-90-23, (ii) the special archery seasons as prescribed by 4VAC15-90-70, and (iii) the special muzzleloading seasons as prescribed by 4VAC15-90-80 with bag limits as prescribed in 4VAC15-90-90.
- B. Upon killing an elk. Any licensed or permitted hunter shall validate a tag on that hunter's special license for hunting deer and turkey or bonus deer permit and check the elk in accordance with ~~4VAC15-90-231~~ 4VAC15-40-290. Upon receiving a confirmation number, the hunter must call the department to schedule an inspection of the carcass and the site of kill for the collection of biological samples.
- C. Checking elk by persons exempt from license requirements or holding a license authorization number. Upon killing an elk, any person (i) exempt from license requirement as prescribed in § 29.1-301 of the Code of Virginia, (ii) issued a complimentary license as prescribed in § 29.1-339 of the Code of Virginia, (iii) holding a permanent license issued pursuant to § 29.1-301 E, or (iv) holding a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall check the elk in accordance with ~~4VAC15-90-241~~ 4VAC15-40-290. Upon receiving a confirmation number, the hunter must call the department to schedule an inspection of the carcass and the site of kill for the collection of biological samples.

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

Rationale:

This proposal updates the reference to the new regulation that is being proposed for validating tags and reporting the harvests of certain game and furbearing species.

4VAC15-90-510

Game: Deer: Elk hunting within the Elk Management Zone.

Summary:

The proposal is to replace the reference to the regulation *4VAC15-90-231. Validating tags and reporting deer by licensee or permittee* to the new proposed regulation that combines validating tags and reporting the harvests of certain game and furbearing species 4VAC15-40-290.

Proposed language of amendment:

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

- A. It shall be lawful to hunt elk within the Elk Management Zone from the second Saturday in October through the following Friday, both dates inclusive.
- B. The seasonal bag limit for elk shall be one per season as prescribed on the special elk hunting license. The department shall determine the number and type of special elk hunting licenses distributed within a season and license year.
- C. Except as provided in 4VAC15-90-540 or 4VAC15-90-550 individuals selected to purchase a special elk hunting license shall not be eligible to receive a subsequent special elk hunting license for a period of three years.
- D. All licensed elk hunters and persons accompanying elk hunters are required to wear or display a blaze color as described in § 29.1-530.1 of the Code of Virginia.
- E. Upon killing an elk, any licensed hunter shall validate the tag on the hunter's special elk hunting license and report the elk in accordance with procedures outlined in ~~4VAC15-90-231~~ 4VAC15-40-290. Upon receiving a confirmation number, the hunter must call the department to schedule an inspection of the carcass and the site of kill for the collection of biological samples.

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

Rationale:

This proposal updates the reference to a new regulation that is being proposed for validation of tags and reporting of certain game and furbearing species.

Furbearer & Small Game Regulations

4VAC15-110-20

Game: Fox: Part II: Hunting with guns.

Summary:

The proposal is to establish separate hunting seasons for red fox and gray fox, maintaining the current season for red fox and establishing a season for gray fox in 4VAC15-110-25.

Proposed language of amendment:

4VAC15-110-20. Hunting with firearms. Open season for red fox.

Except as otherwise provided ~~by local legislation~~ and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt red foxes with firearms from November 1 through the last day in February, both dates inclusive.

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

Rationale:

Population trend information for gray foxes suggest that populations have been slowly declining for the past 20 years. In areas where populations are currently at low levels, harvest by humans may be suppressing population growth or contributing towards further declines. Since most gray foxes are harvested by hunters (versus trappers), this proposal is intended to provide a meaningful reduction in hunter harvest that may have positive population impacts. Hunter survey information suggests that most hunters who kill a gray fox do so opportunistically while hunting other species. By eliminating hunter harvest of gray foxes during the months of November and December when most hunters are afield (during deer seasons), gray fox populations may benefit.

4VAC15-110-25 (New)

Game: Fox: Part II: Hunting with guns.

Summary:

The proposal is to establish a gray fox hunting season from January 1 through the last day of February.

Proposed language of amendment:

4VAC15-110-25. Hunting with firearms. Open season for gray fox.

Except as otherwise provided and with the specific exceptions provided in the sections appearing in this chapter, it shall be lawful to hunt gray foxes with firearms from January 1 through the last day in February, both dates inclusive.

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

Rationale:

Population trend information for gray foxes suggest that populations have been slowly declining for the past 20 years. In areas where populations are currently at low levels, harvest by humans may be suppressing population growth or contributing towards further declines. Since most gray foxes are harvested by hunters (versus trappers), this proposal is intended to provide a meaningful reduction in hunter harvest that may have positive population impacts. Hunter survey information suggests that most hunters who kill a gray fox do so opportunistically while hunting other species. By eliminating hunter harvest of gray foxes during the months of November and December when most hunters are afield (during deer seasons), gray fox populations may benefit.

4VAC15-110-35 (New)

Game: Fox: Part II: Hunting with guns.

Summary:

The proposal is to establish a daily bag limit for hunting gray fox.

Proposed language of amendment:

4VAC15-110-35. Bag limit.

The bag limit for hunting gray fox shall be one per hunting party, individual or organized, taken between noon of one day and noon the following day.

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

Rationale:

Population trend information for gray foxes suggest that populations have been slowly declining for the past 20 years. In areas where populations are currently at low levels, harvest by humans may be suppressing population growth or contributing towards further declines. Since most gray foxes are harvested by hunters (versus trappers), this proposal is intended to provide a meaningful reduction in hunter harvest that may have positive population impacts. Although the average number of gray foxes killed per hunter per day is usually low, the potential exists to kill multiple animals per day, especially when using electronic calls. Gray foxes are very susceptible to harvest with electronic calls and are much more likely to approach within close gunshot range than red foxes. Significant numbers of gray foxes could be killed in a short period of time where populations exist. This proposal would be expected to reduce gray fox harvest and the potential for removing too many foxes from disjunct habitat patches that may not be easily recolonized.

4VAC15-110-80

Game: Fox: Part IV: Miscellaneous.

Summary:

The proposal is to add a damage or threat to human health or safety requirement to the current provision that allows landowners to kill or have killed gray foxes on their own land at any time.

Proposed language of amendment:

4VAC15-110-80. Killing by landowner.

A landowner may kill or have killed red foxes at any time on his or her own land. Provided further that a landowner may kill or have killed gray foxes at any time on his or her own land, but only when they are causing damage to crops or property, or are posing a threat to human health or safety.

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

Rationale:

Population trend information for gray foxes suggests that populations have been slowly declining for the past 20 years. In areas where populations are currently at low levels, harvest by humans may be suppressing population growth or contributing towards further declines. The regulation as it currently exists provides a continuous open season for hunting and trapping both red and gray foxes on private lands, with no requirement of damage or a human health/safety issue. This proposal will reduce the number of gray foxes killed outside of the hunting season when no damage or human health issues exist. Compared to red foxes, gray foxes are involved in relatively few agricultural damage or nuisance issues. The current provision that allows landowners to kill or have killed red foxes will remain unchanged.

4VAC15-230-60

Game: Fox Squirrel: Open season; first Saturday in September through January 31.

Summary:

The proposal is to add Henry County to the list of counties open for hunting fox squirrels.

Proposed language of the amendment:

4VAC15-230-60. Fox squirrel, open season; first Saturday in September through January 31.

It shall be lawful to hunt fox squirrel from the first Saturday in September through January 31, both dates inclusive, in the counties of Albemarle, Alleghany, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Culpeper, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, **Henry**, Highland, Lee, Loudon, Madison, Montgomery, Orange, Page, Patrick, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Warren, Wise and Wythe.

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

Rationale:

The counties bordering Henry County to the west (Patrick) and to the north (Franklin) have been open for fox squirrel hunting since 2009. Sightings of fox squirrels have increased in Henry County based on a three-year fox squirrel sighting survey conducted by DWR and observational information from landowners, squirrel hunters and others. Opening the season should have no adverse effect on Henry County's fox squirrel population while providing additional fox squirrel hunting opportunity.

Waterfowl & Waterfowl Blind Regulations

4VAC15-260-85 (New)

Game: Waterfowl and Waterfowl Blinds: Non-riparian stationary blinds adjacent to certain department-owned properties.

Summary:

The proposal is to prohibit non-riparian stationary blinds on the public waters adjacent to any department Wildlife Management Area or Wildlife Conservation Site. This will provide more equitable public waterfowl hunting opportunities on the public waters within and adjacent to these properties.

Proposed language of amendment:

4 VAC 15-260-85. Non-riparian stationary blinds adjacent to certain department-owned properties.

A. Non-riparian stationary waterfowl blinds shall not be erected or licensed on the shores or in the public waters adjacent to any department Wildlife Management Area or Wildlife Conservation Site~~[, unless otherwise specified in code or regulation].~~

B. ~~[Floating~~ Subject to 4VAC15-40-100, 4VAC15-40-110, 4VAC15-40-130, 4VAC15-260-90, and 4VAC15-260-115, ~~floating~~] waterfowl blinds shall be permitted on the public waters adjacent to any department Wildlife Management Area or Wildlife Conservation Site~~[, unless otherwise specified in code or regulation].~~ Additionally, as permitted in Section §29.1-351 of the Code of Virginia, the distance restrictions set forth in Licenses for Waterfowl Blinds and for Hunting Waterfowl, sections §§ 29.1-340 to 29.1-351.1 of the Code of Virginia shall not apply to floating waterfowl blinds being used on the public waters adjacent to any department Wildlife Management Areas or Wildlife Conservation Sites.

C. For purposes of this regulation, adjacent waters are defined as all water from mean low tide to 600 yards offshore.

D. Any person who holds a 2022-23 non-riparian stationary waterfowl blind license in the areas specified in Section A is permitted to renew their license for each of their blinds for the 2023-24 waterfowl hunting seasons. In any case, licenses for these blinds will expire no later than August 15, 2024. Per §29.1-347, blind structures must be removed when the license expires or when the license holder no longer intends to use the blind, whichever occurs first.

E. This section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347 of the Code of Virginia.

E. This regulation shall not apply to the blinds and public waters in the City of Virginia Beach.

~~4VAC15-260-60. Blinds adjacent to Chickahominy Wildlife Management Area.~~

~~No license shall be issued for stationary waterfowl blinds on Morris Creek and the Chickahominy River in Charles City County adjacent to the Chickahominy Wildlife Management Area.~~

~~4VAC15-260-70. Blinds on Game Farm Marsh Wildlife Management Area.~~

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

~~4VAC15-260-75. Blinds adjacent to the Ware Creek Wildlife Management Area.~~

~~Except for blinds built or maintained by the department, no stationary waterfowl blinds shall be licensed on the public waters of Philbates and Ware Creeks, or on the York River within 1000 yards of the Ware Creek Wildlife Management Area. Waterfowl hunting within 500 yards of the wildlife management area property will be permitted only at locations and during times designated by the department. However, this section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347 of the Code of Virginia.~~

~~4VAC15-260-80. Blinds adjacent to Ragged Island Wildlife Management Area.~~

~~No license shall be issued for stationary waterfowl blinds in the adjacent waters to mid-channel of Kings Creek and Ragged Island Creek or in the adjacent waters of the James River and Batten Bay within 1000 yards of the Ragged Island Wildlife Management Area in Isle of Wight County.~~

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

Rationale:

Non-riparian stationary blinds in waters adjacent to public lands prevent float blind hunting within 500 yards in all directions (a 1000-yard diameter), significantly reducing public waterfowl hunting opportunity in these public waters. This proposal provides more equitable opportunity and uniformity in the use of the public waters for waterfowl hunting off the shores of department Wildlife Management Areas and Wildlife Conservation Sites. It would also improve the Department's ability to manage hunter access on these properties.

The proposal provides uniformity in regulatory structure and would apply to new department Wildlife Management Areas and Wildlife Conservation Sites. A number of existing WMAs have waterfowl blind regulations established when those properties were acquired, but minor regulation differences create confusion among waterfowl hunters. These existing regulations could be repealed (4VAC15-260-60, 4VAC15-260-70, 4VAC15-260-75, and 4VAC15-260-80

for Game Farm Marsh, Chickahominy, Ware Creek, and Ragged Island WMAs), standardizing and simplifying waterfowl blind regulations across all department properties.

There is roughly 50 miles of shoreline around current DWR properties that could provide more equitable public hunting opportunities if this proposal were adopted.

Currently, there are currently 5 to 7 non-riparian blind licenses in areas adjacent to existing DWR properties. This proposal would allow those licensees to retain their license for one additional waterfowl hunting season (the 2023-2024 season) prior to having those licenses expire.

4VAC15-260-86 (New)

Game: Waterfowl and Waterfowl Blinds: Non-riparian stationary blinds adjacent to select National Wildlife Refuges.

Summary:

The proposal is to prohibit non-riparian stationary blinds adjacent to select National Wildlife Refuges managed by the U.S. Fish and Wildlife Service. This will provide more equitable public waterfowl hunting opportunity adjacent to these properties.

Proposed language of amendment:

4 VAC 15-260-86. Non-riparian stationary blinds adjacent to select National Wildlife Refuges.

A. Non-riparian stationary waterfowl blinds shall not be licensed or erected on the shores of or in the public waters adjacent to designated National Wildlife Refuges (identified below) ~~[- unless otherwise specified in code or regulation].~~

1. James River NWR
2. Plum Tree Island NWR
3. Occoquan Bay NWR
4. Featherstone NWR

B. Floating waterfowl blinds shall be permitted on the public waters adjacent to the specified refuges ~~[- unless otherwise specified in code or regulation].~~ Additionally, as permitted in Section §29.1-351 of the Code of Virginia, the distance restrictions set forth in Licenses for Waterfowl Blinds and for Hunting Waterfowl, sections §§ 29.1-340 to 29.1-351.1 of the Code of Virginia shall not apply to floating waterfowl blinds being used on the public waters adjacent to the specified refuges.

C. For purposes of this regulation, adjacent waters are defined as all water from mean low tide to 600 yards offshore.

D. Any person who holds a 2022-23 non-riparian stationary waterfowl blind license in the areas specified in Section A is permitted to renew their license for each of their blinds for the 2023-24 and 2024-25 waterfowl hunting seasons. In any case, licenses for these blinds will expire no later than August 15, 2025. Per §29.1-347, blind structures must be removed when the license expires or when the license holder no longer intends to use the blind, whichever occurs first.

E. This section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347-of the Code of Virginia.

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

Rationale:

Non-riparian stationary blinds in waters adjacent to public lands prevent float blind hunting within 500 yards in all directions (a 1000-yard diameter). This significantly reduces public waterfowl hunting opportunity in these public waters. The USFWS has recently attempted to open additional lands for public waterfowl hunting, but non-riparian blinds in those areas have restricted their ability to provide these opportunities. This proposal provides more equitable opportunity and uniformity in the use of the public waters for waterfowl hunting off the shores of these selected National Wildlife Refuges. Additionally, this proposal would improve the ability of the U.S. Fish and Wildlife Service and the Department to manage hunter access on these properties.

There is roughly 18 miles of shoreline around these National Wildlife Refuge properties that could provide more equitable public hunting opportunities if this proposal were adopted. Approximately 40 non-riparian blind licenses are located along the shoreline adjacent to the specified refuges. This proposal would allow those licensees to retain their license for two additional waterfowl hunting seasons (the 2023-2024 and 2024-2025 seasons) prior to having those licenses expire.

4VAC15-260-120

Game: Waterfowl and Waterfowl Blinds: Special sea duck season area.

Summary:

This proposal eliminates the requirement that Virginia's "Special Sea Duck Area" only exists when federal migratory waterfowl regulations allow a "Special Sea Duck Hunting Season". It would also revise the Special Sea Duck Area description to clarify where it is legal to pursue crippled sea ducks (and other waterfowl) under power.

Proposed language of amendment:

4VAC15-260-120. Special sea duck ~~season~~ area.

~~Whenever federal migratory waterfowl regulations permit a special season for taking scoter, eider and long-tailed (formerly old-squaw) ducks within an area designated as a special sea duck hunting area under regulations adopted by the board, such~~ The special sea duck hunting area shall be designated and delineated as follows: Those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following area: The ocean waters of Virginia, the tidal waters of Northampton and Accomack counties up to the first highway bridge, and the Chesapeake Bay and each of its tributaries up to the first highway bridge. Back Bay and its tributaries are not included in the special sea duck hunting area.

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

Rationale:

Sea ducks were once considered "underharvested", and federal regulations allowed them to be hunted during the regular duck season, and also during an extended "Special Sea Duck Season". This extended season had to be conducted in a state specified "Special Sea Duck Hunting Area". One unique aspect of this federal "Special Sea Duck Season" was that crippled sea ducks could be pursued while a boat was under power, which is illegal for all other waterfowl hunting seasons. Sea ducks can dive and swim underwater for several minutes, so this provision was allowed as a conservation measure to help retrieve crippled birds which would otherwise be lost.

Sea duck numbers have declined, and federal migratory waterfowl regulations have recently eliminated the "Special Sea Duck Season". However, sea ducks can still be taken during the regular duck hunting season. In addition, "Special Sea Duck Areas" have been retained under federal regulations as a conservation measure for recovering crippled birds.

Under the current regulation in Virginia, the Special Sea Duck Area is only applicable when federal regulations permit a Special Sea Duck Hunting Season. Therefore, the Special Sea Duck Hunting Area in Virginia is no longer applicable, and the ability to pursue crippled birds under power is no longer available. This proposal will remove the nexus to the federal regulation and establish a separate Special Sea Duck Area. It will also revise the area description to clarify where crippled waterfowl could be retrieved while a boat is under power.

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES
BOATING DIVISION BOATING REGULATION
Board Final Action 2023



Virginia Administrative Code

4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels

Chapter 420. Watercraft: Navigation Lights and Shapes

Summary: The proposed amendment comes as a result of a change to the Inland Navigation Rules found in 33 CFR, Chapter 1, Subchapter E, Part 83 through 86 and as established by the U.S. Coast Guard which is where our Virginia Administrative Code requirements are derived from. Because of a previous field preemption that was inserted and subsequently removed it was discovered that by incorporating the CFR by reference, it would mitigate any issues of confusion between the two and would simply allow officers to enforce the CFR by reference.

Rationale: This change will make the regulations easier to understand and enforce, it would mitigate the need for wording changes when or if the CFR changes, and it would remove 22 regulations sections from the Administrative Code under 4VAC15-390 and 420 as per the Governor's initiative to reduce regulations.

4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels

4VAC15-390-10. Applicability.

The following sections in this chapter apply to the operation and sound signals of "vessels" as defined in § 29.1-700 of the Code of Virginia on the Waters of the Commonwealth; ~~both public and private~~. Vessels complying with the ~~international rules of navigation~~ Inland Navigation Rules *found in 33 CFR, Chapter 1, Subchapter E, Part 83 (DHS Delegation No. 017000170.1, Revision No. 01.2. September 6, 2022) and Part 84 through 86 (DHS Delegation No. 00170.1. July 2, 2104) and as established by the U.S. Coast Guard* are considered to be in compliance with the requirements of this chapter.

Statutory Authority

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

Historical Notes

Derived from VR325-04-3 § 1, eff. July 1, 1973; amended, Virginia Register Volume 19, Issue 5, eff. January 1, 2003.

4VAC15-390-11 through 70. Watercraft: Safe and Reasonable Operation of Vessels

~~Repeal the following seven (7) sections:~~

~~Section 11 Definitions~~

~~Section 20 Motorboats approaching head and head~~

~~Section 30 Motorboats crossing~~

~~Section 40 Overtaking another vessel~~

~~Section 50 Responsibility between vessels~~

~~Section 60 Sailing vessels approaching one another~~

~~Section 70 Duty of vessel required to keep out of way; duty of other vessel~~

4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels

4VAC14-390-80. Watercraft Duty to slacken speed to avoid damage by motorboat's wake
(No Amendments)

4VAC15-390-85. Operators to give right-of-way and reduce speed.

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, *or public safety* lights shall slow to no wake speed so that the effect of the wake does not disturb the activities of law-enforcement personnel or emergency services personnel. Where the operator of a motorboat fails to comply with the provisions of this section and such failure endangers the life or limb of any person or endangers or damages vessels, the operator shall be guilty of a Class 3 misdemeanor. Upon conviction, the operator shall additionally be required to complete and pass a National Association of State Boating Law Administrators approved safe boating course as required in § 29.1-746 of the Code of Virginia.

Statutory Authority

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

Historical Notes

Derived from Virginia Register Volume 39, Issue 9, eff. January 1, 2023.

4VAC15-390-90 through 140. Watercraft: Safe and Reasonable Operation of Vessels

Repeal the following five (5) regulation sections:

~~Section 90 Duty where operator's vision obscured.~~

~~Section 100 Operation in narrow channel~~

~~Section 110 Departure from regulations to avoid immediate danger~~

~~Section 120 Regulations not to exonerate operator from neglect~~

~~Section 130 Standard whistle and horn signals~~

4VAC15-390-150 and 160. Watercraft: Safe and Reasonable Operation of Vessels

Section 140 Riding on decks and gunwales (no amendments)

Section 150 Safe speed (no amendments)

Section 160 Penalties (no amendments)

Chapter 420. Watercraft: Navigation Lights and Shapes

4VAC15-420-10. Application. (PROPOSED)

The navigation lights requirements in this chapter shall be complied with in all weather and from sunset to sunrise on The Waters of the Commonwealth. During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in this chapter or do not impair their visibility or distinctive character or interfere with the keeping of a proper lookout. The lights prescribed by this chapter shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary. The lights specified in this chapter shall comply with *the Inland Navigation Rules found in 33 CFR, Chapter 1, Subchapter E, Part 83 (DHS Delegation No. 017000170.1, Revision No. 01.2. September 6, 2022) and Part 84 through 86 (DHS Delegation No. 00170.1. July 2, 2104) and as established by the U.S. Coast Guard U.S. Coast Guard specifications.*

Statutory Authority

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

Historical Notes

Derived from Virginia Register Volume 19, Issue 5, eff. January 1, 2003.

Chapter 420. Watercraft: Navigation Lights and Shapes

4VAC15-420-20 through 110. Watercraft: Navigation Lights and Shapes

Repeal the following ten (10) regulation sections:

~~Section 20 Definitions~~

~~Section 30 Visibility of lights~~

~~Section 40 Power-driven vessels underway~~

~~Section 50 Towing and pushing~~

~~Section 60 Sailing vessels underway and vessels under oars~~

~~Section 70 Vessels fishing with apparatus that restricts maneuverability~~

~~Section 80 Vessels not under command or restricted in their ability to maneuver~~

~~Section 90 Pilot vessels~~

~~Section 100 Anchored vessels and vessels aground~~

~~Section 110 Seaplanes~~

4VAC15-420. Watercraft: Navigation Lights and Shapes

Section 120 Penalties (no amendments)



VCP RELEVANCY PLAN

Public Safety Investment



Purpose of VCP Relevancy Plan:

As we connect more people with the outdoors, the need for our specialized public safety services will only continue to grow statewide. Our situational report (other side) already shows some of the multiple challenges we are facing in both staffing and meeting the needs of the public. This issue has been previously identified in the Association of Fish and Wildlife Agencies (AFWA) Fish and Wildlife Relevancy Roadmap (2019) under “Agency Capacity” and the associated barriers of lacking capacity (*expertise, staffing, and resources*) to serve the needs of broader constituencies. To be successful in having others value the outdoors, we will need to enhance our training and educational services.

❖ Expertise = North American Wildlife Law Enforcement Accreditation (NAWLEA)

- VCP Quality Public Service: Professional Standards (**Governor’s BEST IN CLASS**)
- Best practices, networking, collaboration, accountability, credibility, and public trust
- For the insight to better forecast trends and find viable efficient solutions
- Adopt programs and methods that are already working for other agencies

❖ Staffing = Natural Resource Public Safety Response Services

- VCP Pursuit of Excellence: As Protectors of Wildlife and Natural Resources and to respond effectively to those in the woods and on the water during their greatest time of need
- **SNHR Objective 3**: *Increase the outdoor experiences for all Virginians*
- Meet high increased demands for waterway usage, especially by paddle craft users
- Manage conflict among different outdoor user’s groups to include private landowners
- Build upon our highly specialized skills and utilize these capabilities as first responders
- Continue to offer training and partner with other first responders as a force multiplier
- Expand upon our initiatives as **Ambassadors to Wildlife and Natural Resources**

❖ Resources = Leadership Development Continuum (LDC)

- VCP Employer of Choice: Addressing “quality of life” police retention concerns
- **SNHR Objective 4**: *Recruitment/Retention of key state personnel capabilities*
- Developing Officers and Staff (Best Resource) to meet Challenges of Tomorrow
- Utilize “Game Warden Experiences” to increase subject matter expertise
- Explore unique **Woods*Wildlife*Water** “W3” Training and Educational Center

❖ VCP Relevancy Plan Activation (New General Funding Consistent Stream)

- Need public safety general funding to directly address low officer staffing levels back toward their traditional numbers (request funding support for additional officers; up to 40 CPOs)
- Allocate Officer Salary (\$51,000) and Benefits (49.1%) \$76,041 (total) + Emergency Patrol Vehicle (\$60,000) and issued personal equipment (\$11,500); total of **\$147,541 per officer**

Woods and Water Public Safety Situational Report

❖ VCP Scope of Work

- The Department of Wildlife Resources (DWR) has a Law Enforcement Division that is known as Virginia Conservation Police (VCP) with top primary objectives of Public Safety and Natural Resource Protection
 - Known for their ability to provide Public Safety Response Services in difficult terrain and harsh weather conditions using specialized equipment, including off-road vehicles and various watercraft
 - VCP K-9 program and tracking team, often train other agencies (i.e., WV Natural Resource Police)
 - In last five years, officers have received 20 lifesaving and 3 meritorious lifesaving service medals
- Teach Hunter Education and Boating Safety Classes to the general public and offer specialized training to local jurisdictions and state law enforcement on watercraft operations and officer water survival
- Since 1960, DWR responsible as the Boating Enforcement Agency / Port of Virginia - Security Member
- Second only to Virginia State Police in the number of sworn officers with statewide jurisdiction and full police powers, allows them to serve as a force multiplier for federal, state, and local law enforcement
 - 33% of VCP enforcement actions during the last three years is related directly to public safety
- Primarily charged with enforcement of laws and regulations in the woods and waters - Accredited by Virginia Law Enforcement Professional Standards Commission & National Association of State Boating Law Administrators

❖ Officer Staffing Challenges / Public Safety Needs

- Twenty-five years ago, nearly 220 officers across the state (**current funding for only 182 officers**)
- Patrol public and private lands to protect our wildlife and natural resources and promote public safety
 - At current staffing levels, each field officer is responsible for 455 square miles (~300,000 acres)
- In 2021, only 113 field officers were able to remove 236 boaters/drivers operating under the influence of alcohol from our waterways and highways. In addition, they made 415 arrests for firearm violations
- DWR is the largest state landowner, second only to VDOT (46 WMAs - over 215,000 acres)
- Responsible for recreational boating safety across the state
 - 53,225 miles of rivers and 116,364 acres of lakes
 - Increasing waterway usage - especially by canoes, kayaks, and standup paddle boards
- In 2021, 32% of boating fatalities occurred from paddle craft, due to failure to wear life jackets
- On a scale of 0 to 10 (extremely important), how important is conservation law enforcement work in your state, the national mean rating was 8.49 with the highest performance ratings for conducting search and rescue efforts followed by creating a safe and enjoyable recreational environment *

❖ Appropriations for Public Safety

- HB38 Transfer Funds to DWR have not kept pace with our growing personnel costs. Funding shortfalls over 25 years (cap was set at 13 million in 1998) have caused this to be an undependable, non-stable funding source to meet officer staffing needs (**20% decrease / resulting in a loss of nearly 40 officers**)
- VCP officers within DWR are the only state law enforcement (besides ABC) without a general fund line item for public safety within the state budget (see sister agency MRC with their Marine Police)
- Most Americans (60%) would like to see more conservation law enforcement officers in their state *
- Agencies may wish to consider expanding the role of conservation law enforcement when it comes to collaborating with local communities and educating the public on conservation and protection issues *

* Planning for the Future of Conservation Law Enforcement in the United States (National Report 2021)



Request for Support in Locating Suitable Property for Woods*Wildlife*Water (W3) Training and Educational Center

Executive Summary

Purpose: This public safety initiative is to acquire a large tract of state property suitable for this unique outdoor training center with all of the elements of woods, wildlife, and water to be used for training law enforcement recruits, officers/staff, and other emergency first responders from state and local jurisdictions. In addition, this will provide an appropriate site for providing hands-on training and educational opportunities to those interested in a career in the outdoors, as well as those who want to learn more about wildlife and natural resource outdoor experiences in a safe manner. Unfortunately, these training opportunities have been lacking in the state of Virginia, largely due to the unavailability of this type of outdoor resource, which is often found within other state wildlife agencies. Additionally, the facility will provide a commercial outdoor recreational firearms range and an ATV/UTV safety training course for public use.

Rationale: The DWR is the second largest state landowner in Virginia, with 46 Wildlife Management Areas (WMAs); however, these areas were obtained and are maintained with federal grant funds that preclude law enforcement use for training. The DWR currently does not have property that can be used for this type of training due to these grant requirement and limitations. In 2024, we will mark 20 years since our first in-house law enforcement academy session kicked off without having a dedicated outdoor training facility. Consequentially, we have had to rely on other local, state, and federal partners, which often times comes with conditions and last minute changes that impact the delivery of the training. Recently, we have been fortunate to network with other state wildlife agencies to better understand how they use their training facilities and outdoor spaces to create opportunities, so that we can serve all Virginians and not just law enforcement trainees. Pursuant to the DWR Inclusive Excellence Strategic Plan, we will explore opportunities to expand access to Virginia's wild spaces for underrepresented populations. Many of those living in Virginia's urban centers neither own, nor have access to, areas that would allow outdoor recreational shooting or ATV/UTV riding. Studies reveal that recreational shooting sports are growing with greater participation from women and people of color.¹ The DWR sees this capital acquisition and development project as an opportunity to showcase how a dedicated wild space for training and educational purposes can recruit, retain, and reactivate broader constituent groups.

Action Needed: Support for this concept and in locating a suitable piece of property to be known as the *Woods*Wildlife*Water (W3) Training & Educational Center*. To meet our educational goals for this piece of property, the primary characteristics for this training ground would include:

- 200 Acre Minimum with a Wooded Area (60% or greater)
- Various Elevation Changes (i.e., hills and valleys) for off-road driving courses
- Preferably with Body of Water (Pond) for fishing opportunities
- Suitable for building an Outdoor Recreational Shooting Range
- Central Virginia w/in two hours of the DWR HQ (Henrico)

¹ Firearm Ownership and Sport Shooting Participation in the United States 2009-2022, National Shooting Sports Foundation



Public Safety General Fund Budget Line Item Request

Executive Summary

Purpose: To establish a general fund line-item appropriation, specifically for public safety in the woods and on the waterways. These funds will be used to hire and equip officers for creating a safer and more enjoyable recreational environment by providing programs and services to broader constituencies. Currently, the Law Enforcement Division of DWR, known as Virginia Conservation Police (VCP), lacks staffing capacity due to stagnant revenue sources, which has resulted in a 20% decrease (*40 less officers*) over the last 25 years. This approach would provide the needed resources to address current inadequate staffing and public safety service requirements.

Rationale: The VCP Officers patrol public and private lands to protect wildlife and promote public safety. At current staffing levels, each field officer is responsible for over 455 square miles (equates to nearly 300,000 acres). More importantly, they are first responders often responding to public safety calls for service on the waters and in remote areas, usually without the luxury of back-up. Public safety does not stop in the woods and on the waterways; they have been sworn in with full police powers and in the past three years, 37% of their enforcement actions were responses to public safety incidents and property crimes (including actions incident to traditional duties). The VCP Officers also routinely serve as a force multiplier to local, state, and federal agencies, especially in the more rural areas of the Commonwealth. Due to their training and expertise, they are called upon as an integral assisting partner agency and engage in large-scale high-profile incidents and criminal investigations.

In addition, the DWR as the recreational boating agency, is facing increasing pressures and calls for emergency assistance from the usage by paddlecraft that do not require registration (*thus no revenue*), such as canoes, kayaks, and the significant increase in the use of the standup paddle board. Of solemn note, paddlecraft have been involved in 32% of the fatal boating incidents in Virginia, due to the failure to wear life jackets.

Action Needed: DWR's Law Enforcement Division has the lowest budget appropriation (*agency budget per officer*) despite being the second largest state law enforcement agency, and like the rest of DWR is funded only by restricted fund revenues and sales tax (watercraft and outdoor equipment) transfers. Unlike the rest of DWR, our law enforcement efforts are not eligible to receive support from federal Wildlife and Sportfish Restoration funds (the two largest federal grant sources for a state fish and wildlife agency) and are therefore further constrained. As of fiscal year 2023, agency spending, as measured as a ratio per law enforcement officer is \$134,000. In contrast, Maryland DNR has a per officer spending ratio of \$247,909.

Due to the ever-growing significant cost for LE personnel and emergency vehicles/watercraft, law enforcement today requires a consistent and reliable revenue stream of public safety funding. VCP Officers are the only state law enforcement (*besides ABC*) without a specific general fund line-item for public safety within the state budget. Request funding for additional officers (up to 40)

- For DWR, total of \$147,541 per officer cost (Officer Salary (\$51,000) and Benefits (49.1%) \$76,041 + Emergency Patrol Vehicle (\$60,000) and issued personal equipment (\$11,500))