

AGENDA

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

August 17, 2022
10:00 am

Committee Members: Mr. Leon Boyd, Chair, Ms. Catherine Claiborne, Mr. Michael Formica, Mr. Jon Cooper, (alternate), Mr. George Terwilliger, (alternate)

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

1. Call to Order and Welcome
Mr. Leon Boyd
2. Approval of the May 18, 2022 Committee Meeting Minutes **Final Action**
Mr. Leon Boyd
3. Public Comment – Non Agenda Item
Mr. Leon Boyd
4. Recommendations for Foxhound Field Trial Permits **Final Action**
Mr. Mike Fies
5. Aquatic Wildlife Regulations **Final Action**
Dr. Mike Bednarski
6. Boat Regulations Proposals **Final Action**
Ms. Stacey Brown
7. Wildlife Regulation Cycle Schedule & Proposed Board Meetings Dates **Final Action**
Dr. Gray Anderson
8. Wildlife Division Update
Dr. Gray Anderson
9. Fish Division Update
Dr. Mike Bednarski

10. Boating Division Update
Ms. Stacey Brown

11. Director's Report
Mr. Ryan Brown

12. Chair's Report
Mr. Leon Boyd

13. Next Meeting Date: Wednesday, TBD
Mr. Leon Boyd

11. Additional Business/Comments
Mr. Leon Boyd

12. Adjournment
Mr. Leon Boyd

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

May 18, 2022
10:00 am

Present: Mr. Leon Boyd chaired the meeting, Mr. John Daniel, Dr. Mamie Parker; **Absent:** Ms. Karen Terwilliger; **Board Members** in attendance: Mr. G. K. Washington, Mr. Michael Formica; **Executive Director:** Mr. Ryan Brown; **Deputy Directors:** Ms. Becky Gwynn; Mr. Gary Martel; **Director’s Working Group:** Mr. Darin Moore, Dr. Mike Bednarski, Dr. Gray Anderson, Mr. Bob Smet, Ms. Paige Pearson, Mr. Tom Guess, Mr. Paul Kugelman.

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

Approval of the March 23, 2022 Committee Meeting Minutes:

The Chair called for a motion to approve the March 23, 2022 Wildlife and Boat Committee meeting minutes. Mr. Daniel made a motion to approve the minutes of the March 23, 2022 committee meeting. Mr. Boyd seconded the motion.

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

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

Ms. Nedelcovic spoke regarding Wildlife Killing contest

Mr. Eric Fagerholm spoke regarding Wildlife Killing contest

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

Mr. Godfrey gave an update and Proposed Regulations on CWD.

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

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

Aquatic Wildlife Regulations Staff Proposals: The Chair called on Dr. Mike Bednarski for a presentation.

Dr. Bednarski presented the Aquatic Wildlife Regulations Staff Proposals.

Dr. Mamie Parker arrived at 10:45 am.

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

The Chair called for a motion. Mr. Daniel made a motion, Mr. Chair, I move that the Wildlife & Boat Committee recommend to the Board of Wildlife Resources adoption of the staff's regulatory recommendations for a 45 day public comment period. . It was seconded by Dr. Parker. The board secretary called the roll. Ayes: Boyd, Parker, and Daniel

Boat Regulations Staff Proposals: The Chair called on Mr. Tom Guess for a presentation.

Mr. Tom Guess presented the Boat Regulations Staff Proposals.

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

The Chair called for a motion. Dr. Parker made a motion. Mr. Chair, I move that the Boating and Permits staff recommendations be moved to the full board for their consideration. It was seconded by Mr. Daniel. The board secretary called the roll. Ayes: Boyd, Parker, and Boyd

Vulnerability of the DWR's Coastal Assets to Sea Level Rise: The Chair called on Mr. Clay Ferguson for a presentation.

Mr. Ferguson presented the Vulnerability of the DWR's Coastal Assets to Sea Level Rise.

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

Mr. Michael Formica departed at 12:10 pm.

Wildlife Division Update:

Dr. Anderson reported:

- Turkey Harvest 19,700
- Hound Field Trial Update
- Dr. Megan has moved onto the Fish and Wildlife Service

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

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

Dr. Bednarski reported:

Hatcheries reopen to the public on Friday May 27. A hatchery open house event is being considered for late summer/early fall.

With less than two weeks remaining in the Stocked Trout season, coldwater hatchery staff have stocked over 750 thousand fish to date totalling over 500k pounds. Stockings will continue at the three fee areas (Clinch Mtn., Crooked Creek and Douthat lake) providing anglers with a great opportunity to continue to fish for trout throughout the heat of the summer.

Warmwater hatchery staff have been busy collecting and spawning Walleye, Saugeye, and Striped Bass this spring. To date 1.5 million walleye were stocked into two dozen waters, and 100K Saugeye fingerlings were stocked into 6 waters.

Nearly 2500 Northern pike fingerlings were stocked into 5 waters thanks to a collaborative partnership with New Jersey Fish and Wildlife. Striped Bass will be harvested in the coming weeks before culture ponds are restocked with Crappie and Sunfish.

Over 10,000 catchable channel catfish will be stocked later this month as part of the Division's Urban Water stocking program. Ten waters throughout the Commonwealth will receive stockings.

1500 Triploid Grass Carp were recently stocked in 14 area waters in order to control overgrowth of submerged aquatic vegetation.

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

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

- May 21 – 27, 2022 is National Safe Boating Season
- Boating Division formed in 2021 – still hiring staff
- As of May 31, 2022 front desk is open 5 days a week
- From May 1 - May 12, 2022 Boat Section processed 44,000 transactions and answered 3,000 phone calls
- Operation Dry Week will be July 2-4, 2022

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

The Director reported:

- Annual Free Fishing Days are June 3-5, 2022
- Annual HRBT efforts are beginning
- RAWA

Chair's Report: The Chair thanked everyone for attending the Wildlife and Boat Committee meeting. The Chair thanked all the DWR staff that came out to South West VA and how much he enjoyed their visit.

The Chair asked if anyone had any further comments or questions, hearing none, he announced that the next meeting will be August 17, 2022 and adjourned the meeting at 12:35 pm.

Respectfully submitted,

Frances Boswell

/s/

FOXHOUND FIELD TRIAL PERMIT REVIEW BACKGROUND & TIMELINE

Board of Wildlife Resources Meeting – August 18, 2022

Background

During a special called meeting in the summer of 2021, the Board of Wildlife Resources directed the review of and development of recommendations related to the Department's existing permit regarding foxhound field trials held outside of foxhound training preserves.

The Board directs the review of dog field trial permits issued for foxhound field trials and the development of recommendations to be brought to the Board at a future meeting no later than one year from this date as to any revisions to permit conditions that will assist in ensuring that the integrity of these events is preserved, that intentional running of deer during these events is prohibited, and that rights of owners of adjoining lands are respected, and encourages the engagement with the field trial community on the development of any revisions.

The Department's existing dog field trial permit provides guidance for four (4) types of field trials – bird dogs, foxhounds, rabbit dogs, and squirrel dogs. A separate permit exists for raccoon dog field trials. While the existing permit conditions provide considerable guidance for certain types of field trials, guidance regarding foxhound field trials focused mostly on administrative process issues such as application submission deadlines, license exemptions, and basic regulatory requirements. Existing permit conditions for foxhound field trials did not adequately ensure the integrity of foxhound field trials, which sometimes resulted in the running of off-game species and conflicts with owners of adjoining lands.

Department staffs engaged the field trial community and interested landowners to identify and discuss issues associated with foxhound field trials and the current permitting process, and to develop recommendations to address these issues. The following portions of this document present a timeline of key milestones in the permit review and recommendation development process, administrative recommendations associated with the foxhound field trial permit, and a draft foxhound field trial permit application incorporating a suite of permit conditions which address the Board's directive.

Timeline of Key Milestones

- 8 August 2021 – Field trial clubs met and formed a new organization called the Virginia Field Trial Association (VFTA). By-laws and draft rules for hosted events were subsequently created.
- November 2021 – Staff reached out to Jason Mull, President of VFTA, to begin discussions and set up a meeting with their representatives to discuss issues associated with field trial events and develop recommendations to address these issues.
- January and February 2022 – Staff scheduled two different meetings with VFTA that were cancelled due to work conflicts with the VFTA representatives.

- 18 February 2022 – DWR staff met in Farmville to begin making progress on the Board assignment. Attendees include 3 Wildlife Division staff and 4 Law Enforcement representatives. Staff reviewed the current permit process and conditions, identified issues, brainstormed ideas to resolve issues, and developed a plan for moving forward.
- 21 April 2022 – DWR staff met with 5 representatives of the VFTA in Henrico to discuss issues identified in the staff meeting from 18 February and receive input on recommendations to address these issues. The group also discussed the draft “Host Rules and Best Practices” document developed by VFTA. A target date of 1 June was established to receive suggestions for changes to existing permit conditions and the VFTA document.
- 25 April 2022 – DWR staff met with 2 landowner representatives in Farmville to discuss issues associated with foxhound field trials and receive recommendations to resolve issues.
- 22 May 2022 – The VFTA met again to discuss issues and recommendations identified in the 21 April meeting. The group was officially renamed the Virginia Outside Field Trial Association (VOFTA), since their interests are limited to field trials held outside of training enclosures. The group agreed to several modifications to their Best Practices document.
- 6 June 2022 – DWR staff received additional input from VOFTA on permit conditions and were provided a revised Host Rules and Best Practices document.
- 16 June 2022 – Mike Fies submitted a revised permit application and conditions document to DWR staff for review.
- 16 June to 1 July 2022 – Input was received from DWR staff and a new draft document was created.
- 5 July – 8 July 2022 – Revised draft permit application and conditions documents were emailed to a representative of each sanctioning organization (NKC, MFHA, NFHA, and VOFTA) and an individual representing interested landowners. Comments were requested by 29 July.
- 25 July 2022 – DWR staff met with 3 representatives of the VOFTA in Farmville to receive input on latest draft of permit documents.
- 27 July 2022 – DWR staff met with 5 landowner representatives to receive input on latest draft of permit documents.
- 28 July 2022 through 17-18 August 2022 DWR Board Meetings – DWR staff coordinated with and received final input from sanctioning organizations and landowner representatives on proposed foxhound field trial permit application and conditions. Developed final recommendations for presentation to the Wildlife and Boat Committee meeting on 17 August 2022 and the full Board on 18 August 2022.

Recommendations Regarding Administration of the Foxhound Field Trial Permit

In addition to the recommended, draft application and permit conditions (included as a separate file), Department staffs offer three administrative recommendations regarding implementation of the revised foxhound field trial permit process. These recommendations are designed to enhance public transparency and understanding of foxhound field trials held outside training preserves, promote active engagement between DWR and field trial organizers and participants, and clarify expected implementation of this potential new permit.

Administrative recommendations include:

1. Develop a webpage for field trial organizers, field trial participants, and interested landowners to view a list of approved permits by the date and locality of each event.
2. Coordinate Conservation Police Officer (CPO) schedules to accommodate routine visitation of foxhound field trial events and foster productive relationships between CPOs and field trial participants.
3. Implement the recommended foxhound field trial permit for field trials outside of foxhound training preserves on January 1, 2023.

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES
APPLICATION FOR FOXHOUND FIELD TRIAL PERMIT
(OUTSIDE OF FOXHOUND TRAINING PRESERVES)
(Under Authority of §29.1-422 of the Code of Virginia)
Non-refundable Application Fee: \$25.00 per event
APPLICATIONS MUST BE RECEIVED 45 DAYS PRIOR TO THE EVENT

PLEASE NOTE: This application is only for foxhound field trial events held OUTSIDE of foxhound training preserves.

Name of Club/Organization: _____

Permit Applicant Name: _____ Customer ID # (Required): _____

Address: _____ Phone Number: _____

City: _____ State: _____ Zip: _____ Email: _____

All trials MUST be pre-approved and sanctioned by one of the following bona fide kennel club or field trial organizations recognized by DWR (see permit conditions). Unsanctioned events will not be approved.

Sanctioned By (Provide Certificate #): NKC _____ MFHA _____ NFHA _____ VOFTA _____

Date(s) of Trial: _____ Start Time: _____ Duration of Trial: _____

Number of Registered Participants: _____ Number of Dogs (see conditions for maximum # allowed): _____

Number of Contiguous Acres With Permission (minimum of 2,500 acres; map must be provided): _____

County(ies) Where Field Trial is Being Held: _____

Specific Location of Cast Site(s) (911 Address or GPS Map Coordinates; include secondary cast sites, if applicable):

Person in Charge of Records: _____ Phone Number: _____ Email: _____

Address (Street, City, State, Zip): _____

Location of Field Trial Headquarters (**MUST BE IN VA**; 911 Address or GPS Map Coordinates): _____

Signature _____ Date _____

By my signature above, I hereby certify that all entries made on this application are true and complete, that I have read and understand the permit conditions I have been provided and that the club will apply for and conduct the requested event as specified in the permit conditions and rules of the sanctioning organization, and I agree and understand that any falsification of information herein, regardless of time of discovery, may result in denial or revocation of my permit. Furthermore, I certify that I have obtained permission from all the landowner(s) on whose property the field trial will be conducted. TYPED SIGNATURE IS AUTHORIZED AND BINDING PER CODE OF VIRGINIA §59.1 CHAPTER 42.1 ET SEQ.

Make checks payable to “Treasurer of Virginia” and return to: Virginia Department of Wildlife Resources, Permits Section, P. O. Box 3337, Henrico, VA 23228.

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES
FOXHOUND FIELD TRIAL PERMIT LAWS, REGULATIONS, AND CONDITIONS

A. GENERAL PERMIT CONDITIONS:

1. A foxhound field trial is defined as an organized competition event in which hunting dogs are judged against accepted performance standards while chasing live foxes (or coyotes outside of training preserves). Field trials are NOT intended to be training opportunities and must be conducted in accordance with the rules of a bona fide dog kennel club or field trial sanctioning organization recognized in advance by the Department of Wildlife Resources (DWR). These organizations include the National Kennel Club (NKC), Masters of Foxhounds Association (MFHA), National Fox Hunters Association (NFHA), and the Virginia Outside Field Trial Association (VOFTA). All foxhound field trials conducted outside of training preserves must be sanctioned by one of these organizations. **Permit applications for unsanctioned events will not be approved.** The list of clubs and organizations recognized by DWR to sanction permitted field trial events in Virginia shall be reviewed at least once every 2 years.
2. Authorized dates for foxhound field trials outside of preserves shall be the second Saturday in January (one week following the end of the general firearms deer season) through the last Saturday in March (1 week prior to the youth/apprentice spring turkey weekend), and August 1 through the Saturday prior to the last Saturday in September (1 week prior to the youth/apprentice deer hunting weekend), starting and ending dates inclusive.
3. Under authority of § 29.1-422 of the Code of Virginia, foxhound field trials, as defined above, cannot be held without first obtaining permission from the Virginia Department of Wildlife Resources, and then only under permit conditions and other applicable laws and regulations.
4. Resident and nonresident participants in authorized foxhound field trials are not required to have a hunting license.
5. It is unlawful to hold a field trial in Virginia without first obtaining appropriate permission from all landowners on whose property the field trial is being conducted. The field trial area must consist of a minimum of 2,500 contiguous acres. A map delineating the outside boundary of the field trial area on which landowner permission has been secured must be submitted with the application. A specific 911 address or GPS map coordinates of all cast site locations must also be provided. Cast sites must be at least 500 yards from properties where permission has not be secured. Clubs and organizations shall attempt to notify landowners and the community adjacent to the field trial area of an upcoming trial at least 1 week prior to the event. Examples of possible notification methods include, but are not limited to, personal contacts, phone calls, emails, mailings, social media posts, or signage.
6. Applications for foxhound field trials must be received by the Department at least forty-five (45) days prior to the event. A separate application must be filed for each field trial. To avoid conflicts, no two clubs or organizations will be issued a permit for events scheduled on the same day that have cast sites within 15 miles of each other. Precedence will be given to the permit application that was first received. If adverse weather or natural disaster preclude conducting the field trial on the date indicated on the approved permit, the applicant must contact the organization which sanctioned the event and the Department's Permits Section (804) 367-1000 to coordinate rescheduling of the field trial. Field trials rescheduled within a six-month period of the date indicated on the original approved permit shall not require resubmission of the permit application.

7. The maximum number of dogs permitted to participate in a foxhound field trial is dependent on the size of the field trial area. No trial, regardless of area, shall allow more than 350 dogs to participate. The following table shall be used to determine the maximum number of dogs allowed for different size field trial areas:

Field Trial Area (Acres)	Maximum # Dogs Allowed
2,500-2,999	125
3,000-3,499	200
3,500-3,999	275
4,000 or greater	350

8. No foxes or other wildlife species may be killed by any person during a field trial event. Participants, club members, observers, and judges shall not possess a shotgun, rifle, or muzzleloader while on authorized field trial grounds. The word possession shall include, but is not limited to, having one of these weapons on one's person, or uncased in a vehicle or conveyance. This permit condition shall not apply to the possession of handguns, however, no handgun may be used for hunting during a field trial event.
9. Foxes and coyotes are the only species authorized to be pursued in foxhound field trial events outside of training enclosures. To the extent possible, the permitted club or organization is expected to ensure that participating dogs are trained to chase foxes or coyotes and not other species. In the event that a deer or other off-game species is pursued during a trial, judges and club members shall attempt to immediately break up the chase. Any hound involved in a deer or other off-game species chase shall not be scored for the cast involving the deer chase.
10. Permitted clubs and organizations shall make every effort to keep dogs and participants within the boundaries of the authorized field trial area. All participating dogs must wear a tracking collar during the event. When dogs venture off the field trial grounds, judges and club members shall contact the owners of the dogs to capture them as quickly as possible and recast them on the permitted field trial area or remove them from the competition.
11. Participants in foxhound field trials (including judges and club members assisting with trials) are not permitted to block or disrupt traffic on public roads. Participants shall not park next to roads, including the area defined as the public right-of-way, except in the case of emergency (§ 46.2-888 of the Code of Virginia and 24 VAC 30-21-30 of the Virginia Administrative Code). Participants who drive on to private lands beyond the established right-of-way distance must have permission of the landowner to access these lands.
12. Public lands may not be used to host foxhound field trials or to meet the 2,500-acre requirement for contiguous lands upon which a foxhound field trial is to be conducted, except when permission is granted by the agency responsible for managing these public lands.

B. PENALTIES:

A permit holder shall comply with all terms and conditions of any permit issued by the Department of Wildlife Resources pursuant to 4 VAC 15-290-130 of the Virginia Administrative Code. Penalties for violations are specified in § 29.1-505 of the Code of Virginia.

The Department may also revoke, suspend, or disapprove future field trial permit applications for failure to comply with permit conditions. Details regarding administrative permit actions and appeal processes can be found in the Department's "Appeals and Proceedings Regarding Denial, Suspension, Revocation, and Reinstatement of Wildlife Permits" document, available at: <https://dwr.virginia.gov/wp-content/uploads/media/permit-appeal-process.pdf>.

C. RECORD KEEPING:

Records at field trial headquarters must be made available to Department representatives upon request. While the field trial is in progress, a club member or organization representative must be present at the field trial headquarters to make these records available, if requested. Records shall include a copy of the permit (must be posted during the event), permit conditions, the names, addresses, and phone numbers of registered participants, and a list of the names of all judges. The names and contact information for landowners who provided permission to use their lands for the event shall also be available upon request. In the field, each judge must have an official score card or sheet that lists the field trial permit number assigned by the Department and is signed and dated by the club or organization secretary. All required records associated with a field trial event shall be retained by the club for a period of 2 years following the date of the field trial and shall be subject to inspection by the Department upon request.

D. OTHER AUTHORITIES:

This permit does not absolve the permittee of any responsibilities or conditions of any other federal, state, or local laws and regulations.

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

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

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's ~~2020~~ 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia that have established wild, self-sustaining populations, as included in the department's ~~2020~~ 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the headquarters and regional offices of the department.

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

The following animals are defined as domestic animals:

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

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

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

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

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

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

Domestic goat (*Capra hircus*).

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

Llama (*Lama glama*).

Alpaca (*Lama pacos*).

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

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

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

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

Domesticated races of gerbils (*Meriones unguiculatus*).

Domesticated races of chinchillas (*Chinchilla laniger*).

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

Domesticated races of mice (*Mus musculus*).

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

Domesticated races of chickens (*Gallus*).

Domesticated races of turkeys (*Meleagris gallopavo*).

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

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

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

Domesticated races of peafowl (*Pavo cristatus*).

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

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

COMMENTS: NONE

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

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

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

				aggregate less than 14 inches
			Claytor Lake	No smallmouth bass less than 14 inches
			Flannagan Reservoir	No smallmouth bass less than 15 inches No largemouth bass less than 12 inches
			Lake Gaston	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Leesville Reservoir	Only 2 of 5 largemouth

				or smallmouth bass in the aggregate less than 14 inches
			Lake Moomaw	No largemouth or smallmouth bass less than 12 inches
			Philpott Reservoir	No largemouth or smallmouth bass less than 12 inches
			Quantico Marine Base waters	No largemouth or smallmouth bass 12 to 15 inches
			Smith Mountain Lake and its tributaries below Niagara Dam	Only 2 of 5 largemouth or

				<p>smallmouth bass in the aggregate less than 14 inches</p>
			Rivers	
			<p>Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell Counties</p>	<p>No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches</p>
			<p>Levisa Fork River – within the boundaries Buchanan County</p>	<p>No largemouth or smallmouth bass less than 20 inches; only 1</p>

				largemouth or smallmouth bass in the aggregate per day longer than 20 inches
			Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 largemouth or smallmouth bass less than 14 inches
			James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches

			<p>New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk Southern Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows Dam downstream to the New River in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)</p>	<p>No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches</p>
			<p>North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line</p>	<p>No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day</p>

				longer than 20 inches
			Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No largemouth or smallmouth bass less than 15 inches from March 1 through June 15
			Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte County	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Shenandoah River, South Fork Shenandoah River, North Fork Shenandoah River	No largemouth or smallmouth bass 11 to 14 inches

			Staunton River -	
			Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
Alabama bass, spotted bass		No statewide daily limit No statewide length limit		
striped bass	landlocked striped bass and landlocked striped bass - white bass hybrids	4 per day in the aggregate No fish less than 20 inches	Buggs Island (Kerr) Reservoir, including the Staunton (<u>Roanoke</u>) River <u>and its tributaries</u> to Leesville Dam and the Dan River <u>and its tributaries</u> to Union Street Dam (Danville)	October 1 - May 31: 2 per day in the aggregate; no striped bass or hybrid

				<p>striped bass less than 20 inches <u>or</u> <u>greater than</u> <u>26 inches</u></p> <p>June 1 - September 30: 4 per day in the aggregate; no length limit</p>
			Claytor Lake and its tributaries	<p>September 16 – June 30: 2 per day in the aggregate; no striped bass or hybrid bass less than 20 inches</p> <p>July 1 – September 15: 4 per day in the aggregate; no length limit</p>

			Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	<p>2 per day in the aggregate</p> <p>November 1 - May 31: No striped bass 30 to 40 inches</p> <p>June 1 - October 31: No length limit</p>
			Lake Gaston	<p>4 per day in the aggregate</p> <p>October 1 - May 31: No striped bass or hybrid striped bass less than 20 inches</p> <p>June 1 - September 30: No length limit</p>
	anadromous (coastal)	Creel and length limits		

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

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

		No statewide length limits		
northern pike		2 per day No pike less than 20 inches		
muskellunge		2 per day No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to Claytor Dam, including Claytor Lake	1 per day; no muskellunge less than 42 inches
			New River - Claytor Dam downstream to the VA - WV state line	1 per day June 1 - last day of February: No muskellunge 40 to 48 inches March 1 - May 31: No muskellunge less than 48 inches

<p>bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass</p>		<p>50 per day in the aggregate</p> <p>No statewide length limits</p>	<p>Gaston and Buggs Island (Kerr) Reservoirs, <u>including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u> and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County</p>	<p>No daily limit</p>
<p>crappie (black or white)</p>		<p>25 per day in the aggregate</p> <p>No statewide length limits</p>	<p>Lake Gaston and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County</p>	<p>No daily limit</p>
			<p>Buggs Island (Kerr) Reservoir, <u>including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u></p>	<p>No crappie less than 9 inches</p>
			<p>Briery Creek and Sandy River Reservoirs</p>	<p>No crappie less than 9 inches</p>

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

				than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day; No statewide length limits	Lake Gaston	No daily limit, except only 1 blue catfish per day longer than 32 inches
			Kerr Reservoir, <u>including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u>	20 per day, except only 1 blue catfish per day longer than 32 inches
			James River and its tributaries below the fall line, Rappahannock River and its tributaries below the fall line, and York River and its tributaries (including the	No daily limit, except only 1 blue catfish per day longer

			Pamunkey River and Mattaponi River) below the fall line	than 32 inches
			All rivers below the fall line other than the James River and its tributaries, Rappahannock River and its tributaries, and the York River and its tributaries	No daily limit
	yellow, brown, and black bullheads	No daily limit; No length limits		
hickory shad	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission in tidal rivers		
	Meherrin River below Emporia Dam Nottoway River,	10 per day No length limits		

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

	Blackwater River (Chowan Drainage), North Landing and Northwest Rivers, and their tributaries plus Back Bay			
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North	4 per day No sea trout less than 14 inches		

	Landing River and its tributaries			
grey trout (weakfish)	Back Bay and tributaries including Lake Tecumseh and North Landing River and its tributaries	1 per day No grey trout less than 12 inches		
southern flounder	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	6 per day No flounder less than 15 inches		
northern snakehead		Anglers may possess snakeheads taken from Virginia waters if they		

		<p>immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925</p> <p>No statewide daily limit</p> <p>No statewide length limits</p>		
longnose gar		<p><u>July 1 to April 14: 5</u> per day</p> <p><u>April 15 to June 30: 1</u> <u>per day</u></p> <p>No statewide length limits</p>		

bowfin		<p><u>July 1 to April 14: 5</u> per day</p> <p><u>April 15 to June 30: 1</u> per day</p> <p>No statewide length limits</p>		
American eel		<p>25 per day</p> <p>No eel less than 9 inches</p>	Back Bay and North Landing River	<p>No possession limit for those individuals possessing a permit obtained under 4VAC15-340-80</p>
other native or naturalized nongame fish	<p>See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.</p>			
endangered or	<p>See 4VAC15-20-130. Definitions and Miscellaneous: In General.</p>			

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-11 16:45:09	This is good to preserve fishing for now and future years and generations.	We are not all professional bass fishermen	Would you please, please consider returning to the bass slot limit on the Clinch River in southwest Virginia? There are many people that could use some of these bass to eat. Times are rough in the part of the state, and 1-20" bass per day is not good for people in this area. There seems to be plenty of catchable bass, but we are not allowed to keep them. This is the only place I know to submit a request for regulation changes. Thank you so much for considering this.
2022-06-16 21:53:40	Change the upstream location limit for walleye and saugeye from Claytor Lake along the New River from Buck Dam in Carroll County to Fries Dam in Grayson County; this will allow potential increase in population of walleye by natural breeding along with stocking program.. this is part of the historical range of native walleye.. it is noted the historical walleye record came from the Fries to Byllesby section. It is also noted the Fries to Byllesby area is becoming very popular tourist section for use of River and New River Trail,, a good population of walleye is tourist draw.	i cannot think of any negative..	

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

A. It shall be unlawful to stock any species of fish into any inland waters of the Commonwealth without first obtaining written approval to do so from the department. Nothing in this section shall be construed as restricting the use of native and naturalized species of fish in privately-owned ponds and lakes, except spotted bass, blue catfish, and their hybrids may not be stocked.

B. The Department of Wildlife Resources (department) shall issue a written stocking authorization within 15 business days of receipt of a completed Virginia Fish Stocking Authorization Form, unless the department determines that granting such authorization may (i) endanger any native or naturalized population of fish; (ii) introduce, enable, or enhance the spread of fish diseases, including parasites; or (iii) establish nonnative or exotic aquatic species where such species may displace, threaten, or endanger native or naturalized species. Where an exception to issuance exists, the application shall be denied.

C. The department shall set an expiration date for each stocking authorization issued, limit the authorization to a specific species of fish, and geographically limit the stocking authorization.

D. The department is authorized to modify or revoke any stocking authorization where the department discovers any situation listed in subsection B of this section to exist or where otherwise permitted by law or regulation.

COMMENTS

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-13 09:46:51		the agency needs to do more to encourage stocking and participation, and less to restrict it, yall gonna regulate us to the point no one wants to do anything.	
2022-06-14 13:18:28	I'm only commenting on the last proposal, not each individual one. All the proposals should be passed. They all make sense. I commend you for doing an excellent job.	None	Thank you for the work you do.

4VAC15-330-150. Special provision applicable to trout fishing using artificial lures with single hook.

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

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

11. Stony Creek (Mountain Fork) and its tributaries within the Jefferson National Forest in Wise and Scott Counties from the outlet of High Knob Lake downstream to the confluence of Chimney Rock Fork and Stony Creek.
12. Little Stony Creek and its tributaries within the Jefferson National Forest in Scott County from the Falls of Little Stony Creek downstream to a posted sign at the Hanging Rock Recreation Area.
13. Little Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth and Tazewell Counties downstream to the concrete bridge.
14. Big Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth County from a sign starting at the foot of the mountain and extending upstream seasonally from October 1 until five days prior to the first Saturday in April.
15. South River in the City of Waynesboro from the Wayne Avenue Bridge downstream 2.2 miles to the Second Street Bridge.
16. Wolf Creek and its tributaries within the Abingdon Muster Grounds in the Town of Abingdon from Colonial Road downstream to Stone Mill Road.
17. Beaver Creek and its tributaries within the boundaries of Sugar Hollow Park in the City of Bristol.
18. Green Cove Creek in Washington County from Route 859 downstream to its mouth.
19. Whitetop Laurel Creek in Washington County upstream from the mouth of Straight Branch to a sign posted at the Forest Service boundary just downstream of Taylor Valley, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction.
20. Smith Creek in Alleghany County from the Clifton Forge Dam downstream to a sign at the Forest Service boundary above the C & O Dam.
21. Snake Creek in Carroll County below Hall Ford and that portion of Little Snake Creek below the junction of Routes 922 and 674, downstream to Route 58.

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

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-16 14:17:26	None	Most people that fish catch and release waters are in general fly fishermen. Nothing wrong with that, as I fly fish myself. I do however have a problem with designating water as catch and release when the majority of these fishermen do not purchase a trout license and have no intention of supporting the trout program.	
2022-06-20 15:14:48	This creates more special regs trout water in Virginia. It needs a lot more.	I don't see any unless you're fishing with worms.	I'm very happy that DWR's taking such a proactive stance on preserving Coldwater fisheries.

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

A. Generally. Except as otherwise provided by local legislation and by subsections B and C of this section, and except on waters stocked with trout and within 600 feet of any dam, it shall be lawful to use trotlines, juglines (single hook, including one treble hook, and line attached to a float), limblines, or set poles for the purpose of taking nongame fish (daily creel (possession) and length limits for nongame fish are found in 4VAC15-320-25) and snapping turtles (limits for snapping turtles are found in 4VAC15-360-10), provided that no live bait is used. Notwithstanding the provisions of this section, live bait other than game fish may be used on trotlines to take catfish in the Clinch River in the Counties of Russell, Scott, and Wise. Any person setting or in possession of a trotline, jugline, limbline, or set pole shall have it clearly marked by permanent means with his name, address, and telephone number, and is required to check all lines at least once each day, remove all fish and animals caught, and completely remove all lines from the water, shoreline, and tree limbs when not in use. This requirement shall not apply to landowners on private ponds, nor to a bona fide tenant or lessee on private ponds within the bounds of land rented or leased, nor to anyone transporting any such device from its place of purchase.

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

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-13 16:26:23	<p>I want to thank DWR for amending this regulation to clarify that these devices be removed when not being fished. In the 22 years I have been RiverKeeper for the Blackwater and Nottoway Rivers in Southampton County, I have had to remove more than my share of dead fish and wildlife killed by these devices that were left hanging in the trees along the river. I myself fish with these devices and enjoy the sport. I also remove them each time I am finished fishing them because I know how many critters can be killed by these things...and that is such a waste. There is also the aesthetics of leaving these in the trees. Both the Blackwater and Nottoway are Virginia designated Scenic Rivers. I worked hard to get that accomplished. Having dozens upon dozens of limblines with fluorescent surveyors tape plastered along these rivers pristine shores is quite a detraction from their beauty. There is also a safety component, I myself was nearly impaled by an abandoned limblime several years ago while being pulled behind a boat that got a little aggressive swinging me up next to shore. Luckily the hook missed me but did catch on the rubber handle of the tube and was snatched out of the tree. That big catish hook could have caused quite a wound if it had caught me somewhere on my body. So thank you again foe making this amendment. It kinda sad to me people have to have common sense spelled out to them, but thats the way it is I guess!</p>		<p>Thew proposed amendment should include wording that makes it clear that ALL limblime gear and markers be removed so people will not leave all that fluorescent survey tape in the trees</p>

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

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

B. Poison arrows or explosive-head arrows prohibited. It shall be unlawful to use poison arrows or arrows with explosive heads at any time ~~for the purpose of taking common carp, grass carp, northern snakehead, bowfin, catfish, goldfish, or gar~~ in the public inland waters of the Commonwealth.

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

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

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-13 11:38:58	Bowfin population will bounce back with larger breeding sizes.	None, but who will enforce them at 1am?	Yes, please add a Snakehead creel limit of 10 for both bowfisherman and rod/reel fisherman
2022-06-13 12:04:40	People taking less amount of fish killed. Even still many that bowfish are not using the meat and it is strictly for sport.	Fish don't stand a chance being targeted with a bow	
2022-06-13 12:45:21	I think it is great to set limits on gar an other native fish. Far too often do we see massive piles of native fish species killed with bow and arrow.	Wish the limits were more restrictive for native species.	Better enforcement of Limits for native fish. As well as a possible limit on snakehead. The introduction of a want and waste law.
2022-06-13 12:55:47	This is a good move forward. Bow fishing has drastically increased n popularity and absolutely requires more management attention and enforcement of regulations efforts.	Regulations are only as good as those that know them, follow them, and those that are enforced.	The lack of scientific evidence pertaining for-or-against the Northern Snakehead's environmental impact in region should lead to some bow fishing restrictions for the species. Creel limits should be considered for bow fishing of the species to minimize the unregulated slaughter of the animal each night. Example: limit 10 per bow fishing boat regardless of number of bow fisherman.

<p>2022-06-13 12:58:09</p>	<p>I believe the proposal for no slit and sink is great, i am a ambassador of the sport in this area and i feel this will help with the chances of a floating fish from not ending up on a homeowners bank giving the sport a bad reputation!</p>	<p>The negatives i find is on the limit of gar and bowfin. We are limited to 5 a day per person now without any studies as to why its at the current limit. If there is no data to support the limit we have now, whats the need to futher restrict our sport. Now i understand certain bodies of water may be an exception but the tidal rivers are infested with gar, which compete with bass and other gamefish. On any given night i see hundreds if not more than a thousand gar. Bowfin i understand more as i dont see the numbers of those as much. This sport is growing and many times familys take there kids and wives as well, we wanna enjoy a fair limit. If needed sure the bowfishing community will help with a study if needed to fairly set the limitations on our targeted species.</p>	<p>I am available to help discuss as well as help to do a study on numbers and we have a means to help with several large bowfishing organizations to help with whatever means to do studies, which may include funding. Please feel free to contact me if you wish to do so. Thanks hope to work with DWR on this matter! Sincerly Richard Hayden</p>
<p>2022-06-13 13:06:28</p>	<p>Positive impact would be that people stop dumping their fish back into the waters they fish.</p>	<p>Why limit the number gar between April 15 to June 30. In the past few yrs the number allowed has been decreased so why decrease it more? I don't agree with only allowing 1 from April 15 to June 30. Stay with the 5 allowed!!</p>	
<p>2022-06-13 17:58:48</p>		<p>Take of longnose gar and bowfish should not be allowed at all during the spawning period, 4/15-6/30. Five fish/day from 7/1 to 4/14 is too many.</p>	<p>Proposed legislation does not do enough to protect sustainable populations of longnose gar and bowfish.</p>

<p>2022-06-14 11:10:02</p>	<p>I support this for waterways that are lacking these predators</p>	<p>Limiting these on large systems such as the Potomac hampers those that make a living guiding these trips. During spring and early summer gar on the Potomac and her tributaries are secondary targets but they are extremely plentiful. Dropping the limit to one is unnecessary. In any given 5 hour period I see gar by the hundreds. Healthy populations along the Potomac.</p>	
<p>2022-06-14 14:32:33</p>	<p>I personally do not think that there is a positive!!</p>	<p>The negative would be that the population of long nose gar would explode tremendously!!</p>	<p>In further depth an this may be different in some areas, but i live right next door to Kerr Lake Reservoir.. the gar numbers now are crazy and if you put a limit on them it would get even worse.. apparently no one has been doing their studies correctly because on this lake alone there are thousands upon thousands of gar fish!!! I think this also stands for the Lake Gaston Reservoir as well because I bowfish both!! We have fishermen that beg us to get rid of some of the gar and we cannot due to the current creel limit!! I promise that this will not be a good outcome!!</p>

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

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

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4VAC15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4VAC15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland rivers and streams of the Commonwealth. It is unlawful to harvest grass carp from any public inland lake and reservoir. Anglers taking grass carp must ensure that all harvested grass carp are dead.

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

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, of which no more than 20 individuals may be crayfish, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4VAC15-360-60 and 4VAC15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. Any crayfish collected for use as fish bait may only be used as fish bait in the water body of capture.

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

~~6.~~ 6. The following species may not be taken or possessed in any number for private use: red-eared slider and all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan.

~~6.~~ 7. Native amphibians and reptiles, as defined in 4VAC15-20-50, that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

a. Period of captivity does not exceed 30 days;

b. Animals must be liberated at the site of capture;

c. Animals must have been housed separately from other wild-caught and domestic animals; and

d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

~~7.~~ 8. Native or naturalized amphibians and reptiles, as defined in 4VAC15-20-50, may not be taken or possessed in any number from state or federal land without an appropriate permit or license.

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

with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

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

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

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-13 10:07:49	none	removing taking crayfish from Big Sandy is a joke, they are under every rock everywhere, I grew up there and have spent the last 50 years in the creeks and streams, and there is no reason to limit or prohibit having them, In other states they are called mud bugs and are cooked and eaten by the billions. Permit is just another word for tax.	This is just another way for someone to get their name attached to a new rule and build their resume, yes I am overly blunt, but it is getting ridiculous, we already have to pack a very thick rulebook into the field with us to "enjoy" our resources. Lets not make it any thicker, in fact, lets try to make it less thick.
2022-06-15 09:50:55	none	A blue crayfish. A genetic anomaly, or mutation. So are we now protecting all mutations? The agency itself says Pie Bald deer are a mutation, and should not be allowed to spread. It started with a green salamander, now a blue crawdad, next it will be a green eyed skunk, and a ringtail murder hornet. What about the orange or black crawdads? Brown being the most common, what if a brown one has an extra antenna? Its getting a little silly. Permit equals Tax and a hinderance to use. Why just the Big Sandy? Has the rest of the state been searched for blue crawdads?	Ideology and Ramifications: Resources, that idea connotates the ability to use. The agency is supposed to exist to further the ability of those who fund it to utilize those resources. Ramifications, every time one of these white nosed bats, spotted owls, or green salamanders is protected, it causes severe detriment to human activity and industry. Want to put in a drain pipe, need a NEPA study, cost \$40k, want to harvest some timer? need a NEPA, and DEQ approval and have to wait till mating season is over. Y'all don't realize the ramifications of what some of these small looking regulations cause and how much they cost our domestic industry and your customers. Pretty soon you wont be able to sneeze without planting your tissue to save the microbes.

I am writing through this email, concerning Public Comment for the proposed 4VAC15-360-10 Taking aquatic invertebrates, amphibians, reptiles, and no game fish for private use. I tried to provide my comment through the Public Comment page on two different computers and it would not allow it and also says comment period is closed. (Today July-25th)

My concern is that the Department is considering to allow crayfish to only be used in the body of water which it is collected from. I fish Claytor Lake and Lake Moomaw, and use live bait. There is nowhere on either of these lakes that I see available to catch your own crayfish to use for bait. The stream which flows through my property has abundance of crayfish throughout the summer, but this stream is not large enough to fish (6' wide).

I'm afraid that the Game Department is being pushed by private fishing clubs to do away with live bait throughout the State. If anything the fishing clubs need be regulated with more stringent regulations.

I would like to ask the Board to consider leaving the regulations to allow crayfish to be used in different bodies of water other than where they are initially caught. If a certain stream is in danger, regulate that stream only.

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

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

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

C. ~~Permit holder to be present when seine operated; persons assisting.~~ The holder of a permit to seine for minnows and chubs (Cyprinidae) must be present at all times when the seine is being operated to catch minnows and chubs (Cyprinidae). ~~Persons assisting in the operation of the haul seine need not obtain permits.~~

D. ~~Records.~~ The holder of a permit to take minnows and chubs (Cyprinidae) for sale shall keep a record of the approximate number of minnows and chubs (Cyprinidae) taken by location (name and county of water body) and sold, together with the amount received therefor.

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-13 10:02:55		This is just another way for someone to get their name attached to a new rule and build their resume, yes I am overly blunt, but it is getting ridiculous, we already have to pack a very thick rulebook into the field with us to "enjoy" our resources. Lets not make it any thicker, in fact, lets try to make it less thick. Should not have to have to have a "permit" in the first place.	
2022-06-14 14:06:36	I agree with the proposal, and feel like it may have a positive impact on the minnow populations.	I do not foresee any negative impacts so long as the private capture and use of baitfish is still allowed. I grew up seining and using minnows and still do from time to time and feel like we need to preserve this aspect of fishing for future generations.	
2022-06-15 06:54:45	Great way to help protect minnows that need protection. Help protect or limiting removal of to many minnows in a area of the waterway	Limits bait shops inventory of selections and maybe their profits .	Minnows are food for a lot of wildlife, we need to limit profits for a few from our public creek and rivers. Getting your own bait can be fun, I support the change in the law.

4VAC15-370-45. Invasive species prevention.

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

COMMENTS:

Entry Date	What is your perspective on the positive impacts of the proposal?	What is your perspective on the negative impacts of the proposal?	Do you have additional comments you'd like to make about the proposal?
2022-06-12 20:39:48	There are none.	I disagree with the proposal. The proposal will cause problems with both enforcement & compliance when boaters trailer their boats across state lines.	Clearing a boat trailer of aquatic organisms is impossible without the aid of a pressure washer & is impractical when a boat is resting on its trailer's bunks.
2022-06-13 09:56:21		<p>is the agency prepared to provide cleaning equipment at every ramp and put in/take out point?</p> <p>This is a Pandora's box of problems here, this could mean algae, bacteria, ect.</p> <p>Next you expect the burden of sterilization of every piece of equipment,</p> <p>this is not practical, nature moves all the invasive stuff by itself anyway, flooding, birds, wind, ect.</p> <p>Stop making it harder for people to utilize this states resources.</p>	

2022-06-13 18:13:00	Very positive. Glad you are introducing this amendment to better prevent the spread of invasive species.	No negative impacts.	
2022-06-14 11:19:01	Absolutely the best form of prevention for spreading invasives	The infrastructure to support this is not there. 99% of boat ramps/marinas do not have a wash rack or even running water at their ramps to provide what you need to comply with this proposal.	The best way to encourage this would be for state park or state owned ramps to build wash racks for boaters to begin this cleaning process. Providing this at those ramps will have a twofold effect. One it will increase usage of state parks and state maintained ramps, increasing revenue garnered by these locations. Two it will provide boaters the opportunity to create the habit of making sure their vessel is clean and free of invasive lifeforms when leaving bodies of water.
2022-06-14 14:23:10	I can see the rationale for this proposal to help prevent the spread of aquatic species between water bodies.	I foresee this proposed regulation being a hassle to boat operators. Sometimes after a long day or night of fishing the last thing a boater wants to do is spend time and effort cleaning their boat. Also, it may be a judgment call if a CPO identifies some aquatic species or vegetation a boater may not have seen. This could also cause issues at boat ramps because boaters have to take extra time and space to fulfill the proposed regulations potentially causing conflict among boaters.	I feel as though this type of proposal should be voluntary instead of mandatory; unless, a specific body of water is known to have an invasive aquatic species present and poses a cross contamination risk to other bodies of water.

MISCELLANEOUS COMMENTS:

Dear Board,

I would like to make the following suggestions for changes in our VAC and Code language.

1. Have all guides within the state be licensed and bonded, plus carry insurance, and have proper safety training in CPR and first aid.
2. Require all persons on guide boats to have a fishing license.
3. Limit the number of rods used to 2 per person on a guide boat.
4. Limit the number of baitfish allowed on guide boats to 75.
5. Fees for licensing guides should be in the range of \$500 to \$5 000 depending on lakes approved to guide on.
6. Set up penalty scale for violation with revocation for life after so many offences.
7. Fees for licensing to go back to restocking of lakes and rivers, not for trout.

Thank you so much for your consideration,

VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES

BOATING DIVISION

**BOATING AND PERMITS REGULATION
RECOMMENDATIONS**

2022



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

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

Summary:

The proposed amendments (i) add a requirement that vessel operators give right-of-way and reduce speed to no wake when approaching law-enforcement vessels or emergency services vessels and (ii) provide a Class 3 misdemeanor and mandatory participation in a boating safety class for failing to comply.

Virginia Administrative Code

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 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.

Authority: § 29.1-735

Watercraft: Definitions and Fire Extinguishers

Summary:

The proposed amendments (i) clarify the definition of a throwable and wearable personal floatation device to match current U.S. Coast Guard standards; (ii) list the current U.S. Coast Guard website for approved equipment; and (iii) adjust the fire extinguisher classification types and requirements for vessels to match current U.S. Coast Guard standards.

Virginia Administrative Code

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

"Coastal waters" means the territorial seas of the United States, and those waters directly connected to the territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any

entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

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

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

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

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

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

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

"Throwable PFD" means a PFD that is intended to be thrown to a person in the water. A wearable PFD is not a throwable PFD.

"Use" means operate, navigate, or employ.

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

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

"Wearable PFD" means a PFD that is intended to be worn or otherwise attached to the body.

Statutory Authority

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

4VAC15-430-160. Fire extinguishing equipment application and general provisions.

A. The provisions of this section through 4VAC15-430-210, with the exception of 4VAC15-430-200, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of 4VAC15-430-200.

B. Where equipment in this section is required to be of an approved type, such equipment requires the specific approval of the U.S. Coast Guard. A listing of current and formerly approved equipment and materials may be found at <https://cgmix.uscg.mil/%u200Bequipment>.

C. All hand-portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of a type approved by the U.S. Coast Guard and shall have an efficient charge and be in good and serviceable condition as referenced in 4VAC15-430-170.

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

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

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

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

1. If the extinguisher has a pressure gauge reading or indicator it must be in the operable range or position.
2. Not expired or appear to have been previously used.
3. The lock pin is firmly in place.
4. The discharge nozzle is clean and free of obstruction.
5. The extinguisher does not show visible signs of significant corrosion or damage.

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

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

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

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

The following maintenance and inspections are required for such extinguishers:

1. When the date on the inspection record tag on the extinguishers shows that six months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.

2. If the weight of the container is one-fourth ounce less than that stamped on container, it shall be serviced.

3. If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in neck of the container is intact; and if such disc is not intact, the container shall be serviced.

4. If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

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

Statutory Authority

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

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

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

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

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

A. Motorboats.

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

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

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

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

B. Motorboats greater than 65 feet in length.

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

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

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

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

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

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

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

C. Barges carrying passengers.

1. Every barge of 65 feet in length or less while carrying passengers when towed or pushed by a motorboat be fitted with hand-portable fire extinguishers as required by the table in subsection B of this section, depending upon the length of the barge.

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

Statutory Authority

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

4VAC15-430-200. Condition and number of fire extinguishers required for recreational vessels.

A. Condition and number of fire extinguishers required for recreational vessels built model year 2017 or earlier, between 1953 and 2017, and contracted prior to November 19, 1953.

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

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

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

Watercraft: Commercial Vessel Safety Equipment Requirements

Summary:

The proposed amendments (i) make kapok and fibrous glass life preservers that do not have plastic-covered pad inserts acceptable personal floatation devices and (ii) change the term "Type V" commercial hybrid personal floatation device to the U.S. Coast Guard's new term "performance level 150."

Virginia Administrative Code

4VAC15-440-20. Lifesaving equipment required.

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

B. Each vessel not carrying passengers for hire less than 40 feet in length must have at least one U.S. Coast Guard approved life preserver (Type I PFD), buoyant vest (Type II PFD), or marine buoyant device intended to be worn (Type III PFD), of a suitable size for each person on board.

C. Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one approved wearable (Type I PFD) life preserver of a suitable size for each person on board.

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

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

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

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

Statutory Authority

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

Definitions and Miscellaneous: In General

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

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

Virginia Administrative Code

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

A. Pursuant to §§ 29.1-417, 29.1-418, 29.1-422 and other applicable provisions of the Code of Virginia, except as provided by this chapter the following annual fees shall be paid by applicants for the specified permits before any such permit may be issued.

<u>Permit Type</u>	<u>Cost</u>	<u>Late Fee</u>
Boat Ramp Special Use		
Nonprofit Public Use	\$10	
Private/Commercial Use	\$50	
Collect and Sell	\$50	
Commercial Nuisance Animals	\$25	
Exhibitors		
Commercial Use	\$50	\$25
Educational/Scientific Use	\$20	\$10
Exotic Importation and Holding	\$10	
Field Trial	\$25	
Foxhound Training Preserves	\$50	
Hold for Commercial Use	\$10	
Propagation	\$12.50	
Rehabilitation	\$10	\$10
Scientific Collection	\$20	
Special Hunting Permit	\$10	
Striped Bass Tournament	\$10	

Threatened & Endangered Species	\$20	
Trout Catch-Out Pond	\$50	

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

Statutory Authority

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

2023-2024 Wildlife Regulation Review and Amendment Process

Dates	Regulation Review Stage and Procedural Steps
October 3, 2022 - December 2, 2022	<p><i>Public Scoping Period</i> In consultation with individuals and constituent groups, DWR Wildlife Division staffs assess constituent and agency regulatory concerns and ideas for changes. Public participation and feedback is solicited.</p>
October 18 - 19, 2022	<p><i>Wildlife and Boat Committee & DWR Board Meeting</i> Wildlife staffs provide a brief summary on the status of the Public Scoping Period.</p>
January 18 - 19, 2023	<p><i>Wildlife and Boat Committee & DWR Board Meeting</i> Wildlife staffs will review significant feedback received during the public scoping period and seek Board input on potential regulation amendment issues.</p>
December 5, 2022 - February 28, 2023	<p><i>Committee Recommendation Development Period</i> Wildlife Division programmatic committees analyze biological and sociological data relevant to regulatory issues, to include:</p> <ul style="list-style-type: none"> • <i>Public feedback received during the public scoping period</i> • <i>Constituent satisfaction survey results</i> • <i>Meetings between DWR and individuals/constituent groups</i> • <i>Results of continuous, ongoing feedback from the public since previous regulation cycle</i> <p>Programmatic committee chairs, Wildlife Division management, Law Enforcement Division management, and other appropriate DWR staffs convene in mid- to late February to review the status of current programmatic committee recommendations and finalize development of proposal-stage regulation amendments. Proposal-stage regulation amendments are submitted to the Office of the Attorney General for review.</p>
March 15 - 16, 2023	<p><i>Wildlife and Boat Committee & DWR Board Meeting - "Proposal-stage Recommendations"</i> Wildlife staffs will present staff-generated, proposal-stage regulations amendments to the Board for its review and consideration. Board accepts public comment on staff-generated, proposal-stage regulation amendments and accepts additional regulation amendment recommendations from the public. The Board deliberates and votes to propose regulation amendments.</p>
March 27, 2023 - May 10, 2023	<p><i>Regulation Amendment Proposal Public Comment Period</i></p> <ul style="list-style-type: none"> • Public comment is solicited on Board regulation amendment proposals. • No public meetings unless a contentious issue needs to be addressed.
May 24 - 25, 2023	<p><i>Wildlife and Boat Committee & DWR Board Meeting - "Final Recommendations"</i> Wildlife staffs will present final proposed regulation amendment recommendations to the Board for its review and consideration. Board accepts public comment on final proposed regulation amendments. The Board deliberates and, as desired, votes to adopt regulation amendments.</p>
August 1, 2023	<p>Effective date for regulation amendments adopted by the Board.</p>

Proposed Board Meeting Dates for October 2022 - August 2023

<i>Meeting Date*</i>	<i>Key Meeting Topics</i>
October 19, 2022	1. Agency budget FY23 mid-year update.
January 19, 2023	1. 2023-24 Migratory Game Bird Seasons and Bag Limits - Proposal Stage 2. 2023-24 Hunting and Trapping Regulations - Significant Issues Review 3. Agency budget FY23 mid-year update
March 16, 2023	1. 2023-24 Migratory Game Bird Seasons and Bag Limits - Final Action 2. 2023-24 Hunting and Trapping Regulations - Proposal Stage 3. Agency budget FY23 mid-year update 4. Legislative update
May 25, 2023	1. 2023-24 Hunting and Trapping Regulations - Final Action 2. Agency Budget - Proposed FY24; FY23 Update
August 17, 2023	

* Committee meetings to be held the day prior.