

## **Teleconference/Video Board Meeting**

### **AGENDA**

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

Thursday, August 20, 2020  
9:00 am

Call to Order and Welcome

#### **Roll Call Vote**

- |   |                            |
|---|----------------------------|
| 1. Approval of the May 27, 2020 Board Meeting Minutes     | <b><u>Final Action</u></b> |
| 2. Staff Recommendations – Aquatic Regulations            | <b><u>Action</u></b>       |
| 3. Regulation proposal for camping on Department Lands    | <b><u>Action</u></b>       |
| 4. Wildlife Regulations public scoping period             |                            |
| 5. Annual Finance Report – Fiscal Year 2020               |                            |
| 6. Report on 2020 State Audit (2019 Fiscal year)          |                            |
| 7. Law Enforcement Accreditation Resolution               | <b><u>Final Action</u></b> |
| 8. Regulation proposal for changing DGIF to DWR           | <b><u>Action</u></b>       |
| 9. Regulation proposal for Facility Use Fee on boat ramps | <b><u>Action</u></b>       |
| 10. Director's Report                                     |                            |

11. Chair's Report

12. Next Meeting Date: Thursday, October 22, 2020 at 9:00 am

13. Closed Session

14. Adjournment

## Teleconference/Video Board Meeting

### DRAFT Board Minutes

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

May 27, 2020  
9:00 am

**Present:** Dr. Mamie Parker, **Chair**, Mr. John Daniel, II, **Vice Chair**; **Board Members:** Mr. G. K. Washington, Mr. Leon Boyd, Ms. Karen Terwilliger, Mr. Tom Sadler, Ms. Catherine Claiborne, Mr. Douglas Dear, Mr. Brian Vincent; **Absent:** Mr. Frank Adams; **Executive Director:** Mr. Ryan Brown; **Director's Working Group:** Mr. Gary Martel, Mr. Tom Guess, Dr. Gray Anderson, Dr. Mike Bednarski, Mr. George Braxton, Mr. Darin Moore, Mr. Lee Walker, Major Bryan Young, Major Scott Naff, Ms. Paige Pearson

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

The Chair opened the meeting at 9:00 am. The Chair welcomed everyone attending the virtual meeting and thanked everyone for being able to teleconference; the Chair thanked the Director and staff for making this virtual meeting possible, the Chair noted for the record that a quorum was present. The Chair, Dr. Mamie Parker announced that this meeting is proceeding under Item 4-0.01, subsection G of the Appropriation Act and section 2.2-3708.2 of the code of Virginia. It is being held by electronic communication, as the COVID-19 virus has made a physical meeting of the Board impracticable. This emergency imposed by COVID-19 is observed by Executive Orders 51, 53, and 55 issued by the Governor of Virginia. The Board's actions today shall be solely limited to those matters included on the agenda; while there will be opportunities for public comment on agenda items, there is no public comment on non-agenda items. All of these proposed actions are statutorily required or necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

### **Approval of the January 23, 2020 Board Meeting Minutes:**

The minutes of the January 23, 2020 minutes have been distributed and posted to the website for review. The Chair called for a motion to approve the minutes. Mr. Sadler made a motion to approve the January 23, 2020 Board minutes as submitted. It was seconded by Ms. Terwilliger. The Board Secretary took a roll call vote. Ayes: Parker, Washington, Boyd, Terwilliger, Daniel, Claiborne, Vincent, Dear, Sadler

### **Waterfowl Regulation Changes:**

The Board Chair called on Dr. Gary Costanzo to present the final Waterfowl Regulation Changes.

The Board Chair thanked Dr. Costanzo for his presentation.

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

The Board Chair called for a motion.

Mr. Leon Boyd made a motion. Ms. Chairwoman, I move that the Board approve the 2020-2021 Migratory Game Bird Season and Bag limit recommendations as presented by staff. It was seconded by Mr. Dear. The Board Secretary took a roll call vote. Ayes: Parker, Washington, Boyd, Terwilliger, Daniel, Claiborne, Vincent, Dear, Sadler

### **FY21 Operating & Capital Budget Proposal:**

The Board Chair called on Mr. Darin Moore to present the FY 21 Operating & Capital Budget Proposal.

The Board Chair thanked Mr. Moore for his presentation.

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

The Board Chair called for a motion.

Mr. Daniel made a motion, Ms. Chairwoman, I move that the Board adopt the FY21 Operating and Capital Budget, as presented. It was seconded by Mr. Dear. The Board Secretary took a roll call vote. Ayes: Parker, Washington, Boyd, Terwilliger, Daniel, Claiborne, Vincent, Dear, Sadler

### **No Boating Zone – Seabird Conservation Initiative:**

The Board Chair called on Ms. Becky Gwynn to present the No Boating Zone-Seabird Conservation Initiative.

The Board Chair thanked Ms. Gwynn for her presentation.

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

The Board Chair called for a motion.

Mr. Washington made a motion. Ms. Chairwoman, I move that the Board adopt the request to place regulatory waterway markers at the identified location in the City of Hampton at the confluence of the James River and Chesapeake Bay. It was seconded by Mr. Dear. The Board

Secretary called a Roll Call Vote. Ayes: Parker, Washington, Boyd, Terwilliger, Daniel, Claiborne, Vincent, Dear, Sadler

\*\* The Board Chair requested that the minutes reflect that the Board of Game and Inland Fisheries are grateful to the staff and Director for their efforts and hard work on this project. They commend the work and time commitment that staff have invested to make this project what it is today.

### **Election of Board Chair and Vice Chair for FY 2020-2021:**

The Board Chair called on Board Member Leon Boyd to present the 2020-2021 Nomination Committee Report for the Chair and Vice Chair. Ms. Chairwoman, the Nominating Committee's slate of officers for the FY 2020-2021 will be Mr. John Daniel, as Chair and Mr. Brian Vincent as Vice Chair for FY 2020-2021.

The Board Secretary called a Roll Call vote: Ayes: Parker, Washington, Boyd, Terwilliger, Daniel, Claiborne, Vincent, Dear, Sadler

### **Director's Report:**

The Board Chair called on Executive Director Ryan Brown for his report.

- Thanked Darin Moore and the Budget Team for all of their work on the 20-21 Budget.
- Gave an Update on COVID-19 - Reported the Agency still has no Positive COVID-19 cases. Office and Field staff are still teleworking and the work of the agency deadlines are being met.
- Hampton Roads Bridge Tunnel - Gave an update and explained what will take place next as we move forward on this project, thanked Becky Gwynn and Ruth Boettcher for all the time and work dedicated on HRBT Bird Management Plan. Read a letter received from the America Bird Conservancy from Mr. Carr and several others Birding groups thanking and commending the Department of Game and Inland staff on a job well done on the HRBT project in a short timeframe.
- Gave an update on the new agency name Department of Wildlife Resources that will begin on July 1, 2020
- CWD Update- Gave an update on CWD and an update on Rabbit Hemorrhagic Disease
- Spring Gobbler numbers are 20,525, up 14% from last year

- Recognized Board members - The Director recognized and thanked Mr. Leon Boyd who has been on the Board for 8 years and Mr. Douglas Dear who has been on the Board for 4 years who are both rotating off the Board June 30, 2020 The Director thanked them for their service to our board and their friendship. The Director also, thanked Dr. Mamie Parker for her service as Chairwoman of the Board for the past year and thanked her for her guidance during his first year as Director.

**Chair's Report:**

- The Chairwoman thanked staff and the Director again for organizing the Teleconference meeting.
- As her outgoing remarks, she talked about the checklist that was made when she took over as Chair and how it is almost complete and what a great year the board has had and how much she had enjoyed being Chair of the Board.
- The Chair thanked Mr. Boyd for his 8 years and Mr. Dear for his 4 years of service and leadership on the Board.

Respectfully submitted,

Frances Boswell

/s/

# **DEPARTMENT OF WILDLIFE RESOURCES**



## **REGULATION RECOMMENDATIONS AQUATIC WILDLIFE RESOURCES DIVISION**

**August 2020**

4VAC 15-20-50 Native and Naturalized Species List.....	3
4VAC 15-30-40 Importation Requirements, Possession and Sale of Nonnative Animals.....	5
4VAC 15-320-25 Creel and Length Limits.....	16
Black bass (Largemouth, Smallmouth, Spotted and Alabama).....	16
White Bass.....	17
Walleye.....	17
Yellow Perch.....	17
Blue Catfish.....	18
4VAC 15-320-60 Approval Required to Stock Fish into Inland Waters.....	19
4VAC 15-320-100 Department-Owned or Controlled Lakes, Ponds, Streams, Boat Access Sites, or Hatcheries.....	20
4VAC 15-330-110 Special Provisions Applicable to Certain Portions of Green Cove Creek, Smith Creek, and Snake Creek and Whitetop Laurel Creek.....	22
4VAC 15-330-150 Special Provisions Applicable to Trout Fishing Using Artificial Lures with Single Hook.....	23
4VAC 15-330-160 Special Provisions Applicable to Certain Portions .....	25
4VAC 15-340-10 Haul Seines to Take Fish for Sale.....	28
4VAC 15-340-30 Gill Nets.....	29
4VAC 15-340-60 Seines, Traps and Nets Prohibited in Certain Areas.....	30
4VAC 15-350-20 Gigs, Grab Hooks, Etc.; Certain Counties East of the Blue Ridge.....	31
4VAC 15-350-70 Taking of Fish with Bow and Arrow or Crossbow.....	32
4VAC 15-360-10 Taking Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish for Private Use.....	33
Appendix A. Creel and Length Limit Table.....	34



**4VAC15-20-50 Definitions; "Wild Animal," "Native Animal," "Naturalized Animal," "Nonnative (Exotic) Animal," and "Domestic Animal."**

**Summary:** The recommendation is to update the native and naturalized list to reflect new species occurrences and taxonomic changes.

**Recommended language:**

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 "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 "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.

**Rationale:** This list is updated every other year. Following approval, the updated list will go on our website and be available upon request.

#### 4VAC 15-30-40 Importation Requirements, Possession and Sale of Nonnative (Exotic) Animals

**Summary:** The recommendation is to add Alabama Bass to the predatory and undesirable species list, and to add an exception to allow live possession and release only on the body of water from which they were captured.

The recommendation is to clarify language relating to the harvest of Grass Carp.

#### Recommended language:

#### 4VAC15-30-40. Importation Requirements, Possession and Sale of Nonnative (Exotic) Animals.

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

AMPHIBIANS			
Order	Family	Genus/Species	Common Name
Anura	Bufonidae	Rhinella marina	Cane toad*
	Pipidae	Hymenochirus spp. Pseudohymenochirus merlini	African dwarf frog
		Xenopus spp.	Tongueless or African clawed frog
Caudata	Ambystomatidae	All species	All mole salamanders
BIRDS			
Order	Family	Genus/Species	Common Name
Psittaciformes	Psittacidae	Myiopsitta monachus	Monk parakeet*
Anseriformes	Anatidae	Cygnus olor	Mute swan

FISH			
Order	Family	Genus/Species	Common Name
Cypriniformes	Catostomidae	Catostomus microps	Modoc sucker
		Catostomus santaanae	Santa Ana sucker
		Catostomus warnerensis	Warner sucker
		Ictiobus bubalus	Smallmouth* buffalo
		I. cyprinellus	Bigmouth* buffalo
		I. niger	Black buffalo*
	Characidae	Pygopristis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyyella spp.	Piranhas
	Cobitidae	Misgurnus anguillicaudatus	Oriental weatherfish
	Cyprinidae	Aristichthys nobilis	Bighead carp*
		Chrosomus saylori	Laurel dace
		Ctenopharyngodon idella	Grass carp or white amur
		Cyprinella caerulea	Blue shiner
		Cyprinella formosa	Beautiful shiner
		Cyprinella lutrensis	Red shiner
		Hypophthalmichthys molitrix	Silver carp*
		Mylopharyngodon piceus	Black carp*

		Notropis albizonatus	Palezone shiner
		Notropis cahabae	Cahaba shiner
		Notropis girardi	Arkansas River shiner
		Notropis mekistocholas	Cape Fear shiner
		Notropis simus pecosensis	Pecos bluntnose shiner
		Notropis topeka (= tristis)	Topeka shiner
		Phoxinus cumberlandensis	Blackside dace
		Rhinichthys osculus lethoporus	Independence Valley speckled dace
		Rhinichthys osculus nevadensis	Ash Meadows speckled dace
		Rhinichthys osculus oligoporus	Clover Valley speckled dace
		Rhinichthys osculus ssp.	Foskett speckled dace
		Rhinichthys osculus thermalis	Kendall Warm Springs dace
		Scardinius erythrophthalmus	Rudd
		Tinca tinca	Tench*
Cyprinodontiformes	Poeciliidae	Gambusia gaigei	Big Bend gambusia
		Gambusia georgei	San Marcos gambusia
		Gambusia heterochir	Clear Creek gambusia

		Gambusia nobilis	Pecos gambusia
		Peociliopsis occidentalis	Gila topminnow
Gasterosteiformes	Gasterosteidae	Gasterosteus aculeatus williamsoni	Unarmored threespine stickleback
Gobiesociformes	Gobiidae	Proterorhinus marmoratus	Tubenose goby
		Neogobius melanostomus	Round goby
Perciformes	Centrarchidae	Micropterus henshalli	Alabama bass
	Channidae	Channa spp. Parachanna spp.	Snakeheads
	Cichlidae	Tilapia spp.	Tilapia
		Gymnocephalus cernuum	Ruffe*
	Elassomatidae	Elassoma alabamae	Spring pygmy sunfish
	Percidae	Crystallaria cincotta	Diamond darter
		Etheostoma chermocki	Vermilion darter
		Etheostoma boschungii	Slackwater darter
		Etheostoma chienense	Relict darter
		Etheostoma etowahae	Etowah darter
		Etheostoma fonticola	Fountain darter
		Etheostoma moorei	Yellowcheek darter

		Etheostoma nianguae	Niangua darter
		Etheostoma nuchale	Watercress darter
		Etheostoma okaloosae	Okaloosa darter
		Etheostoma phytophilum	Rush darter
		Etheostoma rubrum	Bayou darter
		Etheostoma scotti	Cherokee darter
		Etheostoma sp.	Bluemask (= jewel) darter
		Etheostoma susanae	Cumberland darter
		Etheostoma wapiti	Boulder darter
		Percina antesella	Amber darter
		Percina aurolineata	Goldline darter
		Percina jenkinsi	Conasauga logperch
		Percina pantherina	Leopard darter
		Percina tanasi	Snail darter
Scorpaeniformes	Cottidae	Cottus sp.	Grotto sculpin
		Cottus paulus (= pygmaeus)	Pygmy sculpin
Siluriformes	Clariidae	All species	Air-breathing catfish
	Ictaluridae	Noturus baileyi	Smoky madtom
		Noturus crypticus	Chucky madtom
		Noturus placidus	Neosho madtom
		Noturus stanauli	Pygmy madtom
		Noturus trautmani	Scioto madtom
Synbranchiformes	Synbranchidae	Monopterus albus	Swamp eel

MAMMALS			
Order	Family	Genus/Species	Common Name
Artiodactyla	Suidae	All Species	Pigs or Hogs*
	Cervidae	All Species	Deer*
Carnivora	Canidae	All Species	Wild Dogs,* Wolves, Coyotes or Coyote hybrids, Jackals and Foxes
	Ursidae	All Species	Bears*
	Procyonidae	All Species	Raccoons and* Relatives
	Mustelidae	All Species (except <i>Mustela putorius furo</i> )	Weasels, Badgers,* Skunks and Otters  Ferret
	Viverridae	All Species	Civets, Genets,* Lingsangs, Mongoosees, and Fossas
	Herpestidae	All Species	Mongoosees*
	Hyaenidae	All Species	Hyenas and Aardwolves*
	Felidae	All Species	Cats*
Chiroptera		All Species	Bats*
Lagomorpha	Leporidae	<i>Brachylagus idahoensis</i>	Pygmy rabbit
		<i>Lepus europeaeus</i>	European hare
		<i>Oryctolagus cuniculus</i>	European rabbit
		<i>Sylvilagus bachmani riparius</i>	Riparian brush rabbit



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

		Peromyscus polionotus peninsularis	St. Andrew beach mouse
		Peromyscus polionotus phasma	Anastasia Island beach mouse
		Peromyscus polionotus trissyllepsis	Perdido Key beach mouse
		Reithrodontomys raviventris	Salt marsh harvest mouse
	Heteromyidae	Dipodomys heermanni morroensis	Morro Bay kangaroo rat
		Dipodomys ingens	Giant kangaroo rat
		Dipodomys merriami parvus	San Bernadino Merriam's kangaroo rat
		Dipodomys nitratoides exilis	Fresno kangaroo rat
		Dipodomys nitratoides nitratoides	Tipton kangaroo rat
		Dipodomys stephensi (including D. cactus)	Stephens' kangaroo rat
		Perognathus longimembris pacificus	Pacific pocket mouse
	Sciuridae	Cynomys spp.	Prairie dogs
		Spermophilus brunneus brunneus	Northern Idaho ground squirrel

		Tamiasciurus hudsonicus grahamensis	Mount Graham red squirrel
Soricomorpha	Soricidae	Sorex ornatus relictus	Buena Vista Lake ornate shrew
MOLLUSKS			
Order	Family	Genus/Species	Common Name
Neotaenioglossa	Hydrobiidae	Potamopyrgus antipodarum	New Zealand mudsnail
		Dreissena bugensis	Quagga mussel
		Dreissena polymorpha	Zebra mussel
Veneroida	Dreissenidae		
REPTILES			
Order	Family	Genus/Species	Common Name
	Alligatoridae	All species	Alligators, caimans*
	Crocodylidae	All species	Crocodiles*
	Gavialidae	All species	Gavials*
Crocodilia			
Squamata	Colubridae	Boiga irregularis	Brown tree snake*
CRUSTACEANS			
Order	Family	Genus/Species	Common Name
		Cambarus aculabrum	Cave crayfish
		Cambarus zophonastes	Cave crayfish
		Orconectes rusticus	Rusty crayfish
		Orconectes shoupi	Nashville crayfish
		Pacifastacus fortis	Shasta crayfish
		Procambarus sp.	Marbled crayfish
Decapoda	Cambaridae		

	Parastacidae	Cherax spp.	Australian crayfish
	Varunidea	Eriocheir sinensis	Chinese mitten crab

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

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

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

E. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

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

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

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

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

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

**Rationale:** Alabama Bass are an invasive species that is now established in Virginia. Adding Alabama Bass to the predatory and undesirable species list adds restrictions on the possession and transport of the species. The exception for live possession on the body of water of capture and the allowance for release reflects the use of this species by bass anglers, who generally practice catch and release and who may participate in bass tournaments, where live release is often a stipulation. Given similarities in appearance to Largemouth and Spotted Bass, requirements to kill Alabama Bass may result in unintended harvest of Largemouth or Spotted Bass.

The modification to the Grass Carp portion clarifies that it is illegal to harvest Grass Carp out of public lakes and reservoirs. The previous language was unclear because it referred to “department-controlled lakes”.

#### **4VAC 15-320-25 Creel and Length Limits – Black Bass**

**Summary:** The recommendation is to add protections for smallmouth bass on Flannagan Reservoir (12” to 15” minimum size), eliminate size and bag limits on Alabama Bass and Spotted Bass statewide, and simplify regulations on the Shenandoah River by applying a single size and bag limit on the North Fork, South Fork, and mainstem.

**Recommended Language:** Creel and Length Limit table attached as appendix A.

**Rationale:**

Flannagan - Electrofishing catch rates for Smallmouth Bass in Flannagan Reservoir have declined substantially and remain low compared to those observed about ten years prior. Recent comments from anglers reflect this apparent decline in Smallmouth Bass abundance. Smallmouth Bass are a popular sportfish species in Flannagan Reservoir and anglers have voiced concerns over declining catch rates in recent years. The reality of this apparent decline is supported by annual electrofishing sampling conducted by VDWR with catch rates declining by about two-thirds since 2011. The harvest of Smallmouth Bass, like other black bass species, is relatively low. However, data from a 2016 creel survey on Flannagan Reservoir indicates that Smallmouth Bass measuring 12-13 inches in length make up nearly 70% of the total harvest for this species. Although the exact factors leading to the decline in Smallmouth Bass are unknown at this time, a conservative management approach would be to increase protection for a greater proportion of the Smallmouth Bass population.

Alabama Bass and Spotted Bass – Alabama Bass are an invasive species that has recently been discovered in Virginia. Spotted Bass are nearly identical in appearance to Alabama Bass and where found, occur at high abundance. To encourage harvest of both species, we are recommending no size or bag limit. This is consistent with North Carolina and their approach to dealing with invasive Alabama Bass. Given similarities in appearance, it is not feasible to maintain separate limits on these species.

Shenandoah River - Bass size limits vary by location on these rivers throughout the Shenandoah River Watershed. Conservation Police Officers and some stakeholders have requested more consistency among the regulations. An angler creel survey conducted in 2016 indicated no harvest of Bass on the South Fork Shenandoah River. Although no Bass harvest was observed, we are aware there is most likely a small amount of Bass harvest. The proposed change will apply the same regulation to the North Fork, South Fork, and mainstem of the Shenandoah River. This part of the Aquatic Wildlife Resource Division’s efforts to simplify regulations where possible.

#### **4VAC 15-320-25 Creel and Length Limits – White Bass**

**Summary:** The recommendation is to apply a 10 fish/day creel and 14” minimum size to White Bass in Lake Gaston.

**Recommended Language:** Creel and Length Limit table attached as appendix A.

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

The White Bass fishery was once very popular in the Staunton River drainage. If we can recover the fishery through stocking, it will be necessary to protect the establishing fishery through regulation (creel and/or length limits). A regulation change will also be necessary to match a statewide regulation already imposed by the North Carolina Wildlife Resources Commission (14” minimum length limit, 10 fish/day creel limit). VDWR and NCWRC try to enforce the same regulations on shared waters like Kerr Reservoir, Lake Gaston, and the Dan River.

Age and growth information shows that White Bass in the system grow quickly and should reach the minimum size limit in just two to three years.

#### **4VAC 15-320-25 Creel and Length Limits - Walleye**

**Summary:** The recommendation is implement a consistent, year round slot limit of 19-28” (with 2/day limit) on Walleye in Claytor Lake and portions of the New River.

**Recommended Language:** Creel and Length Limit table attached as appendix A.

**Rationale:** Implement a year round 19 to 28 inch slot limit, 2 per day creel limit for Walleye from Claytor Lake Dam to Buck Dam in Carroll County to provide further protection for large female Walleye in this section of the Upper New River. Remove the 20 inch minimum size limit with a 5 per day creel limit from the New River upstream from Buck Dam and the reference to the 18 inch minimum size limit on the New River downstream from Claytor Dam, allowing these areas of the New River to be regulated by statewide Walleye size and creel limits. This is part of the AWRD’s efforts to simplify fishing regulations where possible.

#### **4VAC 15-320-25 Creel and Length Limits – Yellow Perch**

**Summary:** The recommendation is implement a 9” minimum size on Yellow Perch below the fall line for all coastal rivers of the Chesapeake Bay.

**Recommended Language:** Creel and Length Limit table attached as appendix A.

**Rationale:** About five years ago (~2013), members of CCA Northern Virginia Chapter began complaining about population status of Yellow Perch in Virginia Potomac River tributaries (primarily Occoquan River and other northern Virginia creeks). Complaints continued and intensified over the next few years. Concerns centered on poor recreational catch rates and perceptions of commercial overfishing. Yellow Perch are a native species present in all large coastal rivers, many smaller rivers and reservoirs. Currently, there is no regulation on harvest (no creel or size limit), and they are one of the species specifically designated to be taken in “unlimited numbers” below the fall line.

Surveys indicate that Yellow Perch abundance in Virginia is lower than expected, and total annual mortality was high. Adding a 9” minimum size is a prudent measure to foster recovery and sustainable harvest.

#### **4VAC 15-320-25 Creel and Length Limits – Blue Catfish**

**Summary:** The recommendation is to apply a no daily limit, except only one over 32” limit on Blue Catfish to the Rappahannock River and its tributaries, below the fall line.

**Recommended Language:** Creel and Length Limit table attached as appendix A.

**Rationale:** Blue catfish are currently managed under the same regulation in the tidal James and York River systems. Expanding to the Rappahannock will increase regulatory consistency and limit harvest of very large catfish, which comprise a small portion of the population and are known to have a higher contaminant load. This will limit consumption of potentially contaminated fish. This will also benefit the popular trophy fishery, which generates millions of dollars across the Virginia tributaries of the Chesapeake Bay.



#### **4VAC 15-320-60 Approval Required to Stock Fish into Inland Waters**

**Summary:** The recommendation is to make it unlawful to stock Spotted Bass in Virginia

**Recommended Language:**

**4VAC15-320-60. Approval Required to Stock Fish into Inland Waters.**

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 as well as blue catfish and their hybrids may not be stocked.

**Rationale:** Spotted Bass are almost identical in appearance to the invasive Alabama Bass. Alabama Bass are spread by anglers attempting to establish sport fisheries. By restricting the stocking of Spotted Bass, the potential for unintentional stocking of Alabama Bass is reduced. This action also eliminate a potential reason for having live Alabama Bass in possession outside of the body of water of capture, helping to establish intent to stock illegally.

#### **4VAC 15-320-100 Department-Owned or Controlled Lakes, Ponds, Streams, Boat Access Sites, or Hatcheries**

**Summary:** The recommendation is to modify existing regulations on department-owned lakes and ponds to allow paddleboats and to allow contests for prizes, with restrictions that require a permit and limit events to catch, photo, release.

#### **Recommended Language:**

#### **4VAC15-320-100. Department-Owned or Controlled Lakes, Ponds, Streams, Boat Access Sites, or Hatcheries.**

A. Motors and boats. Unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond or stream, the use of boats propelled by gasoline motors or sail is prohibited. Department employees and other government agency officials may use gasoline motors in the performance of official duties.

B. Method of fishing. Taking any fish at any department-owned or controlled lake, pond or stream by any means other than by use of one or more attended poles with hook and line attached is prohibited unless otherwise posted in which case cast nets (subject to [4VAC15-360-10 B](#)) may be used for collecting nongame fish for use as bait.

C. Hours for fishing. Fishing is permitted 24 hours a day unless otherwise posted at each recognized entrance to any department-owned or controlled lake, pond, stream, or boat access site.

D. Seasons; hours and methods of fishing; size and creel limits; hunting and trapping. The open seasons for fishing, as well as fishing hours, methods of taking fish and the size, possession and creel limits, and hunting and trapping for department-owned or department-controlled lakes, ponds, streams or boat access sites shall conform to the regulations of the board unless otherwise excepted by posted rules by the director or his designee. Such posted rules shall be displayed at each lake, pond, stream or boat access site, in which case the posted rules shall be in effect. Failure to comply with posted rules concerning seasons, hours, methods of taking, bag limits, and size, possession and creel limits shall constitute a violation of this regulation.

E. Other uses. Camping overnight or building fires (except in developed and designated areas), swimming, or wading in department-owned or department-controlled lakes, ponds or streams (except by anglers, hunters and trappers actively engaged in fishing, hunting or trapping), is prohibited. All other uses shall conform to the regulations of the board unless excepted by posted rules.

F. Fishing tournaments, etc. A boat ramp special use permit is required to organize, conduct, supervise or solicit entries for fishing tournaments, rodeos or other fishing events on lakes, ponds, or streams owned by the department, for which prizes are offered, awarded or accepted based on size or numbers of fish caught, either in money or other valuable considerations. Any fish captured and entered for scoring or consideration during a permitted fishing tournament, rodeo, or other fishing event on lakes, ponds or streams owned by the department must be

immediately released at the capture site. A boat ramp special use permit is not required for tournaments, rodeos or other fishing events that occur on a statewide or nationwide basis and that do not have a designated meeting or gathering location.

**Rationale:** Some anglers fish from paddleboats, and there is little reason to restrict said vessels. Allowing catch-photo-release contests on department-owned lakes and ponds will increase usage and provide additional recreational opportunity for small boats and paddlecraft. We received several inquiries from kayak tournament organizations asking for a change in this regulation. A permit system will prevent user conflict and create a stream of fishery dependent data for our biologists to use to manage department-owned lakes.

**4VAC 15-330-110 Special Provisions Applicable to Certain Portions of Green Cove Creek, Smith Creek, and Snake Creek and Whitetop Laurel Creek**

**Summary:** The recommendation is to move portions of Green Cove Creek, Smith Creek, Snake Creek and Whitetop Laurel Creek from 12” minimum size to catch and release.

**Recommended Language:**

**Rationale:**

The special regulation sections of Whitetop Laurel and Green Cove Creek have been managed under a single hook artificial lure, six fish per day/12” minimum size limit for many years. Scientific data reveals that most wild trout in these two streams rarely reach 11” in length, thus providing very few opportunities to actually creel a legal fish. The special regulation sections of Snake Creek and Smith Creek are managed through fingerling trout stockings.

Whitetop Laurel and Green Cove Creek are the most popular wild trout streams in the Mount Rogers National Recreation Area and receive the heaviest fishing pressure in Southwest Virginia. The Stocked Trout Management Plan and the Wild Trout Management Plan stress the need to simplify and streamline regulations where possible. Popularity of Whitetop Laurel and Green Cove Creek has led DGIF staff to consider changing the current regulation to catch and release which will more align with some of the current special regulations found on other local wild trout streams.

The Stocked Trout and Wild Trout Management plans have encouraged simplification of regulations where appropriate. The current 12” minimum size limit currently functions as a catch and release regulation on both Snake Creek in Carroll County and Smith Creek in Alleghany County. As a result it makes sense to remove the 12” minimum size limit from those waters and apply catch and release regulations that would be compatible with the changes for Whitetop Laurel and Green Cove Creek.

**4VAC 15-330-150 Special Provisions Applicable to Trout Fishing Using Artificial Lures with Single Hook.**

**Summary:** The recommendation is to move portions of Green Cove Creek, Smith Creek, Snake Creek and Whitetop Laurel Creek from 12” minimum size to artificial lure, single hook, catch and release.

**Recommended Language:**

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

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

1. The Stewarts Creek Trout Management Area in Carroll County.
2. The Rapidan and Staunton Rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County.

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

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

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

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

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

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

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.

**Rationale:** See rationale for 4VAC 15-330-150.

**4VAC 15-330-160 Special Provisions Applicable to Certain Portions of Accotink Creek, Back Creek, Big Moccasin Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, Indian Creek, North River, Passage Creek, Peak Creek, Pedlar River, North Fork of Pound and Pound Rivers, Middle Fork of Powell River, and Roanoke River.**

**Summary:** The recommendation is to add Hardy Creek and Piney River as delayed harvest opportunities. Remove Peak Creek and Hardware River from delayed harvest list.

**Recommended Language:**

4VAC15-330-160. Special Provisions Applicable to Certain Portions of Accotink Creek, Back Creek, Big Moccasin Creek, Chestnut Creek, Hardy Creek, Holliday Creek, Holmes Run, Indian Creek, North River, Passage Creek, Pedlar River, Piney River, North Fork of Pound and Pound Rivers, Middle Fork of Powell River, and Roanoke River.

It shall be lawful to fish from October 1 through May 31, both dates inclusive, using only artificial lures in Accotink Creek (Fairfax County) from King Arthur Road downstream 3.1 miles to Route 620 (Braddock Road), in Back Creek (Bath County) from the Route 600 bridge just below the Virginia Power Back Creek Dam

downstream 1.5 miles to the Route 600 bridge at the lower boundary of the Virginia Power Recreational Area, in Big Moccasin Creek (Scott County) from the Virginia Department of Transportation foot bridge downstream approximately 1.9 miles to the Wadlow Gap Bridge, in Chestnut Creek (Carroll County) from the U.S. Route 58 bridge downstream 11.4 miles to the confluence with New River, in Hardy Creek (Lee County) from the VDOT swinging bridge just upstream of the Route 658 ford downstream to the Route 661 bridge, in Holliday Creek (Appomattox/Buckingham Counties) from the Route 640 crossing downstream 2.8 miles to a sign posted at the headwaters of Holliday Lake, in Holmes Run (Fairfax County) from the Lake Barcroft Dam downstream 1.2 miles to a sign posted at the Alexandria City line, in Indian Creek within the boundaries of Wilderness Road State Park (Lee County), in the North River (Augusta County) from the base of Elkhorn Dam downstream 1.5 miles to a sign posted at the head of Staunton City Reservoir, in Passage Creek (Warren County) from the lower boundary of the Front Royal State Hatchery upstream 0.9 miles to the Shenandoah/Warren County line, in the Pedlar River (Amherst County) from the City of Lynchburg/George Washington National Forest boundary line (below Lynchburg Reservoir) downstream 2.7 miles to the boundary line of the George Washington National Forest, in the Piney River (Nelson County) in that portion of stream from the Piney River Trailhead (Route 151) to the Rose Mill Trailhead (Route 674) adjacent to the Blue Ridge Railway Trail, in North Fork of Pound and Pound rivers from the base of North Fork of Pound Dam downstream to the confluence with Indian Creek, in the Middle Fork of Powell River (Wise County) from the old train trestle at the downstream boundary of Appalachia extending approximately 1.9 miles downstream to the trestle just upstream of the Town of Big Stone Gap, in the Roanoke River (Roanoke County) from the Route 760 bridge (Diuguids Lane) upstream 1.0 miles to a sign posted at the upper end of Green Hill Park (Roanoke County), and in the Roanoke River (City of Salem) from the Route 419 bridge upstream 2.2 miles to the Colorado Street bridge. From October 1 through May 31, all trout caught in these waters must be immediately returned to the water unharmed, and it shall be unlawful for any person to have in possession any bait or trout. During the period of June 1 through September 30, the above restrictions will not apply.

**Rationale:**

The Hardware River (Fluvanna County), within the Hardware River Wildlife Management Area (HRWMA), is a stocked trout stream managed under a special regulation (delayed harvest). The delayed harvest program was created in the late 80's to provide a catch-and-release fishing experience for trout angler that fish exclusively with artificial lures and flies. The Hardware River was one of the first streams added to the program because it provided a long stretch of fishable water on public land that was close to the population centers of Richmond and Charlottesville. Since 2007, agency field staff and law enforcement has observed little usage of the fisheries resource in the Hardware River and attribute low usage to the difficulty for anglers to reach the stream at multiple locations and the lack of habitat to hold trout during the stocking

season. At two of the three access locations, anglers have to hike 0.5 to 1 miles to access the stream and the sandy, low-gradient stream does not have the deep pools and barriers to stop trout from migrating downstream to the James River. There have been numerous complaints from anglers that have traversed the long distances to fish the stream and did not catch or even observe a trout in the stocked section. This is especially true the longer the time after a stocking event and after moderate to high flow stream events. Additionally, access roads to stocking locations are difficult to maintain by the limited agency staff and have considerable degradation/erosion, causing unsafe travel conditions for stocking vehicles. Agency staff feels like the trout allocated for the Hardware River could be used in other locations that have better benefits for the anglers of Virginia, including the expansion of the Piney River fishery in neighboring Amherst County or potential waters in the Town of Charlottesville.

Lee County offers anglers limited fishing opportunities due to limited access because of private land ownership. The Stocked Trout Management Plan proposes an increase in special regulation trout waters to meet an increasing desire by anglers to offer more fishing opportunities other than the traditional catchable stocked trout waters (put-n-take). Hardy Creek historically was enrolled in the stocked trout program, but was discontinued due to conflicts associated with the traditional opening day. Lee County residents have petitioned DWR to renew management of this stream with the approval of the current landowners and the County Board of Supervisors. Hardy Creek offers desirable flows, temperatures, and instream habitat to support trout. Additionally, hatchery production at the Marion Fish Hatchery would allow for the inclusion of this new water into the delayed harvest program without impacts to the hatchery's current allocations.

This regulation proposal has been requested by DWR Law Enforcement and by numerous anglers that fish Peak Creek. By removing Peak Creek from Delayed Harvest regulation and adding it to the Catchable Trout Program, the desires of anglers would be satisfied. In addition, a portion of Peak Creek is dangerous for the public to access and has very poor trout habitat. This section needs to be eliminated from the Delayed Harvest boundary anyway. Finally, converting this stream from Delayed Harvest to the Catchable Trout Program would be the most appropriate to allow immediate harvest of stocked trout, particularly with the continuation of studies at the old Allied Chemical plant site.

This segment of the Piney River offers a unique opportunity for a hike/bike-in fishery. Adjacent landowner permission and public access have been secured. The habitat offers the potential for the development of an excellent trout fishery. The existing infrastructure (Blue Ridge Railway Trail) provides foot/bike access, stocking access, and parking. Development of a delayed harvest fishery on this segment of the Piney River will offer an excellent trout fishing experience to anglers. The setting, access, and habitat conditions suggest use will be high and anglers will be very satisfied with the experience.



#### **4VAC 15-340-10 Haul Seines to Take Fish for Sale**

**Summary:** The recommendation is to remove American Shad from the list of species allowed to be taken for sale with haul seines in Virginia Beach City.

#### **Recommended Language:**

##### **4VAC15-340-10. Haul Seines to Take Fish for Sale.**

A. Authorization to take fish for sale. A haul seine permit shall authorize the person to whom issued to take fish for sale as specified with a haul seine from the waters designated in this section.

B. Permit holder to be present when seine operated. The holder of a haul seine permit must be present with the seine at all times when it is being operated. The holder, however, may have others to assist him and such persons assisting are not required to have a permit.

C. Length and size of nets. The length of haul seine nets shall not be more than 500 yards. The size of mesh shall be 1-1/2 inch bar mesh.

D. Season and fish to be taken in Virginia Beach City. In Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake), North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River), the open season to take all fish, except game fish, American shad, alewife, and blueback

herring, with a haul seine shall be from November 1 through March 31, both dates inclusive. The harvest limit for anadromous hickory shad shall be 10 per day.

E. Labeling packages containing fish taken with haul seine. It shall be unlawful for any person to ship or otherwise transport any package, box or other receptacle containing fish taken under a haul seine permit unless the same bears a label showing the name and address of the owner of the seine and a statement of the kind of fish contained in it.

F. Reporting. The holder of a permit to take fish for sale by means of haul seines shall keep a record of the pounds of fish taken by species and location (name and county of water body), and the pounds of each species sold.

**Rationale:** Harvest of American Shad is currently not allowed under VMRC regulations because of the poor status of the stock. This will bring the regulation into alignment with VMRC regulations.

#### **4VAC 15-340-30 Gill Nets**

**Summary:** The recommendation is to remove American Shad from the list of species allowed to be taken for sale with gill nets in Virginia Beach City.

#### **Recommended Language:**

##### **4VAC15-340-30. Gill Nets.**

A. Authorization to take fish. A gill net permit shall authorize the holder thereof to take nongame fish during the times and in the waters and for the purposes provided for in this section. Such gill net shall not be more than 300 feet in length. The mesh size shall be not less than one-inch bar or square mesh (three-inch stretch mesh). Applicants must annually purchase tags for each net the applicant intends to operate and attach a department tag to each net prior to use. A single permit will be issued to the permittee and shall list each tag number the permittee has been issued. All nets must be checked daily and all game fish returned to the wild.

B. Permit holder to be present when gill net is being set and checked for fish. The holder of a gill net permit must be present with the net at all times when it is being set and checked for fish. The holder may have others to assist him, and such persons assisting are not required to have a permit. However, those assisting the permittee must meet the fishing license requirements of the Commonwealth.

C. Times and places permitted in Virginia Beach City; fish which may be taken. Gill nets may be used in Virginia Beach City in Back Bay and its natural tributaries (not including Lake Tecumseh and Red Wing Lake) and North Landing River from the North Carolina line to Pungo Ferry (not including Blackwater River) for the taking of nongame fish, except American shad, alewife and blueback herring, for table use and also for sale from November 1 through March 31, both dates inclusive. The harvest limit for anadromous hickory shad shall be 10 per day. Gill nets set in Back Bay waters shall be at least 300 feet from any other net and at least 300 feet from the shoreline. All such nets must be marked at both ends and at least every 100 feet along the length of the net with a five-inch by 12-inch minimum dimensions float.

**Rationale:** Harvest of American Shad is currently not allowed under VMRC regulations because of the poor status of the stock. This will bring the regulation into alignment with VMRC regulations.

#### **4VAC 15-340-60 Seines, Traps, and Nets Prohibited in Certain Areas.**

**Summary:** The recommendation is to prohibit the use of seines, nets, and traps in tributaries of Hungry Mother Lake because of the potential to capture state endangered Tennessee Dace.

#### **Recommended Language:**

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

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

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

**Rationale:** The Tennessee Dace is a state endangered species found in the Holston River system in Virginia. It occurs in several streams and their tributaries that drain into Hungry Mother Lake, Smyth Co. Recently, viable populations of a non-native congener, the Mountain Redbelly Dace, has been discovered in several of these tributaries. Because Mountain Redbelly Dace can hybridize and out-compete Tennessee Dace, it is prudent to prevent its spread.

Currently 4 VAC 15-340-60 Section B. prohibits the use of seines, traps, and nets in Hungry Mother Creek above Hungry Mother Lake. As written, the regulation does not include tributaries that enter Hungry Mother Lake between the dam and where the Hungry Mother Creek enters the lake. Currently, a strong population of *C. oreas* is found in an unnamed tributary near the main boat ramp that is not covered under this regulation. The revised regulation will reduce collections of Tennessee Dace and the unintentional spread of Mountain Redbelly Dace.

#### **4VAC 15-350-20 Gigs, Grab Hooks, Etc.; Certain Counties East of the Blue Ridge Mountains.**

**Summary:** The recommendation is to allow the use of gigs to harvest Northern Snakehead in the tributaries of the Potomac River as well as portions of the Rappahannock River below the fall line.

#### **Recommended Language:**

#### **4VAC15-350-20. Gigs, Grab Hooks, Etc.; Certain Counties East of the Blue Ridge Mountains.**

It shall be lawful to take nongame fish (daily creel (possession) and length limits for nongame fish are found in [4VAC15-320-25](#)) at any time by snagging, grabbing, snaring, gigging, and with a striking iron in all waters of the following counties, except public impoundments, the Roanoke (Staunton) and Dan rivers, the James River in Goochland County and those waters stocked by the department: Amelia, Appomattox, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Dinwiddie, Goochland, Greenville, Halifax, Louisa, Lunenburg, Mecklenburg, Nottoway, Pittsylvania and Prince Edward. It shall be lawful to take nongame fish by gig or fishing spear from a position above the surface of the water on those portions below the fall line of the Rappahannock River and its tributaries and the Potomac River and its tributaries. For the purpose of this section, a fishing spear is defined as an implement with a shaft and sharp point or tines designed to be thrust or thrown by hand.

**Rationale:** There is interest in using a fishing spear, which is technically a gig, to capture Northern Snakehead in these systems. This addition will allow another means for harvesting Northern Snakehead and other nongame fish in these systems.

#### **4VAC 15-350-70 Taking of Fish with Bow and Arrow or Crossbow.**

**Summary:** The recommendation is to clarify language relating to the harvest of Grass Carp.

**Recommended Language:**

#### **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 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.

**Rationale:** The modification to the Grass Carp portion clarifies that it is illegal to harvest Grass Carp out of public lakes and reservoirs. The previous language was unclear because it referred to “department-controlled lakes”.

#### **4VAC 15-360-10 Taking Aquatic Invertebrates, Amphibians, Reptiles and Nongame Fish for Private Use**

**Summary:** The recommendation is to clarify language relating to the harvest of Grass Carp and to remove Candy Darter to eliminate redundancy with the Code of Virginia.

**Recommended Language:**

#### **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 no more than five individuals of any single native or naturalized (as defined in [4VAC15-20-50](#)) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in [4VAC15-20-50](#)) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see [4VAC15-320-25](#) for anadromous blueback herring limits), white perch, yellow perch, alewife (see [4VAC15-320-25](#) for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland 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), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of [4VAC15-360-60](#) and [4VAC15-360-70](#). However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June 1 to September 30. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: eastern hellbender, diamondback terrapin, and spotted turtle.

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

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

B. Methods of taking species in subsection A of this section. Except as otherwise provided for in the Code of Virginia, [4VAC15-20-130](#), [4VAC15-320-40](#), and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A of this section may only be taken (i) by hand, hook and line; (ii) with a seine not exceeding four feet in depth by 10 feet in length; (iii) with an umbrella type net not exceeding five by five feet square; (iv) by small minnow traps with throat openings no larger than one inch in diameter; (v) with cast nets; and (vi) with hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so

used shall not be deemed dip nets under the provisions of § [29.1-416](#) of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

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

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

**Rationale:** The modification to the Grass Carp portion clarifies that it is illegal to harvest grass carp out of public lakes and reservoirs. The previous language was unclear because it referred to “department-controlled lakes”.

As a state endangered species, harvest of Candy Darter is prohibited by 29.1-564 of the Code of Virginia. The language in the regulation is unnecessary.



Appendix A:

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 bass 16 to 24 inches; only 1 per day longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 bass less than 14 inches
			Claytor Lake	No 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 bass less than 14 inches
			Leesville Reservoir	Only 2 of 5 bass less than 14 inches
			Lake Moomaw	No bass less than 12 inches
			Philpott Reservoir	No bass less than 12 inches
			Quantico Marine Base waters	No bass 12 to 15 inches
			Smith Mountain Lake and its tributaries below Niagara Dam	Only 2 of 5 bass less than 14 inches
			Rivers	
			Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell Counties	No bass less than 20 inches; only 1 bass per day longer than 20 inches
			Levisa Fork River – within the boundaries Buchanan County	No bass less than 20 inches; only 1 bass per day longer than 20 inches
			Dan River and tributaries downstream from the	Only 2 of 5 bass less than 14 inches

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

			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)	
			North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line	No bass less than 20 inches; only 1 per day longer than 20 inches
			Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No bass less than 15 inches from March 1 through June 15
			Roanoke (Staunton) River - and its tributaries below Difficult Creek,	Only 2 of 5 bass less than 14 inches

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

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

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

	plus Back Bay			
white bass		5 per day No statewide length limits	Buggs Island (Kerr) Reservoir, including the Staunton River to Leesville Dam and the Dan River to Union Street Dam (Danville)	10 per day; no white bass less than 14 inches
			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	2 walleye per day; no walleye 19 to 28 inches
sauger		2 per day No statewide length limits		
yellow perch		No statewide daily limit No statewide length limits	Lake Moomaw	10 per day



			Below the fall line in all coastal rivers of the Chesapeake Bay	No yellow perch less than 9 inches; no daily limit
chain pickerel		5 per day No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs	No daily limit
northern pike		2 per day No pike less than 20 inches		
muskellunge		2 per day No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to Claytor Dam, including Claytor Lake	1 per day; no muskellunge less than 42 inches
			New River - Claytor Dam downstream to the VA - WV state line	1 per day June 1 - last day of February: No muskellunge 40 to 48 inches March 1 - May 31: No muskellunge less than 48 inches
bluegill (bream) and other sunfish excluding crappie, rock bass (redestye)		50 per day in the aggregate No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the VA -	No daily limit

and Roanoke bass			NC state line downstream to the confluence of the New and Little Rivers in Grayson County	
crappie (black or white)		25 per day in the aggregate No statewide length limits	Lake Gaston and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Buggs Island (Kerr) Reservoir	No crappie less than 9 inches
			Briery Creek and Sandy River Reservoirs	No crappie less than 9 inches
			Flannagan and South Holston Reservoirs	No crappie less than 10 inches
rock bass (redeye)		25 per day; in the aggregate with Roanoke bass No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River	No daily limit

			from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	
			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 <a href="#">4VAC15-330</a> . Fish: Trout Fishing.			
	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
catfish	blue catfish	20 per day;	Lake Gaston	No daily limit, except only 1 blue catfish per day

		No statewide length limits		longer than 32 inches
			Kerr Reservoir	20 per day, except only 1 blue catfish per day longer than 32 inches
			James River and its tributaries below the fall line, Rappahannock River and its tributaries below the fall line, and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line	No daily limit, except only 1 blue catfish per day longer than 32 inches
			All rivers below the fall line other than the James River and its tributaries, Rappahannock River and its tributaries, and the York River and its tributaries	No daily limit

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

blueback herring	Chesapeake Bay	Commission for these species in tidal rivers		
	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest Rivers, and their tributaries plus Back Bay	No possession		
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North	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 immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925		

		No statewide daily limit No statewide length limits		
longnose gar		5 per day No statewide length limits		
bowfin		5 per day No statewide length limits		
American eel		25 per day No eel less than 9 inches	Back Bay and North Landing River	No possession limit for those individuals possessing a permit obtained under <a href="#">4VAC15-340-80</a>
other native or naturalized nongame fish	See <a href="#">4VAC15-360-10</a> . Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.			
endangered or threatened fish	See <a href="#">4VAC15-20-130</a> . Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.			
nonnative (exotic) fish	See <a href="#">4VAC15-30-40</a> . Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.			

#### Statutory Authority

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

#### Historical Notes



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

#### 4 VAC 15-20-155 (New)

### Camping on Wildlife Management Areas (WMA's) and other DWR-owned or managed lands

#### Summary:

The recommendation is to (i) authorize dispersed camping and (ii) establish and define terms and conditions for camping.

#### Recommended language of amendment:

**4 VAC 15-20-155. Camping on Wildlife Management Areas (WMA's) and other DWR-owned or managed lands.**

Temporary dispersed camping, with no amenities provided, may only be performed on WMA's and other DWR-owned or managed lands when occupants are engaged in authorized activities and in strict compliance with established terms and conditions, including those listed below. Camping may be prohibited on certain portions or entire parcels of DWR-owned or managed lands, including certain WMA's.

A. Authorization. It shall be unlawful to camp without written authorization from the Department. Written authorization to camp is required in addition to any and all other licenses, permits or authorizations that may otherwise be required. Written authorization is obtained by completing and submitting a Camping Authorization Form. Only an individual 18 years of age or older, who is a member of and accepts responsibility for the camp and camping group, may be issued a camping authorization.

B. Camping periods. Unless otherwise posted or authorized, it shall be unlawful to camp for more than 14 consecutive nights, or more than 14 nights in a 28-day period on Department-owned or controlled lands. At the end of the authorized camping period, all personal property and any refuse must be removed.

C. Prohibited locations. Camping is allowed only at previously cleared and established sites. No vegetation may be cut, damaged or removed to establish a camp site. It shall be unlawful to camp within 300 feet of any Department-owned lake, boat ramp or other facility. It shall be unlawful to camp at other specific locations as posted. This regulation shall not prohibit active angling at night along shorelines where permitted.

D. Removal of personal property and refuse. Any person who establishes or occupies a camp shall be responsible for the complete removal of all personal property and refuse when the camping authorization has expired. Any personal property or refuse that remains after the camping authorization has expired shall be considered litter and punishable pursuant to 33.2-802 of the Code of Virginia.

E. It shall be unlawful when camping on Department-owned or managed lands to store or leave unattended any food (including food for pets and livestock), refuse, bear attractant, or other wildlife attractant unless it is: (a) in a bear-resistant container; (b) in a trunk of a vehicle or in a closed, locked, hard-sided motor vehicle with a solid top; (c) in a closed, locked, hard-body

trailer; or (d) suspended at least 10 feet clear of the ground at all points and at least 4 feet horizontally from the supporting tree or pole and any other tree or pole. It shall be unlawful to discard, bury or abandon any food, refuse, bear attractant, or other wildlife attractant unless it is disposed of by placing it inside an animal-resistant trash receptacle provided by the Department.

F. Any violation of this regulation or other posted rules shall be punishable as a Class III Misdemeanor, and the camping permit shall become null and void, and the permittee shall be required to immediately vacate the property upon summons or notification. A second or subsequent offense may result in the loss of camping privileges on department-owned or managed properties.

**Rationale:**

Dispersed primitive camping, with no amenities and no formal campgrounds, is an activity currently allowed by posted rules on WMA's (4VAC15-40-280, paragraph B). Camping has been limited to 14 or 21 consecutive days in the past, however posted WMA rules do not state what action is required after the time limit is reached. The lack of clarity creates a situation in which campers' interpretation may differ from the intent of the rules and the interpretation of Conservation Police Officers. Use of WMA's for long term camping by homeless persons is a growing trend throughout the Commonwealth. Many campers wishing to stay for longer durations simply move to another location on the same WMA and continue to camp. Others leave their camping gear in place and leave the WMA for a night and then return to start the cycle anew.

There is a similar regulation (4VAC 15-20-150) pertaining to temporary dwelling structures on WMA's. This regulation limits use to 14 consecutive days and requires complete removal of such structures when vacating the site.

Documenting the start and end dates for camping stays is also problematic under the current scenario. Because there is no requirement for WMA campers to register and obtain an authorization, observation is the only way for Conservation Police Officers to monitor start and end dates for camping. Requiring WMA campers to register by completing an application for a camping authorization would provide several benefits. First, the start and end date for each camping stay would be clearly defined. Second, a list of campers expected to be on the area at any given time, and their contact information, would be available should the area need to be searched or evacuated during a dam safety emergency or natural disaster. Finally, a database of WMA campers would be created that could be utilized for R3 outreach and surveys.

The proposed regulation clearly limits the duration of camping and establishes what action is required when that time limit is reached. It also establishes a process by which starting and ending dates for camping, as well as the number of camps present are documented.

The Go Outdoors VA system could be used to apply for and obtain camping authorizations. This system is accessible to the public on the internet and at license agents across the Commonwealth. Camping authorizations could be printed or saved electronically as proof of registration. The authorization could list a summary of the terms and conditions of camping for easy reference. The authorization can be issued without a fee. DWR law enforcement officers already have

access to the Go Outdoors VA database, so they could easily verify compliance or generate a list of campers during an emergency.

<b>DWR 2021-2022 Wildlife Regulation Review and Amendment Process</b>	
<b>Dates</b>	<b>Regulation Review Stage and Procedural Steps</b>
<b>Oct. 12, 2020 - Dec. 11, 2020</b>	<b><i>Public Scoping Period</i></b> 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.
<b>Oct. 22, 2020</b>	<b><i>DWR Board Meeting</i></b> Wildlife staffs provide a brief summary on the status of the Public Scoping Period.
<b>January 21, 2021</b>	<b><i>DWR Board Meeting</i></b> Wildlife staffs will review significant feedback received during the public scoping period and seek Board input on potential regulation amendment issues.
<b>Dec. 12, 2020 - February 28, 2021</b>	<b><i>Committee Recommendation Development Period</i></b> Wildlife Division programmatic committees analyze biological and sociological data relevant to regulatory issues, to include: <ul style="list-style-type: none"> <li>• <i>Public feedback received during the public scoping period</i></li> <li>• <i>Constituent satisfaction survey results</i></li> <li>• <i>Meetings between DWR and individuals/constituent groups</i></li> <li>• <i>Results of continuous, ongoing feedback from the public since previous regulation cycle</i></li> </ul> Programmatic committee chairs, Wildlife Division management, Law Enforcement Division management, and other appropriate DWR staffs convene in mid-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.
<b>TBD (March 8-12, 2021)</b>	<b><i>DWR Wildlife &amp; Boat Committee Meeting "Proposal-stage Recommendations"</i></b> Wildlife staffs present staff-generated, proposal-stage regulation amendments to the Committee for its review and consideration. Public comment is accepted by the Committee relative to staff-generated regulation amendments and/or additional regulation amendments from the public. Committee deliberates and offers recommendation to the Board on proposal-stage regulation amendments.
<b>March 18, 2021</b>	<b><i>DWR Board Meeting - "Proposal-stage Recommendations"</i></b> 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.
<b>March 26, 2021 - May 10, 2021</b>	<b><i>Regulation Amendment Proposal Public Comment Period</i></b> <ul style="list-style-type: none"> <li>• Public comment is solicited on Board regulation amendment proposals.</li> <li>• No public meetings unless a contentious issue needs to be addressed.</li> </ul>
<b>TBD (May 17-21, 2021)</b>	<b><i>DWR Wildlife &amp; Boat Committee Meeting "Final Recommendations"</i></b> Wildlife staffs present final proposed regulation amendment recommendations to the Committee for its review and consideration. Public comment is accepted by the Committee relative to proposed regulation amendments. Committee deliberates and offers recommendation to the Board on final regulation amendments.
<b>May 27, 2021</b>	<b><i>DWR Board Meeting - "Final Recommendations"</i></b> 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.
<b>August 1, 2021</b>	<b>Effective date for regulation amendments adopted by the Board.</b>

<b><i>Proposed Board Meeting Date</i></b>	<b><i>Key Meeting Topics</i></b>
<b>October 22, 2020</b>	<b>Aquatics Regulations - Final Action</b>
<b>January 21, 2021</b>	<b>2021-22 Migratory Game Bird Seasons and Bag Limits - Proposal Stage 2021-22 Hunting and Trapping Regulations - Significant Issues Review Agency Budget - FY21 Mid-year Update</b>
<b>March 18, 2021</b>	<b>2021-22 Migratory Game Bird Seasons and Bag Limits - Final Action 2021-22 Hunting and Trapping Regulations - Proposal Stage</b>
<b>May 27, 2021</b>	<b>2021-22 Hunting and Trapping Regulations - Final Action Agency Budget - Proposed FY22; FY21 Update</b>
<b>August 19, 2021</b>	



# Board of Wildlife Resources

## August 20, 2020







DEPARTMENT OF  
**WILDLIFE RESOURCES**  
CONSERVE. CONNECT. PROTECT.

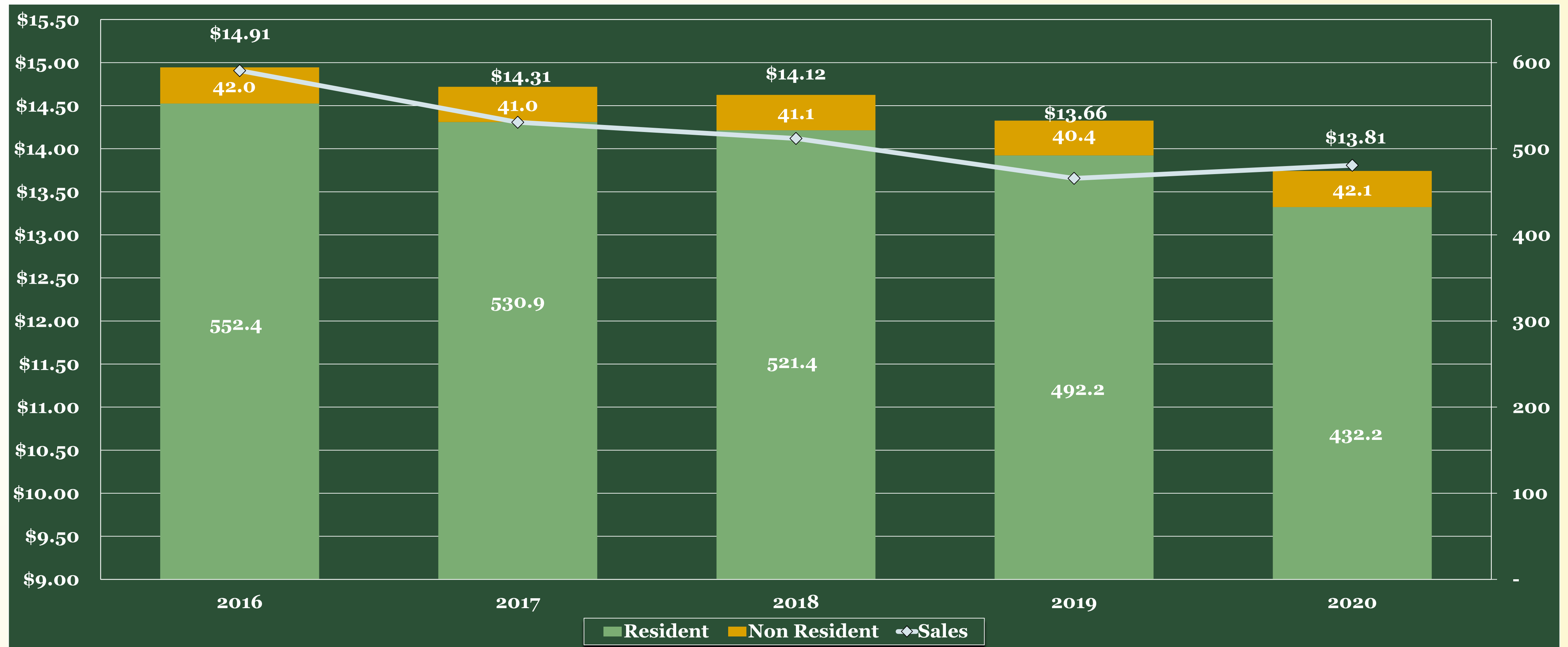
## Financial Report as of 30 June 2020





# FY16-20 Sales Comparison - Hunting

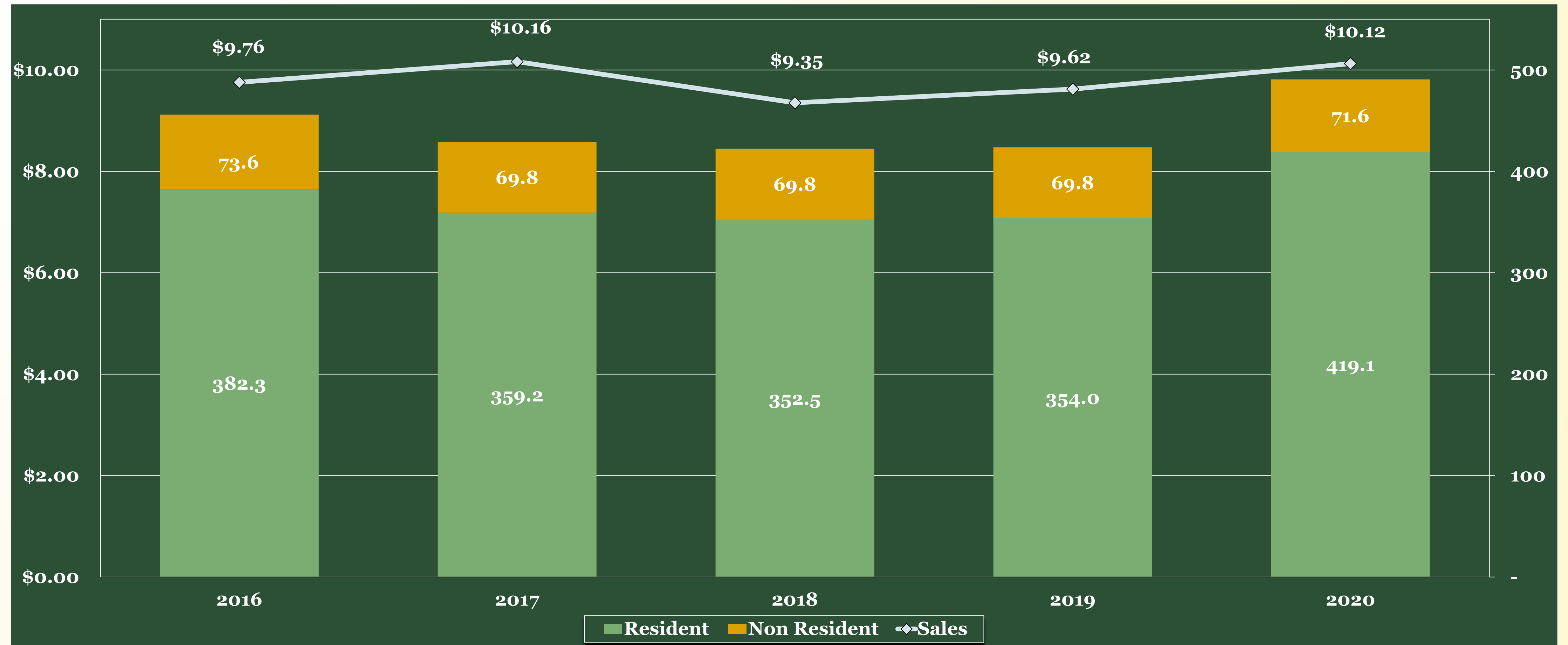
## Jul 1 – Jun 30



\$ In Millions  
License Sold In Thousands

# FY16-20 Sales Comparison - Fishing

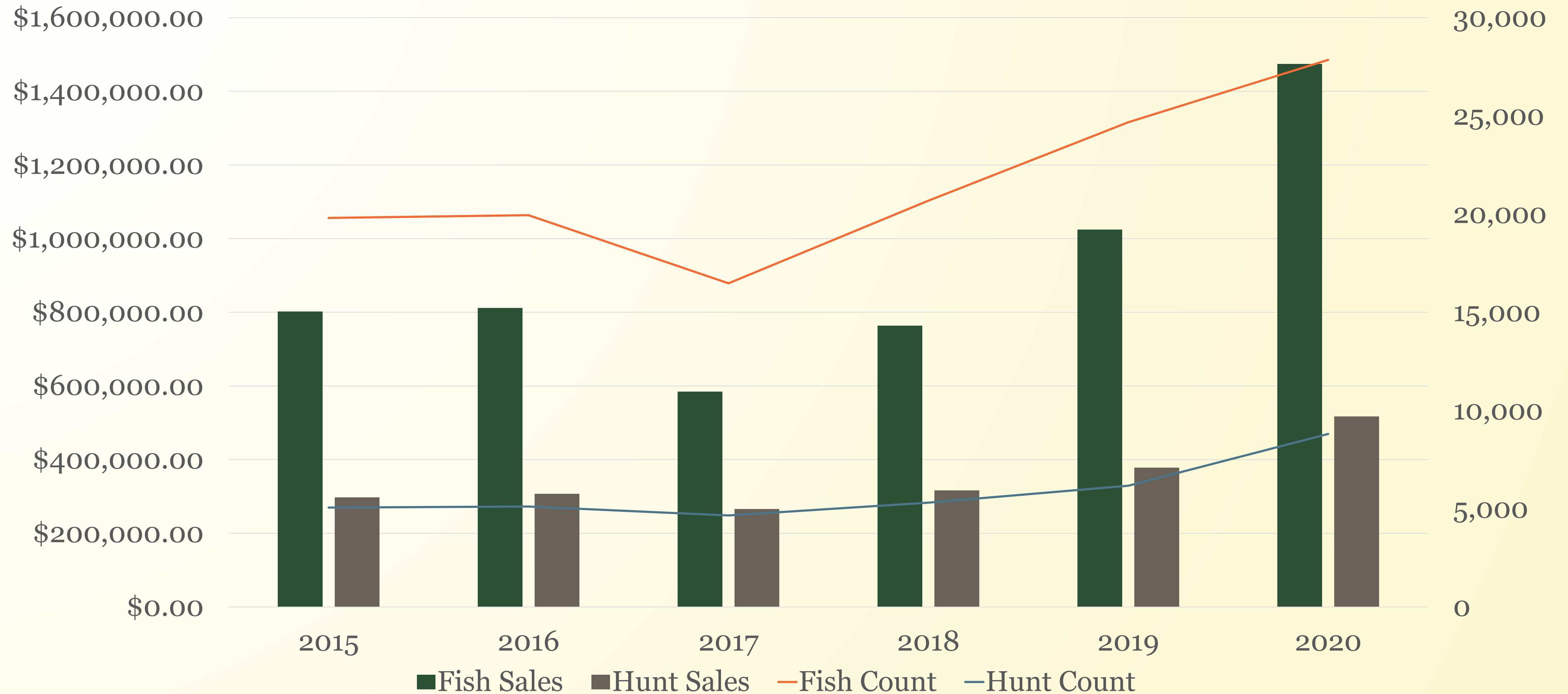
## Jul 1 – Jun 30



\$ In Millions  
License Sold In Thousands

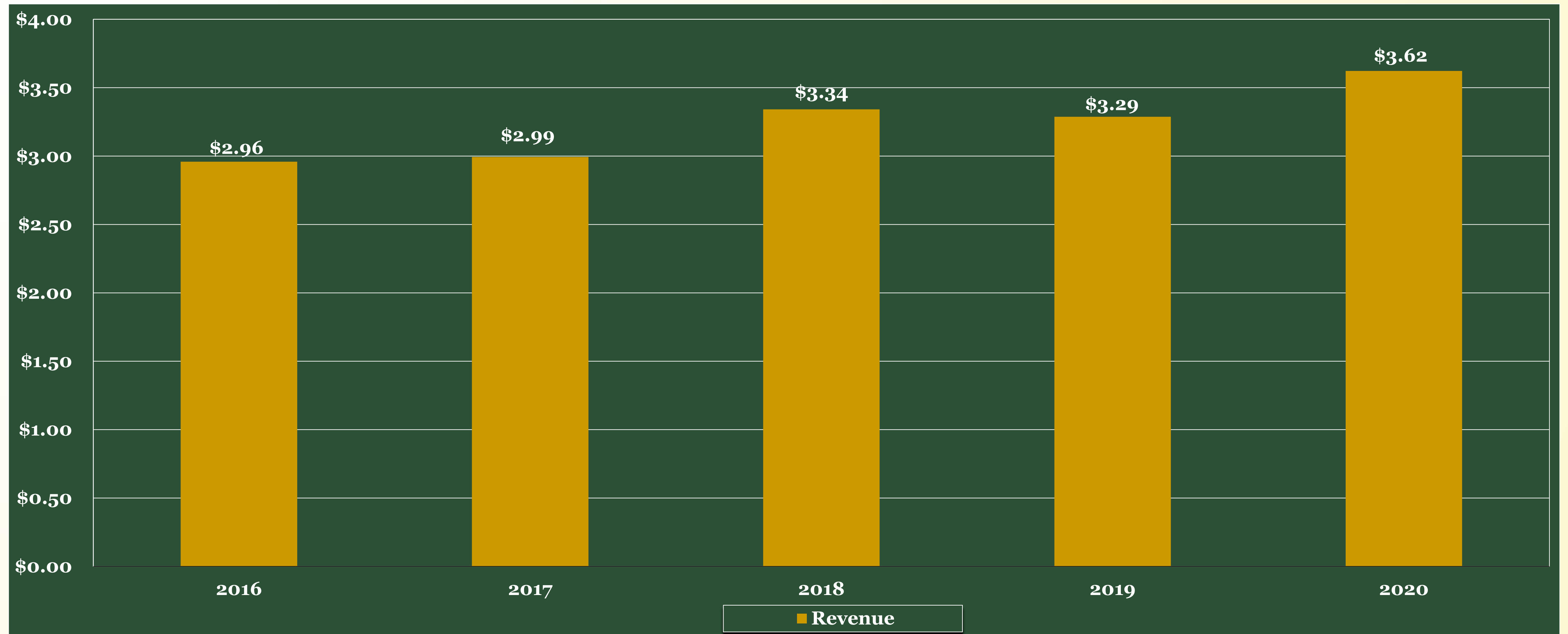
# FY15-20 Sales Comparison - Lifetime

## Jul 1 – Jun 30



# FY16-20 Sales Comparison - Boat

## Jul 1 – Jun 30

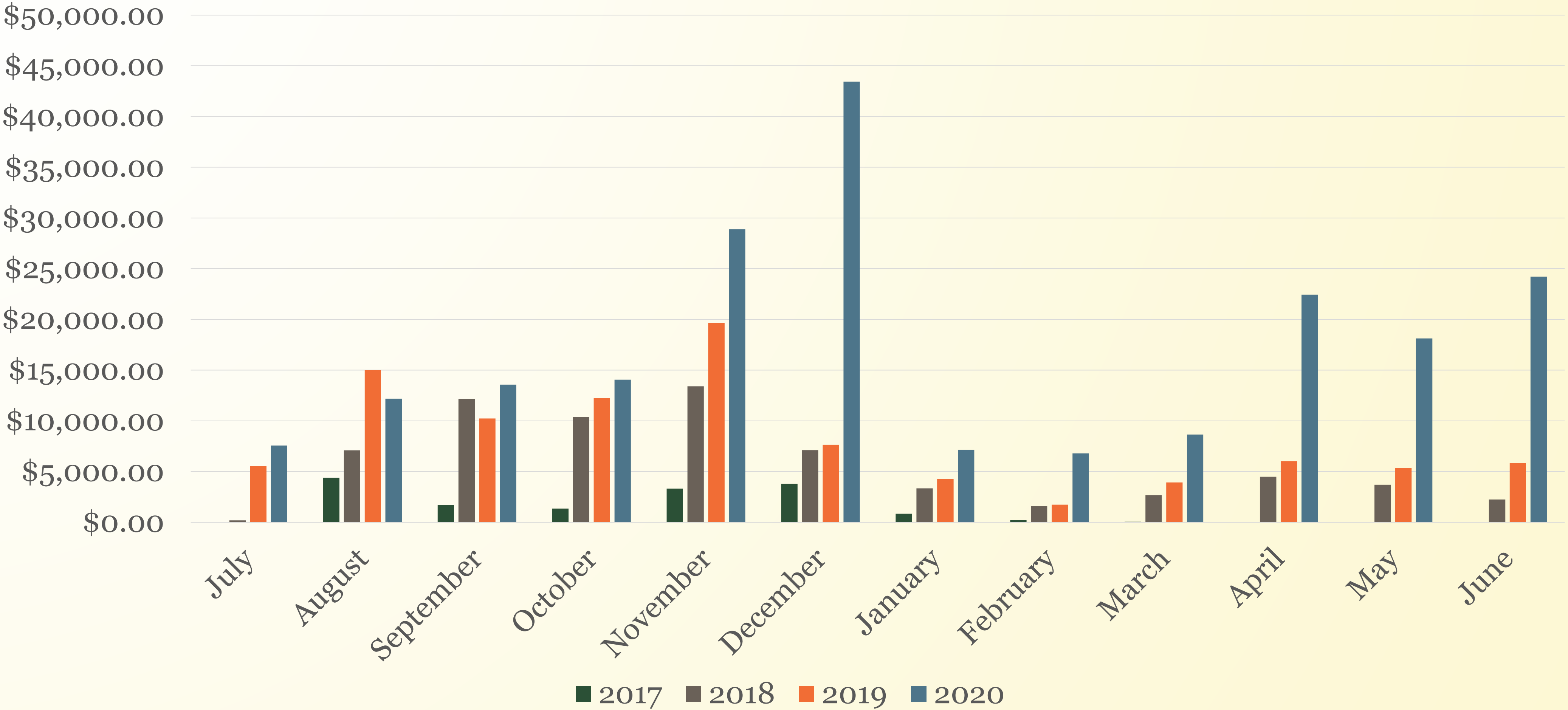


\$ In Millions



# FY17-20 Sales Comparison - Merchandise

## Jul 1 – Jun 30



# FY17-20 Federal Revenue & Reimbursements

## Jul 1 – Jun 30

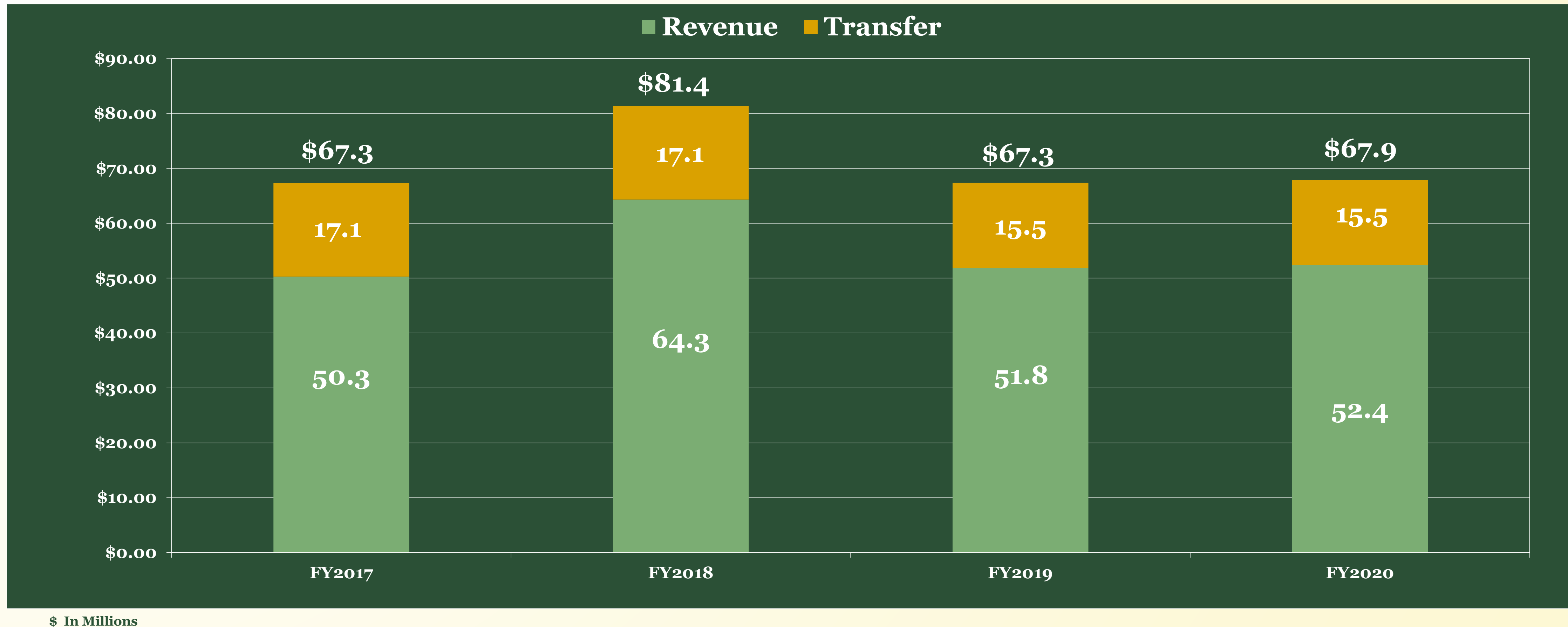
Federal Grant Program	FY17	FY18	FY19	FY20
Wildlife Restoration (PR)	\$10,306	\$19,668	\$12,792	\$10,304
Sport Fish Restoration (DJ)	\$3,514	\$3,087	\$3,693	\$3,515
Boating Safety	\$1,876	\$2,049	\$2,008	\$1,592
State Wildlife Grant (SWG)	\$1,419	\$1,519	\$1,208	\$1,145

\$ In Thousands



# FY17-20 Total Revenue and Transfers

## Jul 1 – Jun 30



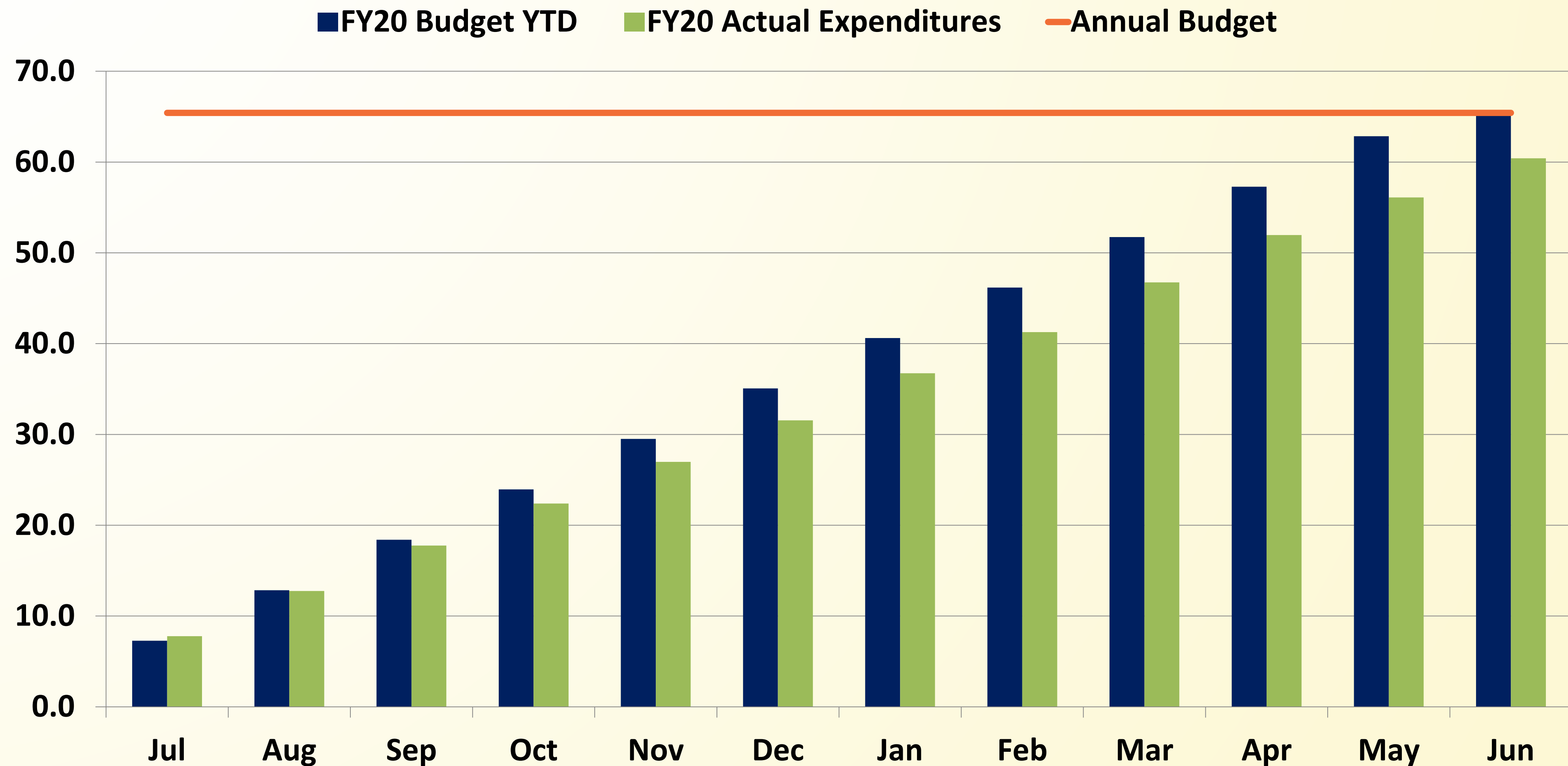
\*FY18 includes Mitigation funds and additional PR funds for land purchases.





# FY20 Budget Performance

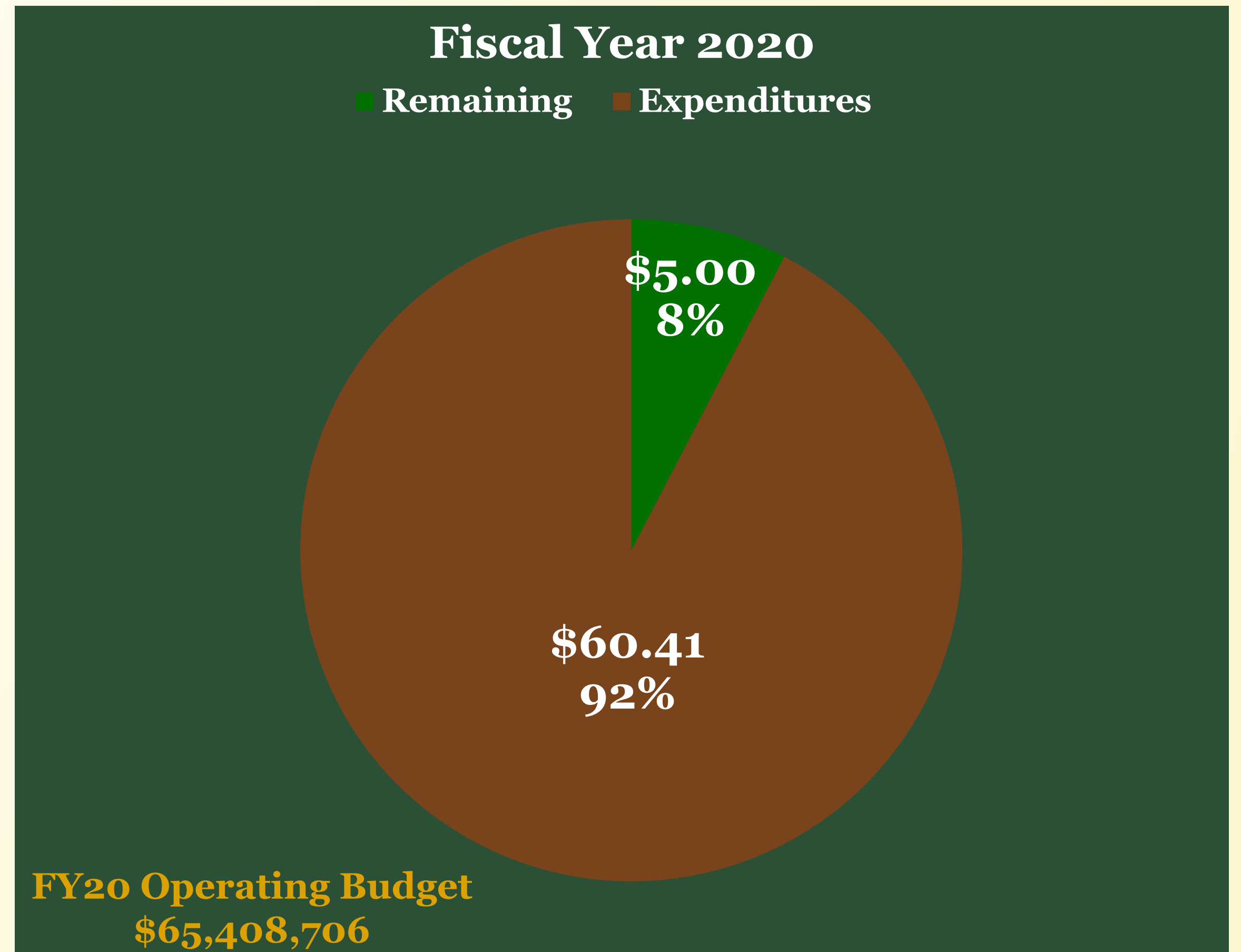
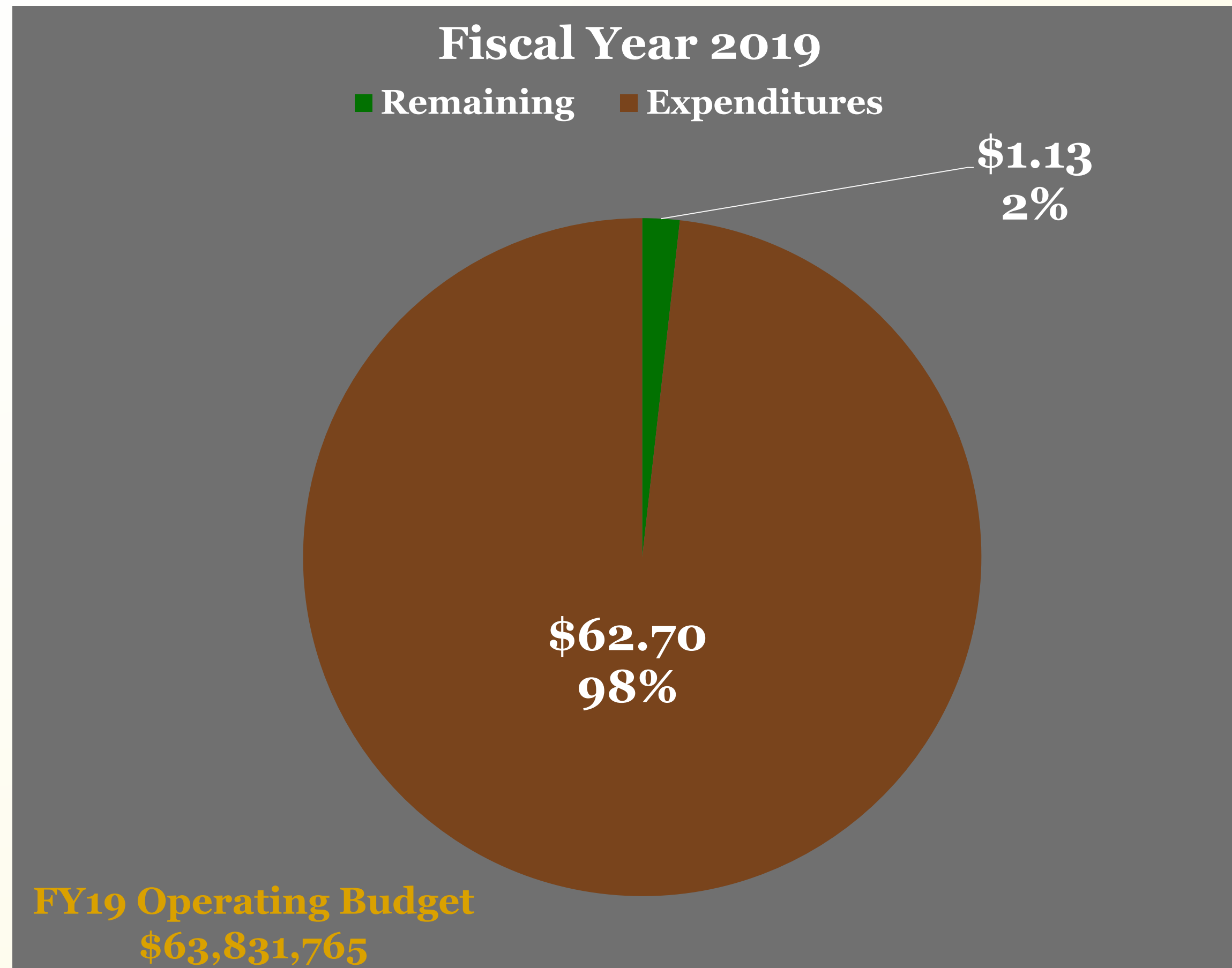
## Jul 1 – Jun 30





# FY20 Operating Budget vs Expenditures

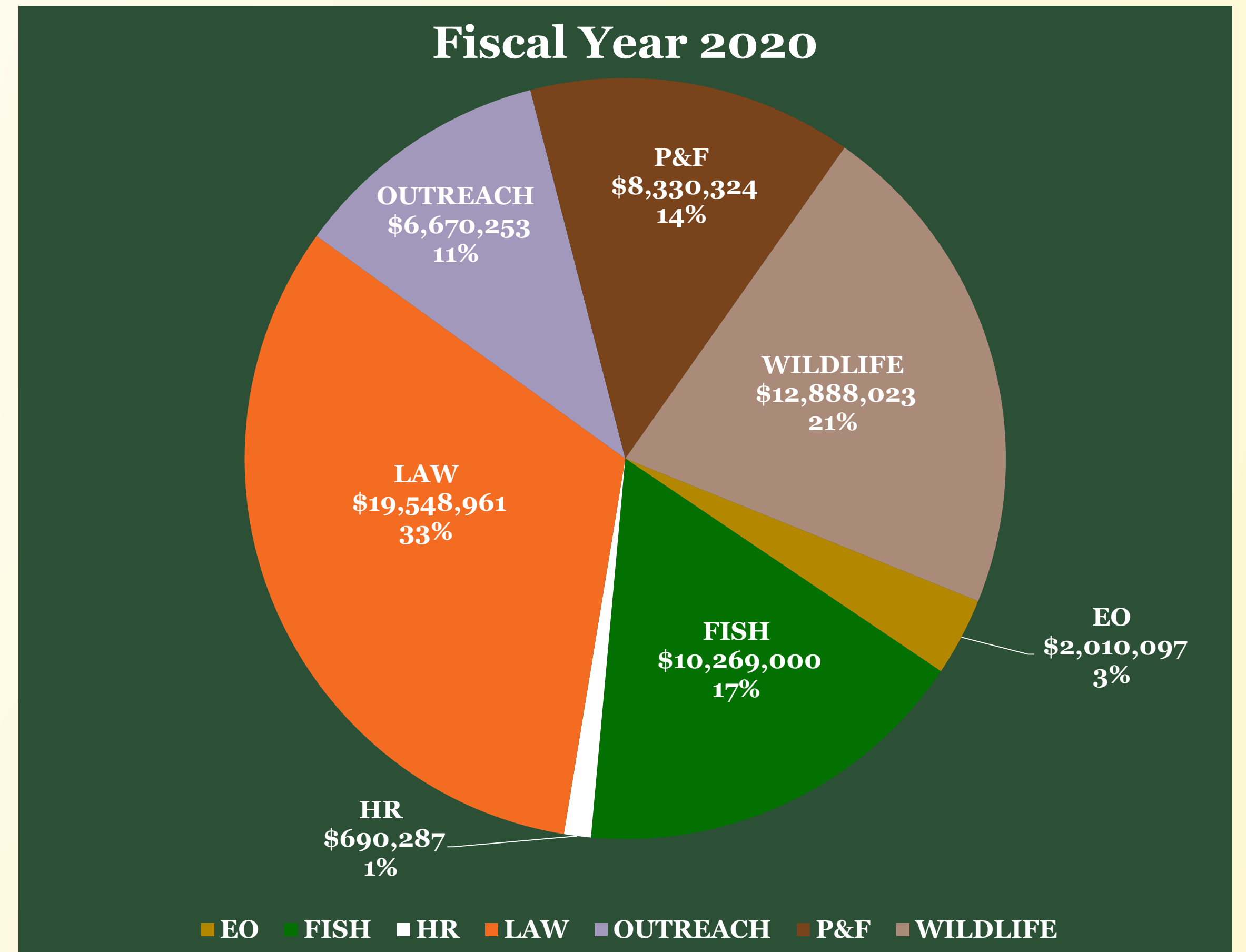
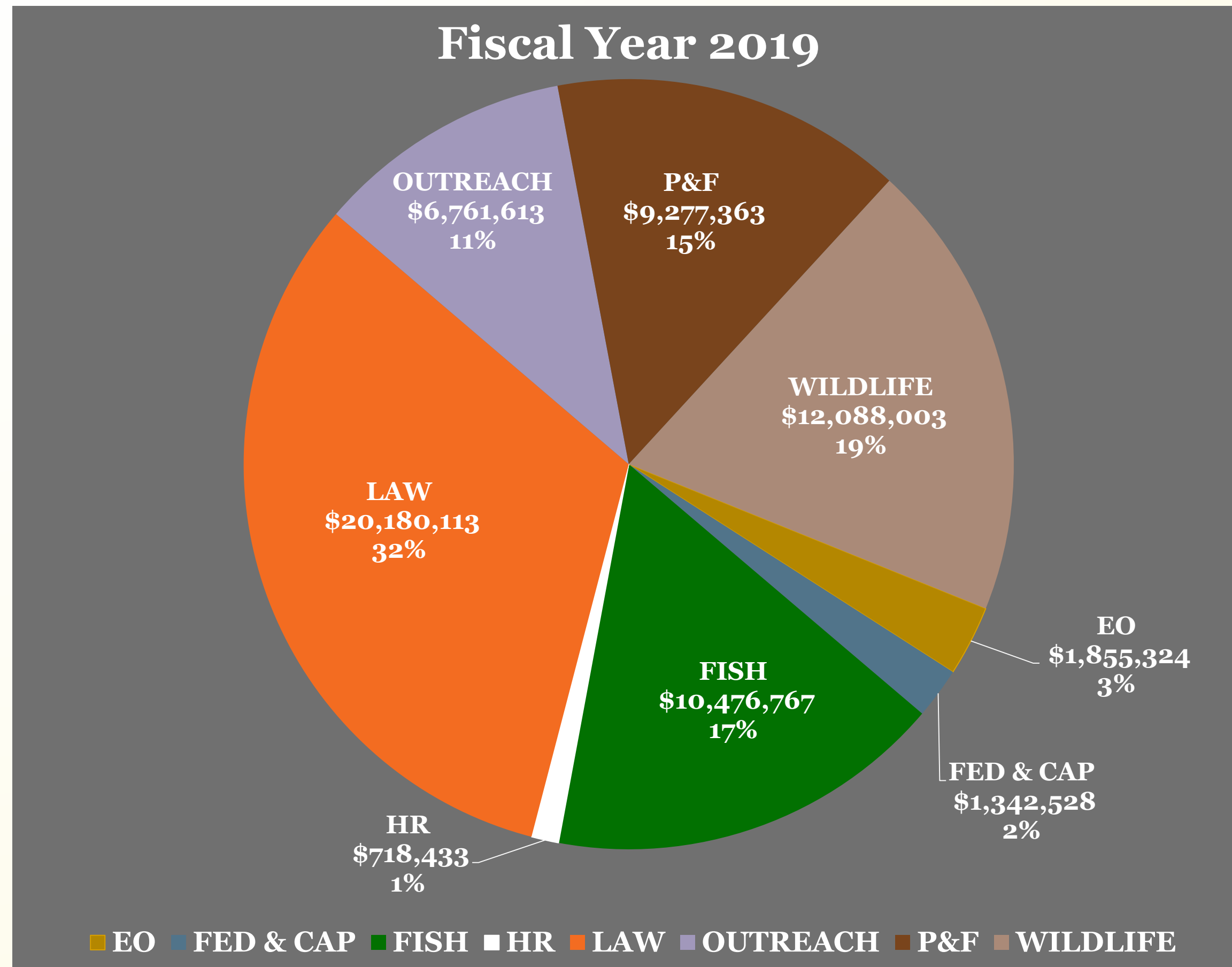
## Jul 1 – Jun 30



\$ In Millions

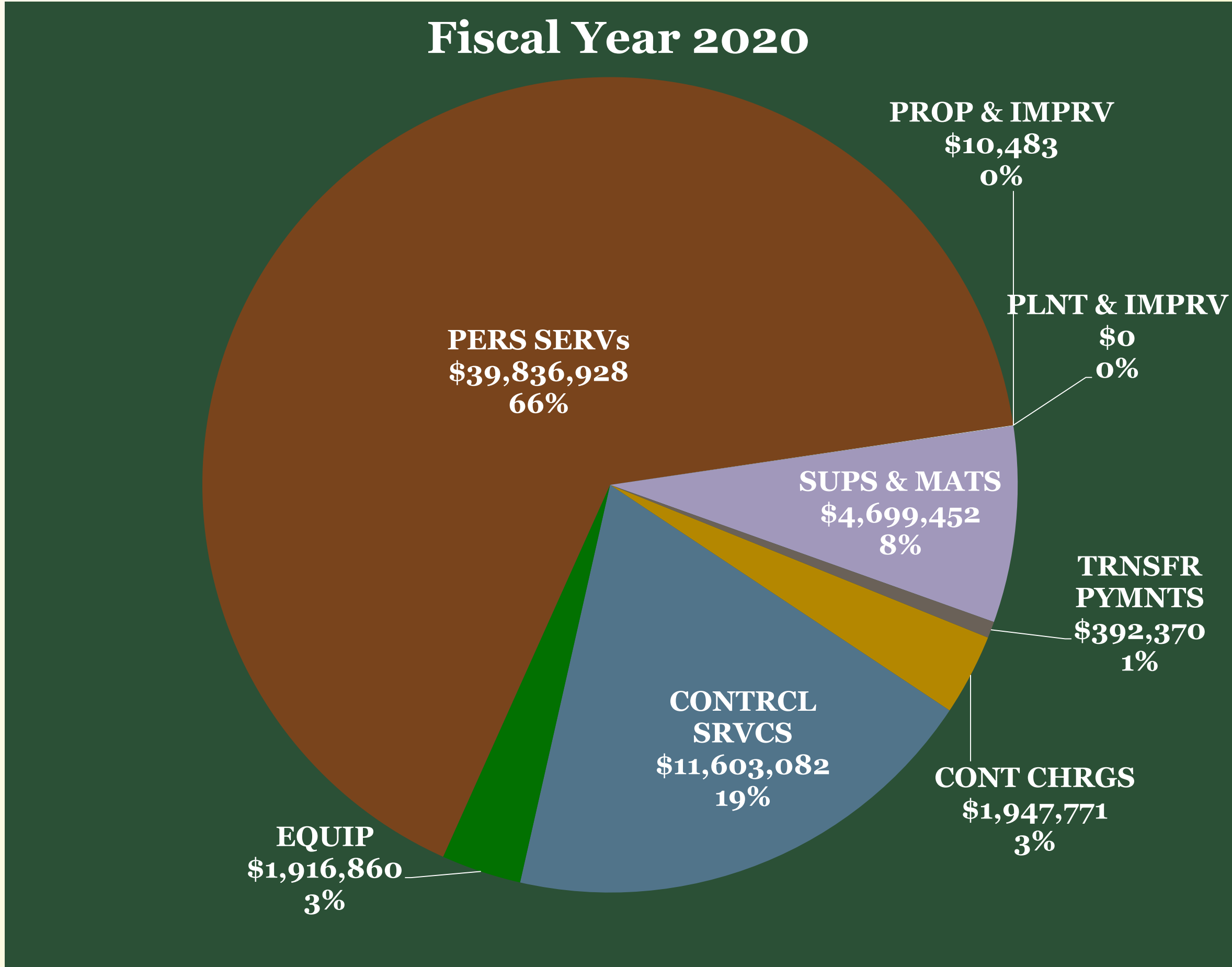
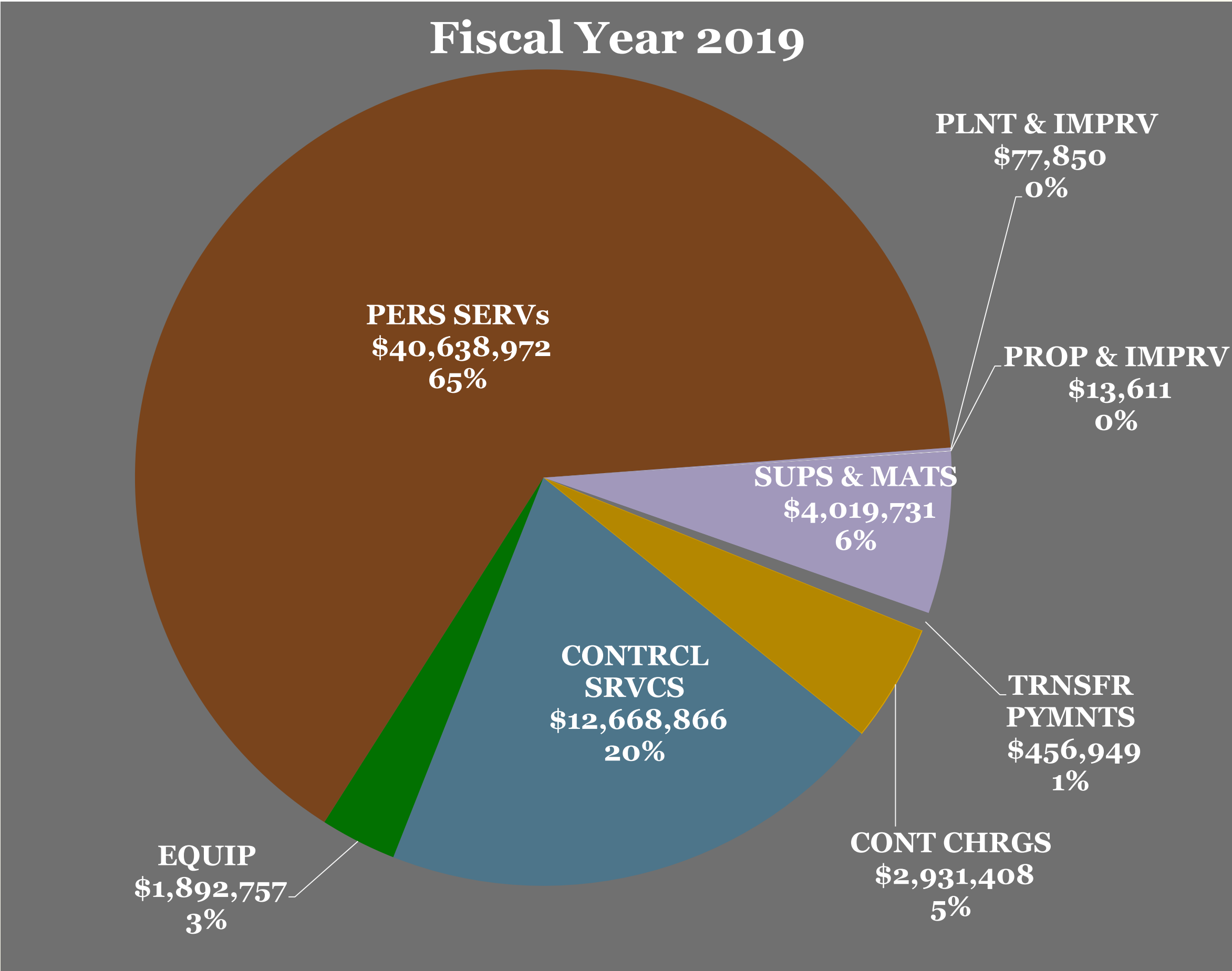
# FY20 Operating Expenditures by Division

## Jul 1 – Jun 30

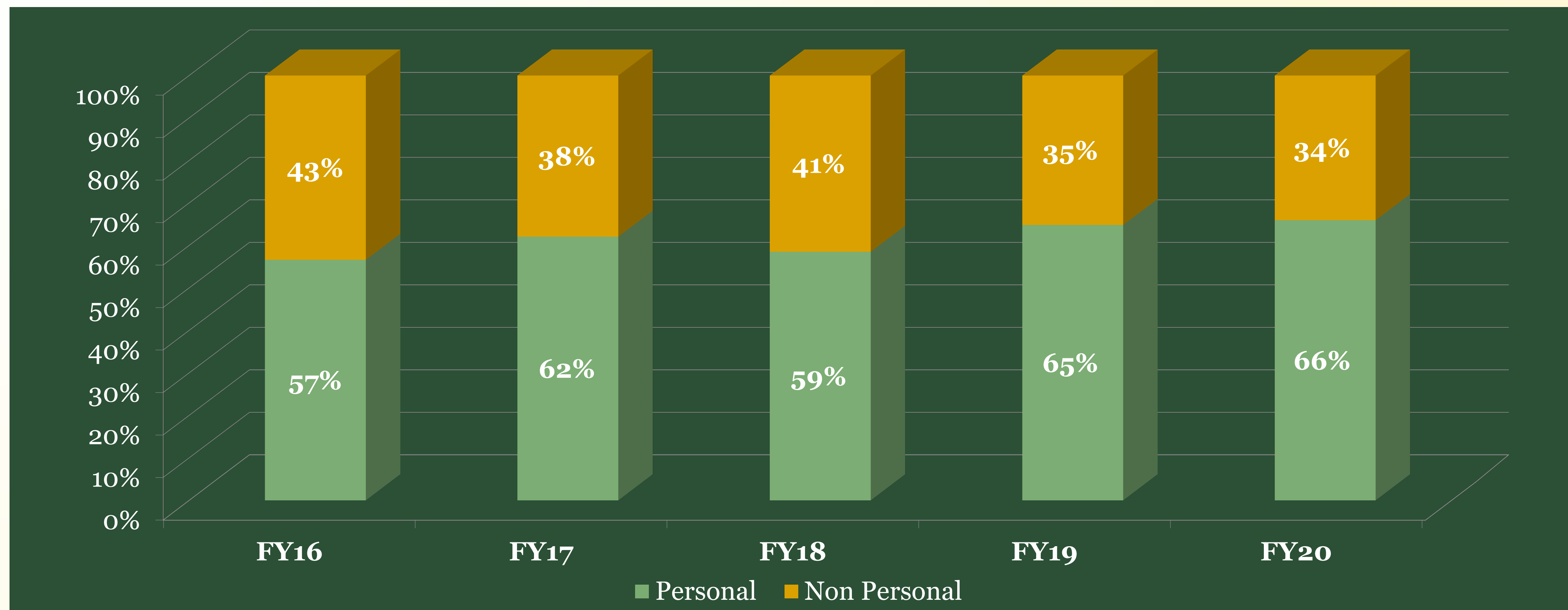


# FY20 Operating Expenditures by Account

## Jul 1 – Jun 30



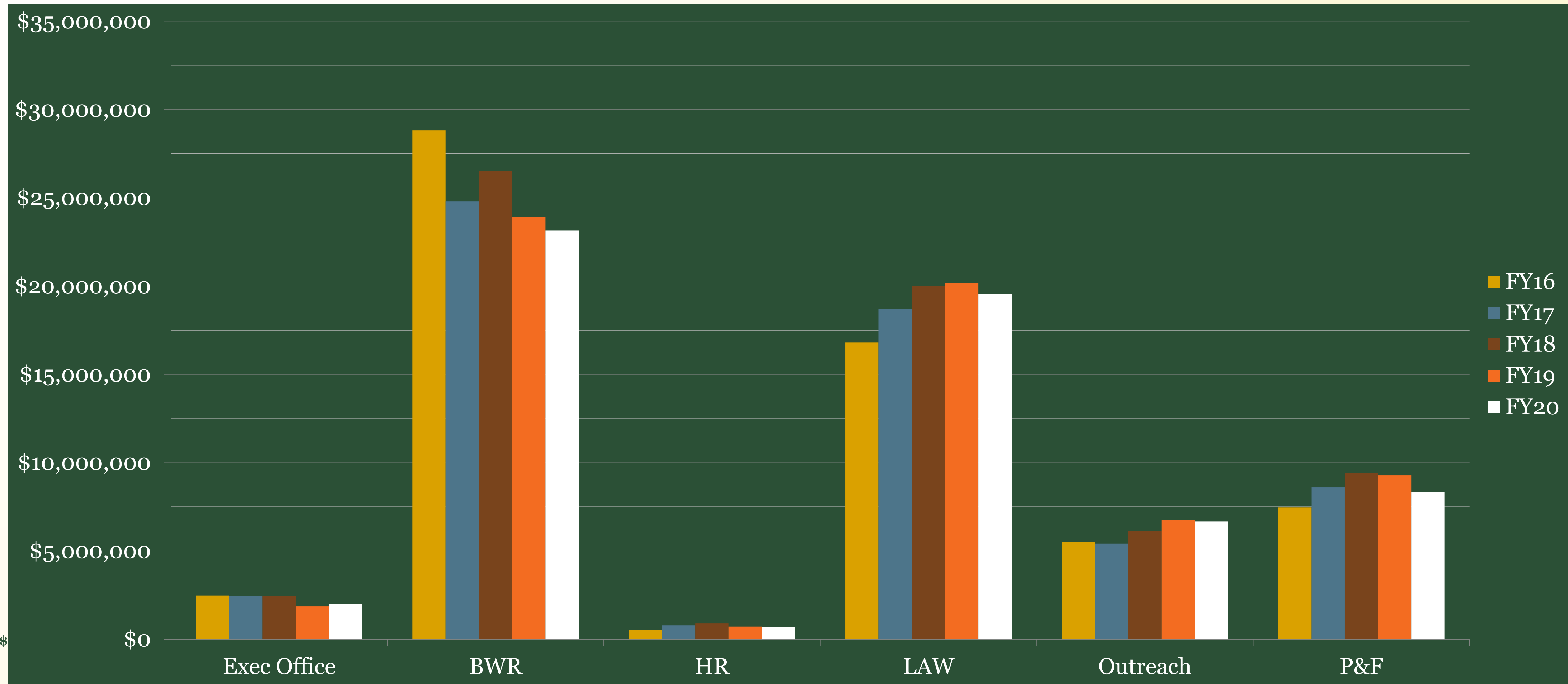
# FY16-20 Agency Pers-Nonpers Trends



\$ In Millions



# FY16-20 Expenditure Trends by Division

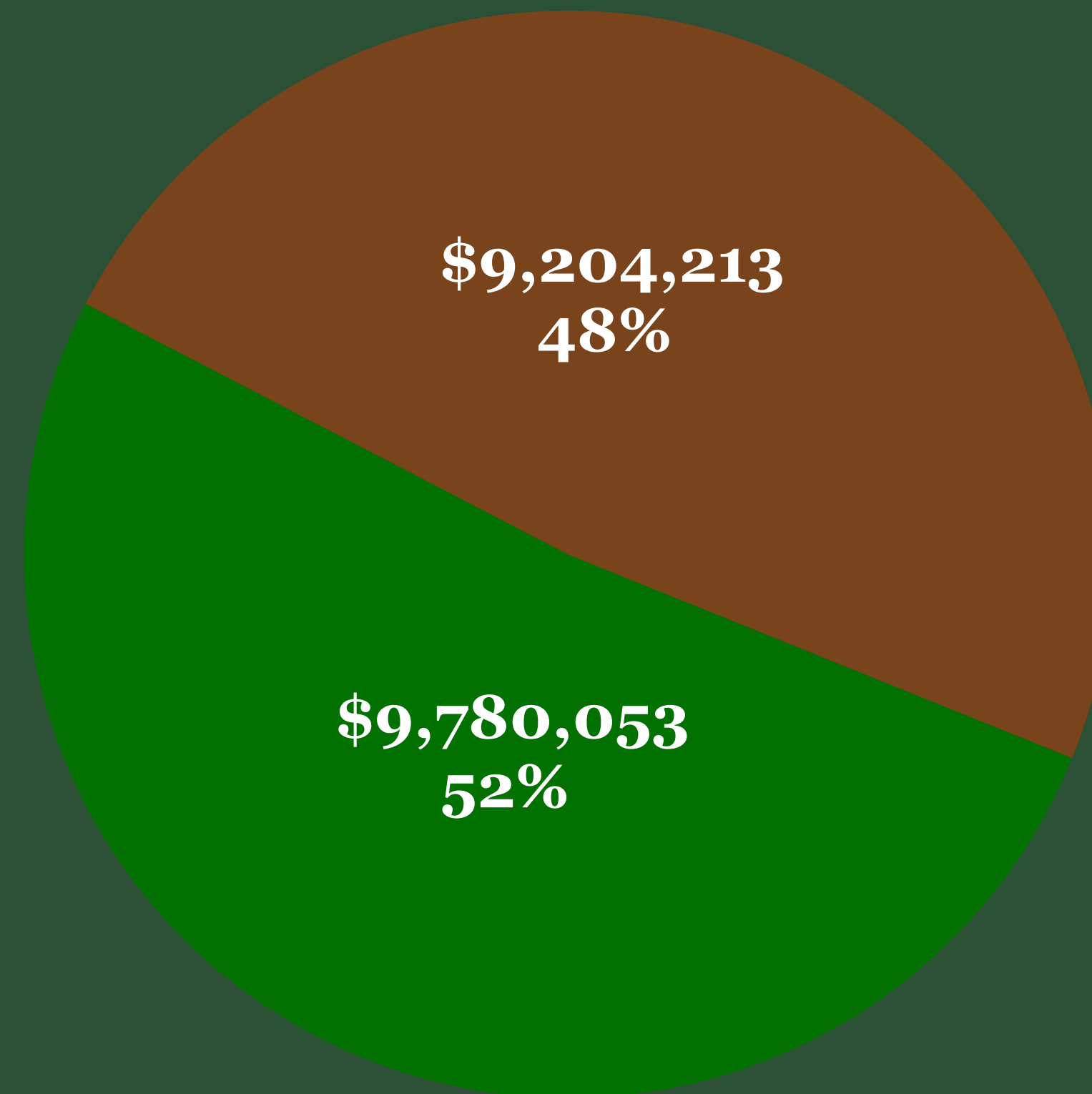


# FY20 Capital Budget vs Expenditures

## Jul 1 – Jun 30

**FY20 Capital Budget**  
**\$18,984,267**

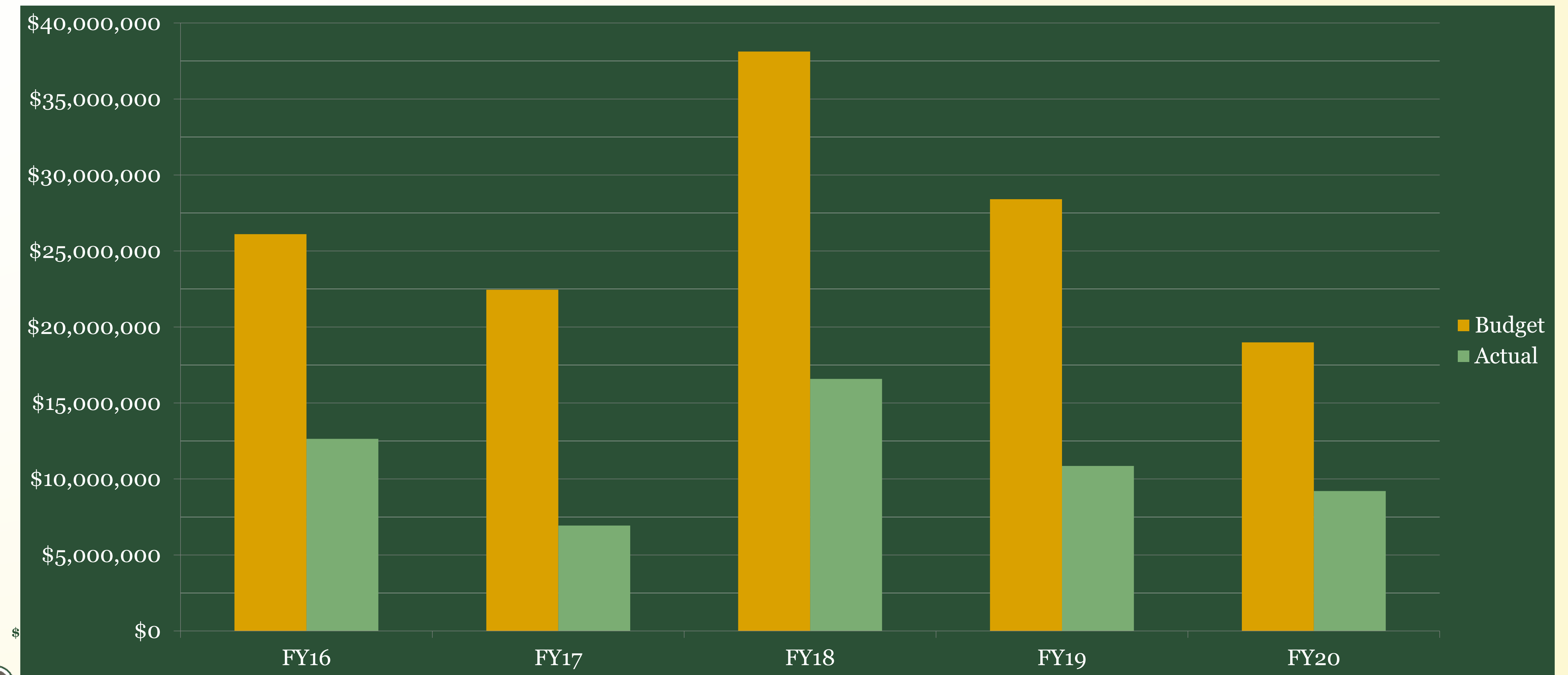
Fiscal Year 2020



■ Remaining  
■ Expended



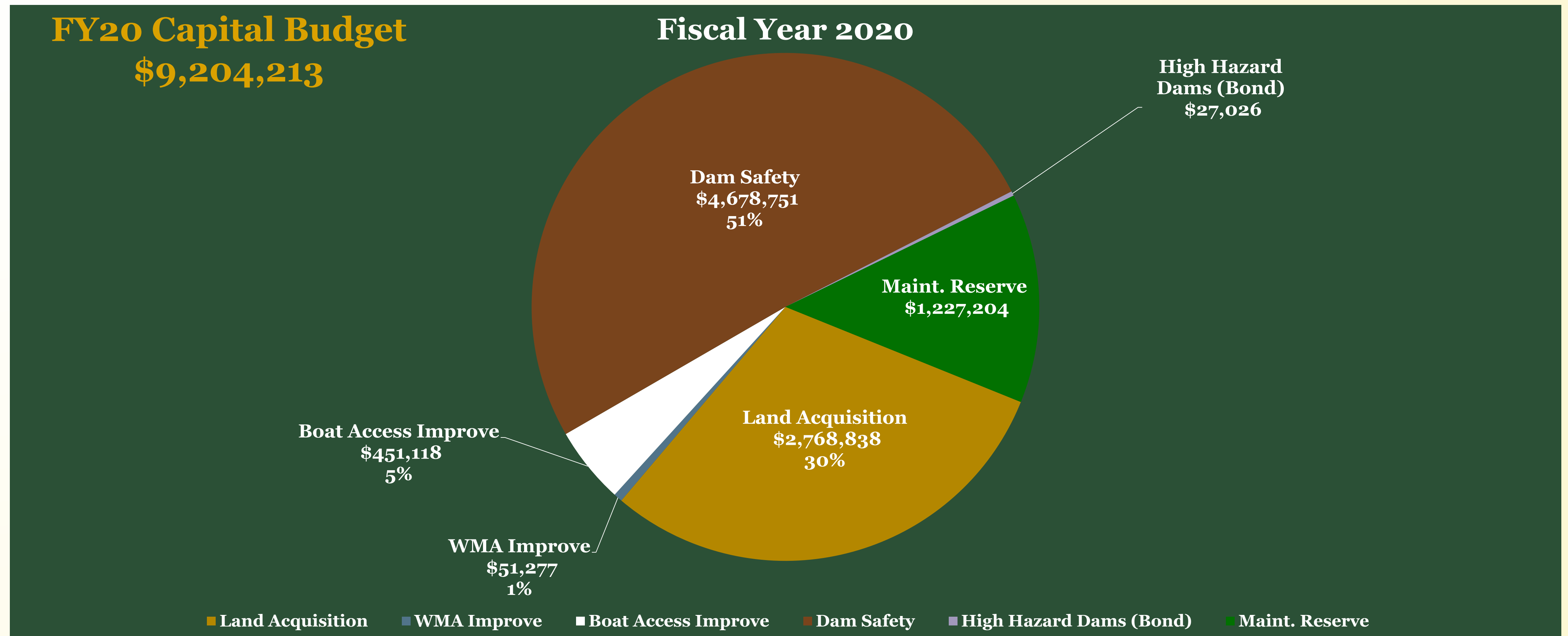
# FY16-20 Capital Budget to Actual Trend





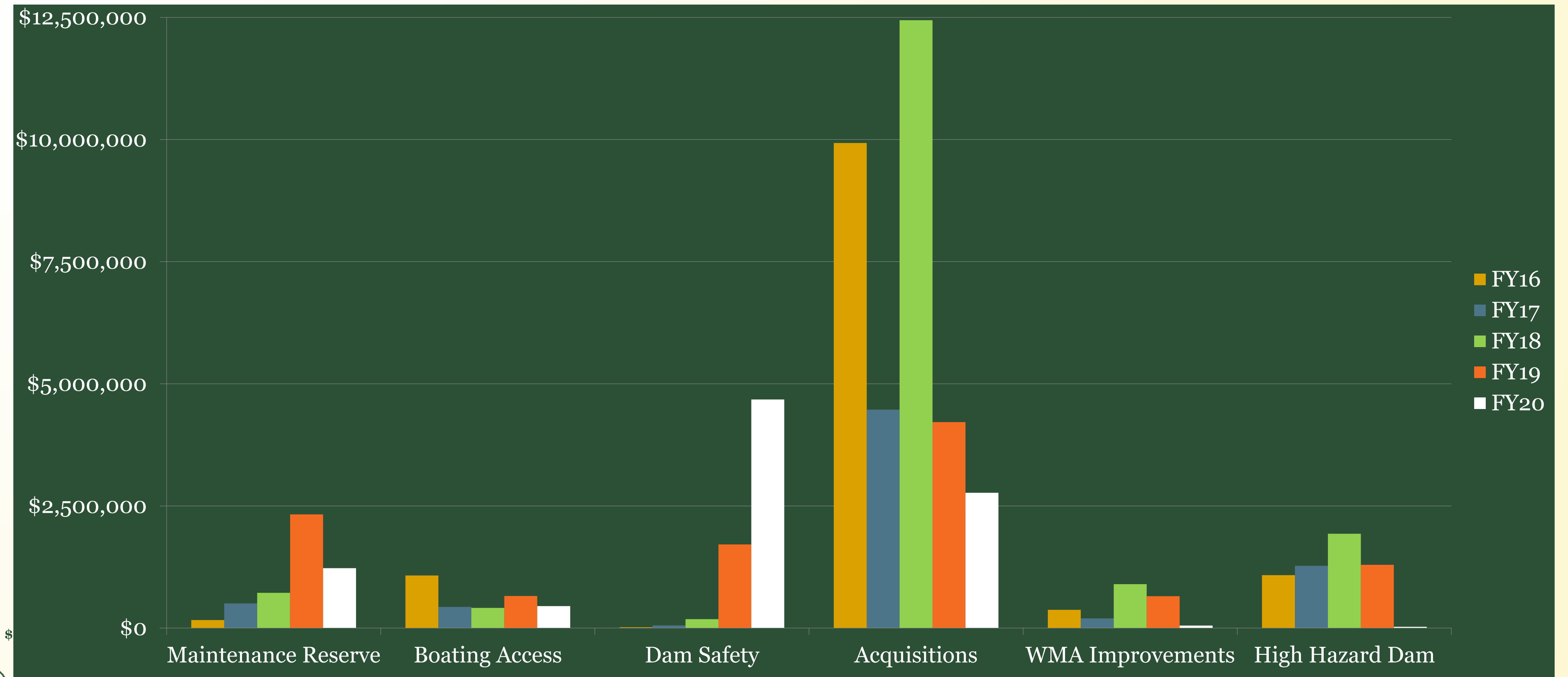
# FY20 Capital Expenditures by Project

## Jul 1 – Jun 30

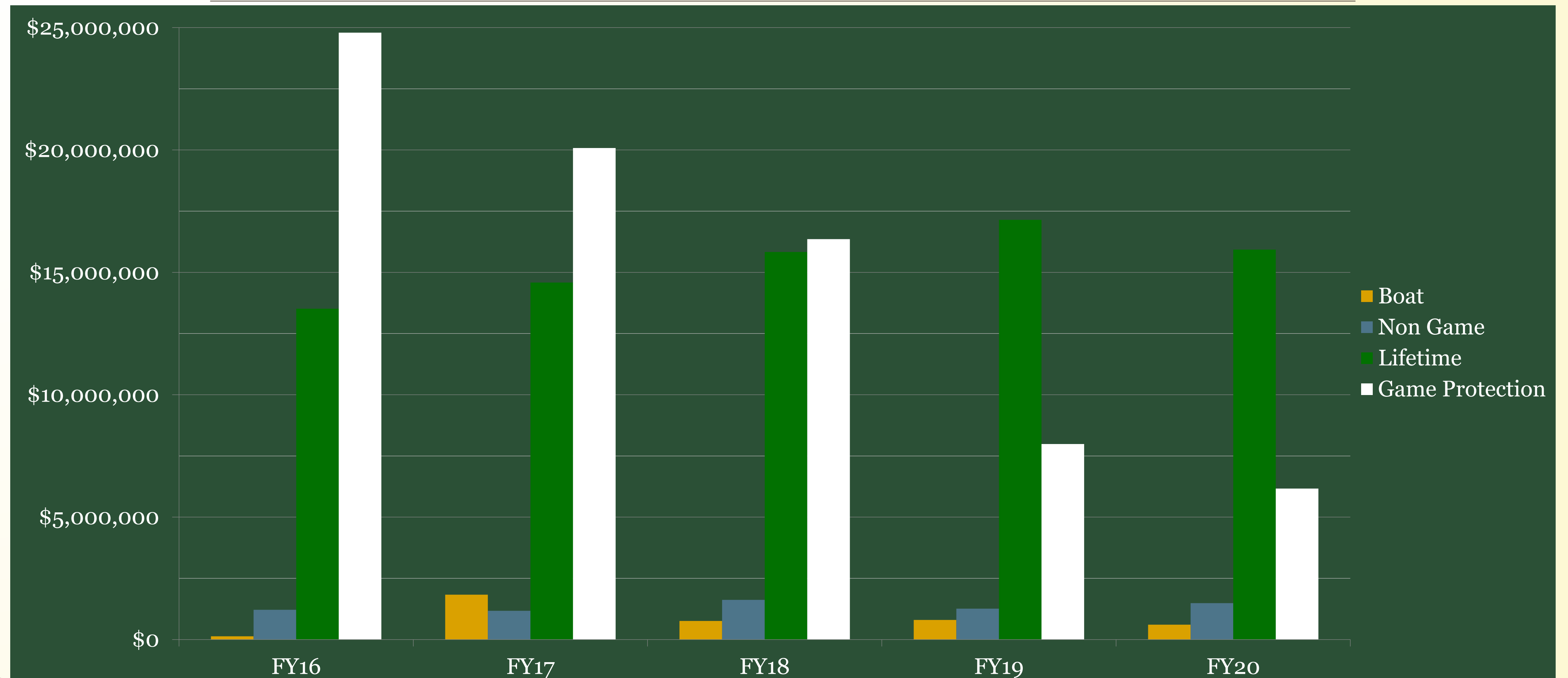




# FY16-20 Capital Expenditures by Project



# FY16-20 Year End Fund Balance



# FY21 Operating Budget

## Decision Points/Considerations: *Update*

### License & Boat Revenue

**“First of Year”  
July Sales**

**Fishing  
Licenses Sales  
June—August**

Hunting License  
Sales September -  
-November

Non-Resident  
Licenses July—  
December

**New Boat  
Registrations  
May—August**

**Boat Renewals  
April—  
September**

### Federal Aid Rule Changes (Future Stimulus)

Extended  
timeframe for  
current Federal  
projects

Change in WSFR  
Match rate: 25% to  
10%

Extended  
Timeframe to  
obligate WSFR  
Funds: 2 to 3 years

Removed penalty  
for failure to  
obligate WSFR  
funds

**Stimulus Funds**

### Program Evaluations

Program Narrative  
Review June--  
September

Funding Stability  
& Constituent  
Review

Strategic/Future  
Planning

**Enhanced  
Budget  
Performance  
Team**

### Special Legislative Session

**General  
Assembly  
activity July—  
August**

Impacts to  
\*\*Transfers  
\*\*Bonus  
\*\*Unknown

### Fleet and Travel Evaluation

Vehicle  
Assignment  
Review

**Training  
Assessment**

**Travel Needs  
(monitor  
conference and  
training  
schedules)**





DEPARTMENT OF  
**WILDLIFE RESOURCES**  
CONSERVE. CONNECT. PROTECT.

## State Audit Report





# State Audit: Scope

## FY19 (July 1, 2018—June 30, 2019)

### Objectives

Determine whether the agency has established adequate policies and procedures to ensure sufficient controls are in place surrounding SYSTEM ACCESS to the Commonwealth's Financial System (Cardinal)

Determine whether REVENUES are recorded in the correct reporting period in the Commonwealth's Financial System (Cardinal).

Determine whether the agency has adequate policies and procedures over the Commonwealth's PROCUREMENT system

Determine whether the agency has adequate policies and procedures over procurement and management of CONTRACTS

Determine whether the agency has adequate policies and procedures over EXPENDITURES

Follow up on prior years' (FY16 and FY18) recommendations: 1) Improve Procedures Over Monthly MY VRS NAVIGATOR RECONCILIATIONS (FY16); 2) Improve Contract Procurement and CONTRACT MANAGEMENT Procedures (FY16); and 3) Improve EMPLOYMENT ELIGIBILITY Process (FY18)



# State Audit: Findings

Subject Area	Recommendations
Employee Eligibility (I9)	Improve Employment Eligibility Process, to include proper completion and review of I9 forms. <i>Consistent staffing, quarterly internal audits and stricter controls for the handling and retention of I-9 documents have already occurred.</i>
Retirement System (VNAV) Reconciliation	Improve Procedures to ensure Monthly Commonwealth Retirement System Reconciliations are performed on time and that the department maintains supporting documentation. <i>Updated procedures, consistent staffing and cross training now in place.</i>
Small Purchase Card (SPC) Control	Deactivate Small Purchase Charge Cards Timely. <i>The 3 cards that had not been used for 90 days were immediately deactivated, with additional reviews and controls now implemented.</i>







# Questions?



Resolution offered August 20, 2020  
Virginia Department of Wildlife Resources  
Office of the Director

Board commitment to the accreditation of the Law Enforcement Division by the Virginia Law Enforcement Professional Standards Commission (VLEPSC)

Whereas, the Law Enforcement Division of the Virginia Department of Wildlife Resources is committed to the continued pursuit of excellence; and

Whereas, accreditation establishes standards of performance, acknowledged business practices and professionally recognized organizational principles that are mandated as necessary for a particular profession or organization; and

Whereas, the objective of the VLEPSC Accreditation process is to provide for a consistent application of established best management standards to further increase participating agency accountability, reduce liability, and promote a continued commitment to building public trust; and

Whereas, The Virginia Accreditation Program, operated through the Department of Criminal Justice Services, was designed and developed by professional law enforcement executives to provide a reasonable and cost-effective plan for the professionalization of law-enforcement agencies that serve the Commonwealth; and

Whereas, accreditation will provide additional opportunities to promote agency outreach endeavors in educating employees and constituents alike in the mission to Conserve, Connect and Protect; and

Whereas, achieving and maintaining law enforcement accreditation will serve as further evidence of the agency's commitment of excellence to the hunting, fishing, boating, and outdoor enthusiasts of the Commonwealth; and

Whereas, now, therefore, be it,

Resolved by the Board of the Virginia Department of Wildlife Resources, Office of the Director, Mr. Ryan Brown and the agency leadership concurring, that this administration commend, promote and support the accreditation process; and, be it

Resolved further, that the Board, Director, and staff provide the necessary resources in achieving and maintaining accredited status through VLEPSC, or equal accreditation process; and, be it also,



Resolved further, that this resolution be placed in the agency archives as an expression of admiration and gratitude for the dedication exhibited by employees regarding ongoing initiatives directed at achieving accredited status.

Given this \_\_\_\_\_ day of \_\_\_\_\_, 2020 under the authority of the undersigned.

\_\_\_\_\_  
Mr. John W. Daniel II, Board Chair

\_\_\_\_\_  
Mr. Ryan J. Brown, Director

**4VAC15-20-66. Admittance, Parking, or Other Use Fee  
at Certain Department-Owned and Department-Managed Facilities.**

**Summary:**

The recommendation is to amend the regulation to i) include department-managed facilities, ii) add boat launch sites to the list of facilities where the department charges a fee, and iii) exempt certain persons who are a passenger on the vessel rather than the vessel's owner or operator from such a fee.

**Recommended language:**

4VAC15-20-66. Admittance, Parking, or Other Use Fee at Certain Department-Owned and Department-managed Facilities.

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

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

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

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

**Rationale:**

These amendments align the regulation with recent legislation changes expanding the types of facilities where the department charges a fee and requiring an access permit or equivalent on boat launch sites.