



townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-260
VAC Chapter title(s)	Game: Waterfowl and Waterfowl Blinds
Action title	Waterfowl blinds adjacent to public lands; special sea duck area
Date this document prepared	April 13, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Non-riparian, stationary waterfowl blinds in waters adjacent to public lands prevent float blind hunting within 500 yards in all directions, significantly reducing public waterfowl hunting opportunity in these public waters. These regulation amendments would prohibit licensing of non-riparian, stationary waterfowl blinds in public waters adjacent to department Wildlife Management Areas and Wildlife Conservation Sites as well as selected National Wildlife Refuges (James River, Plum Tree Island, Occoquan Bay, and Featherstone). The amendments would provide more equitable opportunity and uniformity in the use of the public waters for waterfowl hunting adjacent to these public lands and enable four (4) existing regulation sections (4VAC15-260-60, 4VAC15-260-70, 4VAC15-260-75, and 4VAC15-260-80) already prohibiting licensing of non-riparian, stationary waterfowl blinds in the public waters adjacent to Chickahominy, Game Farm Marsh, Ware Creek, and Ragged Island Wildlife Management Areas to be repealed.

A special sea duck area is a specified zone where waterfowl hunters may chase and retrieve crippled sea ducks while their boat is under power. Chasing and retrieving crippled waterfowl is not a typical waterfowl hunting practice, but the ability of crippled sea ducks to dive and swim under water for several minutes complicates their retrieval, and allowing hunters to chase them while their boat is under power is a conservation measure to ensure retrieval of crippled birds that would otherwise be lost. In the existing regulation, a special sea duck area is only applicable when federal regulations allow a special sea duck hunting season. Current federal regulations do not provide a special sea duck hunting season, and therefore, there is no special sea duck area in Virginia. However, waterfowl hunters are allowed to harvest sea ducks during the general waterfowl hunting season and would benefit from having a special sea duck area for retrieval of crippled sea ducks. The regulation amendment would remove the nexus between the special sea duck area and a special sea duck hunting season and clarify the boundaries of the special sea duck area to enhance understanding by hunters and law enforcement officers.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this regulatory amendment is the Board's biennial periodic review of its hunting, trapping, and wildlife-related regulations. Internal staff review, wildlife management and recreation goals, and consideration of public input through the Board's regulation review and amendment process deemed these amendments advisable.