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Exempt Action: Final Regulation Agency Background Document

Agency name	DWR
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-210
VAC Chapter title(s)	Game: Raccoon
Action title	2025 Amendments to Wildlife Regulations
Final agency action date	5/22/2025
Date this document prepared	7/1/2025

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.

Section 10:

The amendment clarifies language regarding the possession of a firearm and other weapons while engaged in the act of chasing a raccoon to ensure consistency with the 2nd Amendment of the United States Constitution.

Section 51:

The amendment includes private lands where permission to trap has been granted by the landowner to the list of areas where there is a continuous open trapping season for raccoon.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 10:

It is well established through historical application and case law that the 2nd Amendment of the United States Constitution provides for the right to keep and bear arms and that this right shall not be infringed. While the right to keep and bear arms isn't unlimited and there are certain circumstances and situations where such right is restricted, these restrictions apply to background checks, felony convictions, and possession in sensitive locations. As recent case law continues to clarify that such restrictions don't apply to department-owned and managed lands or hunting situations, Department staffs have reviewed relevant regulations to ensure the consistency of these regulations with an individual's right under the 2nd Amendment. While an individual's rights under 2nd Amendment may permit possession of a firearm in many circumstances, the right to such possession doesn't authorize the use of a firearm for hunting. Lawful use of firearms for hunting remains controlled by applicable laws and regulations.

Section 51:

The Code of Virginia (§29.1-517) enables a landowner to take furbearers during closed season under certain conditions. However, the Code section doesn't clearly extend this authority to the landowner's agent. Including the landowner and those to whom they grant permission to trap on their lands within the current continuous open season for trapping of raccoons more clearly extends the landowner's authority within the Code to those whom permission has been granted to address specific issues involving raccoons on their lands. This is an allowance.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On May 22, 2025, the Board of Wildlife Resources adopted final regulation amendments to Chapter 4VAC15-210, titled Game: Raccoon.