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## Exempt Action: Proposed Regulation Agency Background Document

<b>Agency name</b>	DWR
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	4VAC15-20
<b>VAC Chapter title(s)</b>	Definitions and Miscellaneous: In General
<b>Action title</b>	May 2026 – Ch. 20
<b>Date this document prepared</b>	5/29/2026

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 50:

The proposed amendment is to update the date reference to the Department's list of native and naturalized fauna in Virginia to reflect current information about these species.

#### Section 65:

The proposed amendment is to update certain hunting, fishing, and trapping fees up to the amount allowed under Articles 1 (§29.1-300 et seq.) and 2 (§29.1-340 et seq.) of Chapter 3 of Title 29.1 to offset increased costs associated with managing fish and wildlife populations and the habitats that support them and providing and maintaining access to these resources.

#### Section 130:

The proposed amendment is to (i.) update the date reference to the federal list of endangered and threatened wildlife species; and (ii.) update the Virginia List of Endangered and Threatened Species to

add Roanoke Logperch as endangered and to remove Emerald Shiner as state threatened to reflect their status in Virginia more accurately.

Section 155:

The proposed amendment is to establish a fee of \$10 associated with authorization for camping on Wildlife Management Areas and other department-owned or department-managed lands to offset increased costs associated with maintenance of these lands, enforcement of laws and regulations on these lands, and related administrative costs.

## 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."*

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Section 50:

In 1991, the Board adopted a list of species identified as native and naturalized in the Commonwealth. This list is used in regulations pertaining to collection, holding, etc., of wildlife. This regulation is periodically updated in this manner, typically in even years, to reflect changes in nomenclature and updated knowledge of the wildlife species known to occur in Virginia.

Section 65:

The Department administers numerous programs that support the management of fish and wildlife populations, as well as lands and waters, throughout the state; public access to these resources; enforcement of fish and wildlife laws and regulations; hunter and angler safety training; and public awareness. These services are paid for, in part by fees paid to hunt, fish, and trap in Virginia. In 2025, the Department issued over 198,000 hunting licenses to individuals; 305,000 individual fishing licenses (including 55,000+ trout licenses); 63,000 sportsman's licenses; more than 1,500 trapping licenses; 22,000 fee fishing area licenses; 96,000 freshwater/saltwater fishing licenses; 26,000 Virginia Migratory Waterfowl Conservation Stamps; and 5,400 waterfowl blind licenses. In that same period, the agency also issued nearly 24,000 lifetime licenses (hunting, freshwater fishing, trout, and trapping). Except for lifetime licenses, most licenses sold are valid for not more than a year.

Under its authorities outlined in the Code of Virginia (§29.1-103.16), the Board of Wildlife Resources may, by regulation, adopt revisions to fees charged for all hunting, fishing, and trapping licenses authorized under Articles 1 (§ 29.1-300 *et seq.*) and 2 (§ 29.1-340 *et seq.*) of Chapter 3 of Title 29.1. These fees may not be raised or lowered more than once every three years and by not more than \$5 at any one time for resident licenses or \$50 at any one time for nonresident licenses. The Board last implemented broad scale fee changes to fishing, hunting, and trapping licenses in 2011.

Since the Board's last broad scale action on license fees, prices in the U.S. have increased by roughly 43.8%, representing an average annual inflation rate increase of 2.63%. The value of the dollar has also decreased, with \$1 in 2012 having the purchasing power of 70 cents in 2026. Equally dramatic changes have occurred in construction costs, with cumulative increases of more than 40% just between 2020 and 2026. Over the past six years, personnel costs have risen by nearly 25%, in large part due to annual salary increases included in the state budgets. The Department has received no new state funding to support those salary increases. Accordingly, the Department's annual operating budgets have moved from 60% personnel, 40% non-personnel to nearly 80% personnel, 20% non-personnel. Over this same period, Department revenues have remained generally static. Those trends, coupled with unpredictable changes (such as tariffs and volatile gasoline costs), have placed the Department in an unsustainable financial position. Such a situation is untenable over time due to needs to replace equipment, ensure employee safety, and implement priority programs. The Department's operating budget for fiscal year 2012 was approximately \$55.2 million, which would equate to a comparable budget of just over \$79.5

million in fiscal year 2027 (beginning July 1, 2026). The Department's proposed operating budget for fiscal year 2027 is approximately \$65 million.

During this same period (2012-2026), demands on the agency have increased substantially, with little additional revenue to offset the resulting costs. Public expectation of timely and in-person responsiveness to human-wildlife conflict resolution has significantly changed how conservation police officers and wildlife biologists spend their time. A growing, diverse population presents both challenges and opportunities for increasing outdoor recreation participation. Increasing demand for public access to lands and waters is well-documented not only in the Department's management plans, but also in the updated Virginia Outdoors Plan, where access to natural areas and water continue to be two of the top 10 most desired outdoor recreation opportunities. Capital maintenance of Department facilities (hatcheries, dams, boating access, WMA infrastructure) needed to provide safe and meaningful access has not kept pace with use, with an estimated current infrastructure liability of more than \$275 million.

While the Department has made great strides finding efficiencies in programs, including an overall reduction in employee numbers, the Department is struggling to maintain the level of service to which the public has grown accustomed. Enforcement of laws and regulations that protect the recreating public, providing access, and managing Virginia's fish and wildlife populations, as well as the habitats that support them, remain top priorities. The proposed updated fees would help offset increased costs across all program areas, allowing the Department to better address the needs of hunters, anglers, and recreationists across Virginia's lands and waters. Accounting for a relatively minor churn rate of 3%, the agency expects these increases to generate approximately \$6.39 million in additional annual revenue. This additional revenue will help to support the economic impact of fishing, hunting, and boating, which are estimated to contribute \$3.2 billion, \$1.2 billion, and \$4.4 billion, respectively, to the Virginia economy. With the exception of non-resident fishing licenses, the proposed increases keep the license fee schedules generally in line with fees charged by adjacent states.

#### Section 130:

Maintaining the currency of the Board's adoption of the federal list is essential to clarifying the state and federal status of each affected species and to ensuring compliance with our Cooperative Agreements with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding interagency management of these species.

In 2025, the Roanoke Logperch was removed from the list of federal endangered species. The decision to de-list this species federally was mainly due to new information about its distribution in Virginia and longstanding efforts to reduce sediment loading through best management practices, implement habitat restoration, and restrict instream construction to outside of spawning periods. However, in Virginia, the species is still threatened by excessive fine sediment, mainly through runoff from agricultural and urban land uses adjacent to the streams in which it occurs. Staff think that the use of number and lengths of occupied streams as metrics for federal delisting did not adequately consider the quality and long-term viability of populations. For instance, Roanoke logperch populations in the Pigg River, Otter River, and Goose Creek – all genetically similar – exhibit low genetic diversity and low population size, compared to other Virginia streams. Listing Roanoke Logperch as state endangered will allow the Department to prioritize and implement projects such as dam removal, stream restoration, and species translocation (e.g., to support species reintroduction or genetic augmentation). As a state endangered species, a conservation plan will be developed that will identify specific goals for Roanoke Logperch recovery and delisting. The plan will allow for the designation and implementation of nonessential or experimental populations that will assist in the species' long-term conservation.

The Emerald Shiner has been listed as a state threatened species since 1992. Species records in Virginia are extremely rare, with the last known collection to be in the Clinch River in 1990 and the Powell River in 1968. Despite its rarity and peripheral nature in Virginia, it is considered to have the largest distribution of any North American minnows. Virginia is located on the eastern edge of range for the species and its rarity on our waters is not indicative of imperilment across its range.

#### Section 155:

In 2020, the Board adopted regulations requiring anyone camping on WMAs, or on other Department-owned or Department-managed sites, to secure a no-cost camping authorization. This authorization provided a means for the DWR to know who was using Department-owned properties, document known

start and end dates by camper, and have a way to contact campers in the event of an emergency. Up to six individuals are allowed under one camping authorization. Additionally, the authorization ensured that campers adhered to certain rules and requirements to reduce impacts to properties and reduce associated staff maintenance costs. During 2025, the Department issued approximately 2,400 camping authorizations.

Prior to the implementation of the camping authorization, the Department had many instances of individuals setting up long-term camp sites or abandoning campers, tents and other equipment when not in use. The Department does not have the funding or staffing to manage long-term camping. Further, long-term camping can degrade wildlife habitat, which is a primary function of WMAs. In most cases, suitable camping locations are limited. Camping for longer than 14 nights could prevent others from enjoying DWR properties.

Even with the implementation of camping authorizations, the Department continues to incur increased expenses associated with maintaining these areas on the WMAs and enforcing rules, regulations and laws on the areas. Increased demands by Virginians for natural places in which to recreate continues to put pressures on DWR lands. The 2024 Virginia Outdoors Plan corroborates this outcome, noting that 82% of respondents to the Virginia Outdoors Survey indicated that access to the outdoors was very important to them and that "natural areas" (i.e. undeveloped) were the most needed outdoor recreation asset (47% of respondents). The 2026 cost for primitive camping at Virginia State Parks ranges from \$16-\$21, plus a \$5 non-refundable transaction fee and applicable Virginia sales tax. These rates are based on four guests at a camp site.

The proposed DWR \$10 camping authorization fee will help offset on-going maintenance and development costs associated with both infrastructure and habitat on Department-owned and Department-managed lands, as well as law enforcement patrols needed to ensure user compliance with WMA rules, regulations, and laws and safety of the public on these properties. Acknowledging that there may be a nominal churn rate of 3%, the DWR anticipates that the new camping authorization fee will generate \$23,450 additional revenue annually.