

Office of Regulatory Management
Economic Review Form

Agency name	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 18, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Exempt Proposed

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Prohibit licensing of non-riparian stationary waterfowl blinds in the public waters adjacent to certain public properties. <p>Direct Costs: There are no anticipated direct costs associated with this proposal.</p> <p>Indirect Costs: Staff time would be needed to design and implement programs to provide float blind hunting for waterfowl in the public waters adjacent to these public lands. However, staff time would be minimal as such programs already exist and would only need to be expanded to additional properties.</p> <p>Direct Benefits: There are no anticipated direct benefits associated with this proposal.</p> <p>Indirect Benefits: A prohibition on licensing of non-riparian stationary waterfowl blinds is already in place for a small number of properties affected by this proposal. However, for most properties affected by the proposal, such blinds can be licensed in the adjacent public waters and require public agencies to purchase blind licenses and construct waterfowl blinds to manage waterfowl hunting adjacent to the public lands. These expenditures are not necessary to provide public waterfowl hunting, but they are required of public agencies to avoid having individual waterfowl hunters purchase blind licenses in these public waters, preventing public agencies from providing equitable waterfowl hunting programs in the public water adjacent to public property.</p> <ul style="list-style-type: none"> • Clarify designation of the special sea duck area. <p>Direct Costs: There are no anticipated direct costs associated with this proposal.</p> <p>Indirect Costs: There are no anticipated indirect costs associated with this proposal</p> <p>Direct Benefits: There are no anticipated direct benefits associated with this proposal.</p> <p>Indirect Benefits: Clarifying and simplifying the description of the special sea duck area should enhance the waterfowl hunter’s understanding of the regulatory requirement, helping avoid unintended violations which result in fines and other costs associated with resolving regulation violations.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Indeterminate	(b) Indeterminate
(3) Net Monetized Benefit	Indeterminate	
(4) Other Costs & Benefits (Non-Monetized)	The greatest benefit of this proposal is the opportunity to significantly increase the equitability of waterfowl hunting programs adjacent to public properties. Hunting contributes nearly \$900 million dollars to Virginia's economy, of which waterfowl hunting is a significant economic contributor. In addition to economic benefits, hunting also generates personal benefits such as physical exercise, mental wellness and preparedness, and a healthy source of protein.	
(5) Information Sources	2011 National Survey of Hunting, Fishing, and Wildlife-Based Recreation, Michigan State University, and department waterfowl management program data	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Maintaining the licensing of non-riparian stationary waterfowl blinds in the public waters adjacent to certain public properties. <p>Direct Costs: By maintaining the status quo, public agencies would be required to purchase blind licenses as well as construct and maintain waterfowl blinds to ensure their ability to manage waterfowl hunting in the public waters adjacent to their public lands.</p> <p>Indirect Costs: Current waterfowl blind laws discourage equitable waterfowl hunting opportunities and may be a factor in limiting the number of hunters who pursue waterfowl in Virginia as public waterfowl hunting opportunities are not readily available.</p> <p>Direct Benefits: There are no anticipated direct benefits associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no anticipated indirect benefits associated with maintaining the status quo.</p> <ul style="list-style-type: none"> • Maintain the current designation of the special sea duck area. <p>Direct Costs: There are no anticipated direct costs associated with maintaining the status quo.</p>
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	<p>Indirect Costs: Failure to clarify the existing special sea duck area could lead to unintended violations of a regulation that requires hunters to determine whether or not they are 800 yards offshore.</p> <p>Direct Benefits: There are no anticipated direct benefits associated with maintaining the status quo.</p> <p>Indirect Benefits: There are no anticipated indirect benefits associated with maintaining the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Indeterminate	(b) Indeterminate
(3) Net Monetized Benefit	Indeterminate	
(4) Other Costs & Benefits (Non-Monetized)	<p>Failure to amend the special sea duck area regulation would limit a waterfowl hunter's ability to chase and retrieve sea ducks injured while hunting waterfowl by preventing the use of a boat under power for retrieval. An inability to retrieve sea ducks with a boat under power routinely results in loss of the bird as crippled sea ducks can dive and swim underwater for several minutes before surfacing at a significant distance.</p>	
(5) Information Sources	Department waterfowl program management data	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Alternative Approach – there are no other reasonable alternatives to prohibiting licensing of non-riparian waterfowl blinds in the public water adjacent to public lands as the Code of Virginia provides for their licensure with limited opportunities for modifying waterfowl blind laws in ways that do not abridge the rights of landowners or their lessees and permittees.</p> <p>Direct Costs: N/A</p> <p>Indirect Costs: N/A</p> <p>Direct Benefits: N/A</p> <p>Indirect Benefits: N/A</p>
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<p>Alternative Approach – Modify the designation of the special sea duck area.</p> <p>Direct Costs: There are no anticipated direct costs associated with this alternative.</p> <p>Indirect Costs: Various ways to describe the special sea duck area were considered in developing this proposal. All alternatives other than the current proposal require waterfowl hunters to estimate their distance from shore. Requiring hunters to estimate distance can lead to unintended regulation violations with associated fines and other costs associated with resolving violations.</p> <p>Direct Benefits: There are no anticipated direct benefits associated with this alternative.</p> <p>Indirect Benefits: There are no anticipated indirect benefits associated with this alternative.</p>		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Indeterminate	(b) None
(3) Net Monetized Benefit	Indeterminate	
(4) Other Costs & Benefits (Non-Monetized)	None	
(5) Information Sources	N/A	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no anticipated direct costs to local partners.</p> <p>Indirect Costs: There are no anticipated indirect costs to local partners.</p> <p>Direct Benefits: There are no anticipated direct benefits to local partners.</p>
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	Indirect Benefits: There are no anticipated indirect benefits to local partners.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) None
(3) Other Costs & Benefits (Non-Monetized)	None	
(4) Assistance	N/A	
(5) Information Sources	N/A	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: There are no anticipated direct costs to families. Indirect Costs: There are no anticipated indirect costs to families. Direct Benefits: There are no anticipated direct benefits to families. Indirect Benefits: There are no anticipated indirect benefits to families.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) None
(3) Other Costs & Benefits (Non-Monetized)	None	
(4) Information Sources	N/A	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Some waterfowl hunters currently licensing non-riparian stationary waterfowl blinds in public waters adjacent to public properties may be seeking financial gain through selling opportunities to hunt from these blinds.</p> <p>Indirect Costs: There are no anticipated indirect costs to small businesses.</p> <p>Direct Benefits: There are no anticipated direct benefits to small businesses.</p> <p>Indirect Benefits: There are no anticipated indirect benefits to small businesses.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Indeterminate	(b) None
(3) Other Costs & Benefits (Non-Monetized)	Indeterminate	
(4) Alternatives	N/A/	
(5) Information Sources	N/A	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved	Initial Count	Additions	Subtractions	Net Change
4VAC15-260-60 (repealed) 4VAC15-260-70 (repealed) 4VAC15-260-75 (repealed) 4VAC15-260-80 (repealed) 4VAC15-260-85 (new) 4VAC15-260-86 (new)	8	13	8	5
4VAC15-260-120	3	0	1	-1

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
4VAC15-260-60 (repealed) 4VAC15-260-70 (repealed) 4VAC15-260-75 (repealed) 4VAC15-260-80 (repealed) 4VAC15-260-85 (new) 4VAC15-260-86 (new)	Prohibit licensing of non-riparian stationary waterfowl blinds in the public waters adjacent to certain public properties.	Indeterminate	Indeterminate	Indeterminate
4VAC15-260-120	Clarify designation of the special sea duck area.	Indeterminate	Indeterminate	Indeterminate

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
<p>4VAC15-260-60 (repealed) 4VAC15-260-70 (repealed) 4VAC15-260-75 (repealed) 4VAC15-260-80 (repealed) 4VAC15-260-85 (new) 4VAC15-260-86 (new)</p>	<p>Prohibit licensing of non-riparian stationary waterfowl blinds in the public waters adjacent to certain public properties.</p>	<p>This proposal repeals a number of regulation sections which have existed, unchanged since the late 1970s. These regulation section were “grandfathered” as subsequent changes to waterfowl blind laws were effected in the Code of Virginia. Thus, these older regulation section don’t reference a number of Code requirements, particularly pertaining to the right of landowners and restrictions on hunting within a specified distance of stationary waterfowl blinds. The two newly proposed regulations (one for DWR-owned properties and one for other public lands) reference all existing Code requirements and moving forward, will enable additional properties to be included in these regulation sections without adding to the regulatory burden.</p>
<p>4VAC15-260-120</p>	<p>Clarify designation of the special sea duck area.</p>	<p>This proposal removes a regulatory requirement that unduly prohibits the ability of waterfowl hunters to pursue crippled sea ducks in an efficient manner. Further, this proposal clarifies and simplifies the designation of the special sea duck zone to aid in understanding and compliance by waterfowl hunters.</p>

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length
N/A			