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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Wildlife Resources
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC15-40
VAC Chapter title(s)	Game: In General
Action title	Checking traps; sale of wild turkey parts; feeding deer
Final agency action date	May 25, 2023
Date this document prepared	June 2, 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.

Prior to this action, the department's regulation section on visiting traps enabled the individual setting the trap to use remote monitoring systems rather than an in-person inspection to ensure that no animal has been captured. Those regulatory requirements were established in 2015 and did not reflect technological advances since that time. The amendments to the trap visitation regulation update those requirements to incorporate the latest technology.

Numerous parts of legally harvested game animals (hide, hair, feathers, skulls, etc.) are used in a wide variety of arts, crafts, tools, and implements. The department's administrative code currently allows the sale of various parts of legally harvested deer, furbearer, and small game animals, but the sale of wild turkey parts was limited to a few items noted in the Code of Virginia (§29.1-521). The regulation amendment clarifies and expands the parts of legally harvested turkeys which be offered for sale.

In 2019, the department adopted a regulation prohibiting the feeding of deer (includes all deer species) year-round in areas of the state impacted by the presence of Chronic Wasting Disease (CWD). When the regulation was adopted, the language only applied at the county-level and did not include incorporated cities and towns located within a county. Because feeding of deer amplifies transmission of CWD regardless of the type of localities where the disease is present, the regulation amendment prohibits the feeding of deer at the county-level as well as those incorporated cities and towns within it.

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 these regulatory amendments 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.

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) the name of the agency taking the action; and 3) the title of the regulation.

The Board of Wildlife Resources adopted these final amendments to regulations found in 4VAC15-40 (Game: In General) at its meeting held on May 25, 2023.