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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)	4VAC15-260
VAC Chapter title(s)	Game: Waterfowl and Waterfowl Blinds
Action title	Special sea duck area
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.

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. Prior to this action, a special sea duck area was 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 was no special sea duck area in Virginia. However, waterfowl hunters are allowed to harvest sea ducks during the general waterfowl hunting season and benefit from having a special sea duck area for retrieval of crippled sea ducks. This action removes the nexus between the special sea

duck area and a special sea duck hunting season and clarifies 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 this amendment 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 4VAC15-260 (Game: Waterfowl and Waterfowl Blinds) at its meeting held on May 25, 2023.