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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Wildlife Resources
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	4VAC15-90
<b>VAC Chapter title(s)</b>	Game: Deer
<b>Action title</b>	Open season; either-sex hunting days; elk hunting program
<b>Final agency action date</b>	May 25, 2023
<b>Date this document prepared</b>	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.*

Deer population levels across portions of Virginia exceed desired population levels as outlined in the department's publicly generated deer management plan. These regulation amendments are designed to reduce deer population levels in these localities by increasing deer hunting opportunities, increasing the number of days when antlerless deer can be harvested, or requiring hunters to harvest antlerless deer before harvesting multiple antlered deer. Additionally, these regulation amendments help address the spread of Chronic Wasting Disease (CWD) in those portions of Virginia where the disease is present.

Last fall (2022), the department conducted the first elk hunt in Virginia's Elk Management Zone (Buchanan, Dickenson, and Wise Counties) where elk populations were recently restored. Based upon that experience and the imminent completion of an elk population research project, these amendments allow the department greater flexibility in timing the elk hunt lottery to capitalize on additional elk

population data in determining the annual allocation of special elk hunting licenses for the Elk Management Zone. Further, these amendments afford landowners greater flexibility and opportunity associated with the department's Elk Landowner License Program. This program encourages public elk hunting on private land by awarding points to landowners enrolling their land in the program which can be used in the future to secure a special elk hunting license for their land.

### **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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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.*

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The Board of Wildlife Resources adopted these final amendments to regulations found in 4VAC15-90 (Game: Deer) at its meeting held on May 25, 2023.