VIRGINIA REGISTER OF REGULATIONS

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VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the Virginia Register, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE *VIRGINIA REGISTER*

The *Virginia Register* is cited by volume, issue, page number, and date. **34:8 VA.R. 763-832 December 11, 2017,** refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards,** Chair; **James A. "Jay" Leftwich,** Vice Chair; **Ryan T. McDougle; Rita Davis; Leslie L. Lilley; E.M. Miller, Jr.; Thomas M. Moncure, Jr.; Christopher R. Nolen; Charles S. Sharp; Samuel T. Towell; Mark J. Vucci.**

Staff of the *Virginia Register:* **Karen Perrine,** Registrar of Regulations; **Anne Bloomsburg,** Assistant Registrar; **Nikki Clemons,** Regulations Analyst; **Rhonda Dyer,** Publications Assistant; **Terri Edwards,** Senior Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (http://register.dls.virginia.gov).

May 2019 through April 2020

Volume: Issue	Material Submitted By Noon*	Will Be Published On
35:20	May 8, 2019	May 27, 2019
35:21	May 22, 2019	June 10, 2019
35:22	June 5, 2019	June 24, 2019
35:23	June 19, 2019	July 8, 2019
35:24	July 3, 2019	July 22, 2019
35:25	July 17, 2019	August 5, 2019
35:26	July 31, 2019	August 19, 2019
36:1	August 14, 2019	September 2, 2019
36:2	August 28, 2019	September 16, 2019
36:3	September 11, 2019	September 30, 2019
36:4	September 25, 2019	October 14, 2019
36:5	October 9, 2019	October 28, 2019
36:6	October 23, 2019	November 11, 2019
36:7	November 6, 2019	November 25, 2019
36:8	November 18, 2019 **(Monday)**	December 9, 2019
36:9	December 4, 2019	December 23, 2019
36:10	December 18, 2019	January 6, 2020
36:11	January 1, 2020	January 20, 2020
36:12	January 15, 2020	February 3, 2020
36:13	January 29, 2020	February 17, 2020
36:14	February 12. 2020	March 2, 2020
36:15	February 26, 2020	March 16, 2020
36:16	March 11, 2020	March 30, 2020
36:17	March 25, 2020	April 13, 2020

*Filing deadlines are Wednesdays unless otherwise specified.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Initial Agency Notice

Title of Regulation: **24VAC35-30. VASAP Case Management Policy and Procedure Manual.**

Statutory Authority: § 18.2-270.2 of the Code of Virginia.

Name of Petitioner: Cynthia Ellen Hites.

Nature of Petitioner's Request: "I, Cynthia Hites, citizen of the Commonwealth of Virginia, pursuant to § 2.2-4007 of the Code of Virginia, do humbly submit this petition for the following amendment to Virginia Administrative Code 24VAC35-30-150. Currently, Alcohol Safety Action Program (ASAP) case managers can deny citizens' right to due process by choosing to restart an ASAP client's court imposed ignition interlock sentence. Upon suspicion of an ignition interlock violation, ASAP case managers should initiate a non-compliance hearing for that offender. However, ASAP case managers are usurping the jurisdiction of the court, endowed by §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia, by personally altering or extending the sentences of their clients. ASAP case managers serve in a probationary capacity, and as such, are precluded from considering evidence surrounding ignition interlock violation accusations. Despite this, ASAP case managers are choosing to impose punishment on citizens without the benefit of a trial. The current verbiage of the statute is as follows: '24VAC35-30-150. Reporting. ASAPs shall work with the courts and service providers to establish reports essential to the probationary function of the case manager.' To clarify for all ASAP and VASAP personnel, and reiterate wherein lies judicial authority, I request the addition of the following language to 24VAC35-30-150: '24VAC35-30-150. Reporting. ASAPs shall work with the courts and service providers to establish reports essential to the probationary function of the case manager. Under no circumstance shall an ASAP case manager alter any court-imposed sentence, or attempt to personally adjudicate a suspected ignition interlock violation.' This simple change will help protect Virginians from being unjustly penalized before all evidence and accusations against them can be presented in a court of law."

Agency Plan for Disposition of Request: The Commission on Virginia Alcohol Safety Action Program will consider this petition at its quarterly meeting on December 13, 2019.

Public Comment Deadline: December 6, 2019.

Agency Contact: Richard Foy, Regulatory Coordinator, Commission on the Virginia Alcohol Safety Action Program, 701 East Franklin Street, Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, or email rfoy@vasap.virginia.gov.

VA.R. Doc. No. R19-32; Filed April 10, 2019, 12:35 p.m.

Agency Decision

Title of Regulation: **24VAC35-60. Ignition Interlock Program Regulations.**

Statutory Authority: § 18.2-270.2 of the Code of Virginia.

Name of Petitioner: David Hites.

Nature of Petitioner's Request: "Under § 2.2-4007 of the Code of Virginia, I David Hites, ask that the following change be made to Virginia Administrative Code 24VAC35-60-70, Section F, Paragraph 3 from: 'The ignition interlock device shall be alcohol specific, using an electrochemical fuel cell that reacts to and measures alcohol, minimizing positive results from other substances.' to: 'The ignition interlock device shall be alcohol specific, using any proven technology that reacts to and measures alcohol only, as defined in 24VAC35-60-20 "Definitions" meaning ethyl alcohol, also called ethanol (C_2H_5OH).' The law as currently written demands the use of fuel cell technology. It also demands that breath alcohol ignition interlock devices (BAIIDs) be ethanol specific. The two requirements cannot simultaneously be met. If the law requires BAIIDs to be specific to ethanol, then a fuel cell does not meet that requirement, as by its nature it will detect other alcohols. The law must be changed due to its inconsistency and impossibility to meet both standards. Thank you for your consideration."

Agency Decision: Request denied.

Statement of Reason for Decision: The petitioner's request was considered by the Commission on Virginia Alcohol Safety Action Program (VASAP) at its quarterly meeting on March 29, 2019. VASAP interprets and defines the terms "alcohol" and "alcohol specific" so as to be consistent with the Code of Virginia, the National Highway Traffic Safety Administration's Model Specifications for Ignition Interlock Devices, the Association of Ignition Interlock Program Administrator's standardized vocabulary directory, many research studies, and common industry language. In order for the VASAP regulations to remain consistent with both the historic and current usage of these terms, the commission denied the petition.

Agency Contact: Richard Foy, Regulatory Coordinator, Commission on the Virginia Alcohol Safety Action Program, 701 East Franklin Street, Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, or email rfoy@vasap.virginia.gov.

VA.R. Doc. No. R19-04; Filed April 10, 2019, 12:50 p.m.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-20. Definitions and Miscellaneous: In General (amending 4VAC15-20-50, 4VAC15-20-65, 4VAC15-20-130; adding 4VAC15-20-240).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments (i) update department headquarters references, (ii) prohibit use of drones for certain activities, and (iii) increase license fees.

4VAC15-20-50. Definitions; "wild animal," "native animal," "naturalized animal," "nonnative (exotic) animal," and "domestic animal."

A. In accordance with § 29.1-100 of the Code of Virginia, the following terms shall have the meanings ascribed to them by this section when used in regulations of the board:

"Native animal" means those species and subspecies of animals naturally occurring in Virginia, as included in the department's 2018 "List of Native and Naturalized Fauna of Virginia," with copies available in the ~~Richmond~~ headquarters and regional offices of the department.

"Naturalized animal" means those species and subspecies of animals not originally native to Virginia that have established wild, self-sustaining populations, as included in the department's 2018 "List of Native and Naturalized Fauna of Virginia," with copies available in the ~~Richmond~~ headquarters and regional offices of the department.

"Nonnative (exotic) animal" means those species and subspecies of animals not naturally occurring in Virginia, excluding domestic and naturalized species.

The following animals are defined as domestic animals:

Domestic dog (Canis familiaris), including wolf hybrids.

Domestic cat (Felis catus), including hybrids with wild felines.

Domestic horse (Equus caballus), including hybrids with Equus asinus.

Domestic ass, burro, and donkey (Equus asinus).

Domestic cattle (Bos taurus and Bos indicus).

Domestic sheep (Ovis aries) including hybrids with wild sheep.

Domestic goat (Capra hircus).

Domestic swine (Sus scrofa), including pot-bellied pig and excluding any swine that are wild or for which no claim of ownership can be made.

Llama (Lama glama).

Alpaca (Lama pacos).

Camels (Camelus bactrianus and Camelus dromedarius).

Domesticated races of hamsters (Mesocricetus spp.).

Domesticated races of mink (Mustela vison) where adults are heavier than 1.15 kilograms or their coat color can be distinguished from wild mink.

Domesticated races of guinea pigs (Cavia porcellus).

Domesticated races of gerbils (Meriones unguiculatus).

Domesticated races of chinchillas (Chinchilla laniger).

Domesticated races of rats (Rattus norvegicus and Rattus rattus).

Domesticated races of mice (Mus musculus).

Domesticated breeds of European rabbit (Oryctolagus cuniculus) recognized by the American Rabbit Breeders Association, Inc. and any lineage resulting from

crossbreeding recognized breeds. A list of recognized rabbit breeds is available on the department's website.

Domesticated races of chickens (Gallus).

Domesticated races of turkeys (Meleagris gallopavo).

Domesticated races of ducks and geese distinguishable morphologically from wild birds.

Feral pigeons (Columba domestica and Columba livia) and domesticated races of pigeons.

Domesticated races of guinea fowl (Numida meleagris).

Domesticated races of peafowl (Pavo cristatus).

"Wild animal" means any member of the animal kingdom, except domestic animals, including without limitation any native, naturalized, or nonnative (exotic) mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any hybrid of them, except as otherwise specified in regulations of the board, or part, product, egg, or offspring of them, or the dead body or parts of them.

B. Exception for red foxes and European rabbits. Domesticated red foxes (Vulpes vulpes) having coat colors distinguishable from wild red foxes and wild European rabbits possessed in captivity on July 1, 2017, may be maintained in captivity until the animal dies, but the animal may not be bred or sold without a permit from the department. Persons possessing domesticated red foxes or European rabbits without a permit from the department must declare such possession in writing to the department by January 1, 2018. This written declaration must include the number of individual animals in possession and date acquired, sex, estimated age, coloration, and a photograph of each fox or European rabbit. This written declaration shall (i) serve as a permit for possession only, (ii) is not transferable, and (iii) must be renewed every five years.

4VAC15-20-65. Hunting, trapping, and fishing license and permit fees.

In accordance with the authority of the board under subdivision 16 of § 29.1-103 of the Code of Virginia, the following fees are established for hunting, trapping, and fishing licenses and permits:

Virginia Resident Licenses to Hunt	
Type license	Fee
~~1 year~~ One-year Resident License to Hunt, for licensees 16 years of age or older	$22.00
~~2 year~~ Two-year Resident License to Hunt, for licensees 16 years of age or older	$43.00
~~3 year~~ Three-year Resident License to Hunt, for licensees 16 years of age or older	$64.00
~~4 year~~ Four-year Resident License to Hunt, for licensees 16 years of age or older	$85.00
County or City Resident License to Hunt in County or City of Residence Only, for licensees 16 years of age or older	$15.00
Resident Senior Citizen Annual License to Hunt, for licensees 65 years of age or older	$8.00
Resident Junior License to Hunt, for licensees 12 through 15 years of age, optional for licensees ~~under~~ younger than 12 years of age	$7.50
Resident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees ~~under~~ younger than 16 years of age	$15.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Fish)	~~$132.00~~ $109.00
Resident Hunting License for Partially Disabled Veterans	$11.00
Resident Infant Lifetime License to Hunt	$130.00
Resident Junior Lifetime License to Hunt, for licensees ~~under~~ younger than 12 years of age at the time of purchase	~~$255.00~~ $260.00
Resident Lifetime License to Hunt, for licensees at the time of purchase:	
through 44 years of age	~~$260.00~~ $265.00
45 through 50 years of age	~~$210.00~~ $215.00
51 through 55 years of age	~~$160.00~~ $165.00

56 through 60 years of age	~~$110.00~~ $115.00
61 through 64 years of age	~~$60.00~~ $65.00
65 years of age and ~~over~~ older	~~$20.00~~ $25.00
~~Resident Hunting License for Partially Disabled Veterans~~	~~$11.00~~
Totally and Permanently Disabled Resident Special Lifetime License to Hunt	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt or Freshwater Fish (also listed under Virginia Resident Licenses to Fish)	no fee

Virginia Resident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Resident Deer and Turkey Hunting License, for licensees 16 years of age or older	$22.00
Resident Junior Deer and Turkey Hunting License, for licensees ~~under~~ younger than 16 years of age	$7.50
Resident Archery License to Hunt with archery equipment during archery hunting season	$17.00
Resident Bear Hunting License	$20.00
Resident Muzzleloading License to Hunt during muzzleloading hunting season	$17.00
Resident Bonus Deer Permit	$17.00
Resident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	$22.00

Virginia Nonresident Licenses to Hunt	
Type license	Fee
Nonresident License to Hunt, for licensees 16 years of age or older	$110.00
Nonresident Three-Day Trip License to Hunt	$59.00
Nonresident Youth License to Hunt, for licensees:	
~~under~~ younger than 12 years of age	$12.00
12 through 15 years of age	$15.00
Nonresident Youth Combination License to Hunt, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, and to hunt with muzzleloading guns during muzzleloading hunting season, for licensees ~~under~~ younger than 16 years of age	$30.00
Nonresident Annual Hunting License for Partially Disabled Veterans	$55.00
Nonresident Annual Hunting License for Totally and Permanently Disabled Veterans	$27.50
Nonresident Infant Lifetime License to Hunt	$275.00
Nonresident Lifetime License to Hunt	~~$555.00~~ $580.00

Virginia Nonresident Licenses for Additional Hunting Privileges	
Type license or permit	Fee
Nonresident Deer and Turkey Hunting License, for licensees:	
16 years of age or older	$85.00
12 through 15 years of age	$15.00
~~under~~ younger than 12 years of age	$12.00
Nonresident Bear Hunting License	$150.00
Nonresident Archery License to Hunt with archery equipment during archery hunting season	$30.00
Nonresident Muzzleloading License to Hunt during muzzleloading hunting season	$30.00
Nonresident Shooting Preserve License to Hunt within the boundaries of a licensed shooting preserve	$22.00
Nonresident Bonus Deer Permit	$30.00

Nonresident Fox Hunting License to hunt foxes on horseback with hounds without firearms (not required of an individual holding a general License to Hunt)	$110.00

Miscellaneous Licenses or Permits to Hunt	
Type license or permit	Fee
Waterfowl Hunting Stationary Blind in Public Waters License	$22.50
Waterfowl Hunting Floating Blind in Public Waters License	$40.00
Foxhound Training Preserve License	$17.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Fish)	~~$17.00~~ $22.00

Virginia Resident and Nonresident Licenses to Trap	
Type license	Fee
~~1 year~~ One-year Resident License to Trap, for licensees 16 years of age or older	$45.00
~~2 year~~ Two-year Resident License to Trap, for licensees 16 years of age or older	$89.00
~~3 year~~ Three-year Resident License to Trap, for licensees 16 years of age or older	$133.00
~~4 year~~ Four-year Resident License to Trap, for licensees 16 years of age or older	$177.00
County or City Resident License to Trap in County or City of Residence Only	$20.00
Resident Junior License to Trap, for licensees ~~under~~ younger than 16 years of age	$10.00
Resident Senior Citizen License to Trap, for licensees 65 years of age or older	$8.00
Resident Senior Citizen Lifetime License to Trap, for licensees 65 years of age or older	~~$20.00~~ $25.00
Totally and Permanently Disabled Resident Special Lifetime License to Trap	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Trap	$15.00
Nonresident License to Trap	$205.00

Virginia Resident Licenses to Fish	
Type license	Fee
~~1 year~~ One-year Resident License to Freshwater Fish	$22.00
~~2 year~~ Two-year Resident License to Freshwater Fish	$43.00
~~3 year~~ Three-year Resident License to Freshwater Fish	$64.00
~~4 year~~ Four-year Resident License to Freshwater Fish	$85.00
County or City Resident License to Freshwater Fish in County or City of Residence Only	$15.00
Resident License to Freshwater Fish, for licensees 65 years of age or older	$8.00
Resident License to Fish in Designated Stocked Trout Waters	$22.00
Resident License to Freshwater and Saltwater Fish	$38.50
Resident License to Freshwater Fish for Five Consecutive Days	$13.00
Resident License to Freshwater and Saltwater Fish for Five Consecutive Days	$23.00
Resident Sportsman License to Hunt and Freshwater Fish, and to hunt bear, deer, and turkey, to hunt with archery equipment during archery hunting season, to hunt with muzzleloading guns during muzzleloading hunting season, to fish in designated stocked trout waters (also listed under Virginia Resident Licenses to Hunt)	~~$132.00~~ $109.00
Resident Fishing License for Partially Disabled Veterans	$11.00
Resident Infant Lifetime License to Fish	130.00

Resident Special Lifetime License to Freshwater Fish, for licensees at the time of purchase:	
through 44 years of age	~~$260.00~~ $265.00
45 through 50 years of age	~~$210.00~~ $215.00
51 through 55 years of age	~~$160.00~~ $165.00
56 through 60 years of age	~~$110.00~~ $115.00
61 through 64 years of age	~~$60.00~~ $65.00
65 years of age and ~~over~~ older	~~$20.00~~ $25.00
Resident Special Lifetime License to Fish in Designated Stocked Trout Waters, for licensees at the time of purchase:	
through 44 years of age	~~$260.00~~ $265.00
45 through 50 years of age	~~$210.00~~ $215.00
51 through 55 years of age	~~$160.00~~ $165.00
56 through 60 years of age	~~$110.00~~ $115.00
61 through 64 years of age	~~$60.00~~ $65.00
65 years of age and ~~over~~ older	~~$20.00~~ $25.00
~~Resident Fishing License for Partially Disabled Veterans~~	~~$11.00~~
Totally and Permanently Disabled Resident Special Lifetime License to Freshwater Fish	$15.00
Service-Connected Totally and Permanently Disabled Veteran Resident Lifetime License to Hunt and Freshwater Fish (also listed under Virginia Resident Licenses to Hunt)	no fee

Virginia Nonresident Licenses to Fish	
Type license	Fee
Nonresident License to Freshwater Fish	$46.00
Nonresident License to Freshwater Fish in Designated Stocked Trout Waters	$46.00
Nonresident License to Freshwater and Saltwater Fish	$70.00
Nonresident Fishing License for Partially Disabled Veterans	$23.00
Nonresident Annual Fishing License for Totally and Permanently Disabled Veterans	$11.50
Nonresident License to Freshwater Fish for One Day	$7.00
Nonresident License to Freshwater Fish for Five Consecutive Days	$20.00
Nonresident License to Freshwater and Saltwater Fish for Five Consecutive Days	$30.00
Nonresident Infant Lifetime License to Fish	$275.00
Nonresident Special Lifetime License to Freshwater Fish	~~$555.00~~ $580.00
Nonresident Special Lifetime License to in Fish in Designated Stocked Trout Waters	~~$555.00~~ $580.00

Miscellaneous Licenses or Permits to Fish	
Type license or permit	Fee
Permit to Fish for One Day at Board-Designated Stocked Trout Fishing Areas with Daily Use Fees	$7.00
Public Access Lands for Sportsmen Permit to Hunt, Trap, or Fish on Designated Lands (also listed under Miscellaneous Licenses or Permits to Hunt)	$17.00
Special Guest Fishing License	$60.00

4VAC15-20-130. Endangered and threatened species; adoption of federal list; additional species enumerated.

A. The board hereby adopts the Federal Endangered and Threatened Species List, Endangered Species Act of December 28, 1973 (16 USC §§ 1531-1543), as amended as of ~~August 4, 2016~~ February 26, 2019, and declares all species listed thereon to be endangered or threatened species in the Commonwealth. Pursuant to subdivision 12 of § 29.1-103 of the Code of Virginia, the director of the department is hereby delegated authority to propose adoption of modifications and amendments to the Federal Endangered and Threatened Species List in accordance with the procedures of §§ 29.1-501 and 29.1-502 of the Code of Virginia.

B. In addition to the provisions of subsection A of this section, the following species are declared endangered or threatened in this Commonwealth, and are afforded the protection provided by Article 6 (§ 29.1-563 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia:

1. Fish:

Endangered

Dace, Tennessee	Phoxinus tennesseensis
Darter, sharphead	Etheostoma acuticeps
Darter, variegate	Etheostoma variatum
Sunfish, blackbanded	Enneacanthus chaetodon

Threatened:

Darter, Carolina	Etheostoma collis
Darter, golden	Etheostoma denoncourti
Darter, greenfin	Etheostoma chlorobranchium
Darter, sickle	Percina willliamsi
Darter, western sand	Ammocrypta clara
Madtom, orangefin	Noturus gilberti
Paddlefish	Polyodon spathula
Shiner, emerald	Notropis atherinoides
Shiner, steelcolor	Cyprinella whipplei
Shiner, whitemouth	Notropis alborus

2. Amphibians:

Endangered:

Salamander, eastern tiger	Ambystoma tigrinum

Threatened:

Salamander, Mabee's	Ambystoma mabeei
Treefrog, barking	Hyla gratiosa

3. Reptiles:

Endangered:

Rattlesnake, canebrake (Coastal Plain population of timber rattlesnake)	Crotalus horridus
Turtle, bog	Glyptemys muhlenbergii
Turtle, eastern chicken	Deirochelys reticularia reticularia

Threatened:

Lizard, eastern glass	Ophisaurus ventralis
Turtle, wood	Glyptemys insculpta

4. Birds:

Endangered:

Plover, Wilson's	Charadrius wilsonia
Rail, black	Laterallus jamaicensis
Wren, Bewick's	Thryomanes bewickii bewickii

Threatened:

Falcon, peregrine	Falco peregrinus
Shrike, loggerhead	Lanius ludovicianus
Sparrow, Bachman's	Aimophila aestivalis
Sparrow, Henslow's	Ammodramus henslowii
Tern, gull-billed	Sterna nilotica

5. Mammals:

Endangered:

Bat, Rafinesque's eastern big-eared	Corynorhinus rafinesquii macrotis
Bat, little brown	Myotis lucifugus
Bat, tri-colored	Perimyotis subflavus
Hare, snowshoe	Lepus americanus
Shrew, American water	Sorex palustris
Vole, rock	Microtus chrotorrhinus

6. Mollusks:

Endangered:

Coil, rubble	Helicodiscus lirellus
Coil, shaggy	Helicodiscus diadema
Deertoe	Truncilla truncata
Elephantear	Elliptio crassidens
Elimia, spider	Elimia arachnoidea
Floater, brook	Alasmidonta varicosa
Ghostsnail, thankless	Holsingeria unthanksensis

Heelsplitter, Tennessee	Lasmigona holstonia
Lilliput, purple	Toxolasma lividus
Mussel, slippershell	Alasmidonta viridis
Pigtoe, Ohio	Pleurobema cordatum
Pigtoe, pyramid	Pleurobema rubrum
Springsnail, Appalachian	Fontigens bottimeri
Springsnail (no common name)	Fontigens morrisoni
Supercoil, spirit	Paravitrea hera

Threatened:

Floater, green	Lasmigona subviridis
Papershell, fragile	Leptodea fragilis
Pigtoe, Atlantic	Fusconaiamasoni
Pimpleback	Quadrula pustulosa pustulosa
Pistolgrip	Tritogonia verrucosa
Riversnail, spiny	Iofluvialis
Sandshell, black	Ligumia recta
Supercoil, brown	Paravitrea septadens

7. Arthropods:

Threatened:

Amphipod, Madison Cave	Stygobromus stegerorum
Pseudotremia, Ellett Valley	Pseudotremia cavernarum
Xystodesmid, Laurel Creek	Sigmoria whiteheadi

C. It shall be unlawful to take, transport, process, sell, or offer for sale within the Commonwealth any threatened or endangered species of fish or wildlife except as authorized by law.

D. The incidental take of certain species may occur in certain circumstances and with the implementation of certain conservation practices as described in this subsection:

Species	Location	Allowable Circumstances	Required Conservation Measures	Expected Incidental Take
Little brown bat Tri-colored bat	Statewide	Human health risk – need for removal of individual animals from human-habited structures.	Between May 15 and August 31, no exclusion of bats from maternity colonies, except for human health concerns. DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	Little to no direct lethal taking expected.
		Public safety or property damage risk – need for tree removal, application of prescribed fire, or other land management actions affecting known roosts;	Hibernacula: no tree removal, use of prescribed fire, or other land management action within a 250-foot radius buffer area from December 1 through April 30. Between September 1 and November 30, increase the buffer to a 1/4-mile radius with the following conditions: for timber harvests greater than 20 acres, retain snags and wolf trees (if not presenting public safety or	Little to no direct lethal taking expected.

		removal of animals from known roosts.	property risk) and small tree groups up to 15 trees of 3-inch diameter at breast height (dbh) or greater, one tree group per 20 acres. Otherwise, document the need (public safety, property damage risk) for tree removal during this period and verify that no known roost trees exist in the buffer area. Tree removal and prescribed fire are permitted outside of these dates. Known roost trees: no tree removal, use of prescribed fire, or other land management action within a 150-foot radius buffer area from June 1 through July 31, if possible. Otherwise, document public safety or property damage risk. DGIF-permitted nuisance wildlife control operator with DGIF-recognized certification in techniques associated with removal of bats. Use of exclusion devices that allow individual animals to escape. Manual collection of individual animals incapable of sustaining themselves; transport to a willing and appropriately permitted wildlife rehabilitator.	
		Facility or project operations when conducted in accordance with a DGIF-approved plan associated with these species.	Development and implementation of a plan that avoids, minimizes, and mitigates incidental take associated with an otherwise lawful activity. The plan shall include, but not be limited to, documenting the specific condition or action, the specific mitigation to be taken, and the expected incidental take.	Little to no direct lethal taking expected.

4VAC15-20-240. Use of drones for certain activities prohibited.

A. Except as authorized by the director or the director's designee, it shall by unlawful at any time for any person to use a drone or unmanned aircraft:

1. To hunt, take, or kill a wild animal or to drive or herd any wild animal for the purpose of hunting, trapping, or killing.

2. To attempt to locate, surveil, aid, or assist in the hunting of any wild animal.

3. To harass any wild animal. For the purposes of this section, "harass" means any action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.

4. On department-owned lands, except that department employees and contractors or agents acting on behalf of the department may use drones or other unmanned aircraft when addressing human safety, law enforcement, management, or other needs approved by the department.

B. No part of this section shall be construed to restrict the use of drones or other unmanned aircraft for wildlife management activities conducted or authorized by the department; by United States government agency employees whose responsibility includes fisheries and wildlife management; or by county, city, or town animal control officers in the performance of their official duties related to public health concerns or problem wildlife.

DOCUMENTS INCORPORATED BY REFERENCE (4VAC15-20)

List of Native and Naturalized Fauna of Virginia, 2018, Virginia Department of Game and Inland Fisheries

~~Federal Endangered and Threatened Animal Species as of August 4, 2016~~

Federal Endangered and Threatened Animal Species as of February 26, 2019

VA.R. Doc. No. R19-5933; Filed April 9, 2019, 3:53 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-30. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals (amending 4VAC15-30-50).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments authorize department-permitted wildlife rehabilitators to receive, possess, provide care for, including to humanely dispatch, and release wildlife.

4VAC15-30-50. Possession, transportation, and release of wildlife by authorized persons.

A. Department employees in the performance of their official duties; U.S. government agencies' employees whose responsibility includes fisheries and wildlife management; county, city, or town animal control officers in the performance of their official duties related to public health concerns or problem wildlife removal; and individuals operating under conditions of a commercial nuisance animal permit issued by the department pursuant to §§ 29.1-412 and 29.1-417 of the Code of Virginia will be deemed to be permitted pursuant to this section to capture, temporarily hold or possess, transport, release, and when necessary humanely dispatch wildlife, provided that the methods of and documentation for the capture, possession, transport, release, and humane dispatch shall be in accordance with director policy.

B. Local animal shelters operating under the authority of, or under contract with, any county, city, or town with animal control responsibilities shall be authorized to receive, temporarily confine, and humanely euthanize wildlife, except for state or federal threatened and endangered species~~;~~, federally protected migratory bird species~~;~~, black bear~~;~~, white-tailed deer~~;~~ and wild turkey, provided that the methods of and documentation for the possession, confinement, and euthanasia shall be in accordance with conditions defined by the agency director. Provided further that any person may legally transport wildlife, except for those species listed in this subsection, to an authorized animal shelter after contacting the facility to confirm the animal will be accepted.

C. Wildlife rehabilitators permitted by the department shall be authorized to receive, temporarily confine, provide medical care to, release, and humanely dispatch wildlife provided that the methods of and documentation for such activities shall be in accordance with permit conditions defined by the department. Any person may capture and transport an injured, debilitated, sick, or orphaned wild animal without unnecessary delay directly to a permitted wildlife rehabilitator, department employee, or other person authorized by the department to possess and transport these animals, but only after contacting the facility, employee, or authorized person to confirm the animal will be accepted. Prior to transport, no care may be provided to a wild animal, except as directed by a permitted wildlife rehabilitator or department employee. Following rehabilitation, any person, under the direction of a permitted wildlife rehabilitator or department employee, may transport and release certain species of native wildlife back into the wild in accordance with conditions defined by the department for permitted wildlife rehabilitators.

~~C.~~ D. Employees or agents of other state wildlife agencies while in the performance of their official duty in transporting wildlife through the Commonwealth will be deemed to be permitted pursuant to this section, provided that a list of animals to be transported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a letter of authorization from both the forwarding and receiving state agencies are provided to the department 24 hours prior to the transporting of such animals, and further provided that such animals shall not be liberated within the Commonwealth.

~~D.~~ E. Employees or agents of government agencies, while in the performance of their official duties, may temporarily possess, transport, and dispose of carcasses of wild animals killed by vehicles, except for state or federal threatened and endangered species, and federally protected migratory bird species.

~~E.~~ F. With prior written approval from the director or ~~his~~ the director's designee and under conditions of an applicable department permit, institutions with bona fide accreditation from the Association of Zoos and Aquariums may possess, transport, have transported, export, or import native and naturalized species defined in the List of Native and Naturalized Fauna of Virginia, which is incorporated by reference into 4VAC15-20-50.

VA.R. Doc. No. R19-5932; Filed April 9, 2019, 3:26 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-40. Game: In General (amending 4VAC15-40-60, 4VAC15-40-70, 4VAC15-40-270, 4VAC15-40-275, 4VAC15-40-285; adding 4VAC15-40-276, 4VAC15-40-300).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments (i) require hunting weapons be cased or dismantled on certain public lands outside of hunting season; (ii) define "hunting weapon" to include all hunting weapon types; (iii) update the definition of a loaded muzzleloader; (iv) define loaded arrowgun; (v) clarify where the possession of firearms and the shooting of properly marked mallards and pigeons is allowed and remove the Sunday exception; (vi) open three new wildlife management areas for training dogs on quail; (vii) authorize the sale of unclaimed black bear mounts or processed hides by taxidermists and the sale of nutria, coyote, and certain small game parts; (viii) prohibit feeding cervids in any county within 25 miles of a Chronic Wasting Disease detection; and (ix) make providing incorrect harvest information unlawful.

4VAC15-40-60. Hunting with dogs or possession of weapons in certain locations during closed season.

A. Department-owned ~~lands west of the Blue Ridge Mountains~~ and national forest lands statewide. It shall be unlawful to have in possession a ~~bow, crossbow, or any~~ firearm or any hunting weapon that is not unloaded and cased or dismantled on all national forest lands statewide and on department-owned lands and on other lands managed by the department under cooperative agreement ~~located in counties west of the Blue Ridge Mountains~~ except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, ~~or~~ waterfowl, or migratory gamebirds on these lands.

~~B. Department-owned lands east of the Blue Ridge Mountains. It shall be unlawful to have in possession a bow, crossbow, or any firearm that is not unloaded and cased or dismantled on department-owned lands and on other lands managed by the department under cooperative agreement located in the counties east of the Blue Ridge Mountains except during the period when it is lawful to take bear, deer, grouse, pheasant, quail, rabbit, raccoon, squirrel, turkey, waterfowl or migratory gamebirds on these lands.~~

~~C.~~ B. Certain counties. Except as otherwise provided in 4VAC15-40-70, it shall be unlawful to have either a shotgun or a rifle in one's possession when accompanied by a dog in the daytime in the fields, forests or waters of the ~~counties~~ Counties of Augusta, Clarke, Frederick, Page, Shenandoah, and Warren, and in the counties east of the Blue Ridge Mountains, except Patrick, at any time except the periods prescribed by law to hunt game birds and animals.

~~D.~~ C. Shooting ranges and authorized activities. The provisions of this section shall not prohibit the conduct of any activities authorized by the board or the establishment and operation of archery and shooting ranges on the lands described in subsections A~~, B~~ and ~~C~~ B of this section. The use of firearms~~, crossbows, and bows~~ or any hunting weapon in such ranges during the closed season period will be restricted to the area within the established range boundaries. Such weapons shall be required to be unloaded and cased or dismantled in all areas other than the range boundaries. The use of firearms~~, crossbows,~~ or ~~bows~~ any hunting weapon during the closed hunting period in such ranges shall be restricted to target shooting only, and no birds or animals shall be molested.

~~E.~~ D. It shall be unlawful to chase with a dog or train dogs on national forest lands or department-owned lands except during authorized hunting, chase, or training seasons that specifically permit these activities on these lands or during raccoon hound field trials on these lands between September 1 and March 31, both dates inclusive, that are sanctioned by bona fide national kennel clubs and authorized by permits ~~required and~~ issued by the department ~~and~~ or the U.S. Forest Service.

~~F.~~ E. It shall be unlawful to possess or transport any loaded firearm~~,~~ or loaded ~~crossbow~~ hunting weapon in or on any vehicle at any time on national forest lands or department-owned lands.

~~G.~~ F. The provisions of this section shall not prohibit the possession, transport, and use of loaded firearms by employees of the Department of Game and Inland Fisheries while engaged in the performance of their authorized and official duties, nor shall it prohibit possession and transport of loaded concealed handguns where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of Virginia.

~~H.~~ G. Meaning of "possession" of ~~bow, crossbow, or firearm~~ any hunting weapon and definition of "loaded crossbow," "loaded arrowgun," "loaded muzzleloader," and "loaded firearm." For the purpose of this section, the word "possession" shall include~~, but not be limited to,~~ having any ~~bow, crossbow, or~~ firearm or weapon used for hunting in or on one's person, vehicle, or conveyance. For the purpose of this section, a "loaded firearm" ~~shall be defined as~~ means a firearm in which ammunition is chambered or loaded in the magazine or clip when such magazine or clip is engaged or partially engaged in a firearm. The definition of a loaded ~~muzzleloading firearm~~ muzzleloader will include a muzzleloading ~~firearm~~ rifle, pistol, or shotgun that is capped, ~~or~~ has a charged pan, or has a primer or battery installed in the ~~firearm~~ muzzleloader. ~~The definition of a~~ A "loaded crossbow" ~~is~~ means a crossbow that is cocked and has either a bolt or arrow engaged or partially engaged on the shooting rail or track of the crossbow, or with a "trackless crossbow" when the crossbow is cocked and a bolt or arrow is nocked. "Loaded arrowgun" means an arrowgun that has an arrow or bolt inserted on the arrow rest or in the barrel. "Hunting weapon" means any weapon allowable for hunting as defined in § 29.1-519 of the Code of Virginia.

4VAC15-40-70. Open dog training season.

A. Private lands and certain military areas. It shall be lawful to train dogs during daylight hours on squirrels and nonmigratory game birds on private lands, and on rabbits and nonmigratory game birds on Fort A. P. Hill, Fort Pickett, and Quantico Marine Reservation. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, must comply with all regulations and laws pertaining to hunting, and no game shall be taken; provided, however, that weapons may be in possession on private lands when training dogs on captive raised and properly marked mallards and pigeons so that they may be immediately shot or recovered~~, except on Sunday~~.

B. It shall be lawful to train dogs on rabbits on private lands from 1/2 hour before sunrise to midnight.

C. Designated portions of certain department-owned lands. It shall be lawful to train dogs on quail on designated portions of the Amelia Wildlife Management Area, Cavalier Wildlife Management Area, Chester F. Phelps Wildlife Management Area, Chickahominy Wildlife Management Area, ~~and~~ Dick Cross Wildlife Management Area, Mattaponi Wildlife Management Area, and White Oak Mountain Wildlife Management Area from September 1 to the day prior to the opening date of the quail hunting season, both dates inclusive. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting, and no game shall be taken.

D. Designated department-owned lands. It shall be lawful to train dogs during daylight hours on rabbits and nonmigratory game birds on the Weston Wildlife Management Area from September 1 to March 31, both dates inclusive. Participants in this dog training season shall not have any weapons other than starter pistols in their possession, shall not release pen-raised birds, must comply with all regulations and laws pertaining to hunting, and no game shall be taken.

4VAC15-40-270. Sale of unclaimed taxidermy specimens by licensed taxidermists.

Unclaimed mounted native wildlife specimens or their processed hides, when taken in accordance with the provisions of law and regulations, may be sold by a Virginia licensed taxidermist with the exception of ~~black bears,~~ migratory waterfowl, migratory birds, and state and federally listed threatened and endangered species.

A mount or processed hide shall be considered unclaimed if it has been left in a taxidermy place of business for more than 30 days beyond the period the mount was to remain on the premises pursuant to a contract. This contract must inform the owner of the possibility of such sale. After the 30-day period a notice by registered or certified mail with a return receipt requested must be mailed to the owner of record ~~therein~~, instructing ~~him~~ the owner to reclaim the mount within 15 days of the notice. This notice shall identify the species and the date it was received, set forth the location of the taxidermist facility where it is held, and inform the owner of his rights to reclaim the mount with 15 days of this notice after payment of the specified costs. This notice shall state that the failure of the owner to reclaim the mount or hide within this 15-day ~~time frame~~ timeframe may result in the sale of the unclaimed mount or hide.

If a mount or hide is not claimed after the return of a signed certified receipt and within the 15-day period, then the taxidermist may sell the mount for an amount not to exceed the remainder of the amount of the original invoice plus reasonable administrative and storage costs. Within seven days of the sale of any unclaimed mount the taxidermist shall notify the department in writing of the name, telephone number, and address of the purchaser, invoice price, species sold, taxidermist, and previous owners' name, telephone number, and address. Upon receipt of such paperwork for a

bear mount or hide, a conservation police officer will review the paperwork and will provide the purchaser a form that will remain with the mount.

For the purposes of this section, "mount" means the processed hide, pelt, or skin of an animal affixed to a form for display. A processed hide, pelt, or skin is one that has been tanned, cured, chemically preserved, or converted to any usable form beyond initial cleaning, stretching, and drying by the taxidermist or the taxidermist's agent. Nothing in this section shall permit the sale of skulls, claws, teeth, unprocessed hides, or any other parts of a bear that are not a legitimate part of the mount.

4VAC15-40-275. Sale of furbearer, coyote, and nutria pelts, carcasses, and parts.

It shall be unlawful to buy, sell, barter, traffic or trade in, bargain for, or solicit for purchase raw pelts and unskinned carcasses of fur-bearing animals defined in § 29.1-100 of the Code of Virginia, coyotes, and nutria without having first obtained a fur dealer permit in accordance with §§ 29.1-400 through 29.1-407 of the Code of Virginia, except that a permit shall not be required of:

1. Any hunter or trapper, or any person lawfully engaged in the business of fur farming, to sell or dispose of legally taken or possessed raw pelts and unskinned carcasses of fur-bearing animals at any time.

2. Any person to purchase legally taken or possessed raw pelts or unskinned carcasses of fur-bearing animals, coyotes, and nutria at any time if the pelts are to be tanned or used in taxidermy mounts for personal use and not for resale, trade, or other commercial purposes.

3. Any person to buy or sell at any time pelts that are not defined as being raw, skinned carcasses, ~~such as~~ taxidermy mounts, or any other parts of legally taken and possessed fur-bearing animals ~~defined in § 29.1-100 of the Code of Virginia~~, coyotes, and nutria. Such parts shall include skulls, teeth, claws, bones, glands, and secretions. For the purposes of this section, "raw pelt" ~~shall be defined as~~ means any pelt with its hair or fur intact that has not been tanned, cured, chemically preserved, or converted to any usable form beyond initial cleaning, stretching, and drying. Salt-cured and sun-cured pelts shall be considered raw pelts.

4VAC15-40-276. Sale of small game animals and parts.

It shall be lawful for any person to purchase or sell skins, pelts, skulls, bones, teeth, claws, feet, tails, hair, feathers, taxidermy mounts, and other nonmeat parts of legally taken and possessed rabbits, squirrels, bobwhite quail, ruffed grouse, and pheasants.

4VAC15-40-285. Unauthorized feeding of cervids.

A. It shall be unlawful for any person to place or distribute food, salt, minerals, or similar substances to feed or attract cervids (i) at any time in the ~~counties~~ Counties (including the cities and towns within) of Buchanan, ~~Clarke,~~ Dickenson, ~~Frederick, Shenandoah, Warren, and~~ Wise, and in any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting Disease; (ii) during any deer or elk season within any county, city, or town that allows deer or elk hunting; and (iii) from September 1 through the first Saturday in January, both dates inclusive, elsewhere in the Commonwealth.

B. Any food, salt, minerals, or similar substances placed or distributed to feed or attract cervids prior to September 1 must be completely removed by September 1, and any area where food, salt, minerals, or similar substances were placed or distributed to feed or attract cervids shall be considered to be baited for 10 days following the complete removal of the items listed in this subsection.

C. Upon written notification by department personnel, no person shall continue to place or distribute any food, salt, mineral, or similar substances for any purpose if the placement of these materials results in the attraction of ~~and/or~~ or feeding of cervids. After such notification, such person shall be in violation of this section if the placing, distribution, or presence of such food, salt, minerals, or similar substances continues.

D. No part of this regulation shall be construed to restrict bona fide agronomic plantings (including wildlife food plots), bona fide distribution of food to livestock, or wildlife management activities conducted or authorized by the department.

4VAC15-40-300. Falsifying harvest information prohibited.

It shall be unlawful to provide false statements or record false information when tagging, checking, or reporting the harvest of any wild animal to the department, any agent of the department, or any taxidermist.

VA.R. Doc. No. R19-5924; Filed April 9, 2019, 3:10 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-50. Game: Bear (amending 4VAC15-50-11, 4VAC15-50-12, 4VAC15-50-71, 4VAC15-50-81, 4VAC15-50-91, 4VAC15-50-110, 4VAC15-50-120).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments (i) add the three-day early open season to the Counties of Albemarle, Amherst, Bedford, Frederick, and Nelson; (ii) remove references to Augusta County north and south of U.S. Route 250; (iii) add two weeks of open season to 35 counties in south-central and eastern Virginia; (iv) add two weeks of open season to 11 counties or portions of counties in southwestern Virginia south of I-81; (v) add one week of open season to seven counties or portions of counties in southwestern Virginia north of I-81; (vi) extend the duration of bear hunting within incorporated cities and allow towns to have the same season; (vii) correct a boundary line distinction along Route 16 in Grayson and Smyth Counties; (viii) update the definition of a muzzleloader to current technological standards to match those found in 4VAC15-90-80; (ix) allow for harvested black bears to be checked using the automated harvest reporting system; (x) describe how hunters exempted from needing a license may check black bear harvests; (xi) limit the prohibition on the use of hounds to hunt black bear to only the first two weeks of open deer season should deer season be lengthened to four weeks in Amherst, Bedford, or Nelson County; and (xii) define where bear hound training season is allowed instead of prohibited.

4VAC15-50-11. Open season; generally.

A. It shall be lawful to hunt bears in the following localities, including the cities and towns therein, during the following seasons:

Location	Season
Accomack County	Closed
Albemarle County	~~Fourth~~ Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Alleghany County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Amelia County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Amherst County	~~Fourth~~ Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Appomattox County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Arlington County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Augusta County ~~(North of US 250)~~	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
~~Augusta County (South of US 250)~~	~~Monday following the last Saturday in September and for 2 days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.~~
Bath County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Bedford County	~~Fourth~~ Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.

Bland County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Botetourt County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Brunswick County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Buchanan County	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
Buckingham County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Campbell County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Caroline County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Carroll County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Charles City County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Charlotte County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Chesapeake (City of)	October 1 through the first Saturday in January, both dates inclusive.
Chesterfield County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Clarke County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Craig County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Culpeper County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Cumberland County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Dickenson County	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
Dinwiddie County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Essex County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Fairfax County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Fauquier County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Floyd County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.

Fluvanna County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Franklin County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Frederick County	~~Fourth~~ Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Giles County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Gloucester County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Goochland County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Grayson County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Greene County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Greensville County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Halifax County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Hanover County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henrico County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Henry County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Highland County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Isle of Wight County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
James City County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
King and Queen County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
King George County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
King William County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Lancaster County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Lee County	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
Loudoun County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Louisa County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Lunenburg County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.

Madison County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Mathews County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Mecklenburg County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Middlesex County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Montgomery County (southeast of I-81)	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Montgomery County (northwest of I-81)	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Nelson County	~~Fourth~~ Monday following the last Saturday in September and for two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
New Kent County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Northampton County	Closed
Northumberland County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Nottoway County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Orange County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Page County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Patrick County	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Pittsylvania County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Powhatan County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Prince Edward County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Prince George County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Prince William County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Pulaski County (southeast of I-81)	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Pulaski County (northwest of I-81)	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rappahannock County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Richmond County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.

Roanoke County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rockbridge County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Rockingham County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
~~Russell County (except on the Channels State Forest and Clinch Mountain WMA)~~	~~Monday following the last Saturday in September and for 2 days following; and the first Monday in December through the first Saturday in January, both dates inclusive.~~
Russell County ~~(on the Channels State Forest and Clinch Mountain WMA)~~	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Scott County	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
Shenandoah County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Smyth County (southeast of I-81)	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Smyth County (northwest of I-81)	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Southampton County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Spotsylvania County	Fourth Monday in November through the first Saturday in January, both dates inclusive.
Stafford County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Suffolk (City of)	October 1 through the first Saturday in January, both dates inclusive.
Surry County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Sussex County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Tazewell County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Virginia Beach (City of)	October 1 through the first Saturday in January, both dates inclusive.
Warren County	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
Washington County (southeast of I-81)	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.

Washington County (northwest of ~~I-81 and east of Route 19)~~ I-81)	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
~~Washington County (northwest of I-81 and west of Route 19)~~	~~Monday following the last Saturday in September and for 2 days following; and the first Monday in December and for 19 days following.~~
Westmoreland County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.
Wise County	Monday following the last Saturday in September and for ~~2~~ two days following; and the ~~first~~ fourth Monday in ~~December~~ November through the first Saturday in January, both dates inclusive.
Wythe County (southeast of I-81)	~~First~~ Monday ~~in~~ nearest December ~~and for 19 days following~~ 2 through the first Saturday in January, both dates inclusive.
Wythe County (northwest of I-81)	Monday following the last Saturday in September and for ~~2~~ two days following; and the fourth Monday in November through the first Saturday in January, both dates inclusive.
York County	Monday nearest December 2 and for ~~5 consecutive hunting~~ 19 days following.

B. Except as provided in the subsection A of this section, bears may be hunted from the first Saturday ~~prior to the fourth Monday~~ in ~~November~~ October through the first Saturday in January, both dates inclusive, within the incorporated limits of any town or city that allows bear hunting.

4VAC15-50-12. Youth and apprentice hunter bear hunting weekend.

It shall be lawful for hunters 15 years of age and ~~under~~ younger and holders of a valid apprentice hunting license, when in compliance with all applicable laws and license requirements, to hunt bears on the second Saturday in October and the following calendar day when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or is exempt from purchasing a hunting license. Adult hunters accompanying youth or apprentice bear hunters on this weekend may not carry or discharge weapons. Bear bag limit, weight limits, and all other take restrictions specifically provided in the sections appearing in this chapter apply to this youth weekend. Bear hunting with dogs is prohibited in the ~~counties~~ Counties of Accomack, Campbell (west of Norfolk Southern Railroad), Fairfax, Grayson ~~(east~~ (west of Route 16), Henry, Loudoun, Northampton, Patrick, Pittsylvania (west of Norfolk Southern Railroad), Roanoke (south of Interstate 81), Smyth (south of Interstate 81 and ~~east~~ west of Route 16), Washington (south of Interstate 81)~~, and~~; in the ~~city~~ City of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew Wildlife Management Areas. Tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

4VAC15-50-71. Muzzleloading gun hunting.

A. It shall be lawful to hunt bears during the special muzzleloading season with muzzleloading guns from the Saturday prior to the second Monday in November through the Friday prior to the third Monday in November, both dates inclusive, except in the Cities of Chesapeake, Suffolk, and Virginia Beach.

B. It shall be unlawful to hunt bear with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as defined in § 29.1-516.1 of the Code of Virginia may be used.

C. A muzzleloading gun, for the purpose of this section, means a single shot weapon, ~~.45 caliber or larger,~~ firing a single projectile or sabot (with a ~~.38~~ .35 caliber or larger projectile) ~~of the same caliber~~ loaded from the muzzle of the weapon ~~and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder)~~.

D. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-50-81. Validating tags and checking bear and tooth submission by licensee or permittee.

A. Any person killing a bear shall, before removing the carcass from the place of kill, validate an appropriate tag on their special license for hunting bear or special permit by completely removing the designated notch area from the tag. Place of kill shall be defined as the location where the animal is first reduced to possession. It shall be unlawful for any person to validate (notch) a bear tag from any special license for hunting bear or special permit prior to the killing of a bear. A bear tag that is mistakenly validated (notched) prior to the killing of a bear must be immediately voided by the licensee or permittee by writing, in ink, the word "VOID" on the line provided on the license tag.

B. Upon killing a bear and validating (notching) a license tag or special permit, as provided in subsection A of this section, the licensee shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass and validated (notched) license tag or special permit to an authorized bear checking station or to an appropriate representative of the department in the county or adjoining county in which the bear was killed or report the kill through the department's automated harvest reporting system. ~~Upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass. At such time, the person checking the carcass will be given a game check card. The successful hunter shall then immediately record the game check card number, in ink, on the line provided adjacent to the license tag that was validated (notched) in the field. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass~~ At such time, the person checking or reporting the carcass will be given a black bear check card furnished by the department or a confirmation number from the automated reporting system. The successful hunter shall then immediately record the game check card number or confirmation number, in ink, on the line provided on the tag that was validated (notched) in the field. If checked at an authorized bear check station, the black bear check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the bear check card must be securely attached to the carcass. If the kill is reported using the automated harvest reporting system, no check card is required as long as the hunter who killed the animal is in possession of the carcass. If the automated harvest reported carcass is left unattended or transferred to the possession of another individual, written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number must be created and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. Processed carcass parts of a bear killed legally in Virginia may be transported; however, upon request of any authorized law-enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.

C. If the carcass is checked at a bear check station, upon presentation of the carcass and validated (notched) license tag or special permit to the bear checking station, the licensee shall surrender or allow to be removed one premolar tooth from the carcass. If the kill is reported through the department's automated harvest reporting system, a premolar must be removed by the hunter immediately after reporting the kill. The premolar shall be placed in an envelope furnished by the department and labeled with the hunter's full name, check confirmation number, date of kill, and the sex of the harvested bear. This envelope with premolar and accompanying information must be mailed or delivered to the department no later than 14 days after the close of the bear harvest season.

~~C.~~ D. It shall be unlawful for any person to destroy the identity ~~(sex)~~ of the sex of any bear killed unless and until the license tag or special permit is validated (notched) and checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill, after an appropriate license tag has been validated (notched) as required ~~above~~ in subsection A of this section, as long as they do not destroy the identity of the sex ~~of the animal remains identifiable~~, and all the parts of the carcass are present when the bear is checked at an authorized bear checking station or reported through the automated harvest reporting system. Any bear found in the possession of any person without a validated (notched) license tag or documentation that the bear has been checked at an authorized bear checking station or automated harvest reporting system as required by this section shall be forfeited to the Commonwealth to be disposed of as provided by law.

4VAC15-50-91. Checking bear and tooth submission by persons exempt from license requirements or holding a license authorization number.

A. Upon killing a bear, any person (i) exempt from license requirements as prescribed in § 29.1-301 of the Code of Virginia, ~~or~~ (ii) issued a complimentary license as prescribed in § 29.1-339~~, or the holder~~ of the Code of Virginia, (iii) holding a permanent license issued pursuant to § 29.1-301 E of the Code of Virginia, or (iv) the holder of a Virginia license authorization number issued by a telephone or electronic media agent pursuant to § 29.1-327 B of the Code of Virginia shall, upon vehicle transport of the carcass or at the conclusion of legal hunting hours, whichever occurs first, and without unnecessary delay, present the carcass to an authorized bear checking station or to any appropriate representative of the department in the county or adjoining county in which the bear was killed, or report the kill through the department's automated harvest reporting system. At such time, the person checking or reporting the carcass shall be given a black bear check card furnished by the department or a confirmation number from the automated reporting system. If checked at a bear check station, the black bear check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the black bear check card must be securely attached to the carcass. If the kill is reported using the automated harvest reporting system, the successful hunter shall immediately create written documentation including the successful hunter's full name, the date the animal was killed, and the confirmation number. This written documentation must be kept in possession with the carcass until the carcass is processed. If the automated harvest reported carcass is transferred to the possession of

another individual, the written documentation must be transferred with the carcass to the individual and kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, this written documentation must be securely attached to the carcass. Processed carcass parts of a black bear killed legally in Virginia may be transported; however, upon request of any authorized law-enforcement officer, sufficient verbal or written information necessary to properly establish legal possession must be furnished immediately.

~~Upon presentation of the carcass to the~~ B. If the bear is checked at a bear checking station, the person checking the carcass shall surrender or allow to be removed one premolar tooth from the carcass. ~~At such time, the person checking or reporting the carcass shall be given a game check card furnished by the department. The game check card must be kept in possession with the carcass until the carcass is processed. If the carcass is left unattended, the game check card must be securely attached to the carcass~~ If the kill is reported through the department's automated harvest reporting system, a premolar must be removed by the hunter immediately after reporting the kill. The premolar shall be placed in an envelope furnished by the department and labeled with the hunter's full name, check confirmation number, date of kill, and the sex of the harvested bear. This envelope with premolar and accompanying information must be mailed or delivered to the department no later than 14 days after the close of the bear harvest season.

~~B.~~ C. It shall be unlawful for any person to destroy the identity of the sex of any bear killed until the bear is checked as required by this section. Successful bear hunters are allowed to dismember the carcass to pack it out from the place of kill as long as they do not destroy the identity of the sex and all the parts of the carcass are present when the bear is checked at ~~a big game~~ an authorized bear check station or reported through the automated harvest reporting system. Any bear that has not been checked, via an authorized bear check station or the automated harvest reporting system as required by this section, found in the possession of any person exempt from the license requirements or holding a license authorization number shall be forfeited to the Commonwealth to be disposed of as provided by law.

4VAC15-50-110. Use of dogs in hunting bear.

A. It shall be unlawful to use dogs for the hunting of bear during the open season for hunting deer in the counties west of the Blue Ridge Mountains and during the first 16 days of the deer open season in the ~~counties~~ Counties of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, and Nelson (west of Route 151)~~;~~ and within the boundaries of the national forests, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

B. It shall be unlawful to use dogs for the hunting of bear during the first 14 days of the open season for hunting deer in the ~~counties~~ Counties of Greene and Madison, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

C. It shall be unlawful to use dogs for the hunting of bear during the open season prescribed in 4VAC15-50-11 in the ~~counties~~ Counties of Campbell (west of Norfolk Southern Railroad), Carroll (east of the New River), Fairfax, Floyd, Franklin, Grayson (east of the New River), Henry, Loudoun, Montgomery (south of Interstate 81), Patrick, Pittsylvania (west of Norfolk Southern Railroad), Pulaski (south of Interstate 81), Roanoke (south of Interstate 81), and Wythe (southeast of the New River or that part bounded by Route 21 on the west, Interstate 81 on the north, the county line on the east, the New River on the southeast, and Cripple Creek on the south); in the ~~city~~ City of Lynchburg; and on Amelia, Chester F. Phelps, G. Richard Thompson, and Pettigrew Wildlife Management Areas, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

4VAC15-50-120. Bear hound training season.

A. It shall be lawful to chase black bear with dogs, without capturing or taking, from August 1 through the last Saturday in September, both dates inclusive, in ~~all counties and cities or in the portions in which bear hunting is permitted except in~~ the Counties of ~~Accomack, Amelia, Appomattox, Buckingham, Campbell, Caroline, Charles City, Chesterfield, Clarke, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Grayson (west of Route 16), Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Mathews, Middlesex, New Kent, Northampton, Northumberland, Nottoway, Orange, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Richmond, Roanoke (south of Interstate 81), Smyth (that part south of Interstate 81 and west of Route 16), Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, and York,~~ Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Carroll, Charlotte, Craig, Culpeper, Dickenson, Floyd, Franklin, Giles, Grayson (east of Route 16), Greene, Greensville, Highland, Lee, Lunenburg, Madison, Mecklenburg, Montgomery, Nelson, Page, Pulaski, Rappahannock, Roanoke (west of I-81), Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth (except for the part southeast of I-81 and west of State Route 16), Tazewell, Warren, Washington (northwest of I-81), Wise, and Wythe and in the ~~cities~~ Cities of ~~Hampton, Newport News and Norfolk~~ Chesapeake, Suffolk, and Virginia Beach.

B. It shall be lawful to chase black bear with dogs, without capturing or taking, from the Saturday prior to the third Monday in November and for 14 days following, both dates

inclusive, in the Counties of Amelia, Appomattox, Buckingham, Brunswick, Campbell (east of the Norfolk Southern Railroad), Charles City, Charlotte, Cumberland, Essex, Gloucester, Greensville, Halifax, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lunenburg, Mathews, Mecklenburg, Middlesex, New Kent, Northumberland, Nottoway, Pittsylvania (east of the Norfolk Southern Railroad), Prince Edward, Prince George, Richmond, Southampton, Surry, Sussex, Westmoreland, and York.

C. It shall be unlawful to have in possession a firearm, bow, crossbow, or any weapon capable of taking a black bear while participating in the bear hound training season. The meaning of "possession" for the purpose of this section shall include having a firearm, bow, crossbow, or any weapon capable of taking a black bear in or on one's person, vehicle, or conveyance.

VA.R. Doc. No. R19-5908; Filed April 9, 2019, 2:23 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-90. Game: Deer (amending 4VAC15-90-10, 4VAC15-90-70, 4VAC15-90-80, 4VAC15-90-89, 4VAC15-90-90, 4VAC15-90-91, 4VAC15-90-293).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments (i) adjust deer bag limits within management units across the Commonwealth and (ii) clarify prohibitions on feeding cervids and transporting cervid parts in the Commonwealth.

4VAC15-90-10. Open season; generally.

A. It shall be lawful to hunt deer in the following localities, including the cities and towns therein, during the following seasons, all dates inclusive.

Locality	Season
Accomack County	Saturday prior to the third Monday in November through the first Saturday in January
Albemarle County	Saturday prior to the third Monday in November through the first Saturday in January
Alleghany County	Saturday prior to the third Monday in November and for 14 consecutive days following
Amelia County	Saturday prior to the third Monday in November through the first Saturday in January
Amherst County (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye ~~River)~~ River, except on national forest lands)	Saturday prior to the third Monday in November and for ~~14~~ 28 consecutive days following
Amherst County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Amherst County (east of Business U.S. 29, as defined above)	Saturday prior to the third Monday in November through the first Saturday in January
Appomattox County	Saturday prior to the third Monday in November through the first Saturday in January
Arlington County	Saturday prior to the third Monday in November through the first Saturday in January
Arlington County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Augusta County	Saturday prior to the third Monday in November and for 14 consecutive days following
Bath County	Saturday prior to the third Monday in November and for 14 consecutive days following

Bedford County (except on national forest lands)	Saturday prior to the third Monday in November and for ~~14~~ 28 consecutive days following
Bedford County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Bland County	Saturday prior to the third Monday in November and for 14 consecutive days following
Botetourt County	Saturday prior to the third Monday in November and for 14 consecutive days following
Brunswick County	Saturday prior to the third Monday in November through the first Saturday in January
Buchanan County	Saturday prior to the third Monday in November and for 14 consecutive days following
Buckingham County	Saturday prior to the third Monday in November through the first Saturday in January
Campbell County	Saturday prior to the third Monday in November through the first Saturday in January
Caroline County	Saturday prior to the third Monday in November through the first Saturday in January
Carroll County	Saturday prior to the third Monday in November and for 14 consecutive days following
Charles City County	Saturday prior to the third Monday in November through the first Saturday in January
Charlotte County	Saturday prior to the third Monday in November through the first Saturday in January
Chesapeake (City of)	October 1 through November 30
Chesterfield County	Saturday prior to the third Monday in November through the first Saturday in January
Clarke County	Saturday prior to the third Monday in November through the first Saturday in January
Craig County	Saturday prior to the third Monday in November and for 14 consecutive days following
Culpeper County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Culpeper County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Cumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Dickenson County	Saturday prior to the third Monday in November and for 14 consecutive days following
Dinwiddie County	Saturday prior to the third Monday in November through the first Saturday in January
Essex County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County	Saturday prior to the third Monday in November through the first Saturday in January
Fairfax County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Fauquier County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Fauquier County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Floyd County	Saturday prior to the third Monday in November and for 28 consecutive days following
Fluvanna County	Saturday prior to the third Monday in November through the first Saturday in January

Franklin County	Saturday prior to the third Monday in November and for 28 consecutive days following
Frederick County (non-national forest lands)	Saturday prior to the third Monday in November through the first Saturday in January
Frederick County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Giles County	Saturday prior to the third Monday in November and for 14 consecutive days following
Gloucester County	Saturday prior to the third Monday in November through the first Saturday in January
Goochland County	Saturday prior to the third Monday in November through the first Saturday in January
Grayson County	Saturday prior to the third Monday in November and for 14 consecutive days following
Greene County	Saturday prior to the third Monday in November through the first Saturday in January
Greensville County	Saturday prior to the third Monday in November through the first Saturday in January
Halifax County	Saturday prior to the third Monday in November through the first Saturday in January
Hanover County	Saturday prior to the third Monday in November through the first Saturday in January
Henrico County	Saturday prior to the third Monday in November through the first Saturday in January
Henry County	Saturday prior to the third Monday in November and for 28 consecutive days following
Highland County	Saturday prior to the third Monday in November and for 14 consecutive days following
Isle of Wight County	Saturday prior to the third Monday in November through the first Saturday in January
James City County	Saturday prior to the third Monday in November through the first Saturday in January
King and Queen County	Saturday prior to the third Monday in November through the first Saturday in January
King George County	Saturday prior to the third Monday in November through the first Saturday in January
King William County	Saturday prior to the third Monday in November through the first Saturday in January
Lancaster County	Saturday prior to the third Monday in November through the first Saturday in January
Lee County	Saturday prior to the third Monday in November and for 14 consecutive days following
Loudoun County	Saturday prior to the third Monday in November through the first Saturday in January
Loudoun County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Louisa County	Saturday prior to the third Monday in November through the first Saturday in January
Lunenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Madison County	Saturday prior to the third Monday in November through the first Saturday in January
Mathews County	Saturday prior to the third Monday in November through the first Saturday in January
Mecklenburg County	Saturday prior to the third Monday in November through the first Saturday in January
Middlesex County	Saturday prior to the third Monday in November through the first Saturday in January

Montgomery County	Saturday prior to the third Monday in November and for 14 consecutive days following
Nelson County (west of Route ~~151)~~ 151, except on national forest lands)	Saturday prior to the third Monday in November and for ~~14~~ 28 consecutive days following
Nelson County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Nelson County (east of Route 151)	Saturday prior to the third Monday in November through the first Saturday in January
New Kent County	Saturday prior to the third Monday in November through the first Saturday in January
Northampton County	Saturday prior to the third Monday in November through the first Saturday in January
Northumberland County	Saturday prior to the third Monday in November through the first Saturday in January
Nottoway County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County	Saturday prior to the third Monday in November through the first Saturday in January
Page County	Saturday prior to the third Monday in November and for 14 consecutive days following
Patrick County	Saturday prior to the third Monday in November and for 28 consecutive days following
Pittsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Powhatan County	Saturday prior to the third Monday in November through the first Saturday in January
Prince Edward County	Saturday prior to the third Monday in November through the first Saturday in January
Prince George County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County	Saturday prior to the third Monday in November through the first Saturday in January
Prince William County (antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October and the Sunday following the first Saturday in January through the last Sunday in March
Pulaski County (except on New River Unit of the Radford Army Ammunition Plant adjacent to the Town of Dublin)	Saturday prior to the third Monday in November and for 14 consecutive days following
Pulaski County (New River Unit of the Radford Army Ammunition Plant adjacent to the Town of Dublin)	Saturday prior to the second Monday in November through the first Saturday in January
Rappahannock County	Saturday prior to the third Monday in November through the first Saturday in January
Richmond County	Saturday prior to the third Monday in November through the first Saturday in January
Roanoke County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockbridge County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rockingham County	Saturday prior to the third Monday in November and for 14 consecutive days following
Russell County	Saturday prior to the third Monday in November and for 14 consecutive days following
Scott County	Saturday prior to the third Monday in November and for 14 consecutive days following
Shenandoah County	Saturday prior to the third Monday in November and for 14 consecutive days following
Smyth County	Saturday prior to the third Monday in November and for 14 consecutive days following

Southampton County	Saturday prior to the third Monday in November through the first Saturday in January
Spotsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Stafford County	Saturday prior to the third Monday in November through the first Saturday in January
Suffolk (City of) (east of Dismal Swamp Line)	October 1 through November 30
Suffolk (City of) (west of Dismal Swamp Line)	Saturday prior to the third Monday in November through the first Saturday in January
Surry County	Saturday prior to the third Monday in November through the first Saturday in January
Sussex County	Saturday prior to the third Monday in November through the first Saturday in January
Tazewell County	Saturday prior to the third Monday in November and for 14 consecutive days following
Virginia Beach (City of)	October 1 through November 30
Warren County	Saturday prior to the third Monday in November and for 14 consecutive days following
Washington County	Saturday prior to the third Monday in November and for 14 consecutive days following
Westmoreland County	Saturday prior to the third Monday in November through the first Saturday in January
Wise County	Saturday prior to the third Monday in November and for 14 consecutive days following
Wythe County	Saturday prior to the third Monday in November and for 14 consecutive days following
York County	Saturday prior to the third Monday in November through the first Saturday in January

B. Except as provided in subsection A of this section, east of the Blue Ridge Mountains deer may be hunted from the Saturday prior to the third Monday in November through the first Saturday in January, both dates inclusive, within the incorporated limits of any city or town that allows deer hunting.

C. Except as provided in subsection A of this section, west of the Blue Ridge Mountains deer may be hunted from the Saturday prior to the third Monday in November and for 14 consecutive days following within the incorporated limits of any city or town that allows deer hunting.

4VAC15-90-70. Archery hunting.

A. It shall be lawful to hunt deer during the early special archery season with archery equipment or a slingbow from the first Saturday in October through the Friday prior to the third Monday in November, both dates inclusive.

B. In addition to the season provided in subsection A of this section, it shall be lawful to hunt deer during the late special archery season with archery equipment or a slingbow:

1. From the Sunday following the close of the general firearms season on deer through the first Saturday in January, both dates inclusive, ~~in~~ (i) in all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County); (ii) in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick; (iii) on the Chester F. Phelps Wildlife Management Area; and (iv) on national forest lands in Frederick County.

2. From December 1 through the first Saturday in January, both dates inclusive, in the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken full season during the special archery seasons as provided in subsections A and B of this section ~~(except on PALS (Public Access Lands) in Dickenson County where it shall be unlawful to take antlerless deer during the special archery seasons provided for in subsections A and B of this section)~~.

D. It shall be unlawful to carry firearms while hunting with archery equipment during the special archery seasons, except that a muzzleloading gun, as defined in 4VAC15-90-80, may be in the possession of a properly licensed muzzleloading gun hunter when and where a special archery deer season overlaps a special muzzleloading deer season.

E. It shall be unlawful to use dogs when hunting with archery equipment during any special archery season, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

F. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow

from the first Saturday in September through the Friday prior to the first Saturday in October, both dates inclusive, and from the Sunday following the first Saturday in January through the last Sunday in March, both dates inclusive, within the incorporated limits of any city or town in the Commonwealth (except on national forest and department-owned lands) and counties with a human population density of 300 persons per square mile or more (except on national forest and department-owned lands), provided that its governing body submits by certified letter to the department prior to April 1, its intent to participate in the special urban archery season. Any city, town, or county no longer participating in this season shall submit by certified letter to the department prior to April 1 notice of its intent not to participate in the special urban archery season. When consistent with the department's deer management objectives and subject to the director's approval, a participating county may exclude from this season a geographic area ~~or areas~~ by submitting a clear description of such area ~~or areas~~ in a certified letter to the department prior to April 1.

G. It shall be lawful to hunt antlerless deer during the special urban archery season with archery equipment or a slingbow during dates specified in subsection F of this section within the boundaries of any common interest community as defined in § 55-528 of the Code of Virginia provided that (i) the association submits by certified letter to the department prior to July 1, the association's request to participate in the special urban archery season and (ii) the department approves such request.

1. The special urban archery season will in no way supersede any local ordinance, any restriction in the association's governing documents, or the requirement to obtain a landowner's permission to hunt.

2. An association no longer participating in the special urban archery season shall submit notice of the association's intent not to participate in the special urban archery season. The association shall submit the certified letter to the department prior to July 1.

3. At its discretion, the department may suspend or revoke the special urban archery season in any association upon written notice to the association.

For the purposes of this subsection, "association" means the governing board or the authorized agent of the governing board of an association of property owners, condominium unit owners, or proprietary lessees.

~~G.~~ H. It shall be lawful to hunt antlerless deer during the special antlerless archery season with archery equipment or a slingbow from the Monday following the last Sunday in March through the last Sunday in April, both dates inclusive, in the Counties of Arlington, Fairfax, Loudoun, and Prince William (including the cities and towns within).

4VAC15-90-80. Muzzleloading gun hunting.

A. It shall be lawful to hunt deer during the early special muzzleloading season with muzzleloading guns from the Saturday prior to the first Monday in November through the Friday prior to the third Monday in November, both dates inclusive, in all cities, towns, and counties where deer hunting with a rifle or muzzleloading gun is permitted, except in the ~~cities~~ Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

B. It shall be lawful to hunt deer during the late special muzzleloading season with muzzleloading guns starting 21 consecutive days immediately prior to and on the first Saturday in January:

1. In all cities, towns, and counties west of the Blue Ridge Mountains (except Clarke County and on non-national forest lands in Frederick County);

2. East of the Blue Ridge Mountains in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River), Bedford, Franklin, Henry, Nelson (west of Route 151), and Patrick;

3. On national forest lands in Frederick County; and

4. In the Cities of Chesapeake, Suffolk (east of the Dismal Swamp Line), and Virginia Beach.

C. Deer of either sex may be taken during the entire early special muzzleloading season east of the Blue Ridge Mountains unless otherwise noted in this subsection:

1. Deer of either sex may be taken on the second Saturday only of the early special muzzleloading season on state forest lands, state park lands (except Occoneechee State Park), department-owned lands (except on Featherfin and Merrimac Farm Wildlife Management ~~Area)~~ Areas), and Philpott Reservoir.

2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season on national forest lands in Amherst, Bedford, and Nelson Counties.

D. Deer of either sex may be taken on the second Saturday only during the early special muzzleloading season west of the Blue Ridge Mountains unless otherwise noted in this subsection~~:~~.

1. Deer of either sex may be taken during the entire early special muzzleloading season in Clarke and Floyd Counties and on private lands in Botetourt, Carroll, Frederick, Grayson, Montgomery, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Scott, Shenandoah, ~~and~~ Warren, and Wythe Counties.

~~2. Deer of either sex may be taken on the second Saturday and the last five days of the early muzzleloading season on private lands in Botetourt County.~~

~~3.~~ 2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season in Buchanan, Dickenson, Lee, Russell, Tazewell, and Wise Counties and on national forest lands in Alleghany, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Page, Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties, and on national forest and department-owned lands in Augusta, Bath, Botetourt, Carroll, Highland (except Highland Wildlife Management Area), Roanoke, Rockbridge, Smyth, Washington, and Wythe Counties and on Channels State Forest, Grayson Highlands State Park, Hungry Mother State Park, and on private lands west of Routes 613 and 731 in Rockingham County.

E. Deer of either sex may be taken during the last six days of the late special muzzleloading season unless otherwise listed in this subsection:

1. Deer of either sex may be taken full season during the entire late special muzzleloading season in the Counties (including the cities and towns within) of Amherst (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River, except on national forest lands), Bedford (except on national forest lands), Floyd, Franklin, Henry, Nelson (west of Route 151, except on national forest lands), and Patrick and on private lands in Botetourt, Carroll, Grayson, Montgomery, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Shenandoah, ~~and~~ Warren, and Wythe Counties.

2. Deer of either sex may be taken the last day only during the late special muzzleloading season in Alleghany, Bath, Dickenson, Highland, Lee, Russell, Tazewell, and Wise Counties and on national forest lands in Amherst, Bedford, Bland, Craig, Frederick, Giles, Grayson, Montgomery, Nelson, Page, Pulaski, Rockingham, Scott, Shenandoah, and Warren Counties, and on national forest and department-owned lands in Augusta, Botetourt, Carroll, Roanoke, Rockbridge, Smyth, Washington, and Wythe Counties and on private lands west of Routes 613 and 731 in Rockingham County, Channels State Forest, ~~and~~ Grayson Highlands State Park, and Hungry Mother State Park.

3. Antlered bucks only—no either-sex deer hunting days during the late special muzzleloading season in Buchanan County.

F. Deer of either sex may be taken full season during the special muzzleloading seasons within the incorporated limits of any city or town in the Commonwealth that allows deer hunting except in the Cities of Chesapeake, Suffolk, and Virginia Beach.

G. It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzleloading guns, except that tracking dogs as described in § 29.1-516.1 of the Code of Virginia may be used.

H. A muzzleloading gun, for the purpose of this section, means a single shot weapon, ~~.45 caliber or larger,~~ firing a single projectile or sabot (with a .35 caliber or larger projectile) ~~of the same caliber~~ loaded from the muzzle of the weapon ~~and propelled by at least 50 grains of black powder (or black powder equivalent or smokeless powder)~~.

I. It shall be unlawful to have in immediate possession any firearm other than a muzzleloading gun while hunting with a muzzleloading gun in a special muzzleloading season.

4VAC15-90-89. Earn a buck (EAB).

For the purposes of this section, the term "license year" defines the period between July 1 and June 30 of the following year.

Albemarle County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Albemarle County prior to taking at least one antlerless deer on private lands in Albemarle County, and it shall be unlawful to take a third antlered deer on private lands in Albemarle County prior to taking at least two antlerless deer on private lands in Albemarle County.

Arlington County. During a license year, it shall be unlawful to take a second antlered deer in Arlington County prior to taking at least two antlerless deer in Arlington County, and it shall be unlawful to take a third antlered deer in Arlington County prior to taking at least three antlerless deer in Arlington County.

Bedford County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Bedford County prior to taking at least one antlerless deer on private lands in Bedford County, and it shall be unlawful to take a third antlered deer on private lands in Bedford County prior to taking at least two antlerless deer on private lands in Bedford County.

Clarke County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Clarke County prior to taking at least ~~one~~ two antlerless deer on private lands in Clarke County.

Culpeper County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Culpeper County prior to taking at least one antlerless deer on private lands in Culpeper County, and it shall be unlawful to take a third antlered deer on private lands in Culpeper County prior to taking at least two antlerless deer on private lands in Culpeper County.

Fairfax County. During a license year, it shall be unlawful to take a second antlered deer in Fairfax County prior to taking

at least two antlerless deer in Fairfax County, and it shall be unlawful to take a third antlered deer in Fairfax County prior to taking at least three antlerless deer in Fairfax County.

Fauquier County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Fauquier County prior to taking at least one antlerless deer on private lands in Fauquier County, and it shall be unlawful to take a third antlered deer on private lands in Fauquier County prior to taking at least two antlerless deer on private lands in Fauquier County.

Floyd County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Floyd County prior to taking at least one antlerless deer on private lands in Floyd County.

Franklin County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Franklin County prior to taking at least one antlerless deer on private lands in Franklin County, and it shall be unlawful to take a third antlered deer on private lands in Franklin County prior to taking at least two antlerless deer on private lands in Franklin County.

Frederick County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Frederick County prior to taking at least ~~one~~ two antlerless deer on private lands in Frederick County.

Grayson County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Grayson County prior to taking at least one antlerless deer on private lands in Grayson County.

Hanover County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Hanover County prior to taking at least one antlerless deer on private lands in Hanover County, and it shall be unlawful to take a third antlered deer on private lands in Hanover County prior to taking at least two antlerless deer on private lands in Hanover County.

Henrico County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Henrico County prior to taking at least one antlerless deer on private lands in Henrico County, and it shall be unlawful to take a third antlered deer on private lands in Henrico County prior to taking at least two antlerless deer on private lands in Henrico County.

James City County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in James City County prior to taking at least one antlerless deer on private lands in James City County, and it shall be unlawful to take a third antlered deer on private lands in James City County prior to taking at least two antlerless deer on private lands in James City County.

Loudoun County. During a license year, it shall be unlawful to take a second antlered deer in Loudoun County prior to taking at least two antlerless deer in Loudoun County, and it shall be unlawful to take a third antlered deer in Loudoun County prior to taking at least three antlerless deer in Loudoun County.

Montgomery County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Montgomery County prior to taking at least one antlerless deer on private lands in Montgomery County.

Prince George County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Prince George County prior to taking at least one antlerless deer on private lands in Prince George County, and it shall be unlawful to take a third antlered deer on private lands in Prince George County prior to taking at least two antlerless deer on private lands in Prince George County.

Prince William County except on Department of Defense lands. During a license year, it shall be unlawful to take a second antlered deer in Prince William County (except on Department of Defense lands) prior to taking at least two antlerless deer in Prince William County (except on Department of Defense lands), and it shall be unlawful to take a third antlered deer in Prince William County (except on Department of Defense lands) prior to taking at least three antlerless deer in Prince William County (except on Department of Defense lands).

Pulaski County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Pulaski County prior to taking at least one antlerless deer on private lands in Pulaski County.

Rappahannock County. During a license year, it shall be unlawful to take a second antlered deer in Rappahannock County prior to taking at least one antlerless deer in Rappahannock County, and it shall be unlawful to take a third antlered deer in Rappahannock County prior to taking at least two antlerless deer in Rappahannock County.

Roanoke County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Roanoke County prior to taking at least one antlerless deer on private lands in Roanoke County.

Shenandoah County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Shenandoah County prior to taking at least one antlerless deer on private lands in Shenandoah County.

Warren County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in Warren County prior to taking at least ~~one~~ two antlerless deer on private lands in Warren County.

York County on private lands. During a license year, it shall be unlawful to take a second antlered deer on private lands in

York County prior to taking at least one antlerless deer on private lands in York County, and it shall be unlawful to take a third antlered deer on private lands in York County prior to taking at least two antlerless deer on private lands in York County.

Cities and towns. During a license year in any town or city (except Chesapeake, Suffolk, and Virginia Beach) east of the Blue Ridge Mountains, it shall be unlawful to take a second antlered deer prior to taking at least one antlerless deer in that town or city, and it shall be unlawful to take a third antlered deer prior to taking at least two antlerless deer in that town or city. During a license year in any town or city west of the Blue Ridge Mountains, it shall be unlawful to take a second antlered deer prior to taking at least one antlerless deer in that town or city.

4VAC15-90-90. Bag limit, bonus deer permits and special antlerless provision for youth hunters.

A. The bag limit for deer east of the Blue Ridge Mountains (except on national forest lands in Amherst, Bedford, and Nelson Counties) is two per day, six per license year, three of which must be antlerless unless otherwise noted in this subsection.

1. The daily bag limit for deer is unlimited in the Counties (including the cities and towns within) of Arlington, Fairfax, Loudoun, and Prince William.

2. Only one deer per day may be taken on national forest lands in Amherst, Bedford, and Nelson Counties.

3. Only one elk per day may be taken east of the Blue Ridge Mountains.

B. The bag limit for deer west of the Blue Ridge Mountains ~~and on national forest lands in Amherst, Bedford, and Nelson Counties~~ is ~~one~~ two per day, five per license year, three of which must be antlerless unless otherwise noted in this subsection.

1. ~~The daily bag limit for deer is two per day on private lands in the Counties (including the cities and towns within) of Clarke, Frederick, Roanoke, Shenandoah, and Warren~~ Only one deer per day may be taken on national forest, department-owned, and department-managed lands west of the Blue Ridge Mountains.

2. If a deer hunter kills two antlered bucks in a license year in Alleghany, Augusta, Bath, Highland, or Rockbridge~~, Rockingham, or Shenandoah~~ County, at least one of the antlered bucks must have at least four antler points, one inch or longer, on one side of the antlers. This subdivision shall not apply to any county designated by the department within 25 miles of a confirmed detection of Chronic Wasting Disease.

3. Only one elk per day may be taken west of the Blue Ridge Mountains.

C. Except as noted in subsection E of this section, antlerless deer may be taken only during designated either-sex deer hunting days during the special archery seasons, special muzzleloading seasons, and the general firearms season.

D. Bonus deer permits shall be valid on private land in counties and cities where deer hunting is permitted (except Buchanan, Dickenson, and Wise Counties) during the special archery seasons, special muzzleloading seasons, and the general firearms season. Bonus deer permits shall be valid on public lands, including state parks, state forests, national wildlife refuges, military areas, etc., as authorized by the managing agency. Unless otherwise posted or authorized in writing for wildlife management areas by the department, or for national forest lands by the U.S. Forest Service, the use of bonus permits is prohibited on department-owned and national forest lands. Bonus deer permits shall be valid for antlerless deer only. Deer taken on bonus permits shall count against the daily bag limit but are in addition to the seasonal bag limit.

E. Deer hunters 15 years of age and ~~under~~ younger, including those exempt from purchasing a hunting license and holders of an apprentice hunting license, when in compliance with all applicable laws and license requirements, may take one antlerless deer per license year on days other than designated either-sex deer hunting days during the special muzzleloading seasons or the general firearms season in all counties ~~that have at least one either-sex deer hunting day during the general firearms deer season~~.

4VAC15-90-91. General firearms season either-sex deer hunting days.

A. During the general firearms deer season, deer of either sex may be taken within:

Accomack County: full season.

Albemarle County: full season.

Alleghany County: the second Saturday and the last day.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Amelia County: the second and third Saturdays and the last 13 days.

-Amelia WMA: the second and third Saturdays and the last six days.

Amherst County (east of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the Town of Amherst continuing north on U.S. 29 to the Tye River): the second and third Saturdays and the last 29 days.

Amherst County (west of Business U.S. 29 from the James River to its intersection with U.S. 29 just south of the

Town of Amherst continuing north on U.S. 29 to the Tye River): full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Appomattox County: the second and third Saturdays and the last six days.

-Appomattox-Buckingham State Forest: the second and third Saturdays.

-Featherfin WMA: ~~the second and third Saturdays and the last 29 days~~ full season.

Arlington County: full season.

Augusta County: ~~the second Saturday and the last six days~~ full season.

-National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Bath County: the second Saturday and the last day.

-National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Bedford County: full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Bland County: the second Saturday and the last day.

-National forest lands: the second Saturday and the last day.

Botetourt County: full season.

-National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Brunswick County: the second and third Saturdays and the last six days.

Buchanan County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Buckingham County: the second and third Saturdays and the last six days.

-Horsepen Lake WMA: the second and third Saturdays and the last six days.

-Appomattox-Buckingham State Forest: the second and third Saturdays.

-Featherfin WMA: ~~the second and third Saturdays and the last 29 days~~ full season.

Campbell County (east of Norfolk Southern Railroad): the second and third Saturdays and the last 29 days. Campbell County (west of Norfolk Southern Railroad): full season.

Caroline County: the second and third Saturdays and the last six days.

-Mattaponi WMA: the second and third Saturdays and the last six days.

Carroll County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

Charles City County: the second and third Saturdays and the last ~~13~~ 29 days.

-Chickahominy WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Charlotte County: the second and third Saturdays and the last six days.

Chesapeake (City of): the second and third Saturdays and the last 13 days.

Chesterfield County: the second and third Saturdays and the last six days.

Clarke County: full season.

Craig County: full season.

-National forest and department-owned lands: the second Saturday and the last day.

Culpeper County: full season.

-Chester F. Phelps WMA: the second Saturday and the last day.

Cumberland County: the second and third Saturdays and the last 13 days.

-Cumberland State Forest: the second and third Saturdays.

Dickenson County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Dinwiddie County: the second and third Saturdays and the last six days.

Essex County: the second and third Saturdays and the last six days.

Fairfax County: full season.

Fauquier County: full season.

-G. Richard Thompson WMA: the second Saturday and the last day.

-Chester F. Phelps WMA: the second Saturday and the last day.

Floyd County: full season.

Fluvanna County: second and third Saturdays and the last 13 days.

Franklin County: full season.

-Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second Saturday and the last six days.

Frederick County: full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Giles County: full season.

-National forest lands: the second Saturday and the last day.

Gloucester County: the second and third Saturdays and the last six days.

Goochland County: the second and third Saturdays and the last 29 days.

Grayson County: full season.

-National forest lands and Grayson Highlands State Park: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Greene County: full season.

Greensville County: the second and third Saturdays and the last six days.

Halifax County: the second and third Saturdays and the last 13 days.

Hanover County: full season.

Henrico County: full season.

Henry County: the second and third Saturdays and the last 13 days.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

-Turkeycock Mountain WMA: the second Saturday and the last six days.

Highland County: the second Saturday and the last day.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

-Department-owned lands: the second Saturday and the last day.

Isle of Wight County: full season.

-Ragged Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

James City County: full season.

King and Queen County: the second and third Saturdays and the last six days.

King George County: the second and third Saturdays and the last 13 days.

King William County: the second and third Saturdays and the last six days.

Lancaster County: the second and third Saturdays and the last 13 days.

Lee County: the second Saturday and the last two days.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Loudoun County: full season.

Louisa County: the second and third Saturdays and the last 29 days.

Lunenburg County: the second and third Saturdays and the last six days.

Madison County: full season.

-Rapidan WMA: the second and third Saturdays and the last 29 days.

Mathews County: the second and third Saturdays and the last six days.

Mecklenburg County: the second and third Saturdays and the last six days.

-Dick Cross WMA: the second and third Saturdays and the last six days.

Middlesex County: the second and third Saturdays and the last six days.

Montgomery County: full season.

-National forest lands: the second Saturday and the last day.

Nelson County (east of Route 151): the second and third Saturdays and the last 29 days.

-James River WMA: the second Saturday and the last six days.

Nelson County (west of Route 151): full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

New Kent County: the second and third Saturdays and the last ~~13~~ 29 days.

Northampton County: full season.

Northumberland County: the second and third Saturdays and the last 13 days.

Nottoway County: the second and third Saturdays and the last six days.

Orange County: full season.

Page County: the second Saturday and the last ~~two~~ six days.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Patrick County: the second and third Saturdays and the last 13 days.

-Fairystone Farms WMA, Fairystone State Park, and Philpott Reservoir: the second Saturday and the last six days.

Pittsylvania County (east of Norfolk Southern Railroad): the second and third Saturdays and the last 29 days.

-White Oak Mountain WMA: the second Saturday and the last day.

Pittsylvania County (west of Norfolk Southern Railroad): full season.

Powhatan County: the second and third Saturdays and the last ~~13~~ 29 days.

-Powhatan WMA: the second and third Saturdays and the last 13 days.

Prince Edward County: the second and third Saturdays and the last six days.

-Briery Creek WMA: the second and third Saturdays and the last six days.

-Featherfin WMA: ~~the second and third Saturdays and the last 29 days~~ full season.

-Prince Edward State Forest: the second and third Saturdays.

Prince George County: full season.

Prince William County: full season.

Pulaski County: full season.

-National forest lands: the second Saturday and the last day.

Rappahannock County: full season.

Richmond County: the second and third Saturdays and the last 13 days.

Roanoke County: full season.

-National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Rockbridge County: the second Saturday and the last two days.

-National forest and department-owned lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Rockingham County: full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

-Private lands west of Routes 613 and 731: the last day.

Russell County: the second Saturday and the last two days.

~~Clinch Mountain WMA, Hidden Valley WMA,~~ -Department-owned lands and the Channels State Forest: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Scott County: the second Saturday and the last six days.

-National forest lands: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Shenandoah County: full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Smyth County: ~~the second Saturday and the last six days~~ full season.

-National forest lands, ~~Clinch Mountain WMA,~~ department-owned lands, and Hungry Mother State Park: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Southampton County: full season.

Spotsylvania County: the second and third Saturdays and the last 29 days.

Stafford County: full season.

Suffolk (east of the Dismal Swamp Line): the second and third Saturdays and the last 13 days.

Suffolk (west of the Dismal Swamp Line): full season.

Surry County: full season.

-Carlisle and Stewart Tracts of the Hog Island WMA: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Sussex County: full season.

- Big Woods WMA (including the Parkers Branch Tract) and Big Woods State Forest: the second and third Saturdays and the last six days.

Tazewell County: the second Saturday and the last two days.

-National forest and department-owned lands ~~and Clinch Mountain WMA~~: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Virginia Beach (City of): the second and third Saturdays and the last 13 days.

Warren County: full season.

-National forest lands: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Washington County: the second Saturday and the last six days.

-National forest lands, department-owned lands, ~~Clinch Mountain WMA, Hidden Valley WMA,~~ and the Channels State Forest: ~~antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken~~ the last day.

Westmoreland County: the second and third Saturdays and the last 13 days.

Wise County: antlered bucks only—no either-sex days. Only deer with antlers above the hairline may be taken.

Wythe County: full season.

-National forest and department-owned lands ~~and Big Survey WMA~~: the second Saturday and the last day.

York County: full season.

B. Except as provided in the subsection A of this section, deer of either sex may be taken full season during the general firearms deer season within the incorporated limits of any city or town, state park, national wildlife refuge, or military installation that allows deer hunting or within any common interest community participating in the special urban archery season according to provisions of 4VAC15-90-70.

4VAC15-90-293. Unauthorized cervid parts, excretions, and carcass importation, movement, possession, and use.

A. ~~For the purposes of this section and~~ The following words or terms, when used in 4VAC15-40-285, this section, and 4VAC15-90-294, shall have the following meanings unless the context clearly indicates otherwise:

"Cervid" means any member of the deer family Cervidae, including ~~but not limited to~~ white-tailed deer, fallow deer, sika deer, elk, and reindeer.

"Import" means to transport a carcass or carcass parts, other than those outlined in subsection B of this section, into the Commonwealth in such a manner that the carcass or carcass parts are removed from their place of storage within a vehicle or other conveyance and placed or deposited within the Commonwealth. Deer harvested on properties that span the Commonwealth's boundary with an adjoining state shall not be considered imported.

B. No person shall import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating ~~from an enclosure intended to confine deer or elk or from any area designated by the department as a carcass restriction zone~~ outside of the Commonwealth, except that the following carcass parts may be imported and possessed:

1. Boned-out meat that is cut and wrapped;

2. Quarters or other portions of meat with no part of the spinal column or skull attached;

3. Hides or capes with no skull attached;

4. Clean (no meat or tissue attached) skulls or skull plates with or without antlers attached;

5. Antlers (with no meat or tissue attached);

6. Upper canine teeth (buglers, whistlers, or ivories); and

7. Finished taxidermy products.

A legible label shall be affixed to packages or containers containing the allowed carcass parts bearing the following information: the species of animal, the state or province from where the animal originated, and the name and address of the person who either killed or ~~owned the animal~~ possesses the allowed parts in the Commonwealth.

C. Any person who imports into Virginia any deer carcass or parts described in subsection A of this section and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the department within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the department may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

D. No person shall transport any carcass or part of a carcass of any cervid out of any area designated by the department as a disease ~~containment~~ management area, except that the carcass parts enumerated in subsection B of this section may be transported, and carcasses or parts may be transported directly to locations designated by the department, provided that such carcasses or parts are transported without unnecessary delay and secured within a vehicle ~~or vehicles~~ during transit. Provisions of this section shall not apply to employees of the department or another government agency, or their designees, working in an official disease investigation or management capacity.

E. No person shall for the purposes of taking or attempting to take, attracting, or scouting any wild animal in Virginia possess or use any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid.

VA.R. Doc. No. R19-5900; Filed April 9, 2019, 10:29 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-240. Game: Turkey (amending 4VAC15-240-10, 4VAC15-240-20, 4VAC15-240-31, 4VAC15-240-51; adding 4VAC15-240-32).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendments adjust wild turkey seasons across all management units in the Commonwealth.

4VAC15-240-10. Open season; generally.

Except as otherwise specifically provided in ~~the sections appearing in~~ this chapter, it shall be lawful to hunt turkeys ~~from~~ 14 days immediately before the Saturday prior to the ~~last~~ first Monday in ~~October and for 13 days following~~ November; on Thanksgiving Day and the day before; on the Monday nearest December 2 through the last Saturday in December, both dates inclusive; and on the second Saturday in January and for 14 days following.

4VAC15-240-20. Open season; certain counties and areas; ~~Saturday prior to the last Monday in October and for 13 days following, and on Thanksgiving Day~~ two-week season.

It shall be lawful to hunt turkeys ~~on~~ 14 days immediately before the Saturday prior to the ~~last~~ first Monday in ~~October~~ November and ~~for 13 days following, and~~ on Thanksgiving Day in the ~~counties~~ Counties of Albemarle, Alleghany, Augusta, Bath, Greene, Highland, Madison, Page, Orange, and Rockingham~~, and Warren~~.

4VAC15-240-31. Open season; certain counties and areas; ~~Saturday prior to the last Monday in October and for 13 days following, on Thanksgiving Day, and on the Monday closest to December 2 and for 12 days following~~ four-week season.

It shall be lawful to hunt turkeys ~~on~~ 14 days immediately before the Saturday prior to the ~~last~~ first Monday in ~~October and for 13 days following~~ November, on Thanksgiving Day and the day before, and on the Monday closest to December 2 and for 12 days following in the ~~counties~~ Counties of Accomack, ~~Buchanan,~~ Amelia, Charles City, Dinwiddie, Gloucester, Greensville, Isle of Wight, James City, ~~King George, Lancaster,~~ Mathews, Middlesex, New Kent, Northampton, ~~Northumberland,~~ Powhatan, Prince George, ~~Richmond,~~ Southampton, Surry, Sussex, ~~Westmoreland,~~ and York (except on Camp Peary)~~,~~ and the City of Suffolk.

4VAC15-240-32. Game: Turkey: open season; certain counties and areas; six-week season.

It shall be lawful to hunt turkeys 14 days immediately before the Saturday prior to the first Monday in November; on Thanksgiving Day and the day before; on the Monday nearest December 2 and for 12 days following, both dates inclusive; and on the second Saturday in January and for 14 days following in the Counties of Amherst, Appomattox, Brunswick, Buchanan, Buckingham, Campbell, Charlotte, Chesterfield, Cumberland, Floyd, Fluvanna, Frederick, Goochland, Halifax, Hanover, Henrico, Henry, Louisa, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward, Shenandoah, Spotsylvania, Tazewell, and Warren.

4VAC15-240-51. Youth and apprentice hunter fall turkey hunting weekend.

In counties, cities, and areas with a fall turkey season, hunters 15 years of age and ~~under~~ younger and holders of an apprentice hunting license may hunt turkey on the ~~third~~ second Saturday in October and the following calendar day when in compliance with applicable license requirements and when accompanied and directly supervised by an adult who has a valid Virginia hunting license on his person or is

exempt from purchasing a hunting license. Adult hunters accompanying youth hunters or apprentice license holders on these days may assist with calling turkey but they shall not carry or discharge weapons. Youth and apprentice turkey hunters are limited on this weekend to one turkey per hunter.

VA.R. Doc. No. R19-5915; Filed April 9, 2019, 2:30 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-260. Game: Waterfowl and Waterfowl Blinds (adding 4VAC15-260-85; repealing 4VAC15-260-60, 4VAC15-260-70).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendment prohibits non-riparian stationary waterfowl blinds adjacent to state wildlife management areas or department-managed properties, making the specific prohibitions in 4VAC15-260-60 and 4VAC15-260-70 unnecessary, therefore those sections are repealed.

4VAC15-260-60. ~~Blinds adjacent to Chickahominy Wildlife Management Area.~~ (Repealed.)

~~No license shall be issued for stationary waterfowl blinds on Morris Creek and the Chickahominy River in Charles City County adjacent to the Chickahominy Wildlife Management Area.~~

4VAC15-260-70. ~~Blinds on Game Farm Marsh Wildlife Management Area.~~ (Repealed.)

~~No stationary waterfowl blinds shall be licensed, and no stationary or floating blind license shall be required for hunting waterfowl on the Game Farm Marsh Wildlife Management Area, or in, or on, the public waters of the Chickahominy River, north of the New Kent-Charles City County line adjacent thereto; provided, however, that this section shall not abridge the privileges prescribed for landowners, and their lessees and permittees, in §§ 29.1-344 and 29.1-347 of the Code of Virginia.~~

4VAC15-260-85. Non-riparian blinds adjacent to department-managed properties.

Non-riparian stationary waterfowl blinds shall not be licensed or erected on the public waters adjacent to state wildlife management areas or department-managed properties, unless otherwise specified in statute or regulation, and waterfowl hunting within these areas will be permitted only at locations and during times designated by the department. However, non-riparian blinds that were properly licensed and erected adjacent to properties the department owned or managed on June 30, 2019, are exempt from this section, until such time that those licenses expire. This section shall not abridge the privileges prescribed for landowners and their lessees and permittees in §§ 29.1-344 and 29.1-347 of the Code of Virginia.

VA.R. Doc. No. R19-5922; Filed April 9, 2019, 3:03 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Title of Regulation: **4VAC15-290. Game: Permits (amending 4VAC15-290-60).**

Statutory Authority: §§ 29.1-103 and 29.1-501 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendment updates the department's Richmond office mailing address.

4VAC15-290-60. Holding wild animals for exhibition purposes.

A. Where an exhibit is educational and purposeful in nature, wild animals may be exhibited with a permit provided for in § 29.1-417 of the Code of Virginia, under such restrictions and conditions as the board may prescribe.

B. Elementary or secondary school teachers may possess and display wildlife for educational purposes without a permit to exhibit wildlife, provided that:

1. Notification of the display is made to the department by mail to Permits Section, VDGIF, P.O. Box ~~11104, Richmond~~ 3337, Henrico, VA ~~23230-1104~~ 23228-3337. This notification shall be made within 48 hours of the beginning of the display, shall be updated any time that additional wildlife is added to the display, and shall include:

a. Number and species of wildlife held for display;

b. Physical address of the location of the display; and

c. Duration for which the display is intended to be maintained.

2. Species allowed to be possessed and displayed pursuant to this subsection shall be limited to those species included in the List of Native and Naturalized Fauna of Virginia, which is incorporated by reference in 4VAC15-20. In addition, in no case shall the following species be possessed and displayed without a permit to exhibit wildlife:

a. Those species included on the list contained in 4VAC15-30-40, whether of native or exotic origin.

b. Fur-bearing animals as defined in § 29.1-100 of the Code of Virginia.

c. Those species defined as nonnative or exotic animals pursuant to 4VAC15-20-50.

d. Migratory birds protected by the federal Migratory Bird Treaty Act (16 USC §§ 703-711).

e. Federal and state threatened and endangered species pursuant to 4VAC15-20-130.

f. Nuisance species designated by § 29.1-100 of the Code of Virginia or 4VAC15-20-160, or nonindigenous aquatic nuisance species designated by § 29.1-571 of the Code of Virginia or 4VAC15-20-210.

g. Predatory or undesirable animals or birds for which a permit is required by 4VAC15-30-20.

3. Any person bitten by mammalian wildlife must report the injury to the local health department. The offending animal must be segregated and housed separately from other animals and humans until the health department is notified.

4. Wildlife must be confined under sanitary and humane conditions that are appropriate for the species in captivity. All cages and enclosures shall be locked at all times when wildlife is not under the immediate control or direct supervision of the handler to prevent wildlife escape and unauthorized contact with individuals.

5. No wildlife held, possessed, or displayed may be released for any purpose without the written authorization of the department.

6. The department shall be notified within 24 hours of an instance of wildlife sickness or disease or in the event of an escape.

7. Teachers possessing and displaying wildlife for educational purposes in accordance with this section shall comply with all other local, state, and federal laws and regulations pertaining to species possessed and displayed.

VA.R. Doc. No. R19-5934; Filed April 9, 2019, 3:32 p.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is claiming an exemption from the Administrative Process Act pursuant to § 29.1-701 E of the Code of Virginia, which provides that the board shall promulgate regulations to supplement Chapter 7 (§ 29.1-700 et seq.) of Title 29.1 of the Code of Virginia as prescribed in Article 1 (§ 29.1-500 et seq.) of Chapter 5 of Title 29.1 of the Code of Virginia.

Title of Regulation: **4VAC15-400. Watercraft: Accident and Casualty Reporting (amending 4VAC15-400-20).**

Statutory Authority: §§ 29.1-701 and 29.1-735 of the Code of Virginia.

Public Hearing Information:

May 30, 2019 - 9 a.m. - Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: May 15, 2019.

Agency Contact: Aaron Proctor, Regulations Coordinator, Department of Game and Inland Fisheries, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228, telephone (804) 367-8341, or email aaron.proctor@dgif.virginia.gov.

Summary:

The proposed amendment removes the reference to the department's Richmond location, which is no longer accurate, and updates the regulation with the headquarters reference.

4VAC15-400-20. Immediate notification of reportable accident.

When an accident occurs that requires a written report in accordance with 4VAC15-400-30, the operator shall, without delay, by the quickest means available, notify the department ~~in Richmond, Virginia~~ headquarters, or the most immediately available member of the department, of:

1. The date, time, and exact location of the occurrence;

2. The major details of the accident including the name of each person who died or disappeared;

3. The number and name of the vessel; and

4. The names and addresses of the owner and operator.

When the operator of a vessel cannot give the notice required by the foregoing, each person, on board the vessel shall notify the department or a member of its law-enforcement force, or determine that the notice has been given.

VA.R. Doc. No. R19-5935; Filed April 9, 2019, 4:03 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF LONG-TERM CARE ADMINISTRATORS

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Titles of Regulations: **18VAC95-20. Regulations Governing the Practice of Nursing Home Administrators.**

18VAC95-30. Regulations Governing the Practice of Assisted Living Facility Administrators.

Agency Contact: Corie Tillman Wolf, Executive Director, Board of Long-Term Care Administrators, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4546, or email corie.wolf@dhp.virginia.gov.

FORMS (18VAC95-20)

~~Nursing Home Administrator Application General Information (rev. 9/08).~~

~~Nursing Home Administrator Application for Initial Licensure (rev. 3/10).~~

~~License Verification Form (rev. 3/10).~~

~~Nursing Home Administrator in Training Application (rev. 3/10).~~

~~Nursing Home Administrator-in-Training — Notice of Change of Status or Discontinuance (rev. 3/10).~~

~~Nursing Home Administrator Preceptor Application (rev. 3/10).~~

~~Nursing Home Administrator Application for Reinstatement of License (rev. 3/10).~~

~~Nursing Home Administrator Application for Licensure by Endorsement (rev. 3/10).~~

~~Nursing Home Administrator in Training Monthly Report (rev. 4/10).~~

~~Nursing Home Administrator in Training Documentation of Completion Form (rev. 3/10).~~

~~Domains of Practice (rev. 3/10).~~

Nursing Home Administrator Application - form available online only at https://www.license.dhp.virginia.gov/apply/

Nursing Home Administrator-in-Training Application, online form available at https://www.license.dhp.virginia.gov/apply/

Nursing Home Administrator-in-Training Notice of Change of Status or Discontinuance (rev. 3/2019)

Nursing Home Administrator Preceptor Application, online form available at https://www.license.dhp.virginia.gov/apply/

Checklist and Instructions for Nursing Home Administrator Reinstatement Application (rev. 3/2019)

Monthly Report of Nursing Home Administrator-in-Training (rev. 3/2019)

Nursing Home Administrator-in-Training Documentation of Completion Form (rev. 3/2019)

Proposed AIT Program Training Plan Domains of Practice (rev. 3/2019)

Continued Competency Activity and Assessment Form for Nursing Home Administrators (rev. 10/2014)

Continued Education (CE) Credit Form for Voluntary Practice (eff. 2/2018)

FORMS (18VAC95-30)

~~Checklist for Endorsement or Credentials Application to Practice as an Assisted Living Facility Administrator (rev. 3/10).~~

~~Checklist for Initial Licensure by Education to Practice as an Assisted Living Facility Administrator (rev. 3/10).~~

~~Assisted Living Facility Administrator Application for Licensure (rev. 3/10).~~

~~Assisted Living Facility Administrator Administrator in Training Application (rev. 4/10).~~

~~Monthly Report of Assisted Living Facility Administrator in Training (rev. 3/10).~~

~~Completion of Assisted Living Facility Administrator in Training (rev. 3/10).~~

~~Endorsement Certification Form (rev. 8/07).~~

~~Assisted Living Facility Administrator Preceptor Application (rev. 4/10).~~

~~Domains of Practice (rev. 11/09).~~

Assisted Living Facility Administrators Education and Experience Matrix (rev. 3/2019)

Assisted Living Facility Administrator Application for Licensure - form available online only at https://www.dhp.virginia.gov/nha/nha_forms.htm#alfa

Assisted Living Facility Administrator Administrator-in-Training Application - form available online only at https://www.dhp.virginia.gov/nha/nha_forms.htm%23alfa

Monthly Report of Assisted Living Facility Administrator-in-Training (rev. 3/2019)

Assisted Living Facility Administrator-in-Training Documentation of Completion Form (rev. 3/2019)

Assisted Living Facility Administrator-in-Training Notice of Change of Status or Discontinuance (rev. 3/2019)

Assisted Living Facility Administrator Preceptor Application - form only available online at https://www.dhp.virginia.gov/nha/nha_forms.htm#alfa

Proposed AIT Training Plan Domains of Practice (rev. 3/2019)

Checklist and Instructions for Assisted Living Facility Administrator Reinstatement Application (rev. 3/2019)

Checklist and Instructions for Assisted Living Facility Administrator Preceptor Reinstatement Application (rev. 3/2019)

Checklist and Instructions for Acting Assisted Living Facility Administrator-in-Training (rev. 3/2019)

Continuing Competency Activity and Assessment Form for Assisted Living Facility Administrators (rev. 9/2010)

Continuing Education (CE) Credit Form for Volunteer Practice (eff. 2/2018)

Name/Address Change Form (rev. 3/2019)

Request for Verification of Virginia NHA or ALFA License (eff. 3/2019)

VA.R. Doc. No. R19-5868; Filed April 12, 2019, 8:56 a.m.

BOARD OF PHYSICAL THERAPY

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Title of Regulation: **18VAC112-20. Regulations Governing the Practice of Physical Therapy.**

Agency Contact: Corie Tillman Wolf, Executive Director, Board of Physical Therapy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4546, or email corie.wolf@dhp.virginia.gov.

FORMS (18VAC112-20)

~~Application for Licensure by Examination to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant (rev. 1/11)~~

~~Application for Licensure by Endorsement to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant (rev. 1/11)~~

~~Application for Reinstatement to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant (rev. 1/11)~~

~~Instructions – Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an American/Approved Program) (rev. 1/11)~~

~~Instructions – Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Non-American/Non-Approved Program) (rev. 1/11)~~

~~Instructions – Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an American/Approved Program) (rev. 2/10)~~

~~Instructions – Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Non-American/Non-Approved Program) (rev. 2/10)~~

~~Instructions – Reinstatement of Licensure to Practice as a Physical Therapist or Physical Therapist Assistant (rev. 2/10)~~

~~Traineeship Application, Statement of Authorization (rev. 3/10)~~

~~Traineeship Application, Statement of Authorization (1,000-hour traineeship) (rev. 3/10)~~

~~Traineeship Application, Statement of Authorization (480-hour traineeship) (rev. 3/10)~~

~~Form L, Certificate of Physical Therapy Education (rev. 3/10)~~

~~Continued Competency Activity and Assessment Form (rev. 3/11)~~

~~480 Traineeship Completion Form (rev. 3/10)~~

~~Application for Direct Access Certification (rev. 1/11)~~

~~Instructions – Direct Access Certification (rev. 2/10)~~

~~Patient Attestation Form (rev. 7/07)~~

Application for Licensure by Examination to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant - form available online only at https://www.dhp.virginia.gov/PhysicalTherapy/physther_forms.htm

Application for Licensure by Endorsement to Practice Physical Therapy as a Physical Therapist or Physical Therapist Assistant - form available online only at https://www.dhp.virginia.gov/PhysicalTherapy/physther_forms.htm

Application for Reinstatement to Practice as a Physical Therapist or Physical Therapist Assistant (rev. 4/2017)

Application for Reinstatement after Disciplinary Action (rev. 4/2017)

Checklist and Instructions for Application for Licensure by Endorsement to Practice Physical Therapy (rev. 3/2018)

Checklist and Instructions for Application for Licensure by Endorsement to Practice Physical Therapy (Graduate of a Non-approved Program) (rev. 3/2018)

Checklist and Instructions for Application for Licensure by Examination to Practice Physical Therapy (rev. 3/2018)

Checklist and Instructions for Application for Licensure by Examination to Practice Physical Therapy (Graduate of a Non-Approved Program) (rev. 3/2018)

Instructions - Reinstatement of Licensure to Practice as a Physical Therapist or Physical Therapist Assistant (rev. 7/2017)

Trainee Application Statement of Authorization (graduates awaiting examination results) (rev. 4/2018)

Trainee Application Statement of Authorization (1,000-hour traineeship) (rev. 6/2018)

Trainee Application, Statement of Authorization (320-hour traineeship) (rev. 6/2018)

320 Hour Trainee Completion Form (rev. 6/2018)

Trainee Application Statement of Authorization (160-hour traineeship) (rev. 6/2018)

160 Hour Traineeship Completion Form (rev. 6/2018)

Education Authorization Form (rev. 2/2019)

Continuing Competency Activity and Assessment Form (rev. 1/2015)

Continuing Education (CE) Credit Form for Volunteer Practice (eff. 2/2018)

Application for Direct Access Certification - form available online only at https://www.dhp.virginia.gov/PhysicalTherapy/physther_forms.htm

Instructions - Direct Access Certification by Experience (rev. 8/2016)

Instructions - Direct Access Certification by Transitional Doctorate (rev. 6/2015)

Direct Access Patient Attestation and Medical Release Form (eff. 5/2018)

Name/Address Change Form (rev. 6/2018)

Request for Verification of Virginia Physical Therapist License (rev. 6/2018)

VA.R. Doc. No. R19-5938; Filed April 12, 2019, 9:01 a.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the initial or additional public comment period, comments may be made through the Virginia Regulatory Town Hall website (http://www.townhall.virginia.gov) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional comment period.

The following guidance documents have been submitted for publication by the listed agencies to initiate or extend a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (http://www.townhall.virginia.gov) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

DEPARTMENT OF EDUCATION

Titles of Documents:

Guidelines for the Neighborhood Assistance Act Tax Credit Program for Education Effective (After Public Comment Period).

Virginia Public School Bus Specifications.

Public Comment Deadline: May 29, 2019.

Effective Date: May 30, 2019.

Agency Contact: Emily V. Webb, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924, or email emily.webb@doe.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY

Title of Document: VOSH Procedures to comply with OSHA Enforcement Exemptions and Limitations under the Federal Appropriations Act, OSHA Instruction CPL 02-00-051 (formerly CPL 2-0.51J); Appendix "A" Revision.

Public Comment Deadline: May 29, 2019.

Effective Date: May 30, 2019.

Agency Contact: Holly Trice, Department of Labor and Industry, 600 East Main Street, Suite 207, Richmond, VA 23219, or email holly.trice@doli.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Titles of Documents:

Commercial Driver Training School Curriculum Requirements.

Motor Carrier Guidelines.

Motor Carrier Manual.

Public Comment Deadline: May 29, 2019.

Effective Date: May 30, 2019.

Agency Contact: Melissa Velazquez, Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-1844, or email melissa.velazquez@dmv.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

Title of Document: Neighborhood Assistance Program (NAP) Donor Fact Sheet.

Public Comment Deadline: May 29, 2019.

Effective Date: May 30, 2019.

Agency Contact: Karin Clark, Department of Social Services, 801 East Main Street, Richmond, VA 23141, telephone (804) 726-7017, or email karin.clark@dss.virginia.gov.

DEPARTMENT OF TAXATION

Title of Document: Guidelines for Combined Sales Tax Holiday May 31, 2019.

Public Comment Deadline: May 29, 2019.

Effective Date: May 30, 2019.

Agency Contact: Joe Mayer, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2299, or email joseph.mayer@tax.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION AND DEPARTMENT OF ENVIRONMENTAL QUALITY

Availability of and Public Comment on Virginia's Draft Phase III Chesapeake Bay Watershed Implementation Plan

The Office of the Virginia Secretary of Natural Resources, through the Department of Environmental Quality (DEQ), announces the release of Virginia's Draft Phase III Watershed Implementation Plan for meeting the Chesapeake Bay total maximum daily load (the Draft Phase III WIP) for public review and comment.

The public comment period is now open and will end June 7, 2019. The draft can be found on DEQ's Phase III WIP website at https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL/PhaseIIIWatershedImplementationPlanning.aspx.

The department invites review and recommendations during the comment period by all stakeholders and the general public. Through the public's collective input, the department anticipates building an even stronger final Phase III WIP. All comments received on or before June 7, 2019, will be considered. A comment-response document summarizing all comments and responses will be compiled by DEQ, on behalf of the Office of the Virginia Secretary of Natural Resources, and will be available on DEQ's Phase III WIP website at https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL/PhaseIIIWatershedImplementationPlanning.aspx.

Development of Virginia's Draft Phase III WIP has been guided by Governor Northam's goals for his administration:

- To achieve the state basin planning targets while accounting for future growth and the impacts of climate change and to do so no later than December 31, 2025;
- To engage and seek guidance from partners, including local governments, planning district or regional commissions (PDCs), and soil and water conservation districts (SWCDs) through a local area planning effort;
- To develop a plan that is resilient, practical, cost-effective, and provides for multiple benefits; and
- To adhere to expectations established by the U.S. Environmental Protection Agency (EPA) and the Chesapeake Bay Program Partners, particularly those regarding reasonable assurance.

Achieving Virginia's 2017 reduction targets for nitrogen and phosphorus through successful implementation of the Phase I and Phase II WIPs demonstrates clearly that the goal of fully achieving Virginia's state basin planning targets is within reach. Yet, restoring the Chesapeake Bay and its tidal tributaries will require significant action by federal, state, and local governments; wastewater utilities; farmers and the agriculture and forestry industries; landowners and homeowners; lawn care companies; the general public; and many more.

The building blocks of the department's Draft Phase III WIP include new state initiatives as well as existing federal, state, and local programs and detailed local area plans provided by planning district commissions and soil and water conservation districts.

WIP Webinar: A webinar will be held on May 13, 2019, at 9 a.m., and repeated at 6 p.m., to share information about the Draft Phase III WIP. The webinar will provide an overview of the plan and provide information about the comment submittal process. During the webinar, the public is invited to ask questions, which will be answered in the order they are received as time allows. All questions will be compiled and addressed in a frequently asked questions document that will be available with the final WIP. The webinar will be recorded and available for future viewing on DEQ's Phase III WIP website at https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL/PhaseIIIWatershedImplementationPlanning.aspx.

To register for the 9 a.m. webinar on May 13, visit https://register.gotowebinar.com/register/1461104016153487873 (if the link does not open, please copy and paste the link into a browser).

To register for the 6 p.m. webinar on May 13, visit https://register.gotowebinar.com/register/1788373652161109249 (if the link does not open, please copy and paste the link into a browser).

Written Comments: Written comments on the Draft Phase III WIP can be submitted by any of the three listed methods. Please include the name and mailing address or email address of the commenter.

1. Email: chesbayplan@deq.virginia.gov

2. Postal mail: DEQ, ATTN: Chesbayplan, P.O. Box 1105, Richmond, VA 23218

3. Hand-delivery: DEQ, ATTN: Chesbayplan, 1111 East Main Street, Richmond, VA 23219 (Monday through Friday, 8:30 a.m. – 5 p.m., except on state holidays and any other days on which state offices in the Richmond area are closed)

Contacts for additional information:

James Davis-Martin, telephone (804) 698-4298 or email james.davis-martin@deq.virginia.gov

Megan Sommers Bascone, telephone (804) 698-4435 or email megan.bascone@deq.virginia.gov

John Kennedy, telephone (804) 698-4312 or email john.kennedy@deq.virginia.gov

Contact Information: James Davis-Martin, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4298, or email james.davis-martin@deq.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Department of Environmental Quality conducted a small business impact review of **9VAC15-40, Small Renewable Energy Projects (Wind) Permit by Rule**, and determined that this regulation should be retained in its current form. The Department of Environmental Quality is publishing its report of findings dated March 12, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

The regulation is needed to provide a permitting process for wind energy projects that is also protective of human health and the environment. Comments were received during the public comment period. None of the comments submitted indicated the regulation is burdensome on small businesses. The regulation details the permitting process, and a wind energy project is deemed to operate under the permit by rule provision if it meets the requirements of the regulation. Other permits may be required for the wind energy project. This regulation does not overlap, duplicate, or conflict with federal or state law or regulations.

This regulation was adopted in 2010 and amended in 2013, 2015, and 2017. Since initial adoption, the regulation has been amended to maintain consistency with other regulations pertaining to permits by rule developed for solar and combustion projects designed with a rated capacity not exceeding 150 megawatts. The regulation was also amended in 2017 to increase the size of a small renewable wind energy project from 100 megawatts to 150 megawatts allowing potentially more projects to be permitted by a permit by rule.

Contact Information: Melissa Porterfield, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4019, or email melissa.porterfield@deq.virginia.gov.

2019 Water Quality Monitoring Plan Now Available

Purpose of notice: The Virginia Department of Environmental Quality (DEQ) is announcing the availability of the 2019 Water Quality Monitoring Plan (MonPlan). The 2019 MonPlan is now available on the agency's website at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualityMonitoring/AnnualWaterQualityMonitoringPlan.aspx.

A map view of the 2019 MonPlan is available through DEQ's VEGIS viewer at https://apps.deq.virginia.gov/mapper_ext/default.aspx?service=public/wimby&bg=World%20Topo%20Map&lon=-77.46749195575637&lat=37.51854854802639&scale=288895&vis=[{"name":"public/wimby","vis":[0,9,30]}].

Background: Every year, DEQ staff from the agency's six regional offices collect water samples for testing from more than 1,000 locations across the commonwealth. The agency's various monitoring activities for each calendar year are outlined in the annual statewide MonPlan.

2019 Monplan: The 2019 MonPlan summarizes DEQ's water quality monitoring activities to be conducted from January 1 through December 31, and is developed for the purpose of implementing the goals and objectives of DEQ's 2013 Water Quality Monitoring Strategy.[1] This water quality information is presented in compliance with the Virginia Water Quality Monitoring, Information and Restoration Act (§ 62.1-44.19:5 of the Code of Virginia) to help ensure public awareness of water quality issues and conditions. The MonPlan contains detailed information on DEQ's monitoring activities including the station locations, specific conditions, frequency of monitoring, and costs.

Bacteria monitoring pilot: Virginia is in the process of adopting the updated bacteria criteria for human health protection in recreational waters.[2] In order to prepare to fully assess against the new bacteria criteria once it has been adopted, DEQ is piloting high frequency (i.e., weekly or biweekly during the recreational season) bacteria monitoring at approximately 40 monitoring stations across the state. DEQ plans to host a webinar in late 2019 to review the results of the pilot, and discuss plans for future monitoring and assessment.

Contacts for more information: Requests for more information on the 2019 MonPlan can be directed to Roger Stewart at (804) 698-4449 or email at roger.stewart@deq.virginia.gov. Additional information is also available on DEQ's Water Quality Monitoring website at http://www.DEQ.Virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualityMonitoring.aspx.

Citizen nominations for the 2020 MonPlan: Citizens can nominate portions of lakes, streams, and rivers of Virginia for water quality monitoring by DEQ. Nominations received on or before April 30, 2019, will be considered for inclusion in DEQ's 2020 MonPlan. More information on the citizen nomination process is available on DEQ's Citizen Monitoring website at http://www.DEQ.Virginia.gov/programs/water/waterqualityinformationtmdls/waterqualitymonitoring/citizenmonitoring/followupmonitoring.aspx. Contact Stuart Torbeck at (804) 698-4461 or email at charles.torbeck@deq.virginia.gov, for more information.

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[1]The 2013 Water Quality Monitoring Strategy is available on DEQ's website at http://www.DEQ.Virginia.gov/programs/water/waterqualityinformationtmdls/waterqualitymonitoring/deqswaterqualitymonitoringstrategy.aspx.

[2]http://townhall.virginia.gov/L/ViewAction.cfm?actionid=3171.

Contact Information: Roger Stewart, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4449, or email roger.stewart@deq.virginia.gov.

SAFETY AND HEALTH CODES BOARD

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Safety and Health Codes Board is conducting a periodic review and small business impact review of each listed regulation. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

16VAC25-35, Regulation Concerning Certified Lead Contractors Notification, Lead Project Permits and Permit Fees

16VAC25-55, Financial Requirements for Boiler and Pressure Vessel Contract Fee Inspectors

16VAC25-73, Regulation Applicable to Tree Trimming Operations

16VAC25-75, General Industry Standard for Telecommunications, General, Approach Distances

The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to each regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The public comment period begins April 29, 2019, and ends May 20, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at http://www.townhall.virginia.gov/L/Forums.cfm. Comments may also be sent to Jay Withrow, Director of Legal Support, VPP, ORA, OPP, OWP, Department of Labor and Industry, 600 East Main Street, Suite 207, Richmond, VA 23233, telephone (804) 786-9873, or email jay.withrow@doli.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of the review will be posted on the Virginia Regulatory Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

STATE WATER CONTROL BOARD

Enforcement Action for Belmont Peanuts of Southampton Inc.

An enforcement action has been proposed for Belmont Peanuts of Southampton Inc. for violations of State Water Control Law at the Popes Station Road facility in Capron, Virginia. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. John Brandt will accept comments by email at john.brandt@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, from April 29, 2019, to May 29, 2019.

Enforcement Action for Southampton Solar LLC

An enforcement action has been proposed for Southampton Solar LLC for violations of the State Water Control Law in Southampton County, Virginia. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. Russell Deppe will accept comments by email at russell.deppe@deq.virginia.gov, FAX at (757) 518-2009, or postal mail at Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, from April 29, 2019, to May 30, 2019.

Proposed Consent Order for Dulles Town Center Mall LLC

An enforcement action has been proposed for Dulles Town Center Mall LLC for violations of the State Water Control Law and regulations at the Dulles Town Center Mall located in Loudoun County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the Dulles Town Center Mall. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. Benjamin Holland will accept comments by email at benjamin.holland@deq.virginia.gov or by postal mail at Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from April 30, 2019, through May 30, 2019.

Proposed Consent Order for E.M. Gray & Son Inc.

An enforcement action has been proposed for E.M. Gray & Son Inc. for violations of the State Water Control Law and regulations at the E.M. Gray & Son Inc. facility located in Caroline County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the E.M. Gray & Son Inc. facility. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. Benjamin Holland will accept

comments by email at benjamin.holland@deq.virginia.gov or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from April 30, 2019, through May 30, 2019.

Proposed Consent Order for Manassas NCP LLC

An enforcement action has been proposed for Manassas NCP LLC for violations of the State Water Control Law and regulations at the BB Project site located in Prince William County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the BB Project site. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. Benjamin Holland will accept comments by email at benjamin.holland@deq.virginia.gov or by postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from April 30, 2019, through May 30, 2019.

Proposed Consent Order for Stacybilt Homes LLC

An enforcement action has been proposed for Stacybilt Homes LLC for violations of the State Water Control Law and regulations at the proposed Thorburn Estates residential housing community located in Spotsylvania County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with construction activities that resulted in the discharge of fill material into state surface waters. A description of the proposed action is available at the listed Department of Environmental Quality office or online at www.deq.virginia.gov. Jim Datko will accept comments by email at james.datko@deq.virginia.gov or postal mail at Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, from April 30, 2019, through May 30, 2019.

Periodic Review and Small Business Impact Review

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Environmental Quality is conducting a periodic review and small business impact review of **9VAC25-80, General Regulations under State Water Control Law - Requirement No. 1**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The public comment period begins April 29, 2019, and ends May 20, 2019.

Comments may be submitted online to the Virginia Regulatory Town Hall at http://www.townhall.virginia.gov/L/Forums.cfm. Comments may also be sent to Melissa Porterfield, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4019, or email melissa.porterfield@deq.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the State Water Control Board conducted a small business impact review of **9VAC25-91, Facility and Aboveground Storage Tank (AST) Regulation**, and determined that this regulation should be retained in its current form. The State Water Control Board is publishing its report of findings dated February 27, 2019, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

This regulation is required by § 62.1-44.34:15.1 of the Code of Virginia, and the regulation continues to be needed. The regulation establishes requirements for registration of facilities and individual ASTs, includes standards and procedures for operators of certain facilities relating to pollution prevention, and provides requirements for oil discharge contingency plans. No public comments were received during the public comment period. The regulation contains industry practices and standards that are technical in nature; however the regulated community is familiar with the requirements.

There is no direct mandate for aboveground storage tank regulations in federal law; however, federal regulations (such as 40 CFR Part 112 (Oil Pollution Prevention) and 29 CFR 1910.106 (Occupational Safety and Health Regulations) and industry standards (such as API 653 and API 570) contain a number of requirements related to AST construction and operation. Many of those federal requirements are similar in their purpose or effect to the requirements envisioned by the state's Pollution Prevention Law and Oil Discharge Contingency Plan mandates. Every attempt has been made to make the requirements of the state's aboveground storage tank regulations consistent with requirements already contained in those federal regulations and industry standards. This regulation was last adopted in 2015. This regulation is

necessary for the protection of public health, safety, and welfare, and the regulation will be retained.

Contact Information: Melissa Porterfield, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4019, or email melissa.porterfield@deq.virginia.gov.

Public Meeting and Public Comment Opportunity for a Watershed Plan for North Fork Catoctin Creek in Loudoun County

Public meeting: A public meeting to present the draft total maximum daily load (TMDL) and watershed management plan will be held on Monday, May 13, 2019, from 6:30 p.m. until 8 p.m. in the Robey Meeting Room at the Purcellville Library, 220 East Main Street, Purcellville, VA 20132. The plan contains a sediment TMDL and implementation strategies to address the general standard (benthics) impairment on North Fork Catoctin Creek**.**

Purpose of notice: The Department of Environmental Quality (DEQ) will present and discuss with community members the draft TMDL and watershed management plan. The plan contains a sediment TMDL and implementation strategies with the goal of restoring the aquatic community of the stream. Identified in the plan are (i) sources of sediment, (ii) reductions to meet the TMDL for the impaired water, and (iii) strategies to meet those reductions. There will be a 30-day public comment period for interested stakeholders to comment on the draft plan. Written comments will be accepted from May 14, 2019, to June 14, 2019. Directions for how to submit a comment are listed. Throughout the 30-day public comment period, the draft plan can be found at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx.

Description of study: Portions of the North Fork Catoctin Creek, in Loudoun County, do not have a healthy and diverse community of macroinvertebrates and subsequently do not meet the "aquatic life" water quality standard. The two stream segments, identified in the table, are listed on the § 303(d) TMDL Priority List and Report as impaired due to violations of Virginia's water quality standards for the general standard (benthics). Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report. A TMDL is the total amount of a pollutant a waterbody can contain and still meet water quality standards.

Stream Name	Location	Length (miles)	Upstream Limit	Downstream Limit
North Fork Catoctin Creek	Loudoun County	4.42	Unnamed tributary, located ~0.15 mile downstream of Route 287	Catoctin Creek
North Fork Catoctin Creek	Loudoun County	2.54	Unnamed tributary, located ~0.75 mile upstream of Route 719	Impoundment (Godfrey Pond)

How to comment and participate: This meeting is open to the public and all interested parties are welcome. A public comment period on the TMDL and watershed management plan will begin on May 14, 2019, and end June 14, 2019. All comments must be written and submitted via email or postal mail by 11:59 p.m. on June 14, 2019. Comments must include the name, address, and telephone number of the person submitting the comments. Please submit written comments to Sarah Sivers, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3898, or email sarah.sivers@deq.virginia.gov.

For more information on this study, please contact Sarah Sivers via phone, email, or postal mail using the listed information. All materials related to this project have been posted on the DEQ website under the "North Fork Catoctin Creek" section of the webpage located at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DocumentationforSelectTMDLs.aspx.

Public Meeting and Public Comment Opportunity for a Total Maximum Daily Load Implementation Plan for Woods Creek

Public meeting: A public meeting will be held May 8, 2019, at 6 p.m. at the Rockbridge Regional Library, Piovano Room, 138 South Main Street, Lexington, VA 24450.

Purpose of notice: The Department of Environmental Quality (DEQ) seeks written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan for the Woods Creek watershed in Rockbridge County and the City of Lexington.

Meeting description: DEQ and its contractor, Virginia Tech's Biological Systems Engineering Department, will present a draft water quality improvement plan, known as a TMDL implementation plan, for Woods Creek and its tributaries. This is an opportunity for local residents to learn about the condition of the creek and provide input on the draft plan. A

public comment period will follow the meeting from May 9, 2019, through June 10, 2019.

In case of inclement weather, the meeting will be held at the same time and location on May 14, 2019, and the public comment period will be extended accordingly.

Background information: A TMDL is the total amount of a pollutant a waterbody can contain and still meet water quality standards. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report. Woods Creek was listed on the § 303(d) TMDL Priority List and Report as impaired due to violations of Virginia's water quality standards for bacteria for recreational use. DEQ completed the bacteria TMDL study for Woods Creek in 2017. The Woods Creek TMDL was approved by the U.S. Environmental Protection Agency (EPA) in February 2018. Section 62.1-44.19:7 C of the Code of Virginia requires expeditious implementation of TMDLs when appropriate. To restore water quality, bacteria levels need to be reduced to the amount established in the TMDL. The TMDL implementation plan should provide measurable goals and the date of expected achievement of water quality objectives. The TMDL implementation plan should also include the corrective actions needed and their associated costs, benefits, and environmental impacts. Over the last eight months, DEQ has collaborated with local stakeholders to develop a draft TMDL implementation plan that meets these criteria.

How to comment and participate: All meetings in support of TMDL implementation plan development are open to the public and all interested parties are welcome. Written comments will be accepted through June 10, 2019, and should include the name, address, and telephone number of the person submitting the comments. For more information, or to submit written comments, please contact Sara Bottenfield, Department of Environmental Quality, Valley Regional Office, P.O. Box 3000, Harrisonbug, VA 22801, telephone (540) 574-7872, FAX (540) 574-7878, or email sara.bottenfield@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at https://commonwealthcalendar.virginia.gov.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at http://register.dls.virginia.gov/documents/cumultab.pdf.

Filing Material for Publication in the *Virginia Register of Regulations*: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

BOARD OF COUNSELING

Title of Regulation: **18VAC115-50. Regulations Governing the Practice of Marriage and Family Therapy.**

Publication: 35:14 VA.R. 1839 March 4, 2019

Correction to Petition for Rulemaking Agency Decision:

Page 1839, first column, Nature of Petitioner's Request, after "To count" delete "up to 600" and after "hours of residency" insert "similar to the board's action for professional counseling"

Page 1839, first column, Statement of Reason for Decision, after "The board voted to" delete "submit a Notice of Intended Regulatory Action (NOIRA) to initiate rulemaking and receive further information and comment. Once the NOIRA" and insert "initiate rulemaking with a fast-track action. Once the action"

VA.R. Doc. No. R19-17; Filed April 15, 2019