



VIRGINIA REGISTER OF REGULATIONS

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THE 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

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § [2.2-4011](#) of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § [2.2-4012](#) of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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 V.A.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; **Marcus B. Simon**, Vice Chair; **Ward L. Armstrong**; **Nicole Cheuk**; **Leslie L. Lilley**; **Jennifer L. McClellan**; **Christopher R. Nolen**; **Steven Pops**; **Don L. Scott, Jr.**; **Charles S. Sharp**; **Malfoord W. Trumbo**; **Amigo R. Wade**.

Staff of the Virginia Register: **Holly Trice**, 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>).

July 2022 through July 2023

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
38:23	June 15, 2022	July 4, 2022
38:24	June 29, 2022	July 18, 2022
38:25	July 13, 2022	August 1, 2022
38:26	July 27, 2022	August 15, 2022
39:1	August 10, 2022	August 29, 2022
39:2	August 24, 2022	September 12, 2022
39:3	September 7, 2022	September 26, 2022
39:4	September 21, 2022	October 10, 2022
39:5	October 5, 2022	October 24, 2022
39:6	October 19, 2022	November 7, 2022
39:7	November 2, 2022	November 21, 2022
39:8	November 14, 2022 (Monday)	December 5, 2022
39:9	November 30, 2022	December 19, 2022
39:10	December 14, 2022	January 2, 2023
39:11	December 27, 2022 (Tuesday)	January 16, 2023
39:12	January 11, 2023	January 30, 2023
39:13	January 25, 2023	February 13, 2023
39:14	February 8, 2023	February 27, 2023
39:15	February 22, 2023	March 13, 2023
39:16	March 8, 2023	March 27, 2023
39:17	March 22, 2023	April 10, 2023
39:18	April 5, 2023	April 24, 2023
39:19	April 19, 2023	May 8, 2023
39:20	May 3, 2023	May 22, 2023
39:21	May 17, 2023	June 5, 2023
39:22	May 31, 2023	June 19, 2023
39:23	June 14, 2023	July 3, 2023
39:24	June 28, 2023	July 17, 2023

*Filing deadlines are Wednesdays unless otherwise specified.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Agency Notice

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 following regulation is undergoing a periodic review and a small business impact review: **9VAC5-45, Consumer and Commercial Products**. 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.

Public comment period begins June 20, 2022, and ends July 11, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Karen G. Sabasteanski, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1973.

VIRGINIA WASTE MANAGEMENT BOARD

Agency Notice

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 following regulation is undergoing a periodic review and a small business impact review: **9VAC20-70, Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities**. 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.

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Public comment period begins June 20, 2022, and ends July 11, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Suzanne Taylor, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1533.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Agency Notice

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 following regulations are undergoing a periodic review and a small business impact review: **12VAC5-481, Virginia Radiation Protection Regulations; and 12VAC5-490, Virginia Radiation Protection Regulations: Fee Schedule**. The review of each 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 each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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.

Public comment period begins June 20, 2022, and ends July 11, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Cameron Rose, Policy Analyst, Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219, telephone (804) 659-6687.

Periodic Reviews and Small Business Impact Reviews

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Agency Notice

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 following regulation is undergoing a periodic review and a small business impact review: **18VAC5-11, Public Participation Guidelines**. 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.

Public comment period begins June 20, 2022, and ends July 11, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Vasa Clarke, Regulatory Coordinator, Board of Accountancy, 9960 Mayland Drive, Suite 402, Henrico, VA 23233, telephone (804) 367-1568.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Agency Notice

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 following regulations are undergoing a periodic review and a small business impact review: **24VAC30-11, Public Participation Guidelines; 24VAC30-41, Rules and Regulations Governing Relocation Assistance; 24VAC30-91, Subdivision Street Requirements; 24VAC30-92, Secondary Street Acceptance Requirements; 24VAC30-155, Traffic Impact Analysis Regulations; 24VAC30-325,**

Urban Maintenance and Construction Policy; and 24VAC30-380, Public Hearings for Location and Design of Highway Construction Projects. The review of each 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 each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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.

Public comment period begins June 20, 2022, and ends July 11, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: JoAnne P. Maxwell, Regulatory Coordinator, Governance and Legislative Affairs Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-1830.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF WILDLIFE RESOURCES

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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, 4VAC15-20-200).

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) update the department's "List of Native and Naturalized Fauna of Virginia" incorporated by reference; (ii) remove fees for use of boat ramps; and (iii) set late fees for exhibitor and rehabilitator permits issued by the department.

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 2020 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the 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 2020 2022 "List of Native and Naturalized Fauna of Virginia," with copies available in the 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

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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.

Commercial Use	\$50	<u>\$25</u>
Educational/Scientific Use	\$20	<u>\$10</u>
Exotic Importation and Holding	\$10	
Field Trial	\$25	
Foxhound Training Preserves	\$50	
Hold for Commercial Use	\$10	
Propagation	\$12.50	
Rehabilitation	\$10	<u>\$10</u>
Scientific Collection	\$20	
Special Hunting Permit	\$10	
Striped Bass Tournament	\$10	
Threatened & Endangered Species	\$20	
Trout Catch-Out Pond	\$50	

B. Veterinarians shall not be required to pay a permit fee or to obtain a permit to hold wildlife temporarily for medical treatment.

DOCUMENTS INCORPORATED BY REFERENCE (4VAC15-20)

[List of Native and Naturalized Fauna of Virginia, January 2021, Virginia Department of Wildlife Resources](#)

[List of Native and Naturalized Fauna of Virginia, April 2022, Virginia Department of Wildlife Resources](#)

[Federal Endangered and Threatened Animal Species as of May 7, 2019](#)

V.A.R. Doc. No. R22-7235; Filed May 30, 2022, 9:30 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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, 4VAC15-90-80).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Effective Date: August 1, 2022.

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

Summary:

The amendments (i) extend deer harvest in selected localities to mitigate the spread and impacts of Chronic Wasting Disease (CWD) on deer populations in Virginia where CWD has been detected and is spreading and (ii) allow for full season either-sex deer hunting on private lands in Page County during the early and late muzzleloader seasons.

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, except on national forest lands)	Saturday prior to the third Monday in November and for 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 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

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Brunswick 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
Buchanan County	Saturday prior to the third Monday in November and for 14 consecutive days following	Chesapeake (City of)	October 1 through November 30
Buckingham County	Saturday prior to the third Monday in November through the first Saturday in January	Chesterfield 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	Clarke 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	Clarke 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
Carroll County (<u>private lands</u>)	Saturday prior to the third Monday in November and for 44 <ins>28</ins> consecutive days following	Craig County	Saturday prior to the third Monday in November and for 14 consecutive days following
Carroll County (<u>public lands</u>)	<u>Saturday prior to the third Monday in November and for 14 consecutive days following</u>	Culpeper County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January
Carroll County (<u>private lands and antlerless deer only</u>)	<u>Sunday following the first Saturday in January through the last Sunday in March</u>	Culpeper County (Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November and for 14 consecutive days following
Carroll County (<u>disease focus zones defined by the department, antlerless deer only</u>)	<u>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</u>	Culpeper County (private lands and antlerless deer only)	<u>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</u>
Charles City County	Saturday prior to the third Monday in November through the first Saturday in January		

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Culpeper County (disease focus zones defined by the department, 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 (private lands and 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
Cumberland County	Saturday prior to the third Monday in November through the first Saturday in January	Fauquier County (disease focus zones defined by the department, 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
Dickenson County	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
Dinwiddie County	Saturday prior to the third Monday in November through the first Saturday in January	<u>Floyd County (antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
Essex County	Saturday prior to the third Monday in November through the first Saturday in January	Floyd County (disease focus zones defined by the department, 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
Fairfax County	Saturday prior to the third Monday in November through the first Saturday in January	Fluvanna 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	Franklin County	Saturday prior to the third Monday in November and for 28 consecutive days following
Fauquier County (except Chester F. Phelps Wildlife Management Area)	Saturday prior to the third Monday in November through the first Saturday in January	Frederick County (non-national forest lands)	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		

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Frederick County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following	Henrico County	Saturday prior to the third Monday in November through the first Saturday in January
Frederick County (non-national-forest lands 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	Henry County	Saturday prior to the third Monday in November and for 28 consecutive days following
Giles County	Saturday prior to the third Monday in November and for 14 consecutive days following	Highland 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	Isle of Wight 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	James City 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	King and Queen County	Saturday prior to the third Monday in November through the first Saturday in January
Greene 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
Greenville 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
Halifax 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
Hanover 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

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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	Montgomery County (non-national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Louisa County	Saturday prior to the third Monday in November through the first Saturday in January	Montgomery County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Lunenburg County	Saturday prior to the third Monday in November through the first Saturday in January	<u>Montgomery County (non-national forest lands and antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>
Madison County	Saturday prior to the third Monday in November through the first Saturday in January	Montgomery County (disease focus zones defined by the department, 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
Madison County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>	Nelson County (west of Route 151, except on national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Madison County (disease focus zones defined by the department, 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	Nelson County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
Mathews County	Saturday prior to the third Monday in November through the first Saturday in January	Nelson County (east of Route 151)	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	New Kent 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	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

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Nottoway County	Saturday prior to the third Monday in November through the first Saturday in January	Pittsylvania 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	Powhatan County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>	Prince Edward County	Saturday prior to the third Monday in November through the first Saturday in January
Orange County (disease focus zones defined by the department, 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	Prince George 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	Prince William County	Saturday prior to the third Monday in November through the first Saturday in January
<u>Page County (non-national forest lands and antlerless deer only)</u>	<u>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</u>	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
Page County (disease focus zones defined by the department, 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 and national forest lands)	Saturday prior to the third Monday in November and for 28 consecutive days following
Patrick County	Saturday prior to the third Monday in November and for 28 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
		Pulaski County (national forest lands)	Saturday prior to the third Monday in November and for 14 consecutive days following
		<u>Pulaski County (non-national forest lands and antlerless deer only)</u>	<u>Sunday following the first Saturday in January through the last Sunday in March</u>

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Pulaski County (disease focus zones defined by the department, 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	Russell County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rappahannock County	Saturday prior to the third Monday in November through the first Saturday in January	Scott County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rappahannock County (private lands and antlerless deer only)	First Saturday in September through the Friday prior to the first Saturday in October <u>and the Sunday following the first Saturday in January through the last Sunday in March</u>	Shenandoah County	Saturday prior to the third Monday in November and for 14 consecutive days following
Rappahannock County (disease focus zones defined by the department, 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	Shenandoah County (non-national forest lands 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
Richmond County	Saturday prior to the third Monday in November through the first Saturday in January	Smyth County	Saturday prior to the third Monday in November and for 14 consecutive days following
Roanoke 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
Rockbridge County	Saturday prior to the third Monday in November and for 14 consecutive days following	Spotsylvania County	Saturday prior to the third Monday in November through the first Saturday in January
Rockingham County	Saturday prior to the third Monday in November and for 14 consecutive days following	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

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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
Warren (non-national forest lands 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
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.

4VAC15-90-80. 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 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 Merrimac Farm Wildlife Management Area), 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 Augusta, Botetourt, Carroll, Frederick, Grayson, Montgomery, Page, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Scott, Shenandoah, Warren, and Wythe Counties.

2. Antlered bucks only—no either-sex deer hunting days during the early special muzzleloading season in Buchanan, on federal and department-managed lands in 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 Augusta, Botetourt, Carroll, Grayson, Montgomery, Page, Pulaski, Roanoke, Rockingham (east of Routes 613 and 731), Shenandoah, 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, 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. Muzzleloading guns, for the purpose of this section, include:

1. Single shot muzzleloading rifles .40 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) where the projectile is loaded from the muzzle;
2. Muzzleloading shotguns (one or more barrels) not larger than 10 gauge where the projectiles are loaded from the muzzle;
3. Muzzleloading pistols (one or more barrels) .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per barrel where the propellant and projectile are loaded from the muzzle;
4. Muzzleloading revolvers .45 caliber or larger, firing a single projectile or sabot (with a .35 caliber or larger projectile) per cylinder where the propellant and projectile are loaded from the forward end of the cylinder.

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.

V.A.R. Doc. No. R22-7140; Filed June 1, 2022, 10:53 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-320. Fish: Fishing Generally (amending 4VAC15-320-25, 4VAC15-320-60).**

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Regulations

Summary:

The proposed amendments (i) clarify the areas where striped bass and white bass may be caught on the Staunton and Dan Rivers, including size limits for striped bass; (ii) change the upstream location limit for walleye and saugeye from Claytor Lake along the New River from Buck Dam in Carroll County to Fries Dam in Grayson County; (iii) clarify the limits on catch of sunfish, crappie, and blue catfish to include the Staunton (Roanoke) River and its tributaries to

Difficult Creek in Charlotte County and the Dan River and its tributaries to the Banister River in Halifax County; and (iv) clarify the issuance of fish stocking authorizations and the expiration of such authorizations.

4VAC15-320-25. Creel and length limits.

The creel limits (including live possession) and the length limits for the various species of fish shall be as follows, unless otherwise excepted by posted rules at department-owned or department-controlled waters (see 4VAC15-320-100 D).

Type of fish	Subtype or location	Creel and length limits	Geographic exceptions	Creel or length limits for exceptions
largemouth bass, smallmouth bass		5 per day in the aggregate (combined) No statewide length limits	Lakes	
			Briery Creek Lake	No largemouth or smallmouth bass 16 to 24 inches; only 1 largemouth or smallmouth bass per day in the aggregate longer than 24 inches
			Buggs Island (Kerr)	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Claytor Lake	No smallmouth bass less than 14 inches
			Flannagan Reservoir	No smallmouth bass less than 15 inches No largemouth bass less than 12 inches
			Lake Gaston	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
			Leesville Reservoir	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches

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Lake Moomaw	No largemouth or smallmouth bass less than 12 inches
Philpott Reservoir	No largemouth or smallmouth bass less than 12 inches
Quantico Marine Base waters	No largemouth or smallmouth bass 12 to 15 inches
Smith Mountain Lake and its tributaries below Niagara Dam	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches
Rivers	
Clinch River – within the boundaries of Scott, Wise, Russell, or Tazewell Counties	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
Levisa Fork River – within the boundaries Buchanan County	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
Dan River and tributaries downstream from the Union Street Dam, Danville	Only 2 of 5 largemouth or smallmouth bass less than 14 inches
James River – Confluence of the Jackson and Cowpasture rivers (Botetourt County) downstream to the 14th Street Bridge in Richmond	No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches

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		New River – Fields Dam (Grayson County) downstream to the VA - WV state line and its tributaries Little River downstream from Little River Dam in Montgomery County, Big Walker Creek from the Norfolk Southern Railroad Bridge downstream to the New River, and Wolf Creek from the Narrows Dam downstream to the New River in Giles County (This does not include Claytor Lake, which is delineated as: The upper end of the island at Allisonia downstream to the dam)	No largemouth or smallmouth bass 14 to 22 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 22 inches
		North Fork Holston River - Rt. 91 bridge upstream of Saltville, VA downstream to the VA - TN state line	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
		Potomac River - Virginia tidal tributaries above Rt. 301 bridge	No largemouth or smallmouth bass less than 15 inches from March 1 through June 15
		Roanoke (Staunton) River - and its tributaries below Difficult Creek, Charlotte County	Only 2 of 5 largemouth or smallmouth bass in the aggregate less than 14 inches

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			Shenandoah River, South Fork Shenandoah River, North Fork Shenandoah River	No largemouth or smallmouth bass 11 to 14 inches
			Staunton River -	
			Leesville Dam (Campbell County) downstream to the mouth of Difficult Creek, Charlotte County	No largemouth or smallmouth bass less than 20 inches; only 1 largemouth or smallmouth bass in the aggregate per day longer than 20 inches
Alabama bass, spotted bass		No statewide daily limit No statewide length limit		
striped bass	landlocked striped bass and landlocked striped bass - white bass hybrids	4 per day in the aggregate No fish less than 20 inches	Buggs Island (Kerr) Reservoir, including the Staunton <u>(Roanoke) River and</u> <u>its tributaries</u> to Leesville Dam and the Dan River <u>and its</u> <u>tributaries</u> to Union Street Dam (Danville) Claytor Lake and its tributaries	October 1 - May 31: 2 per day in the aggregate; no striped bass or hybrid striped bass less than 20 inches <u>or greater</u> <u>than 26 inches</u> June 1 - September 30: 4 per day in the aggregate; no length limit September 16 – June 30: 2 per day in the aggregate; no striped bass or hybrid bass less than 20 inches July 1 – September 15: 4 per day in the aggregate; no length limit
			Smith Mountain Lake and its tributaries, including the Roanoke River upstream to Niagara Dam	2 per day in the aggregate November 1 - May 31: No striped bass 30 to 40 inches June 1 - October 31: No length limit

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			Lake Gaston	4 per day in the aggregate October 1 - May 31: No striped bass or hybrid striped bass less than 20 inches June 1 - September 30: No length limit
	anadromous (coastal) striped bass above the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be set by the Virginia Marine Resources Commission for recreational fishing in tidal waters		
	anadromous (coastal) in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing and Northwest Rivers and their tributaries plus Back Bay	2 per day No striped bass less than 18 inches		
white bass		5 per day No statewide length limits	Buggs Island (Kerr) Reservoir, including the Staunton (<u>Roanoke</u>) River <u>and its tributaries to Leesville Dam and the Dan River <u>and its tributaries to Union Street Dam (Danville)</u></u>	10 per day; no white bass less than 14 inches
			Lake Gaston	10 per day; no white bass less than 14 inches
walleye, saugeye		5 per day in the aggregate No walleye or saugeye less than 18 inches	Claytor Lake and the New River upstream of Claytor Lake Dam to <u>Buck Dam in Carroll County</u> <u>Fries Dam in Grayson County</u>	2 walleye per day; no walleye 19 to 28 inches
sauger		2 per day No statewide length limits		

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yellow perch		No statewide daily limit No statewide length limits	Lake Moomaw	10 per day
		Below the fall line in all coastal rivers of the Chesapeake Bay		No yellow perch less than 9 inches; no daily limit
chain pickerel		5 per day No statewide length limits	Gaston and Bugs Island (Kerr) Reservoirs	No daily limit
northern pike		2 per day No pike less than 20 inches		
muskellunge		2 per day No muskellunge less than 30 inches	New River - Fields Dam (Grayson County) downstream to Claytor Dam, including Claytor Lake	1 per day; no muskellunge less than 42 inches
			New River - Claytor Dam downstream to the VA - WV state line	1 per day June 1 - last day of February: No muskellunge 40 to 48 inches March 1 - May 31: No muskellunge less than 48 inches
bluegill (bream) and other sunfish excluding crappie, rock bass (redeye) and Roanoke bass		50 per day in the aggregate No statewide length limits	Gaston and Bugs Island (Kerr) Reservoirs, <u>including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u> and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
crappie (black or white)		25 per day in the aggregate No statewide length limits	Lake Gaston and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit

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			Buggs Island (Kerr) Reservoir, <u>including the Staunton (Roanoke) River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u>	No crappie less than 9 inches
			Briery Creek and Sandy River Reservoirs	No crappie less than 9 inches
			Flannagan and South Holston Reservoirs	No crappie less than 10 inches
rock bass (redeye)		25 per day; in the aggregate with Roanoke bass No statewide length limits	Gaston and Buggs Island (Kerr) Reservoirs and that portion of the New River from the VA - NC state line downstream to the confluence of the New and Little Rivers in Grayson County	No daily limit
			Nottoway, Meherrin, Blackwater (Franklin County), Falling, and Smith Rivers and their tributaries	5 per day in the aggregate with Roanoke bass; no rock bass less than 8 inches
Roanoke bass		25 per day in the aggregate with rock bass No statewide length limits	Nottoway, Meherrin, Blackwater (Franklin County), Falling, and Smith Rivers and their tributaries	5 per day in the aggregate with rock bass; no Roanoke bass less than 8 inches
trout	See 4VAC15-330. Fish: Trout Fishing.			
catfish	channel, white, and flathead catfish	20 per day; No length limits	All rivers below the fall line	No daily limit
	blue catfish	20 per day; No statewide length limits	Lake Gaston	No daily limit, except only 1 blue catfish per day longer than 32 inches
			Kerr Reservoir, <u>including the Staunton (Roanoke)</u>	20 per day, except only 1 blue catfish

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		<u>River and its tributaries to Difficult Creek, Charlotte County and the Dan River and its tributaries to the Banister River, Halifax County</u>	per day longer than 32 inches
		James River and its tributaries below the fall line, Rappahannock River and its tributaries below the fall line, and York River and its tributaries (including the Pamunkey River and Mattaponi River) below the fall line	No daily limit, except only 1 blue catfish per day longer than 32 inches
		All rivers below the fall line other than the James River and its tributaries, Rappahannock River and its tributaries, and the York River and its tributaries	No daily limit
	yellow, brown, and black bullheads	No daily limit; No length limits	
hickory shad	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission in tidal rivers	
	Meherin River below Emporia Dam Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest Rivers, and their tributaries plus Back Bay	10 per day No length limits	
American shad		No possession	
anadromous (coastal) alewife and blueback herring	Above and below the fall line in all coastal rivers of the Chesapeake Bay	Creel and length limits shall be the same as those set by the Virginia Marine Resources Commission for these species in tidal rivers	

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	Meherrin River, Nottoway River, Blackwater River (Chowan Drainage), North Landing and Northwest Rivers, and their tributaries plus Back Bay	No possession		
red drum	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	1 per day No drum less than 18 inches or greater than 27 inches		
spotted sea trout (speckled trout)	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	4 per day No sea trout less than 14 inches		
grey trout (weakfish)	Back Bay and tributaries including Lake Tecumseh and North Landing River and its tributaries	1 per day No grey trout less than 12 inches		
southern flounder	Back Bay and tributaries including Lake Tecumseh and the North Landing River and its tributaries	6 per day No flounder less than 15 inches		
northern snakehead		Anglers may possess snakeheads taken from Virginia waters if they immediately kill the fish and notify the headquarters or a regional office of the department; notification may be made by telephoning (804) 367-2925 No statewide daily limit No statewide length limits		
longnose gar		5 per day No statewide length limits		

bowfin		5 per day No statewide length limits		
American eel		25 per day No eel less than 9 inches	Back Bay and North Landing River	No possession limit for those individuals possessing a permit obtained under 4VAC15-340-80
other native or naturalized nongame fish	See 4VAC15-360-10. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.			
endangered or threatened fish	See 4VAC15-20-130. Definitions and Miscellaneous: In General. Endangered and threatened species; adoption of federal list; additional species enumerated.			
nonnative (exotic) fish	See 4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.			

4VAC15-320-60. Approval required to stock fish into inland waters.

A. It shall be unlawful to stock any species of fish into any inland waters of the Commonwealth without first obtaining written approval to do so from the department. Nothing in this section shall be construed as restricting the use of native and naturalized species of fish in privately-owned ponds and lakes, except spotted bass, blue catfish, and their hybrids may not be stocked.

B. The Department of Wildlife Resources (department) shall issue a written stocking authorization within 15 business days of receipt of a completed Virginia Fish Stocking Authorization Form, unless the department determines that granting such authorization may (i) endanger any native or naturalized population of fish; (ii) introduce, enable, or enhance the spread of fish diseases, including parasites; or (iii) establish nonnative or exotic aquatic species where such species may displace, threaten, or endanger native or naturalized species. Where an exception to issuance exists, the application shall be denied.

C. The department shall set an expiration date for each stocking authorization issued, limit the authorization to a specific species of fish, and geographically limit the stocking authorization.

D. The department is authorized to modify or revoke any stocking authorization where the department discovers any situation listed in subsection B of this section to exist or where otherwise permitted by law or regulation.

NOTICE: The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia.

FORMS (4VAC15-320)

[Application/permit for striped bass fishing tournament \(undated\)](#)

[Nonresident Harvester's Permit to Take or Catch Fish in Back Bay and its Tributaries \(eff. 9/2020\)](#)

[Virginia Fish Stocking Authorization Form \(eff. 8/2004\)](#)

V.A.R. Doc. No. R22-7226; Filed May 30, 2022, 9:13 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: 4VAC15-330. Fish: Trout Fishing (amending 4VAC15-330-150).

Regulations

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: June 23, 2022.

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

Summary:

The proposed amendment adds a designated section of the North Fork Moormans River and its tributaries to the list of areas where trout fishing using artificial lures with a single hook is lawful year-round.

4VAC15-330-150. Special provision applicable to trout fishing using artificial lures with single hook.

It shall be lawful year-around year-round to fish for trout using only artificial lures with single hooks within:

1. The Stewarts Creek Trout Management Area in Carroll County.
2. The Rapidan and Staunton Rivers and their tributaries upstream from a sign at the Lower Shenandoah National Park boundary in Madison County.
3. The Dan River and its tributaries between the Townes Dam and the Pinnacles Hydroelectric Project powerhouse in Patrick County.
4. The East Fork of Chestnut Creek (Farmers Creek) and its tributaries upstream from the Blue Ridge Parkway in Grayson and Carroll Counties.
5. Roaring Fork and its tributaries upstream from the southwest boundary of Beartown Wilderness Area in Tazewell County.
6. That section of the South Fork Holston River and its tributaries from the concrete dam at Buller Fish Culture Station downstream to the lower boundary of the Buller Fish Culture Station in Smyth County.
7. North Creek and its tributaries upstream from a sign at the George Washington National Forest North Creek Campground in Botetourt County.
8. Spring Run from its confluence with Cowpasture River upstream to a posted sign at the discharge for Coursey Springs Hatchery in Bath County.
9. Venrick Run and its tributaries within the Big Survey Wildlife Management Area and Town of Wytheville property in Wythe County.

10. Brumley Creek and its tributaries from the Hidden Valley Wildlife Management Area boundary upstream to the Hidden Valley Lake Dam in Washington County.

11. Stony Creek (Mountain Fork) and its tributaries within the Jefferson National Forest in Wise and Scott Counties from the outlet of High Knob Lake downstream to the confluence of Chimney Rock Fork and Stony Creek.

12. Little Stony Creek and its tributaries within the Jefferson National Forest in Scott County from the Falls of Little Stony Creek downstream to a posted sign at the Hanging Rock Recreation Area.

13. Little Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth and Tazewell Counties downstream to the concrete bridge.

14. Big Tumbling Creek and its tributaries within the Clinch Mountain Wildlife Management Area in Smyth County from a sign starting at the foot of the mountain and extending upstream seasonally from October 1 until five days prior to the first Saturday in April.

15. South River in the City of Waynesboro from the Wayne Avenue Bridge downstream 2.2 miles to the Second Street Bridge.

16. Wolf Creek and its tributaries within the Abingdon Muster Grounds in the Town of Abingdon from Colonial Road downstream to Stone Mill Road.

17. Beaver Creek and its tributaries within the boundaries of Sugar Hollow Park in the City of Bristol.

18. Green Cove Creek in Washington County from Route 859 downstream to its mouth.

19. Whitetop Laurel Creek in Washington County upstream from the mouth of Straight Branch to a sign posted at the Forest Service boundary just downstream of Taylor Valley, and in Whitetop Laurel Creek in Washington County upstream from the first railroad trestle above Taylor Valley to the mouth of Green Cove Creek at Creek Junction.

20. Smith Creek in Alleghany County from the Clifton Forge Dam downstream to a sign at the Forest Service boundary above the C & O Dam.

21. Snake Creek in Carroll County below Hall Ford and that portion of Little Snake Creek below the junction of Routes 922 and 674, downstream to Route 58.

22. The North Fork Moormans River and its tributaries from the head of Sugar Hollow Reservoir upstream 0.3 miles to the Shenandoah National Park boundary.

All trout caught in these waters must be immediately returned to the water. No trout or bait may be in possession at any time in these areas.

VA.R. Doc. No. R22-7227; Filed May 30, 2022, 9:36 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-350. Fish: Gigs, Grab Hooks, Trotlines, Snares, etc. (amending 4VAC15-350-60, 4VAC15-350-70).**

Statutory Authority: §§ 29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) add and set requirements for the use of limblines as a lawful method for fishing; (ii) clarify that longnose gar is a species that can be taken with a bow and arrow; (iii) prohibit use of poison arrows or arrows with exploding heads for taking for all species; (iv) limit take of bowfin and longnose gar to five fish per day from July 1 to April 14 and one fish per day from April 15 to June 30; and (v) add that any common carp, grass carp, northern snakehead, goldfish, catfish, longnose gar, or bowfin taken with bow and arrow or crossbow may not be released back into or disposed of in the water from which it was taken or be disposed of on publicly-owned land abutting the waters from which the fish was taken.

4VAC15-350-60. Trotlines, juglines, limblines, or set poles.

A. Generally. Except as otherwise provided by local legislation and by subsections B and C of this section, and except on waters stocked with trout and within 600 feet of any dam, it shall be lawful to use trotlines, juglines (single hook, including one treble hook, and line attached to a float), limblines, or set poles for the purpose of taking nongame fish (daily creel (possession) and length limits for nongame fish are found in 4VAC15-320-25) and snapping turtles (limits for snapping turtles are found in 4VAC15-360-10), provided that no live bait is used. Notwithstanding the provisions of this section, live bait other than game fish may be used on trotlines to take catfish in the Clinch River in the Counties of Russell, Scott, and Wise. Any person setting or in possession of a trotline, jugline, limline, or set pole shall have it clearly marked by permanent means with his name, address, and telephone number, and is required to check all lines at least

once each day, remove all fish and animals caught, and completely remove all lines from the water, shoreline, and tree limbs when not in use. This requirement shall not apply to landowners on private ponds, nor to a bona fide tenant or lessee on private ponds within the bounds of land rented or leased, nor to anyone transporting any such device from its place of purchase.

B. Quantico Marine Reservation. It shall be unlawful to fish with trotlines in any waters within the confines of Quantico Marine Reservation.

C. Additional jugline requirements. Jugline sets (except as exempt under subsection A of this section) shall be restricted to 20 per angler and must be attended (within sight) by anglers at all times. Also, in addition to being labeled with the angler's name, address, and telephone number, jugs shall also be labeled with a reflective marker that encircles the jugs to allow for visibility at night.

4VAC15-350-70. Taking of fish with bow and arrow or crossbow.

A. Season. Except as otherwise provided by local legislation or as posted, it shall be lawful to take common carp, northern snakehead, goldfish, and longnose gar from the public inland waters of the Commonwealth, grass carp from public rivers and streams of the Commonwealth except public inland lakes and reservoirs, and bowfin and catfish from below the fall line in tidal rivers of the Chesapeake Bay, except waters stocked with trout, by means of bow and arrow or crossbow.

B. Poison arrows or explosive-head arrows prohibited. It shall be unlawful to use poison arrows or arrows with explosive heads at any time for the purpose of taking common carp, grass carp, northern snakehead, bowfin, catfish, goldfish, or gar in the public inland waters of the Commonwealth.

C. Fishing license required. All persons taking fish in the manner described in this section shall be required to have a regular fishing license.

D. Creel limits. The creel limits for common carp, grass carp, northern snakehead, goldfish, and catfish shall be unlimited, provided that any angler taking northern snakehead immediately kill such fish and notify the department, as soon as practicable, of such actions and provided that any angler taking grass carp ensure that harvested fish are dead. The creel limit for bowfin and longnose gar shall be five fish per day from July 1 to April 14 and one fish per day from April 15 to June 30.

E. Retention requirement. Any common carp, grass carp, northern snakehead, goldfish, catfish, longnose gar, or bowfin taken with bow and arrow or crossbow must be retained and may not be released back into or disposed of in the water. Any common carp, grass carp, northern snakehead, goldfish, longnose gar, or bowfin taken with bow and arrow or crossbow may not be disposed of on property abutting the body of water

Regulations

of capture. These requirements shall not apply to private bodies of water or private property abutting the body of water of capture.

V.A.R. Doc. No. R22-7228; Filed May 30, 2022, 9:50 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish** (amending **4VAC15-360-10, 4VAC15-360-20**).

Statutory Authority: §§ 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) clarify that no more than 20 of the 50 individuals of fish bait allowed for possession may be crayfish; (ii) require that any crayfish collected for use as fish bait only be used as fish bait in the water body where it was captured; (iii) prohibit taking any species of crayfish in the Big Sandy River Basin in Virginia without a permit; and (iv) prohibit taking minnows and chubs for sale from inland waters and eliminate associated recordkeeping requirements.

4VAC15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4VAC15-20-130, 4VAC15-320-40, and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale or export no more than one individual of any native or naturalized, as defined in 4VAC15-20-50, species of amphibian or reptile per physical address, and 20 individuals of any single native or naturalized (as defined in 4VAC15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed in this subsection:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, mullet, yellow bullhead, brown bullhead, black bullhead, flat bullhead, snail

bullhead, white sucker, northern hog sucker, gizzard shad, threadfin shad, blueback herring (see 4VAC15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4VAC15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, goldfish, and Asian clams. Grass carp may only be harvested in unlimited numbers from public inland rivers and streams of the Commonwealth. It is unlawful to harvest grass carp from any public inland lake and reservoir. Anglers taking grass carp must ensure that all harvested grass carp are dead.

2. See 4VAC15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), crayfish, and hellgrammies. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, of which no more than 20 individuals may be crayfish, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4VAC15-360-60 and 4VAC15-360-70. However, stoners (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. Any crayfish collected for use as fish bait may only be used as fish bait in the water body of capture.

5. The daily limit for bullfrogs shall be 15 and for snapping turtles shall be five. Snapping turtles shall only be taken from June 1 to September 30 and must have a minimum curved-line carapace length of 13 inches. Bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. 6. The following species may not be taken or possessed in any number for private use: red-eared slider and all reptile and amphibian Species of Greatest Conservation Need designated in Virginia's 2015 Wildlife Action Plan.

6. 7. Native amphibians and reptiles, as defined in 4VAC15-20-50, that are captured within the Commonwealth and possessed live for private use and not for sale may be liberated under the following conditions:

- a. Period of captivity does not exceed 30 days;
- b. Animals must be liberated at the site of capture;
- c. Animals must have been housed separately from other wild-caught and domestic animals; and
- d. Animals that demonstrate symptoms of disease or illness or that have sustained injury during their captivity may not be released.

7. 8. Native or naturalized amphibians and reptiles, as defined in 4VAC15-20-50, may not be taken or possessed in any number from state or federal land without an appropriate permit or license.

B. Methods of taking species in subsection A of this section. Except as otherwise provided for in the Code of Virginia, 4VAC15-20-130, 4VAC15-320-40, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A of this section may only be taken (i) by hand, hook, and line; (ii) with a seine not exceeding four feet in depth by 10 feet in length; (iii) with an umbrella type net not exceeding five by five feet square; (iv) by small minnow traps with throat openings no larger than one inch in diameter; (v) with cast nets; and (vi) with hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire. Snapping turtles may be taken for personal use with hoop nets not exceeding six feet in length with a throat opening not exceeding 36 inches.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take the spiny riversnail (*Io fluvialis*) in the Tennessee drainage in Virginia (Clinch, Powell, and the North, South, and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels from any inland waters of the Commonwealth.

D. Areas restricted from taking crustaceans. Except for the permitted collection of specimens as provided for in § 29.1-418 of the Code of Virginia or the permitted taking for zoological, educational, or scientific purposes as provided for in § 29.1-568 of the Code of Virginia, it shall be unlawful to take any species of crayfish in the Big Sandy River Basin in Virginia (Russell Fork, Pound River, Cranes Nest River, McClure River, Levisa Fork, Dismal Creek, Knox Creek, and tributaries).

E. Reduction of possession limits for native and naturalized amphibians and reptiles. Any person in possession of legally-obtained native and naturalized amphibians and reptiles, as defined in 4VAC15-20-50, prior to the change in personal possession allowances in subsection A of this section, effective July 1, 2021, must declare such possession to the department by January 1, 2022, in a manner prescribed by the department. This declaration shall serve as authorization for possession only and is not transferable.

4VAC15-360-20. Taking minnows and chubs for sale.

A. Haul seine defined. "Haul seine," as used in this section, when used in the inland waters of the Commonwealth above where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 15 feet in length, and when used in the public inland waters below where the tide ebbs and flows, shall mean a haul seine not exceeding four feet in depth by 100 feet in length. Such a term shall be construed also to include umbrella type nets without limit as to size and also small minnow traps with throat openings no larger than one inch in diameter.

B. Permit required. It shall be lawful unlawful to take minnows and chubs (*Cyprinidae*) for sale from the inland waters of the Commonwealth ~~with a permit as provided for in § 29.1-416 of the Code of Virginia except that it is unlawful to take threatened and endangered species as listed in 4VAC15-20-130.~~

C. Permit holder to be present when seine operated; persons assisting. The holder of a permit to seine for minnows and chubs (*Cyprinidae*) must be present at all times when the seine is being operated to catch minnows and chubs (*Cyprinidae*). Persons assisting in the operation of the haul seine need not obtain permits.

D. Records. The holder of a permit to take minnows and chubs (*Cyprinidae*) for sale shall keep a record of the approximate number of minnows and chubs (*Cyprinidae*) taken by location (name and county of water body) and sold, together with the amount received therefor.

E. Commercial bait operations. C. Commercial bait operations must have a Permit to Hold or Sell Certain Wildlife or a Permit to Propagate and Sell Certain Wildlife. With the exception of those species listed in 4VAC15-20-130, these operations may possess and sell unlimited quantities of minnows and chubs (*Cyprinidae*), when possession is accompanied by a valid invoice or bill of sale ~~from an individual permitted under subsection B of this section or from a properly permitted aquaculture facility in Virginia or out-of-state.~~

V.A.R. Doc. No. R22-7229; Filed May 30, 2022, 10:14 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: 4VAC15-370. Watercraft: In General (adding 4VAC15-370-45).

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

Regulations

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228.

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments require that watercraft operators (i) clean any aquatic organisms or vegetation from the vessel, trailer, and equipment before departing the boating area and (ii) drain bilge tanks, livewells, and ballast tanks before departing a body of water.

4VAC15-370-45. Invasive species prevention.

Before leaving the area where the watercraft has been removed from the water, all aquatic vegetation must be removed from the vessel, trailer, and equipment. At the same time, watercraft operators must also remove or open water drain plugs from bilges of watercraft. Operators shall take reasonable measures to dry bilges, livewells, baitwells, and ballast tanks on a watercraft before it is used on another body of water.

V.A.R. Doc. No. R22-7230; Filed May 30, 2022, 10:21 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-390. Watercraft: Safe and Reasonable Operation of Vessels (adding 4VAC15-390-85).**

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

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) add a requirement that vessel operators give right-of-way and reduce speed to no wake when approaching law-enforcement vessels or emergency services vessels and (ii) provide a Class 3 misdemeanor and mandatory participation in a boating safety class for failing to comply.

4VAC15-390-85. Operators to give right-of-way and reduce speed.

Every motorboat, when approaching or passing within 200 feet of any law-enforcement vessel or emergency services vessel that is displaying flashing blue or red lights shall slow to no wake speed so that the effect of the wake does not disturb the activities of law-enforcement personnel or emergency services personnel. Where the operator of a motorboat fails to comply with the provisions of this section and such failure endangers the life or limb of any person or endangers or damages vessels, the operator shall be guilty of a Class 3 misdemeanor. Upon conviction, the operator shall additionally be required to complete and pass a National Association of State Boating Law Administrators approved safe boating course as required in § 29.1-746 of the Code of Virginia.

V.A.R. Doc. No. R22-7232; Filed May 30, 2022, 10:26 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-430. Watercraft: Safety Equipment Requirements (amending 4VAC15-430-20, 4VAC15-430-160 through 4VAC15-430-200).**

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

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) clarify the definition of a throwable and wearable personal floatation device to match current U.S. Coast Guard standards; (ii) list the current U.S.

Coast Guard website for approved equipment; and (iii) adjust the fire extinguisher classification types and requirements for vessels to match current U.S. Coast Guard standards.

4VAC15-430-20. Definitions.

As used in this chapter the following words and terms shall have the following meanings:

"Coastal waters" means the territorial seas of the United States, and those waters directly connected to the territorial seas (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"Passenger" means every person carried on board a vessel other than:

1. The owner or his representative;
2. The operator;
3. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or
4. Any guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

"Personal flotation device" or "PFD" means a device that is approved by the U.S. Coast Guard.

"Racing shell, rowing scull, racing canoe, and racing kayak" means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

"Recreational vessel" means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include any vessel engaged in the carrying of any passengers for consideration.

"Sailboard" means a sail-propelled vessel with no freeboard and equipped with a swivel-mounted mast not secured to a hull by guys or stays.

"Throwable PFD" means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD unless specifically marked otherwise. A wearable PFD is not a throwable PFD.

"Use" means operate, navigate, or employ.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include surfboards, tubes, swimming rafts, inflatable toys, and similar devices routinely used as water toys or swimming aids.

"Visual distress signal" means a device that is approved by the U.S. Coast Guard or certified by the manufacturer.

"Wearable PFD" means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type I, II, or III performance is considered a wearable PFD.

4VAC15-430-160. Fire extinguishing equipment application and general provisions.

A. The provisions of this section through 4VAC15-430-210, with the exception of 4VAC15-430-200, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to that date shall meet the requirements of 4VAC15-430-200.

B. Where equipment in this section is required to be of an approved type, such equipment requires the specific approval of the U.S. Coast Guard. A listing of current and formerly approved equipment and materials may be found at <https://cgmix.uscg.mil/%u200Bequipment>.

C. All hand-portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be of a type approved by the U.S. Coast Guard and shall have an efficient charge and be in good and serviceable condition as referenced in 4VAC15-430-170.

4VAC15-430-170. Hand-portable fire extinguishers and semiportable fire extinguishing systems.

A. Hand-portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol, the letter indicating the type of fire that the unit could be expected to extinguish, and the number indicating the relative size of the unit.

B. For the purpose of this section, all required hand-portable fire extinguishers and semiportable fire extinguishing systems are of the "B" type; i.e. that is, suitable for extinguishing fires involving flammable liquids, greases, etc.

C. The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this section, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems that shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size gradations for some of the typical hand portable fire extinguishers and semiportable fire extinguishing systems are set forth in the following table:

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Classification		Foam (gallons)	Carbon Dioxide (pounds)	Dry Chemical (pounds)
Type	Size			
B	I	1.75	4	2
B	II	2.50	15	10
B	III	12.00	35	20

All fire extinguishers must be on board and readily accessible, in good and serviceable working condition, and comply with the following:

1. If the extinguisher has a pressure gauge reading or indicator, it must be in the operable range or position.
2. The extinguisher may not be expired or appear to have been previously used.
3. The lock pin is firmly in place.
4. The discharge nozzle is clean and free of obstruction.
5. The extinguisher does not show visible signs of significant corrosion or damage.

D. All hand-portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.

E. Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not acceptable as equipment required by this section.

F. Hand-portable or semiportable extinguishers that are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.

G. The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

1. When the date on the inspection record tag on the extinguishers shows that six months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.
2. If the weight of the container is one-fourth ounce less than that stamped on container, it shall be serviced.

3. If the outer seal or seals (which indicate tampering or use when broken) are not intact, the boarding officer or marine inspector will inspect such extinguisher to see that the frangible disc in neck of the container is intact; and if such disc is not intact, the container shall be serviced.

4. If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.

H. The dry chemical, stored pressure, fire extinguishers without pressure gauges or indicating devices manufactured after January 1, 1965, shall not be carried on board motorboats or other vessels as required equipment.

4VAC15-430-180. Fixed fire extinguishing systems.

When a fixed fire extinguishing system is installed, it shall be of an approved ~~carbon dioxide~~ type; that is designed and installed in agreement with the applicable provisions required by the U.S. Coast Guard.

4VAC15-430-190. Fire extinguishing equipment required.

A. Motorboats.

1. All motorboats shall carry at least the minimum number of hand-portable fire extinguishers set forth in the following table, except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

Length, feet	Minimum number of <u>B-I 5-B</u> hand-portable fire extinguishers required ¹	
	No fixed fire extinguishing systems in machinery space	Fixed fire extinguishing system in machinery space
Under 16	1	0
16 to less than 26	1	0
26 to less than 40	2	1
40 to 65	3	2

¹One B-II 20-B hand-portable fire extinguisher may be substituted for two B-I 5-B hand-portable fire extinguishers.

2. Fire extinguishers are required if any one or more of the following conditions exist:

- a. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.

- b. Double bottoms not sealed to the hull or that are not completely filled with flotation material.
 - c. Closed living spaces.
 - d. Closed stowage compartments in which combustible or flammable materials are stowed.
 - e. Permanently installed fuel tanks.
3. The following conditions do not, in themselves, require that fire extinguishers be carried:
- a. Bait wells.
 - b. Glove compartments.
 - c. Buoyant flotation material.
 - d. Open slatted flooring.
 - e. Ice chests.

B. Motor vessels Motorboats greater than 65 feet in length.

1. All ~~motor vessels~~ motorboats greater than 65 feet in length shall carry at least the minimum number of hand-portable fire extinguishers set forth in the following table below:

Gross tonnage		Minimum number of B-II <u>20-B</u> hand-portable fire extinguishers
Over	Not Over	
	50	2
50	100	3
100	500	6
500	1000	8
1000		

2. In addition to the hand-portable fire extinguishers required by subdivision 1 of this subsection, the following fire-extinguishing equipment shall be fitted in the machinery space:

- a. One Type ~~B-II~~ 20-B hand-portable fire extinguisher shall be carried for each 1,000 B.H.P. of the main engines or fraction thereof. However, not more than six such extinguishers need be carried.
 - b. On ~~motor vessels~~ motorboats of over 300 gross tons, either one Type ~~B-III~~ 160-B semiportable fire-extinguishing system shall be fitted, or alternatively, a fixed fire extinguishing system shall be fitted in the machinery space.
3. The frame or support of each Type ~~B-III~~ 160-B fire extinguisher required by subdivision 2 b of this subsection must be welded or otherwise permanently attached to a bulkhead or deck.
4. If an approved semiportable fire extinguisher has wheels and is not required by this section, it must be securely stowed when not in use to prevent it from rolling out of control under heavy sea conditions.

- C. Barges carrying passengers.

- 1. Every barge of 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, ~~motor vessel, or steam vessel~~ shall be fitted with hand-portable fire extinguishers as required by the table in subsection B of this section, depending upon the length of the barge.
- 2. Every barge of over 65 feet in length while carrying passengers when towed or pushed by a motorboat, ~~motor vessel, or steam vessel~~ shall be fitted with hand-portable fire extinguishers as required by the table in subsection B of this section, depending upon the gross tonnage of the barge.

4VAC15-430-200. Fire extinguishing equipment on vessels contracted prior to November 19, 1952 Condition and number of fire extinguishers required for recreational vessels.

A. Condition and number of fire extinguishers required for recreational vessels built model year 2017 or earlier, between 1953 and 2017, and contracted prior to November 19, 1953.

- 1. Previously installed extinguishers with extinguishing capacities that are less than what is required in the tables contained in 4VAC15-430-190 need not be replaced but must be maintained in good condition.
- 2. All extinguishers installed after August 22, 2016, must meet the applicable requirements in 4VAC15-160 through 4VAC15-210.

B. Vessels contracted for prior to November 19, 1952, shall meet the applicable provisions of 4VAC15-430-160 through 4VAC15-430-190 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of 4VAC15-430-160 through 4VAC15-430-190.

VA.R. Doc. No. R22-7233; Filed May 30, 2022, 10:33 a.m.

Proposed Regulation

REGISTRAR'S NOTICE: The Board of Wildlife Resources 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: **4VAC15-440. Watercraft: Commercial Vessel Safety Equipment Requirements (amending 4VAC15-440-20).**

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

Regulations

Public Hearing Information:

August 18, 2022 - 9 a.m. - Department of Wildlife Resources, 7870 Villa Park Drive, Suite 400, Henrico, VA 23228

Public Comment Deadline: July 23, 2022.

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

Summary:

The proposed amendments (i) make kapok and fibrous glass life preservers that do not have plastic-covered pad inserts acceptable personal floatation devices and (ii) change the term "Type V" commercial hybrid personal floatation device to the U.S. Coast Guard's new term "performance level 150."

4VAC15-440-20. Lifesaving equipment required.

A. It shall be unlawful to operate a vessel to which this chapter applies unless it meets the requirements of this section.

B. Each vessel not carrying passengers for hire less than 40 feet in length must have at least one U.S. Coast Guard approved life preserver (Type I PFD), buoyant vest (Type II PFD), or marine buoyant device intended to be worn (Type III PFD), of a suitable size for each person on board. ~~Kapok and fibrous glass life preservers that do not have plastic covered pad inserts as required by the U.S. Coast Guard are not acceptable as equipment required by this subsection.~~

C. Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire must have at least one approved (Type I PFD) life preserver of a suitable size for each person on board. ~~Kapok and fibrous glass life preservers that do not have plastic covered pad inserts as required by the U.S. Coast Guard are not acceptable as equipment required by this subsection.~~

D. In addition to the equipment required by subsection B or C of this section, each vessel 26 feet in length or longer must have at least one approved ring life buoy, constructed in accordance with requirements of the U.S. Coast Guard.

E. Each vessel not carrying passengers for hire may substitute an immersion suit for a life preserver, buoyant vest, or marine buoyant device required under subsection B or C of this section. Each immersion suit carried in accordance with this subsection must be of a type approved by the U.S. Coast Guard.

F. On each vessel, regardless of length and regardless of whether carrying passengers for hire, an approved commercial hybrid PFD may be substituted for a life preserver, buoyant vest, or marine buoyant device required under subsection B or C of this section if it is:

1. Used in accordance with the conditions marked on the PFD and in the owner's manual;
2. Labeled for use on commercial vessels; and
3. In the case of a Type V performance level 150 commercial hybrid PFD, worn when the vessel is underway and the intended wearer is not within an enclosed space.

V.A.R. Doc. No. R22-7234; Filed May 30, 2022, 10:48 a.m.

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: **4VAC20-1390. Pertaining to Shrimp (amending 4VAC20-1390-50, 4VAC20-1390-70).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: June 1, 2022.

Agency Contact: Alexa Galvan, Marine Resources Commission, 380 Fenwick Road, Fort Monroe, VA 23651, telephone (757) 247-2069, or email alexa.galvan@mrc.virginia.gov.

Summary:

The amendments (i) reduce and provide exemption for criteria for eligibility for a Commercial Shrimp Trawl License, (ii) provide for written request for transfer of a Commercial Shrimp Trawl License, (iii) stipulate when an exception to the prohibition of use of agents will be granted and limit the duration of use of an agent to two weeks, and (iv) change to July 1 the cutoff to count the number of individuals eligible for a Commercial Shrimp Trawl License to determine whether a lottery for licenses will be conducted in a given year.

4VAC20-1390-50. Shrimp trawl licensing and entry requirements.

A. The maximum number of Commercial Shrimp Trawl Licenses issued in any fishing year shall be 12.

B. Any individual who meets all of the following criteria shall be eligible for a Commercial Shrimp Trawl License:

1. The individual shall possess a valid Commercial Fisherman Registration License.
2. ~~The individual shall complete and submit a Commercial Shrimp Trawl License Application annually that must be received by the Marine Resources Commission by August 31 of the current calendar year.~~
3. ~~The individual shall meet one of the following criteria:~~

- a. The individual shall have been a permit holder of a Virginia issued Special Experimental Permit for shrimp trawl gear and reported a minimum shrimp harvest of 500 pounds to the Marine Resource Commission's Mandatory Harvest Reporting Program in any given year from 2017 through 2020.
- b. 2. The individual shall have possessed a Commercial Shrimp Trawl License and reported harvest of at least 500 pounds by shrimp trawl gear to the Marine Resource Resources Commission's Mandatory Harvest Reporting Program in at least one of the previous two fishing years. An individual shall be exempt from this requirement if they have been eligible for the Commercial Shrimp Trawl License for fewer than two fishing years.
- C. If the number of individuals eligible for a Commercial Shrimp Trawl License pursuant to subsection B of this section is fewer than 12 by September July 1 in the current calendar year, a lottery will be conducted, including any individual who meets all of the following criteria:
1. The individual shall possess a valid Commercial Fisherman Registration License.
 2. The individual shall complete and submit a Commercial Shrimp Trawl Application that must be received by the Marine Resources Commission by the advertised deadline of the current calendar year.
 3. The individual shall have reported harvest to the Marine Resource Resources Commission's Mandatory Harvest Reporting Program of at least 1,000 pounds of harvest per year in at least three of the previous five calendar years.
- D. Any individual selected under subsection B or C of this section who fails to return a completed Commercial Shrimp Trawl License Acceptance Form provided by the commission indicating their acceptance within 14 days of selection shall forfeit their eligibility for the current fishing year and another individual shall be selected from the list of eligible individuals pursuant to subsection C of this section.
- E. The commission shall approve all shrimp trawl gear, as referenced in 4VAC20-1390-60 prior to the issuance of a Commercial Shrimp Trawl License.
- F. It shall be prohibited to transfer any Commercial Shrimp Trawl License. Transfers of any Commercial Shrimp Trawl License shall be prohibited without written request to the Marine Resources Commission and approval by the Commissioner of the Marine Resources Commission or the commissioner's designee. Exceptions to transfers shall only be granted due to death, medical hardships, or military service.
- G. The use of agents shall be prohibited for any Commercial Shrimp Trawl Licensee without written request to the Marine Resources Commission and approval by the commissioner or the commissioner's designee. Exceptions to the use of agents shall only be granted due to death, medical hardships, or military service. The use of agents shall only be approved for a consecutive two-week period during any fishing season.
- H. Each Commercial Shrimp Trawl Licensee shall report to the Marine Resources Commission Fisheries Management Staff the harvest of shrimp in pounds, an estimate of total bycatch in pounds, and interactions with any protected or endangered species within 24 hours of landing of each trip.
- 4VAC20-1390-70. Commercial shrimp trawl harvest limits, seasons, and areas.**
- A. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest or land any Virginia quota managed species (Black Drum, Black Sea Bass, Bluefish, Atlantic Horseshoe Crab, Atlantic Menhaden, Scup, Speckled Sea Trout, Spiny and Smooth Dogfishes, Striped Bass, and Summer Flounder) caught by shrimp trawl.
 - B. It shall be unlawful to trawl for shrimp outside of the Virginia Beach Shrimp Trawl Harvest Area.
 - C. It shall be unlawful for any Commercial Shrimp Trawl Licensee to harvest shrimp caught by shrimp trawl from February 1 through September 30 of each calendar year.
 - D. It shall be unlawful to trawl for shrimp more than 30 minutes before sunrise or 30 minutes after sunset.
 - E. It shall be unlawful to trawl for shrimp within 100 yards of any marked commercial fishing gear.
 - F. It shall be unlawful to trawl for shrimp within 300 yards of any navigable inlet, public boat ramp, fishing pier, or beach.

V.A.R. Doc. No. R22-7225; Filed May 24, 2022, 3:49 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Withdrawal of Fast-track Regulation

Title of Regulation: 12VAC5-220. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations (amending 12VAC5-220-10, 12VAC5-220-105, 12VAC5-220-110, 12VAC5-220-180, 12VAC5-220-355; adding 12VAC5-220-95).

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Notice is hereby given that the State Board of Health has WITHDRAWN the regulatory action for 12VAC5-220, Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations, the Fast-Track regulation for which was published in [38:19 V.A.R. 2432-2439 May 9, 2022](#). The agency received requests from the Virginia Hospital and Healthcare Association and the Virginia Health Care

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Association to develop a revised regulation to respond to concerns regarding the proposed fee schedule. Therefore, the board is withdrawing the fast-track rulemaking action and will be resubmitting a new action with a revised fee schedule and a revised agency background document.

Agency Contact: Erik Bodin, Director, Division of Certificate of Public Need, Virginia Department of Health, 9960 Mayland Drive, Suite 401, Richmond, VA 23233, telephone (804) 367-1889, or email erik.bodin@vdh.virginia.gov.

V.A.R. Doc. No. R22-6433; Filed June 1, 2022, 9:40 a.m.

TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA EMPLOYMENT COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The Virginia Employment Commission is claiming exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 2, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority and § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The commission will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16VAC5-32. Required Records and Reports (amending 16VAC5-32-10, 16VAC5-32-20).

Statutory Authority: § 60.2-111 of the Code of Virginia.

Effective Date: July 20, 2022.

Agency Contact: Jacob Shuford, Regulatory Coordinator, Virginia Employment Commission, 6606 West Broad Street, Henrico, VA 23230, FAX (804) 786-9034 or email jacob.shuford@vec.virginia.gov.

Summary:

The amendments (i) adjust the definition of "United States"; (ii) update wording regarding compliance with commission reports; and (iii) update agency forms.

16VAC5-32-10. Employing unit records.

A. Each employing unit as defined under § 60.2-211 of the Code of Virginia, having services performed for it by one or more individuals in its employ, shall maintain records reasonably protected against damage or loss as hereinafter indicated and shall preserve such records. These records shall include for each worker:

1. A full legal name;
2. A social security account number;

3. The state or states in which his services are performed; and if any of such services are performed outside the Commonwealth of Virginia not incidental to the services within the Commonwealth of Virginia, his base of operations with respect to such services (or if there is no base of operations then the place from which such services are directed or controlled) and his residence (by state). Where the services are performed outside the United States, the country in which performed;

4. The date of hire, rehire, or return to work after temporary lay off;
5. The date when work ceased and the reason for such cessation;
6. Scheduled hours (except for workers without a fixed schedule of hours, such as those working outside their employer's establishment in such a manner that the employer has no record or definite knowledge of their working hours);
7. a. Wages earned in any week by a partially employed individual as such individual is defined in 16VAC5-10-10;
b. Whether any week was in fact a week of less than full-time work;
c. Time lost, if any, by each such worker, and the reason therefor;
8. Total wages in each pay period, and the total wages payable for all pay periods ending in each quarter, showing separately (i) money wages, including tips and dismissal or severance pay, and (ii) the cash value of other remuneration;
9. Any special payments for service other than those rendered exclusively in a given quarter, such as annual bonuses, gifts, prizes, etc., showing separately (i) money payments, (ii) other remuneration, and (iii) nature of said payments;
10. Amounts paid each worker as advancement, allowance or reimbursement for traveling or other business expenses, dates of payment, and the amounts of expenditures actually incurred and accounted for by such worker;
11. Location in which the worker's services are performed within or outside of the United States and dates such services are performed outside of the United States. For the purposes of this subdivision, "United States" means includes the Commonwealth of Virginia, including land and premises located therein, owned, held or possessed by the United States, the 50 states of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.
- B. Employers shall provide the commission upon request all payroll records, federal W2 and 1099 forms, federal and state employment and income tax returns, and any other records that would be relevant to ensuring that wages had been accurately reported and taxes or refunds correctly computed and paid.

Records required by this chapter to be maintained by employing units under the Act shall be preserved for four years from the date of payment of the tax based thereon and shall be subject to examination and audit by the commission.

C. If such records are not maintained, there shall be a presumption in favor of the party making an allegation, and the burden of overcoming such presumption shall rest upon the party failing to maintain the required records.

16VAC5-32-20. Required reports.

A. Each employer, as defined in § 60.2-210 of the Code of Virginia, shall report to the commission for each calendar quarter all the information concerning the number of workers subject to the Act and the total wages payable with respect to employment in all pay periods ending within each such quarter. Upon request, each such employer shall furnish the commission additional information revealing the wages earned by an individual in his employment during the time between the last pay period for which wages were paid in any quarter and the end of such quarter.

B. Each employer shall report quarterly, not later than the last day of the month following the end of the calendar quarter, the following information in the format prescribed by the commission:

1. Employer's name, address, and any registration number assigned to him by the commission;
2. The quarterly period covered by the report;
3. The social security account numbers of the workers;
4. The full legal names of workers, with surnames last;
5. Each worker's total wages paid for the quarter.

Such reports shall be submitted for each calendar quarter of each year.

C. An employer shall immediately notify the commission of the filing of any voluntary or involuntary petition in bankruptcy or other proceeding under the Federal Bankruptcy Code, the commencement of any receivership or similar proceeding, or of any assignment for benefit of creditors, and any order of court under the laws of Virginia with respect to the foregoing.

D. Each employing unit shall make such reports as the commission may require and shall comply with instructions printed upon any report form issued by of the commission pertaining to the preparation and return or submission of such report reports.

1. Any employing unit which becomes an employer shall give notice to the commission of that fact within 30 days. The notice shall contain the employer's name, home address, business address, and name of business, if any.

2. Any employer who terminates his business for any reason or transfers or sells the whole or any part of his business or changes the name or address, or both, of his business, shall within 30 days of such action give notice of such fact in writing to the commission. The notice shall contain the employer's name, address, and account number, along with the name, address, and account number of any new owner or part owner.

E. Every corporation shall file with the commission a verified list of its officers and registered agent. Where it is claimed that any of the officers are not in the corporation's employment, a complete statement of the reasons shall be presented with said list.

An officer of a corporation, to be considered as being in the employment of a corporation, shall perform services, and these services shall be performed either (i) for remuneration or (ii) under a contract of hire.

NOTICE: The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (16VAC5-32)

~~Quarterly Charge Statement, VEC B 46 (eff. 1/92).~~

~~Reimbursable Statement, VEC B 47 (eff. 6/90).~~

~~Delinquent Notice, VEC DA 33 (rev. 8/87).~~

~~Notification of Pending Civil Action, VEC DA 34 (rev. 4/90).~~

~~Employers Quarterly Payroll Report, VEC FC 10A (rev. 9/85).~~

~~Information for Use in Determining Whether an Employee-Employer Relationship Exists for Purposes of State Unemployment Taxes, VEC FC 16 (rev. 1/87).~~

~~Employer's Quarterly Tax Report and Employer's Quarterly Payroll Report, VEC FC 20 and VEC FC 21 (rev. 1/92). (Now self mailer, containing both forms.).~~

~~Voluntary Election to Become an Employer Under the Virginia Unemployment Compensation Act, VEC FC 24 (rev. 1/87).~~

~~Report to Determine Liability, VEC FC 27 (rev. 1/92).~~

~~Tax Rate Notice, VEC FC 29 (rev. 7/92).~~

~~Statement to Correct Wage Information, VEC FC 34 (rev. 2/87).~~

~~Taxable Payroll Division for Partial Acquisitions, VEC FC 45 (rev. 7/92).~~

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Election (or method of payment) by Nonprofit Organizations, Governmental Agencies, or Political Subdivisions, VEC FC 47 (rev. 1/92).

Letter to Employer Establishing Tax Liability ,VEC FC 48.

Notice to Appear in Lieu of Summons, VEC FC 53.

Notice of Account Closing, VEC FC 56 (rev. 2/92).

Reply Form for Information, Missing on FC 20, VEC FC 60.

Delinquent Notice-Quarterly, T-COL-001 (rev. 4/2022)

Employer's Quarterly Tax Report, T-FC20 (rev. 8/2018)

Voluntary Election Notice, T-COL-009 (rev. 9/2021)

Report to Determine Liability, T-FC-27 (rev. 10/2015)

Annual Tax Rate Notice, T-RAT-001 (rev. 12/2021)

Combined Amended Quarterly Tax and Wage Report, FC-34 (rev. 7/2012)

Partial Transfer of Experience for Partial Acquisitions, T-MRG-007 (rev. 5/2022)

Waiver of Experience Rate Transfer, T-MRG-001 (rev. 2/2021)

501(c)(3) Voluntary Election Notice, T-REG-004 (rev. 2/2021)

Account Registration Notice, T-REG-011 (rev. 2/2022)

Notice to Appear in Lieu of Summons, T-COL-008 (rev. 3/2021)

Account Update Notice, T-PRO-001 (rev. 11/2019)

Missing Information Notice, T-PRO-002 (rev. 8/2020)

V.A.R. Doc. No. R22-7202; Filed May 18, 2022, 3:25 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Withdrawal of Proposed Regulation

Title of Regulation: 18VAC60-21. Regulations Governing the Practice of Dentistry (amending 18VAC60-21-10, 18VAC60-21-60; adding 18VAC60-21-165).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Notice is hereby given that the Board of Dentistry has WITHDRAWN the regulatory action for 18VAC60-21, Regulations Governing the Practice of Dentistry, the Proposed regulation for which was published in [38:12 V.A.R. 1426-1431 January 31, 2022](#). This proposed action completed Executive Branch review and was published for public comment as a

proposed action. The proposed regulatory language synced from the Virginia Register was a previous draft of the amendments, not the draft approved by the Board of Dentistry on June 11, 2021. Therefore, the board is withdrawing the proposed stage and will be resubmitting a new proposed stage with the correct draft of the amended language and a revised agency background document.

Agency Contact: Sandra Reen, Executive Director, Board of Dentistry, 9960 Mayland Drive Suite 300, Richmond, VA 23233, telephone (804) 367-4437, FAX (804) 527-4428, or email sandra.reen@dhp.virginia.gov.

V.A.R. Doc. No. R21-6525; Filed May 19, 2022, 8:28 a.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Final Regulation

Title of Regulation: 24VAC35-20. Policy and Procedure Manual (repealing 24VAC35-20-10 through 24VAC35-20-500).

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Effective Date: August 1, 2022.

Agency Contact: Richard Foy, Field Services Specialist, Commission on the Virginia Alcohol Safety Action Program, 1111 East Main Street, Suite 801, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286, or email richard.foy@vasap.virginia.gov.

Summary:

This regulatory action repeals Policy and Procedure Manual (24VAC35-20) because the regulation no longer reflects current agency policy and procedures.

V.A.R. Doc. No. R22-6991; Filed May 25, 2022, 2:53 p.m.

Final Regulation

Title of Regulation: 24VAC35-30. VASAP Case Management Policy and Procedure Manual (repealing 24VAC35-30-10 through 24VAC35-30-160).

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Effective Date: August 1, 2022.

Agency Contact: Richard Foy, Field Services Specialist, Commission on the Virginia Alcohol Safety Action Program, 1111 East Main Street, Suite 801, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286, or email richard.foy@vasap.virginia.gov.

Summary:

This regulatory action repeals VASAP Case Management Policy and Procedure Manual (24VAC35-30) because the regulation no longer reflects current agency policy and procedures.

V.A.R. Doc. No. R22-6992; Filed May 25, 2022, 2:54 p.m.

Final Regulation

Title of Regulation: 24VAC35-40. Certification Requirements Manual (repealing 24VAC35-40-10 through 24VAC35-40-70).

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Effective Date: August 1, 2022.

Agency Contact: Richard Foy, Field Services Specialist, Commission on the Virginia Alcohol Safety Action Program, 1111 East Main Street, Suite 801, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286, or email richard.foy@vasap.virginia.gov.

Summary:

This regulatory action repeals Certification Requirements Manual (24VAC35-40) because the regulation no longer reflects current agency policy and procedures related to the certification of local alcohol safety action programs.

V.A.R. Doc. No. R22-6993; Filed May 25, 2022, 2:54 p.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 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 period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for 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 RAIL AND PUBLIC TRANSPORTATION

Title of Document: Grant Administration Guidance for Public Transportation and Commuter Assistance Programs for Fiscal Year 2023.

Public Comment Deadline: July 20, 2022.

Effective Date: July 21, 2022.

Agency Contact: Andrew Wright, Senior Legislative and Policy Specialist, Department of Rail and Public Transportation, 600 East Main Street, Suite 2102, Richmond, VA 23219, telephone (804) 241-0301, or email andrew.wright@drpt.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

Titles of Documents: Child and Family Services Manual, Chapter D, Local Department Resource, Foster and Adoptive Home Approval Guidance.

Child and Family Services Manual, Chapter E, Foster Care.

Temporary Assistance for Needy Families Manual Updates July 2022.

Public Comment Deadline: July 20, 2022.

Effective Date: July 21, 2022.

Agency Contact: Nikki Clarke Callaghan, Legislation, Regulations and Guidance Manager, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7943, or email nikki.clarke@dss.virginia.gov.

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Title of Document: Child and Family Services Manual, Chapter F, Adoption.

Public Comment Deadline: July 20, 2022.

Effective Date: July 21, 2022.

Agency Contact: Karin Clark, Regulatory Coordinator, Department of Social Services, 801 East Main Street, Room 1507, Richmond, VA 23219, telephone (804) 726-7017, or email karin.clark@dss.virginia.gov.

GENERAL NOTICES

STATE AIR POLLUTION CONTROL BOARD Revision to the State Implementation Plan: Proposed Second Maintenance Plan for the Hampton Roads 1997 Ozone National Ambient Air Quality Standard Maintenance Area

Notice of action: The Department of Environmental Quality (DEQ) is seeking comments and announcing a public comment period on a proposed second maintenance plan for the Hampton Roads 1997 ozone National Ambient Air Quality Standard (NAAQS) Maintenance Area. The plan shows that emission reductions of nitrogen oxides (NO_x) and volatile organic compounds (VOC) in the area will continue such that air quality is expected to further improve. The Commonwealth intends to submit the plan as a revision to the Virginia State Implementation Plan (SIP) in accordance with the federal Clean Air Act. The SIP is the plan developed by Virginia in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the NAAQS promulgated by the U.S. Environmental Protection Agency (EPA).

Purpose of notice: DEQ is seeking comments on the second maintenance plan for the Hampton Roads 1997 Ozone Maintenance Area, which consists of the Counties of Gloucester, Isle of Wight, James City, and York, and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.

Public comment period: June 20, 2022, to July 20, 2022.

Public hearing: A public hearing will be conducted if a request is made in writing to the contact listed at the end of this notice. In order to be considered, the request must include the full name, address, and telephone number of the person requesting the hearing and be received by DEQ by the last day of the comment period. Notice of the date, time, and location of any requested public hearing will be announced in a separate notice, and another 30-day comment period will be conducted.

Description of proposal: The proposal consists of the following:

1. An air quality maintenance plan for the Hampton Roads 1997 Ozone Maintenance Area consisting of the Counties of Gloucester, Isle of Wight, James City, and York, and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.
2. A comprehensive attainment year inventory of actual emissions from all sources of ozone precursor pollutants (carbon monoxide, NO_x, and VOC) for the year 2016.
3. A comprehensive interim year projection inventory for year 2023 and a comprehensive out year projection inventory for year 2032 from all sources of ozone precursor pollutants (carbon monoxide, NO_x, and VOC). These inventories include estimates of emissions from the construction of known, planned offshore wind power projects.

4. Air quality data from 2000 to 2021 showing that the area is attaining the 1997 ozone NAAQS with a significant margin of safety.

5. Contingency measures in the unlikely situation where air quality monitors within the area record an exceedance of the 1997 ozone NAAQS.

6. Assurance that the Commonwealth will continue to operate an ozone monitoring network in accordance with 40 CFR Part 58 within the area.

Federal information: This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102). The proposal will be submitted as a revision to the Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104. It is planned to submit all provisions of the proposal as a revision to the Commonwealth of Virginia SIP.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DEQ no later than the last day of the comment period. A cover page with the recipient's full mailing address as listed must be part of each fax. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. Comments must be submitted to the contact listed at the end of this notice. All materials received are part of the public record.

To review the proposal: The proposal and any supporting documents are available on the DEQ Air Public Notices website at <https://www.deq.virginia.gov/permits-regulations/public-notices/air>. The documents may also be obtained by contacting the DEQ representative listed. The public may schedule an appointment to review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the following DEQ locations: (1) DEQ Main Street Office, 22nd Floor, 1111 East Main Street, Richmond, VA, telephone (804) 698-4249; and (2) Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2000.

Contact Information: Doris A. McLeod, Air Quality Planner, Department of Environmental Quality, 22nd Floor, 1111 East Main Street, P.O. Box 1105, Richmond, VA 23219, telephone (804) 659-1990, FAX (804) 698-4178, or email doris.mcleod@deq.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft Provider Manual Update: Chapter 2 of All Provider Manuals

The draft Physician Practitioner Provider Manual Chapter 2 is now available on the Department of Medical Assistance

General Notices

Services website at <https://www.dmas.virginia.gov/providers/general-information/medicaid-provider-manual-drafts/> for public comment until June 26, 2022. This update will be effective across all provider manuals.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

Draft Physician Practitioner Provider Manual

The draft Physician Practitioner Provider Manual Chapter 5 is now available on the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov/providers/general-information/medicaid-provider-manual-drafts/> for public comment until June 26, 2022.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Enforcement Action for Culpeper Wellness Foundation

An enforcement action has been proposed for the Culpeper Wellness Foundation for violations of the State Water Control Law and regulations and applicable permit regarding construction activity at the Culpeper Wellness Foundation located in Culpeper, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders. The staff contact will accept comments by email or postal mail from June 21, 2022, through July 21, 2022.

Contact Information: Jim Datko, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email james.datko@deq.virginia.gov.

Proposed Enforcement Action for Fork Union Military Academy

An enforcement action has been proposed for Fork Union Military Academy for violations at the Fork Union Military Academy sewage treatment plant in Fluvanna County. The Department of Environmental Quality proposes to issue a consent order with penalty and injunctive relief to Fork Union Military Academy to address noncompliance with State Water Control Law. A description of the proposed action is available

at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The staff contact will accept comments by email, fax, or postal mail from June 23, 2022, to July 23, 2022.

Contact Information: Eric Millard, Enforcement Specialist, Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, FAX (804) 698-4178, or email eric.millard@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](http://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.