

**REPORT OF
BOARD OF GAME AND INLAND FISHERIES AND
DEPARTMENT OF GAME AND INLAND FISHERIES**

**Report of Better Communication
and Opportunities for Public
Participation During the Hunting
and Trapping Regulatory Process**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 31

**COMMONWEALTH OF VIRGINIA
RICHMOND
2008**



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Game and Inland Fisheries

Robert W. Duncan
Executive Director

December 29, 2008

TO: The Honorable Timothy M. Kaine, Governor of Virginia

And

The Honorable Members of the Virginia General Assembly

Dear Governor Kaine, Senators, and Delegates:

The Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries are pleased to submit our report about providing better communication and opportunities for public participation when proposing or changing regulations as requested by House Joint Resolution No. 231 from the 2008 Session of the Virginia General Assembly.

This report details our Board and agency efforts to ensure that our interactions with hunters' and sportsmen's organizations are timely and responsive as we make amendments to our hunting and trapping regulations. We look forward to any additional feedback you may have and any further follow-up that we may provide.

Respectfully Submitted,

Handwritten signature of C. T. Hill in black ink.

C. T. Hill
Board Chairman

Handwritten signature of Robert W. Duncan in black ink.

Robert W. Duncan
Executive Director

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EXECUTIVE SUMMARY

House Joint Resolution No. 231 of the 2008 Session of the Virginia General Assembly requested the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries to provide better communication and opportunities for public participation when proposing or changing regulations. Specifically, the Board and Department were requested to take steps to ensure that their interactions with hunters' and sportsmen's organizations are timely and responsive.

Following passage of HJ 231 by the 2008 Session of the General Assembly, the Board of Game and Inland Fisheries, at its meeting on April 1, 2008, took action to implement a change in the Department's regulatory process by separating hunting and trapping regulations from the other regulations (boating, fishing, and wildlife diversity) under the purview of the agency. At its meeting on June 3, 2008, the Board of Game and Inland Fisheries approved the 2008 - 2009 Hunting and Trapping Periodic Regulation Review and Amendment Process. This process included the following key elements for public comment and input: three (3) meetings of the Board of Game and Inland Fisheries, two (2) public comment/discussion periods with each period being about two (2) months in duration, and two (2) series of public meetings across the state.

Concurrent with the Department's change in the Hunting and Trapping Periodic Regulation Review and Amendment Process, the agency was also conducting the Hunting with Hounds Study, in conjunction with researchers from Virginia Tech. A major part of this study was the work of an 18-citizen member Stakeholder Advisory Committee. This committee represented the many values of Virginia's citizens interested in hunting with hounds and met several times to learn about the issues, understand the various viewpoints, and consider alternative strategies for addressing the issues identified by the focus groups and through public input. During the study's public comment period, the Department and Virginia Tech received over 2,000 written comments from concerned members of the public. In addition, 2,043 people attended 7 public meetings held at various locations throughout the state. At those meetings, 244 comments were made. At its meeting on October 23, 2008, the Board of Game and Inland Fisheries received the study report from the Virginia Tech researchers; the report detailed eleven (11) strategies developed by the Stakeholder Advisory Committee. These strategies have been categorized into administrative, regulatory, or legislative and it is the agency's intent to incorporate the regulatory strategies into the current regulatory review process and to work with the Secretary of Natural Resources, the House and Senate Natural Resource Committees, and the Legislative Sportsmen's Caucus on the strategies that require legislative action.

INTRODUCTION AND BACKGROUND

The Board of Game and Inland Fisheries promulgates regulations for hunting, fishing, trapping and wildlife diversity pursuant to its authority granted by § 29.1-501 of the Code of Virginia. In similar fashion, the Board promulgates regulations for recreational boating pursuant to its authority granted by § 29.1-701 of the Code. It has generally been the history of the Department to make regulation amendments on a two-year cycle, with hunting and trapping regulations addressed during one year of the cycle and fishing, boating, and wildlife diversity amendments addressed during the other year of the cycle. Although there was no change to the two-year cycle frequency in regulation amendments, about three years ago the agency made an adjustment so that all regulation amendments (hunting, fishing, trapping, boating, and wildlife diversity) would be considered at the same time. It was thought at the time that by using one year of the cycle for all changes to the Board's regulations, the "off-year" of the cycle would provide additional time for the Board to properly attend to business other than amendments to regulations. While this approach seemed to make good business sense, it apparently fell short in the public's expectation for the appropriate level of public participation opportunity.

Therefore, House Joint Resolution No. 231 of the 2008 Session of the Virginia General Assembly requested the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries to provide better communication and opportunities for public participation when proposing or changing regulations. Specifically, the Board and Department were requested to take steps to ensure that their interactions with hunters' and sportsmen's organizations are timely and responsive.

Although the Board had just completed a regulatory cycle at its meeting on October 16, 2007 at which time amendments were made to the regulations for hunting, fishing, trapping, boating, and wildlife diversity (the amendments for hunting and trapping were effective on July 1, 2008 for the 2008 and 2009 hunting seasons), the Board responded to the passage of HJ 231 by taking action at its meeting on April 1, 2008 to implement a change in the Department's regulatory process. This change would result in separating hunting and trapping regulations from the other regulations under the purview of the agency and essentially re-established the previous way of doing business, with the need to give emphasis to better communication and opportunities for public participation and interaction when proposing or changing regulations. At its meeting on June 3, 2008, the Board of Game and Inland Fisheries approved the 2008 - 2009 Hunting and Trapping Periodic Review and Amendment Process. This is the process in which the Board of Game and Inland Fisheries addresses and considers possible amendments to all state regulations governing game wildlife, hunting, and trapping administered by the Department of Game and Inland Fisheries and the process included the following key elements:

*Three (3) Board meetings to be held in October 2008, February 2009 and June 2009;

*Two (2) public comment/discussion periods; November 4, 2008 – January 5, 2009 is the regulatory issues public discussion period and March 10, 2009 – May 11, 2009 is the proposed regulations public comment period;

*Two (2) series of public meetings; the first in early to mid September 2008 with 20 meetings across the state to receive public input on the regulatory issues; the second is late March to early April 2009 with 1-2 meetings in each of the agency's five (5) regions to receive public comment/input on the proposed regulations;

*An effective date of August 1, 2009 for the hunting and trapping regulation amendments adopted by the Board of Game and Inland Fisheries at its meeting in June 2009; these amendments will govern the fall 2009 – spring 2011 hunting seasons unless additional amendments are adopted during 2010.

SUMMARY AND CONCLUSIONS

Following the June 3, 2008 meeting of the Board of Game and Inland Fisheries, at which the 2008-2009 Hunting and Trapping Periodic Review and Amendment Process was approved, an issues scoping period was held from June to September for the wildlife staff to collect and analyze biological and sociological data relevant to hunting and trapping regulatory issues. Included was constituent satisfaction survey results, meeting with constituents in groups and individually, and other continuous and ongoing feedback from the public. Beginning in early to mid September, the Wildlife Division held a series of twenty (20) Hunting and Trapping Regulatory Issues meetings across the state to discuss hunting and trapping issues and solicit the views of the public.

The October 23, 2008 meeting of the Board of Game and Inland Fisheries was the first of three (3) Board meetings in the 2008-2009 Hunting and Trapping Periodic Review and Amendment Process and opened the public discussion of the hunting and trapping regulatory issues developed by staff. At this meeting staff presented the issues, the Board received public comments on the issues, and the public could request and the Board could direct that issues be added to, amended, or removed for the subsequent public discussion period. The Board does not, however, take any formal action, such as approve or endorse, any particular issue.

Beginning November 4, 2008 and continuing to January 5, 2009 is the public discussion period on the hunting and trapping regulatory issues. During this period, the regulatory issues are disseminated by a variety of means, including the posting on the agency website in a format soliciting public comment and discussion. Since the public discussion period on issues is not yet complete, as this report is being prepared, over 2,500 comments have been made to the website regarding the issues being discussed. And it should be noted that during the public discussion period, the regulatory issues may be revised, as deemed appropriate, as a result of comments received or for other reasons.

Following the closure of the public discussion period on regulatory issues on January 5, 2009, the following actions will continue during the first half of 2009 to complete this cycle of the Hunting and Trapping Periodic Review and Amendment Process:

*Staff analyzes and considers the input received during the public discussion period on regulatory issues and develops the Staff Recommendations for regulation amendments;

*Staff presents those recommendations to the Board of Game and Inland Fisheries at its meeting on February 27, 2009; the Board solicits and receives public comments at this meeting on the staff recommendations; the Board also discusses, deliberates, and votes to propose regulation amendments;

*A public comment/discussion period will be held March 11, 2009 – May 11, 2009 to receive the public's input on the proposed regulation amendments;

*In late March to early April 2009, the Wildlife Division will hold a series of five to ten (5-10) input meetings across the state to present the proposed regulation amendments and solicit public comments;

*Taking into account the public input received on the proposed amendments, staff then will prepare the final recommendation package and the Board of Game and Inland Fisheries will take final action on the regulation amendments at its meeting on June 2, 2009; at this meeting, the Board solicits and receives public comments on the proposed regulation amendments and on staff's final recommendations and then the Board deliberates and adopts the Final Regulation Amendments;

*The effective date of the final regulation amendments is August 1, 2009 and it is these amendments that will govern the fall 2009 – spring 2011 hunting seasons, unless additional amendments are adopted during 2010.

Actions taken by the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries in the past few months have greatly facilitated better communication and opportunities for public participation during the hunting and trapping regulatory process. To date, the public has had an opportunity to provide their input into this regulation amendment process during twenty (20) issues meetings held across the state, at the first of three (3) Board meetings, and during a two(2)-month public discussion period on the regulatory issues. Remaining during the first half of 2009 are two (2) Board meetings, a two (2)-month public comment/discussion period on the proposed amendments, and a series of five to ten (5-10) meetings across the state for input on the proposed amendments.

It should be noted that concurrent with the Department's change in the Hunting and Trapping Periodic Regulation Review and Amendment Process, the agency was also conducting the Hunting with Hounds Study, in conjunction with researchers from Virginia Tech. A major part of this study was the work of an 18-citizen member Stakeholder Advisory Committee. This committee represented the many values of Virginia's citizens interested in hunting with hounds and met several times to learn about the issues, understand the various viewpoints, and consider alternative strategies for addressing the issues identified by focus groups and through public input. During the study's public comment period, the Department and Virginia Tech received over 2,000 written comments from concerned members of the public. In addition, 2,043 people attended 7 public meetings held at various locations throughout the state. At those meetings, 244 comments were made. At its meeting on October 23, 2008, the Board of Game and Inland Fisheries received the study report from the Virginia Tech researchers; the report detailed eleven (11) strategies developed by the Stakeholder Advisory Committee. These strategies have been categorized into administrative, regulatory, or legislative and it is the agency's intent to incorporate the regulatory strategies into the current regulatory review process and to work with the Secretary of Natural Resources, the House and Senate Natural Resource Committees, and the Legislative Sportsmen's Caucus on the strategies that require legislative action.

APPENDIX A: HJR 231 STUDY RESOLUTION

HOUSE JOINT RESOLUTION NO. 231

Requesting that the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries provide better communication and opportunities for public participation when proposing or changing regulations. Report.

Agreed to by the House of Delegates, February 28, 2008

Agreed to by the Senate, February 26, 2008

WHEREAS, the Department of Game and Inland Fisheries and the Board of Game and Inland Fisheries conduct, on a two-year cycle, their "periodic regulation review and amendment process"; and

WHEREAS, during this review and amendment process, the Department and the Board address and consider possible amendments to all state regulations governing wildlife, hunting, trapping, fishing, and boating administered by the Department of Game and Inland Fisheries; and

WHEREAS, the public's participation in the regulations review process through available public comment opportunities and the public discussion of critical issues related to wildlife, hunting, fishing, or boating are key elements in the development of regulation amendments that reflect changes in wildlife and fisheries resources and recreational boating; and

WHEREAS, there may be additional opportunities for the Board and the Department to obtain comments and recommendations from the various constituent groups regarding both the identification of critical resource management issues and the adoption of wildlife regulations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Game and Inland Fisheries and the Department of Game and Inland Fisheries be requested to provide better communication and opportunities for public participation when proposing or changing regulations. Specifically, the Board and Department are requested to take steps to ensure that their interactions with hunters' and sportsmen's organizations are timely and responsive.

The Chairman of the Board of Game and Inland Fisheries and the Director of the Department of Game and Inland Fisheries shall jointly submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the request of this resolution no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

