



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Forestry
Virginia Administrative Code (VAC) citation	4 VAC10-30
Regulation title	State Forest Regulations
Action title	State Forest Regulations – Amendments Governing the Users and their Activities on State Forest Properties of the Department of the Department of Forestry
Date this document prepared	May 22, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Department of Forestry intends to amend multiple sections of the State Forest regulations to insure the rules which govern users and their activities on State Forests are in place to provide recreational opportunities in a safe environment.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Section 10.1101 (4.), General Powers of the Department, authorizes the Department of Forestry to promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

State Forest regulations were reviewed by the previous Board of Forestry members and staff members of the Department and they determined the current regulations were insufficient for current practices on the State Forests. We believe that no changes have been made to the State Forest regulations in the last forty years.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Multiple sections of the State Forest regulations will be amended, some sections deleted and new sections added. The overall impact of the change is to insure that State Forest regulations represent the current uses of State Forests, insure safe environment for the public, and provide a meaningful recreational experience, in concert with the normal operational business practices of the State Forests. State Forests are financially managed through special revenues generated from timber sales and use permit sales, and no general funds are provided towards their management. State Forests also serve an important role for the recreational user and therefore regulations must insure the continuation of both and minimize potential conflicts.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

No alternatives exist because the Department of Forestry owns and operates these properties and must provide reasonable and current regulations. Other state agencies, such as Department of Game & Inland Fisheries and Department of Conservation & Recreation also have regulations to govern users and activities on their properties.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate pursuant to your Public Participation Guidelines whether a panel will be appointed to assist in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency’s contact if you’re interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

A panel will not be appointed to assist in the development of the proposed regulations.

The agency is seeking comments on this regulatory action, including but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to **Ron Jenkins, 900 Natural Resource Drive, Suite 800, Charlottesville, Virginia 22903, 434-220-9022, ron.jenkins@dof.virginia.gov.** Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action. The public will have an opportunity to make oral comments during the public hearing on August 23, 2013 at the Virginia Beach Resort Hotel and Conference Center from 10:30am to 12:30pm.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Overall, the intent of amending the State Forest regulations is to improve the users experience on the State Forests.

Periodic review/small business impact review result

Not Applicable

Periodic review/small business impact review announcement

Not Applicable