



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	Board of Historic Resources
Virginia Administrative Code (VAC) Chapter citation(s)	17 VAC 5-20
VAC Chapter title(s)	Regulations Governing Permits for the Archaeological Removal of Human Remains
Date this document prepared	September 22, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

N/A

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board of Historic Resources (DHR) has specific statutory authority under Va. Code § 10.1-2205 to promulgate regulations necessary to carry out its powers and duties, including at a minimum criteria and procedures for the designation of historic landmarks.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The two alternatives were to amend or repeal this regulation. This regulation is needed in order to meet the state requirements under Virginia law. The regulation as currently written is clear. No public comments were received. Therefore, no reason has been found to either amend or repeal this regulation and, therefore, has been found to be the least burdensome alternative to meet Virginia law.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

NO COMMENTS RECEIVED.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14, as amended, July 16, 2018, as it is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

This regulation satisfies the provisions of the law and legally binding state requirements and is effective in meeting its goals. The regulation is, therefore, being retained without amendment.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation continues to be needed to meet the requirements of state law and regulations concerning the regulations governing permits for the archaeological removal of human remains. No complaints or comments have been received concerning the content of the regulation or its complexity. The regulation sets out the state requirements for issuing permits for the archaeological removal of human remains and does not overlap, duplicate, or conflict with other state laws or regulations.
